



# Arizona Administrative REGISTER

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

Vol. 25, Issue 37

~ Administrative Register Contents ~

September 13, 2019

**Information** ..... 2288

**Rulemaking Guide** ..... 2289

**RULES AND RULEMAKING**

**Proposed Rulemaking, Notices of**

3 A.A.C. 2 Department of Agriculture - Animal Services Division ..... 2291

3 A.A.C. 2 Department of Agriculture - Animal Services Division ..... 2323

4 A.A.C. 20 Board of Dispensing Opticians ..... 2326

9 A.A.C. 6 Department of Health Services - Communicable Diseases and Infestations ..... 2327

20 A.A.C. 5 Industrial Commission of Arizona ..... 2345

21 A.A.C. 5 Department of Child Safety - Permanency and Support Services ..... 2347

**Supplemental Proposed Rulemaking, Notices of**

18 A.A.C. 2 Department of Environmental Quality - Air Pollution Control ..... 2352

**OTHER AGENCY NOTICES**

**Docket Opening, Notices of Rulemaking**

3 A.A.C. 2 Department of Agriculture - Animal Services Division ..... 2372

20 A.A.C. 5 Industrial Commission of Arizona ..... 2373

21 A.A.C. 5 Department of Child Safety - Permanency and Support Services ..... 2374

**Public Information, Notices of**

9 A.A.C. 10 Department of Health Services - Health Care Institutions: Licensing ..... 2375

**Substantive Policy Statement, Notices of Agency**

Board of Behavioral Health Examiners ..... 2376

**GOVERNOR'S OFFICE**

**Governor's Executive Order 2019-01**

Moratorium on Rulemaking to Promote Job Creation and Customer-Service-Oriented Agencies; Protecting Consumers Against Fraudulent Activities ..... 2377

**INDEXES**

Register Index Ledger ..... 2379

Rulemaking Action, Cumulative Index for 2019 ..... 2380

Other Notices and Public Records, Cumulative Index for 2019 ..... 2388

**CALENDAR/DEADLINES**

Rules Effective Dates Calendar ..... 2390

Register Publishing Deadlines ..... 2392

**GOVERNOR'S REGULATORY REVIEW COUNCIL**

Governor's Regulatory Review Council Deadlines ..... 2393

**DIRECTOR**  
*Administrative Rules Division*  
 Scott Cancelosi

**PUBLISHER**  
*Secretary of State*  
**KATIE HOBBS**

**RULES MANAGING EDITOR**  
*Arizona Administrative Register*  
 Rhonda Paschal

# From the Publisher

## ABOUT THIS PUBLICATION

The authenticated pdf of the *Administrative Register* (A.A.R.) posted on the Arizona Secretary of State's website is the official published version for 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 *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 notices of rules terminated by the agency and rules that have expired.

## 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). Rulemaking activity published in the *Register* includes: proposed, final, emergency, expedited, and exempt rules as defined in the APA, and other state statutes.

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 authenticated pdf of *Code* chapters posted on the Arizona Secretary of State's website are the official published version of rules in the A.A.C. The *Code* is posted online for free.

## LEGAL CITATIONS AND FILING NUMBERS

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

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

# Arizona Administrative REGISTER

Vol. 25

Issue 37

**PUBLISHER**  
SECRETARY OF STATE  
Katie Hobbs

## ADMINISTRATIVE RULES STAFF

**DIRECTOR**  
Scott Cancelosi

**RULES MANAGING EDITOR**  
Rhonda Paschal

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

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

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

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

*The Office of the Secretary of State is an equal opportunity employer.*



# Participate in the Process

## Look for the Agency Notice

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

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

## Attend a public hearing/meeting

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

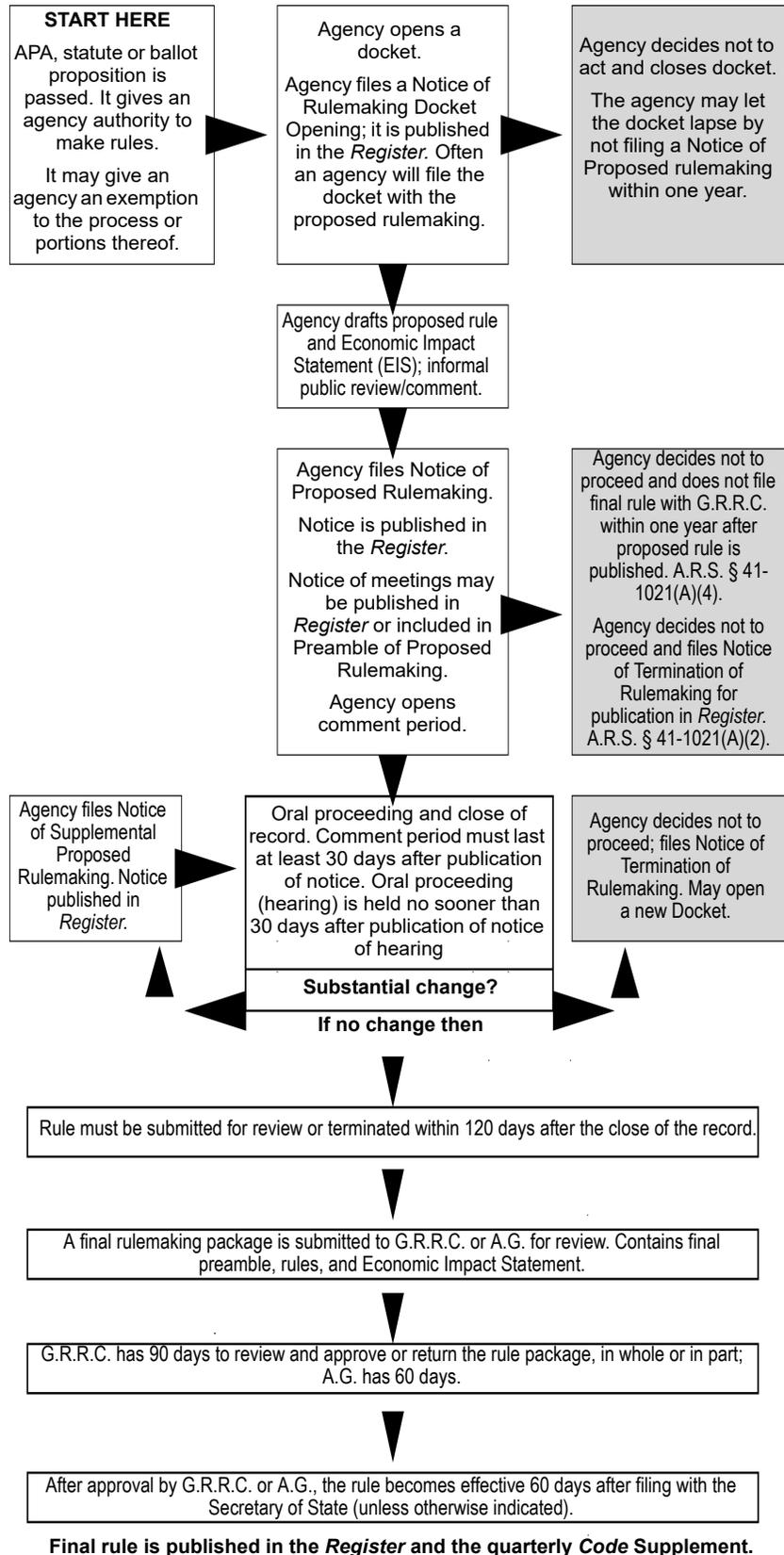
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

## Write the agency

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

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

# Arizona Regular Rulemaking Process



## Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Acronyms

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

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

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

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

FR – *Federal Register*

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

U.S.C. – *United States Code*

## About Preambles

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

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

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



NOTICES OF PROPOSED RULEMAKING

This section of the Arizona Administrative Register contains Notices of Proposed Rulemakings.

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 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 promulgating the rules. Refer to item #4 below to contact the person charged with the rulemaking and item #10 for the close of record and information related to public hearings and oral comments.

NOTICE OF PROPOSED RULEMAKING

TITLE 3. AGRICULTURE

CHAPTER 2. DEPARTMENT OF AGRICULTURE
ANIMAL SERVICES DIVISION

[R19-179]

PREAMBLE

Table with 2 columns: Article, Part, or Section Affected (as applicable) and Rulemaking Action. Lists rule numbers (R3-2-101 to R3-2-616) and their corresponding actions (Amend, Repeal, New Section).

R3-2-617	Amend
R3-2-618	Amend
R3-2-620	Amend
R3-2-701	Amend
R3-2-702	Amend
R3-2-703	Amend
R3-2-708	Amend
R3-2-801	Amend
R3-2-803	Amend
R3-2-804	Amend
R3-2-805	Amend
R3-2-807	Amend
R3-2-808	Amend
R3-2-901	Amend
R3-2-902	Amend
R3-2-906	Amend
R3-2-907	Amend
R3-2-908	Amend

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

Authorizing statute: A.R.S. § 3-107(A)(1)  
 Implementing statute: A.R.S. §§ 3-603, 6-605, 3-611, 3-667, 3-706, 3-710, 3-739, 3-1203, 3-1204, 3-1205, 3-2046

**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. 2372, September 13, 2019 (*in this issue*)

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

Name: Chris McCormack  
 Address: Department of Agriculture  
 1688 W. Adams St.  
 Phoenix, AZ 85007  
 Telephone: (602) 542-7186  
 Fax: (602) 542-4290  
 E-mail: [cmccormack@azda.gov](mailto:cmccormack@azda.gov)  
 Web site: <https://agriculture.az.gov/>

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

The Arizona Department of Agriculture’s Animal Services Division is made up of five distinct programs; the Dairy Program, the Egg Program, Livestock Inspection, Meat and Poultry Inspection, and the State Veterinarian’s Office. Each of these programs plays a valuable role in ensuring that Arizona Agriculture can continue to provide safe and wholesome food to the rest of the world. This rule package is the result of Governor Ducey’s initiative to modernize or eliminate Arizona’s regulations. Within this package are a variety of rules that were repealed, rules that were updated to include modern day practices, and others that were amended so that they could be easier to understand. The Department has spent a significant amount of time working with its stakeholders to ensure that their concerns were addressed in advance of filing this rulemaking. Both the Animal Services Division Advisory Council and the Department of Agriculture Advisory Council have recommended that these rules move forward.

**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:**

None

**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:**

N/A

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

No new impact. Because there is little to no new regulation in this rulemaking, the economic impact of this rule package is minimal.

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

Name: Chris McCormack  
 Address: Department of Agriculture  
 1688 W. Adams St.  
 Phoenix, AZ 85007  
 Telephone: (602) 542-7186  
 Fax: (602) 542-4290  
 E-mail: [cmccormack@azda.gov](mailto:cmccormack@azda.gov)  
 Web site: <https://agriculture.az.gov/>

**10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding**



**is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

An oral proceeding will be held at the following address on October 15, 2019 at 10:00 am. However, any written comments can be emailed to [cmccormack@azda.gov](mailto:cmccormack@azda.gov).

Arizona Department of Agriculture  
Room 206  
1688 W. Adams St.  
Phoenix, AZ 85007

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

The Animal Services Division Advisory Council approved the rule package on February 15, 2019, and the Arizona Department of Agriculture Advisory Council approved the rule package on June, 19, 2019.

**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:**

Any permits issued are general permits.

**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:**

These rules are not more stringent than federal law.

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

No analysis was received.

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

- R3-2-101 – 9 CFR Part 71.19; 9 CFR Part 71.2; 9 CFR Part 86.4 as revised on January 1, 2018.
- R3-2-302 – 9 CFR Part 166 as revised on January 1, 2018.
- R3-2-408 & 409 – National Association of State Public Health Veterinarians' Compendium of Animal Rabies Control, 2016, Part I, Sections A & B.
- R3-2-501 – 9 CFR Part 77 as revised on January 1, 2018.
- R3-2-503 – 9 CFR Part 78 as revised on January 1, 2018 and USDA publication, Brucellosis in Cervidae: Uniform Methods and Rules, effective September 30, 2003.
- R3-2-504 – 9 CFR Part 85 as revised on January 1, 2018.
- R3-2-505 – 9 CFR Part 79 as revised on January 1, 2018.
- R3-2-612 – 9 CFR Parts 93.424 – 93.427; 9 CFR Part 77 as revised on January 1, 2018.
- R3-2-803 & 804 – 21 CFR Parts 101, 131, and 133, as revised on April 1, 2017.
- R3-2-908 – 7 CFR Part 56 effective March 30, 2008.

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

**TITLE 3. AGRICULTURE**

**CHAPTER 2. DEPARTMENT OF AGRICULTURE  
ANIMAL SERVICES DIVISION**

**ARTICLE 1. GENERAL PROVISIONS**

- Section R3-2-101. Definitions
- Section R3-2-102. Licensing Time-frames

**ARTICLE 2. MEAT AND POULTRY INSPECTION**

- Section R3-2-208. Diseased and Injured Animals

**ARTICLE 3. FEEDING OF ANIMALS-12**

- Section R3-2-301. ~~Operation of Beef Cattle Feedlots~~ Repealed
- Section R3-2-302. Permit to Feed Garbage to Swine; Requirements

**ARTICLE 4. ANIMAL DISEASE PREVENTION AND CONTROL 13**

- Section R3-2-401. Definitions
- Section R3-2-402. Mandatory Disease Reporting by Veterinarians and Veterinary Laboratories
- Section R3-2-403. ~~Expired Quarantine for Diseased Animals~~
- Section R3-2-404. Importation, Manufacture, Sale, and Distribution of ~~Biologicals and Semen~~ Biologicals
- Section R3-2-405. Depopulation of Animals Infected with a Foreign Animal Disease
- Section R3-2-406. Disease Control; Designated Feedlots
- Section R3-2-407. Disease Control; Equine Infectious Anemia
- Section R3-2-408. Disposition of Livestock Exposed to Rabies
- Section R3-2-409. Rabies Vaccines for Animals
- Section R3-2-410. ~~Restricted Swine Feedlots~~ Repealed
- Section R3-2-411. ~~Exhibition Swine~~ Repealed

R3-2-412. ~~Exhibition Sheep and Goats Repealed~~  
 R3-2-413. Sheep and Goats; Intrastate Movement  
**ARTICLE 5. STATE-FEDERAL COOPERATIVE DISEASE CONTROL PROGRAM**

Section  
 R3-2-501. Tuberculosis Control and Eradication Procedures  
 R3 2 502. Repealed  
 R3 2 503. Brucellosis Control and Eradication Procedures  
 R3-2-504. Pseudorabies Procedures for Eradication  
 R3-2-505. Scrapie Procedures for Eradication  
**ARTICLE 6. HEALTH REQUIREMENTS GOVERNING ADMISSION OF ANIMALS**

Section  
 R3-2-601. ~~Definitions~~ Repealed  
 R3-2-602. Importation Requirements  
 R3-2-603. ~~Importation of Diseased Animals~~ Repealed  
 R3-2-604. ~~Livestock Permit Requirements; Exceptions~~ Repealed  
 R3-2-605. ~~Quarantine Hold Order~~ for Animals Entering Illegally  
 R3-2-606. ~~Health Certificate~~ Certificate of Veterinary Inspection  
 R3-2-607. ~~Entry Permit Number~~  
 R3-2-608. ~~Consignment of Animals~~ Repealed  
 R3-2-609. Diversion; Prohibitions  
 R3-2-610. Tests; Official Confirmation  
 R3-2-611. Transporter Duties  
 R3 2 612. Importation of Cattle and Bison  
 R3-2-613. Importation of Swine  
 R3-2-614. Importation of Sheep and Goats  
 R3-2-615. ~~Equine~~ Importation of Equine  
 R3-2-616. Importation of Cats and Dogs  
 R3-2-617. Importation of Poultry  
 R3-2-618. Importation of Psittacine Birds  
 R3-2-619. Repealed  
 R3-2-620. Importation of Zoo Animals  
 R3-2-621. Expired  
 R3-2-622. Expired

**ARTICLE 7. LIVESTOCK INSPECTION**

Section  
 R3-2-701. Department Livestock Inspection  
 R3-2-702. Livestock Self-inspection  
 R3-2-703. Seasonal Self inspection Certificate  
 R3-2-708. Equine Rescue Facility Registration

**ARTICLE 8. DAIRY AND DAIRY PRODUCTS CONTROL**

Section  
 R3-2-801. Definitions  
 R3-2-804. Trade Products  
 R3-2-805. Grade A Raw Milk For Consumption  
 R3 2 807. Frozen Dessert Plant and Processing Standards  
 R3-2-808. Frozen Desserts Reconstituted from Powdered Mixes

**ARTICLE 9. EGG AND EGG PRODUCTS CONTROL**

Section  
 R3-2-901. Definitions  
 R3-2-902. Standards, Grades, and Weight Classes for ~~Shell~~ Eggs; Pasteurized In-Shell Eggs  
 R3-2-906. Violations and Penalties  
 R3-2-907. Poultry Husbandry; Standards for Production of Eggs and Biosecurity Requirements  
 R3-2-908. Sanitary Standards; Egg Processing

**ARTICLE 1. GENERAL PROVISIONS**

**R3-2-101. Definitions**

In addition to the definitions provided in A.R.S. §§ 3-1201, 3-1451, and 3-1771, the following terms apply to this Chapter:

“Accredited veterinarian” means a veterinarian approved by the State Veterinarian and USDA Area Veterinarian In Charge (A.V.I.C.) to perform functions required by cooperative State-Federal animal disease control and eradication programs.

“Animal” means livestock, bison, dogs, cats, rabbits, rodents, aquatic animals, game animals, furbearing and wildlife mammals, and poultry and psittacines.

“APHIS” means the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

“Breeding swine” means any member of the family Suidae having the potential to procreate, and includes gilts, sows, and boars.

“Cervidae” means the family of cervids that includes, but is not limited to, deer, moose, elk, reindeer, and caribou.



“Beef cattle” means all cattle other than dairy cattle.

“~~Health certificate~~ “Certificate of Veterinary Inspection” or “CVI” means a legible record that is issued by a VS animal health official, state animal health official, or accredited veterinarian at the point of origin of a shipment of animals, conforms to the requirements of R3-2-606, and is written on a form approved by the chief animal health official of the state of origin or an equivalent form of the USDA attesting that the animal described has been inspected and found to meet the Arizona entry requirements.

“Dairy cattle” means ~~cattle of dairy breeds or dairy types used for the production of milk or milk products for human consumption~~ any domesticated bovine dairy animal or crosses of the Bos genus that show at least 50 percent phenotypic characteristics of a dairy breed, including: Ayrshire, Brown Swiss, Canadienne, Dutch Belt, Holstein, Jersey, Guernsey, Kerry, Milking Devon, Milking Shorthorn, or Norwegian Red.

“Designated feedlot” means a feedlot containing a confined drylot area under state quarantine that is approved and authorized by the State Veterinarian; contains a restricted feeding pen; and is maintained for finish feeding of cattle or bison that do not meet the brucellosis or tuberculosis import test requirements.

“~~Entry Permit~~ permit number” or “~~Import permit~~ number” means a serialized number issued by the State Veterinarian’s Office that conforms to the requirements of this chapter and allows the regulated movement of certain animals into Arizona.

“Equine Infectious Anemia” or “EIA” means an infectious, noncontagious, and potentially fatal viral disease of members of equine caused by a RNA virus classified in the Lentivirus genus, family Retroviridae.

“Official Identification” as defined in 9 CFR 71.19 (b) as revised on January 1, 2018 for swine; 9 CFR 79.2 (a)(2) as revised on January 1, 2018 for sheep and goats; and 9 CFR 86.4 as revised on January 1, 2018 for cattle.

“Poultry” means any bird except psittacine, whether live or dead, including but not limited to chickens, turkeys, ducks, geese, guineas, raites, squabs, and any exotic birds not regulated as restricted wildlife by the Arizona Game and Fish Department. The definition “poultry” also includes hatching eggs, which are fertilized eggs produced by breeding poultry.

“Psittacine” means a bird belonging to the family Psittacidae, which includes macaws, parakeets, and parrots.

“USDA” means the United States Department of Agriculture.

“VS” means the Veterinary Services branch of APHIS.

**R3-2-102. Licensing Time-frames**

- A. Overall time-frame. The Department shall issue or deny a license within the overall time-frames listed in Table 1 after receipt of the complete application. The overall time-frame is the total of the number of calendar days provided for the administrative completeness review and the substantive review.
- B. Administrative completeness review.
  - 1. The administrative completeness review time-frame established in Table 1 begins on the date the Department receives the application. The Department shall notify the applicant in writing within the administrative completeness review time-frame whether the application or request is incomplete. The notice shall specify what information is missing. If the Department does not provide notice to the applicant within the administrative completeness review time-frame, the Department considers the application complete.
  - 2. An applicant with an incomplete license application shall supply the missing information within the completion request period established in Table 1. The administrative completeness review time-frame is suspended from the date the Department ~~mail~~ sends the notice of missing information to the applicant until the date the Department receives the information.
  - 3. If the applicant fails to submit the missing information before the expiration of the completion request period, the Department shall close the file, unless the applicant requests an extension. An applicant whose file has been closed may obtain a license by submitting a new application.
- C. Substantive review. The substantive review time-frame established in Table 1 shall begin after the application is administratively complete.
  - 1. If the Department makes a comprehensive written request for additional information, the applicant shall submit the additional information identified by the request within the additional information period provided in Table 1. The substantive review time-frame is suspended from the date of the Department request until the information is received by the Department. If the applicant fails to provide the information identified in the written request within the additional information period, the Department shall deny the license.
  - 2. The Department shall issue a written notice granting or denying a license within the substantive review time-frame. If the application is denied, the Department shall send the applicant written notice explaining the reason for the denial with citations to supporting statutes or rules, the applicant’s right to seek a fair hearing, and the time period in which the applicant may appeal the denial.

**Table 1. Time-frames (Calendar Days)**

License	Authority	Administrative Completeness Review	Response to Completion Request	Substantive Completeness Review	Response to Additional Information	Overall Time-frame
MEAT AND POULTRY INSPECTION						
License to Slaughter	A.R.S. §§ 3-2002 & A.R.S. § 3-2003 R3-2-208	14	14	30	14	44

Transfer of license without fee	A.R.S. § 3-2009	14	14	30	5	44
State Meat Inspection Service	A.R.S. § 3-2047	14	14	30	14	44
Sale or Exchange of Meat or Poultry	A.R.S. § 3-2081 R3-2-208	14	14	30	14	44
Rendering Facility Certification	A.R.S. § 3-2081 <del>R3-2-205</del>	14	14	30	14	44
Transfer of License	A.R.S. § 3-2086	14	14	30	5	44
Official Slaughter Meat Licenses	A.R.S. § 3-2122 R3-2-208	14	14	30	14	44
FEEDING OF ANIMALS						
Feed Lot License	A.R.S. § 3-1452	14	14	60	14	74
Permit to Feed Garbage to Swine	A.R.S. § 3-2664	14	14	60	14	74
DAIRY PRODUCTS AND CONTROL						
Milk Distributing Plant New Renewal	A.R.S. § 3-607	14 14	14 14	14 14	14 14	28 28
Milk Processing Plant New Renewal	A.R.S. § 3-607	14 14	14 14	14 14	14 14	28 28
Plant Licensing New Renewal	A.R.S. § 3-665	14 14	14 14	14 14	14 14	28 28
Request to market a product as a milk product	A.R.S. § 601.01	14	14	14	14	28
Tester License	A.R.S. § 3-619	7	7	7	7	14
Trade Product Label	A.R.S. § 3-667	14	14	30	30	44
LIVESTOCK INSPECTION						
Equine Trader Permit	A.R.S. § 3-1348	7	7	7	7	14
Ownership and Hauling Certificate for Equines	A.R.S. §§ 3-1344 & A.R.S. § 3-1345	14	14	14	14	28
EGG PRODUCTS AND CONTROL						
Annual Licensing	A.R.S. § 3-714	10	10	10	10	20
AQUACULTURE						
Aquaculture Facility	A.R.S. § 3-2907 R3-2-1004	14	14	30	14	44
Fee Fishing Facility	R3-2-1005	14	14	30	14	44
Processor	R3-2-1006	14	14	30	14	44
Transporter	R3-2-1007	14	14	30	14	44
Special Licenses	A.R.S. § 3-2908 <del>R3-2-1008</del>	14	14	30	14	44



ARTICLE 2. MEAT AND POULTRY INSPECTION

R3-2-208. Diseased and Injured Animals

- A. Diseased animals.
  1. No meat from any diseased animal shall be processed, sold or stored at premises where food is sold or prepared for human consumption, unless it is decharacterized and clearly identified "Not for Human Consumption."
  2. Subsection (A)(1) does not apply to meat from animals affected by any disease that does not render the meat unfit for human consumption if the affected animals are slaughtered in establishments where meat inspection is maintained under A.R.S. § 3-2051 and 9 CFR, Chapter III, Subchapter A, which is incorporated by reference in R3-2-202(A).
- B. Injured animals. An injured animal may be slaughtered by:
  1. The animal's owner at the owner's premises if the meat is used solely for consumption by the owner, the owner's immediate family, or employees. The owner shall keep the animal's hide until it has been inspected and marked or tagged by a livestock officer under A.R.S. § 3-2011.
  2. An official slaughter establishment, if:
    - a. The animal is inspected by a livestock officer at origin; or
    - b. The animal is transported to the official slaughter establishment with a self-inspection certificate; or
    - c. The animal is transported to an official slaughter establishment with a waiver from the Associate Director and the waiver is documented by the livestock officer.
  3. An exempt slaughterer, if the meat is used solely for consumption by the animal's owner, the owner's immediate family or employees, and if:
    - a. The animal's body temperature is 103° F or less and except for the injury its condition appears normal; and
    - b. The animal is inspected by a livestock officer at origin who verifies the temperature and condition of the animal and approves it for slaughter; or
    - c. The Associate Director waives the inspection and the waiver is documented by the livestock officer, and the exempt slaughterer verifies the temperature and condition of the animal.
- C. Non-ambulatory disabled cattle.
  1. Non-ambulatory disabled cattle shall not be slaughtered by any official or exempt slaughterer. Non-ambulatory disabled cattle are cattle that cannot rise from a recumbent position or that cannot walk, including, but not limited to, those with broken appendages, severed tendons or ligaments, nerve paralysis, fractured vertabal column, or metabolic conditions.

ARTICLE 3. FEEDING OF ANIMALS

R3-2-301. Operation of Beef Cattle Feedlots Repealed

- ~~A. An operator shall manage a feedlot under the standards prescribed in A.R.S. § 3-1454(A) and R3-2-406.~~
- ~~B. An operator shall comply with applicable federal, state, and local laws.~~

R3-2-302. Permit to Feed Garbage to Swine; Requirements

- A swine garbage feeding permit holder or applicant for a permit to feed garbage to swine shall comply with the following requirements:
1. An approved cooker is installed, ~~and is~~ in operating condition on the premises, and fenced off from all swine.
  2. A concrete slab, trough, ~~or~~ other easily cleanable area, and equipment for feeding garbage is provided.
  3. Premises utilized for swine garbage feeding are reasonably clean, free of litter, adequately drained, and provide for removal of animal excrement and garbage not consumed.
  4. Individually operated swine garbage feeding premises are separated from other swine premises by a minimum distance of 200 feet in all directions and constructed to prevent the escape of any swine.
  5. In addition, all swine garbage feeding permit holders shall follow all federal garbage feeding regulations as outlined in 9 CFR Part 166 as revised on January 1, 2018.

ARTICLE 4. ANIMAL DISEASE PREVENTION AND CONTROL

R3-2-401. Definitions

The following terms apply to this Article:

- ~~"Accredited veterinarian" means a veterinarian approved by the State Veterinarian and USDA Area Veterinarian to perform functions required by cooperative State-Federal animal disease control and eradication programs.~~
- ~~"Biologicals Biologics" means medical preparations made from living organisms and their products, including serums, vaccines, antigens, and antitoxins.~~
- ~~"Disease Control; Designated feedlot" means a confined drylot area under state quarantine that is approved and licensed by the State Veterinarian, contains restricted feeding pens, and is maintained for finish feeding of cattle or bison that do not meet the brucellosis or tuberculosis import test requirements.~~
- ~~"Foreign Animal Disease" means a transboundary animal disease or pest, or an aquatic animal disease or pest, not known to exist in the United States, or its territories.~~
- ~~"Equine infectious anemia" or "EIA" means a viral disease, also known as Swamp Fever, of members of the family equidae.~~
- ~~"Restricted feeding pen" means an enclosed area in a designated feedlot, located at least eight feet from other pens, where cattle are maintained for feeding in a dry lot without provisions for pasturing or grazing.~~

R3-2-402. Mandatory Disease Reporting by Veterinarians and Veterinary Laboratories

All veterinarians and laboratories performing diagnostic services on animals shall:

- ~~1.A. Notify the State Veterinarian at (602) 542-4293 and [diseasereporting@azda.gov](mailto:diseasereporting@azda.gov), within four hours~~ four hours of diagnosing or suspecting any Office of International Epizootics List A disease, Eighth Edition, 1999, which is incorporated by reference, ~~does not include any later amendments or editions of the incorporated matter, and is on file with the Department and the Office of the Secretary of State, chronic wasting disease, or the following List B diseases:~~ disease or clinical signs of disease listed below:
  - African horse sickness
  - African swine fever

African trypanosomiasis  
Anthrax  
Aujeszky's disease  
Avian influenza  
Bovine Babesiosis  
~~Bovine Brucellosis~~  
Bovine spongiform encephalopathy  
~~Bovine Tuberculosis~~  
Caprine and ovine brucellosis  
Classical Swine Fever  
Contagious agalactia  
Contagious bovine pleuropneumonia  
Contagious caprine pleuropneumonia  
~~Contagious equine metritis~~  
Crimean Congo Hemorrhagic Disease  
Dourine  
Enterovirus encephalomyelitis  
~~Epizootic lymphangitis~~  
Equine infectious anaemia  
Equine Neurologic Diseases (Eastern, Western, Venezuelan, West Nile Virus, Equine Herpesvirus-1/ Equine Herpesvirus  
Myeloencephalopathy)  
Equine piroplasmiasis  
Equine viral arteritis  
Equine viral encephalomyelitis  
Foot and Mouth Disease  
Fowl Typhoid  
Glanders  
Heartwater (Ehrlichia ruminantium)  
Hemorrhagic septicemia (Pasteurella multocida)  
Hendra virus (Equine morbillivirus)  
~~Horse pox~~  
Infectious haematopoietic necrosis of fish  
Japanese encephalitis  
Lumpy skin disease  
Malignant catarrhal fever  
Melioidosis (Burkholderia pseudomallei)  
Nairobi sheep disease  
Newcastle Disease  
Nipah  
Ovine epididymitis  
Paratuberculosis  
Peste des Petits Ruminants  
~~Porcine brucellosis~~  
Pullorum disease  
Q fever  
Rabies  
Rabbit Hemorrhagic Disease  
Rift Valley Fever  
Rinderpest  
Schmallenberg virus/ Akabane  
Senecavirus A  
~~Serapie~~  
Screwworm myiasis  
Sheep and goat pox  
Spring viraemia of carp  
Surra (Trypanosoma evansi)  
Swine Vesicular Disease  
Theileriosis (T. parva or T. annulata)  
Tuberculosis (Mycobacterium bovis)  
Tularemia  
Turkey rhinotracheitis (Avian metapneumovirus)  
Trypanosomiasis  
Viral hemorrhagic septicemia of fish.  
Vesicular exanthema of swine virus  
Vesicular stomatitis



**B.** Notify the State Veterinarian at (602) 542-4293 and [diseasereporting@azda.gov](mailto:diseasereporting@azda.gov), within twenty four hours of diagnosing or suspecting any disease or clinical signs of disease listed below:

- Brucellosis (Brucella spp.)
- Chronic Wasting Disease in Cervids
- Contagious Equine Metritis
- Epizootic Lymphangitis
- Equine Piroplasmosis
- Equine Viral Arteritis
- Fowl typhoid (Salmonella gallinarum)
- Ornithosis (Psittacosis, Avian Chlamydiosis, Chlamydomydia psittaci)
- Pigeon Fever (Corynebacterium pseudotuberculosis)
- Pseudorabies (Aujeszky's disease)
- Q fever
- Pullorum disease (Salmonella pullorum)
- Scrapie
- Sheep scabies
- Strangles (Strep equi spp. equi)
- Swine enteric coronavirus diseases
- Trichomoniasis (Tritrichomonas foetus)

**Aquatic Diseases**

- Crayfish plague
- Epizootic hematopoietic necrosis disease
- Epizootic ulcerative syndrome
- Gyrodactylosis
- Abalone Viral Ganglioneuritis
- Bonamiosis (B. exitiosa/ ostreae)
- Marteiliosis (M. refringens)
- Perkinsosis (P. marinus / olseni)
- Salmonid alphavirus infection
- Infection with Xenohaliotis californiensis
- Infectious hematopoietic necrosis
- Infectious hypodermal and haematopoietic necrosis
- Infectious myonecrosis
- Infectious salmon anemia
- Koi herpesvirus disease
- Necrotizing hepatopancreatitis
- Red sea bream iridoviral disease
- Spring viremia of carp
- Taura syndrome
- Tilapia Lake Virus (TiLV)
- Viral hemorrhagic septicemia
- Viral nervous necrosis (VNN)
- White spot disease
- White tail disease
- Yellowhead

~~2-C.~~ Notify the State Veterinarian by [email at diseasereporting@azda.gov](mailto:diseasereporting@azda.gov) or facsimile at (602) 542-4290 by the end of the month, within 30 days after diagnosing any Office of International Epizootics List B disease, Eighth Edition, 1999, not specified in subsection (1). This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Department and the Office of the Secretary of State. of the diseases listed below:

- Anaplasmosis
- Avian infectious bronchitis
- Avian infectious laryngotracheitis
- Bluetongue
- Bovine cysticercosis
- Bovine genital campylobacteriosis
- Bovine viral diarrhea
- Camelpox
- Caprine arthritis/encephalitis
- Duck viral hepatitis
- Echinococcosis/hydatidosis
- Enzootic abortion of ewes
- Enzootic bovine leukosis (BLV)
- Epizootic hemorrhagic disease
- Equine Herpesvirus - 4
- Equine influenza

Infectious bovine rhinotracheitis  
Infectious bursal disease  
John's disease  
Leishmaniasis  
Leptospirosis  
Maedi-visna (OPP)  
Marek's disease  
Mycoplasma Gallisepticum  
Mycoplasma Synoviae  
Myxomatosis in rabbits  
Porcine cysticercosis  
Porcine Reproductive and Respiratory Syndrome  
Paratyphoid abortion in Ewes (Salmonella abortusovis)  
Swine influenza  
Trichinellosis (Trichinella spiralis)

3. Follow the reporting criteria listed in the National Animal Health Reporting system Manual, January 1, 1999 when making an Epizootics List B notification specified in subsection (2). This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Department and the Office of the Secretary of State.

**R3-2-403. Expired Quarantine for Diseased Animals**

- A.** A quarantine order shall be issued by the Director or his designee when the presence of a Foreign Animal Disease is suspected or diagnosed.
- B.** A quarantine order may be issued by the Director or his designee on the advice of the State Veterinarian when the presence of a disease is suspected or diagnosed.
- C.** The quarantine order may isolate specific animals, premises, counties, districts, or sections of the state and shall restrict the movement of animals.

**R3-2-404. Importation, Manufacture, Sale, and Distribution of Biologicals, Biologics, and Semen**

- A.** Any person importing, manufacturing, selling, or distributing any biological biologic intended for diagnostic or therapeutic treatment of animals shall request, in writing, permission from the State Veterinarian.
- B.** The State Veterinarian shall ~~deny approval of~~ not approve the importation, manufacture, sale, or distribution of any biological biologic that will interfere with the ~~State's~~ state's animal disease control program.
- C.** ~~A person shall import semen only from boars in pseudorabies Stage IV or V states.~~

**R3-2-405. Depopulation of Animals Infected with a Foreign Animal Disease**

When a ~~foreign animal disease~~ Foreign Animal Disease is diagnosed, the State Veterinarian ~~shall~~ may order the owner, agent, or feedlot operator to immediately depopulate and dispose of all infected and exposed animals on the premises if necessary to prevent the spread of the disease among animals.

**R3-2-406. Disease Control; Designated Feedlots**

Designated feedlots are subject to the following restrictions:

- A.** A designated feedlot shall have a restricted feeding pen. A restricted feeding pen shall:
1. Be isolated from all other pens,
  2. Have separate loading and unloading chutes, alleys, and handling facilities from all other pens,
  3. Not share water or feeding facilities accessible to other areas,
  4. Be posted at all corners with permanently affixed signs stating "Restricted Feeding Area,"
  5. Have a minimum of eight feet between restricted and other pens and facilities, and
  6. Have no common fences or gates with other pens.
- B.** An operator may place diseased cattle or bison that are under state quarantine into ~~in~~ a restricted feeding pen as follows:
1. All cattle or bison, except steers and spayed heifers, shall be branded with an "F", at least two inches in height, ~~on the jaw or adjacent to the tailhead before entering the pen; and~~
  - 2.a. Imported cattle or bison, of any age and from any area shall be transported under seal and if shall be accompanied by a ~~an~~ entry permit number and ~~an a official health certificate~~ Certificate of Veterinary Inspection or federal restricted movement document; or
  - 3.b. Native Arizona cattle or bison shall be accompanied by an Arizona livestock inspection certificate, ~~as approved by the State Veterinarian or designee.~~
- C.** An operator may ~~remove~~ move cattle or bison from a restricted feeding pen as follows:
1. ~~All animals, except steers and spayed heifers, shall be moved only to slaughter or to another designated feedlot; or to an auction market approved only by prior written approval of the State Veterinarian or APHIS veterinarian, for sale to slaughter.~~
  2. ~~A steer or spayed heifer may be moved to any location.~~

**R3-2-407. Disease Control; Equine Infectious Anemia**

- A.** The Arizona official test for EIA is either the agar-gel immunodiffusion test, known as the Coggins Test, or the Competitive Enzyme-Linked Immunosorbent Assay test, known as the CELISA test. The test shall be performed in a laboratory approved by APHIS, and required samples shall be drawn by an accredited veterinarian, the State Veterinarian, the State Veterinarian's designee, or an APHIS veterinarian.
- B.** Disposal of equine testing positive.
1. When an Arizona equine tests positive to EIA, the testing laboratory shall ~~immediately~~ notify the State Veterinarian by telephone at (602) 542-4293 and email at diseasereporting@azda.gov, ~~or fax~~ within four (4) hours.



- 2. The EIA-positive equine shall be quarantined ~~to the premises where tested~~ at its current location, segregated from other equine, and shall not be moved unless authorized by the State Veterinarian. The equine shall be retested by the State Veterinarian, the State Veterinarian’s designee, or an APHIS veterinarian within two weeks of the notification.
- 3. Within 14 days of being notified by the testing laboratory of a positive test conducted under subsection (B)(2), the State Veterinarian or the State Veterinarian’s designee shall brand the equine on the left side of its neck with “86A” not less than two inches in height.
- 4. Within 10 days after being branded, the EIA-positive equine shall be:
  - a. Humanely destroyed,
  - b. Confined to a screened stall marked “EIA Quarantine” that is at least 200 yards from other equine, or
  - c. Consigned to slaughter at a slaughtering establishment. If consigned to slaughter, the equine shall be accompanied by a Permit for Movement of Restricted Animals, VS 1-27, issued by the State Veterinarian, the State Veterinarian’s designee, or an APHIS veterinarian.
- 5. Offspring of mares testing EIA-positive shall be quarantined, segregated from other equine, and tested for EIA at six months of age. Offspring testing positive shall be handled as prescribed in subsections (B) (3) and (B) (4).
- 6. If an EIA-positive equine is located on premises other than those of the owner at the time a quarantine under this Section ~~is effective~~, the State Veterinarian may authorize movement of the EIA-positive equine to the owner’s premises if requested by the owner. Movement shall be under the direct supervision of the State Veterinarian or the State Veterinarian’s designee. If the owner lives in another state, the owner may move the equine to that state with the permission of the chief livestock health official of the state and APHIS.
- C. The State Veterinarian shall require testing of any equine located in the same facility as the EIA-positive equine or any equine considered exposed to the EIA-positive equine. The owner of the equine tested shall pay the expenses for the testing.
- D. The owner of any equine found to be EIA-positive shall not be indemnified by the state for any loss caused by the destruction or loss of value of the equine.

**R3-2-408. Disposition of Livestock Exposed to Rabies**

Livestock bitten by a known or suspected rabid animal shall be handled using the methods prescribed in the National Association of State Public Health Veterinarians’ Compendium of Animal Rabies Control, ~~1999, Part III, Section 5~~ 2016 Part I, Section B. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Department and the Office of the Secretary of State.

**R3-2-409. Rabies Vaccines for Animals**

All animals in Arizona vaccinated against rabies shall be vaccinated as prescribed in the National Association of State Public Health Veterinarians’ Compendium of Animal Rabies Control, ~~1999, Part II, Section A~~ 2016 Part I Section A. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Department and the Office of the Secretary of State.

**R3-2-410. Restricted Swine Feedlots Repealed**

- ~~A. The State Veterinarian shall approve restricted swine feedlots for feeding swine from herds not known to be infected with pseudorabies and not tested for pseudorabies before importation if the imported swine meet all requirements in Article 6. Swine moved from a restricted swine feedlot shall be transported directly to a state or federal slaughter facility for immediate slaughter.~~
- ~~B. No breeding swine shall be located on or within 1/4 mile of a restricted swine feedlot.~~
- ~~C. If pseudorabies is diagnosed in swine at a restricted swine feedlot, the feedlot shall be immediately quarantined and shall not receive any additional shipments of swine until the herd at the feedlot is declared free of pseudorabies or all swine are depopulated from the premises and the premises are cleaned and disinfected.~~
- ~~D. A restricted swine feedlot owner or agent shall submit monthly feedlot records to the State Veterinarian, listing the animal’s origin, health certificate number, permit number, slaughter destination, and shipping date.~~

**R3-2-411. Exhibition Swine Repealed**

~~An exhibit official shall deny entry to any swine not individually identified by the following:~~

- ~~1. Imported swine:
 
  - a. The health certificate prescribed in R3-2-606 and individual permanent identification by a method prescribed in R3-2-606(A)(5)(e)(i), and
  - b. The import permit prescribed in R3-2-607.~~
- ~~2. Native Arizona swine. Individual permanent identification by a method prescribed in R3-2-606(A)(5)(e)(i).~~

**R3-2-412. Exhibition Sheep and Goats Repealed**

~~An exhibit official shall deny entry to any sheep or goat not individually identified by the following:~~

- ~~1. Imported sheep or goat:
 
  - a. The health certificate prescribed in R3-2-606 and the animal identification required in R3-2-614, and
  - b. The import permit prescribed in R3-2-607.~~
- ~~2. Native Arizona sheep or goat. A method prescribed in 9 CFR 79.2(a)(2) for a non-neutered sheep or goat, and a neutered sheep or goat more than 18 months of age.~~

**R3-2-413. Sheep and Goats; Intrastate Movement**

- A. Before intrastate movement of a sheep more than 18 months of age, or a sheep or goat of any age not in a slaughter channel, the producer shall identify the animal to the flock of birth using official identification before leaving the flock of birth. A sheep or goat not in a slaughter channel includes an animal not for sale, transfer, or movement to:
  - 1. A slaughter facility,
  - 2. Custom slaughter, or
  - 3. A feeding operation before movement to slaughter.
- B. Subsection (A) does not apply if

1. ~~The the first point of commingling with animals other than those in the flock of birth is an Arizona auction market, and that is an approved tagging site.~~
  2. ~~The auction market acts as the owner's agent to identify the sheep or goat to the flock of birth.~~
- C. This Section is effective January 1, 2003.

#### ARTICLE 5. STATE-FEDERAL COOPERATIVE DISEASE CONTROL PROGRAM

##### R3-2-501. Tuberculosis Control and Eradication Procedures

- A. Procedures for tuberculosis control and eradication in cattle, bison, and goats shall be as prescribed in ~~the USDA publication, Bovine Tuberculosis Eradication—Uniform Methods and Rules, effective February 3, 1989~~ 9 CFR Part 77 as revised on January 1, 2018. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Office of the Secretary of State.
- B. ~~Cattle or bison willfully exposed to quarantined cattle or bison are not eligible for the tuberculosis depopulation indemnity provided in A.R.S. § 3-1745.~~
- B. Procedures for tuberculosis control and eradication in cervidae not listed as restricted live wildlife in A.A.C. R12-4-406 shall be as prescribed in 9 CFR 77 Subpart C as revised on January 1, 2018. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Office of the Secretary of State.
- C. ~~Procedures for tuberculosis control and eradication in cervidae not listed as restricted live wildlife in A.A.C. R12-4-406 shall be as prescribed in the USDA publication, Tuberculosis Eradication in Cervidae—Uniform Methods and Rules, effective May 15, 1994, including 1995 amendments. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Office of the Secretary of State~~

##### R3-2-503. Brucellosis Control and Eradication Procedures

- A. Procedures for brucellosis control and eradication in cattle and bison shall be as prescribed in ~~the USDA publication Brucellosis Eradication—Uniform Methods and Rules, effective February 1, 1998~~ 9 CFR 78 as revised on January 1, 2018. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Department and the Office of the Secretary of State.
- B. Procedures for brucellosis control and eradication in swine shall be as prescribed in ~~the USDA publication, Swine Brucellosis Control/Eradication, State Federal Industry Uniform Methods and Rules, revised February 1995~~ 9 CFR 78 Subpart D as revised on January 1, 2018. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Department and the Office of the Secretary of State.
- C. Procedures for brucellosis control and eradication in Cervidae animals not listed as restricted live wildlife in A.A.C. R12-4-406, shall be as prescribed in the USDA publication, Brucellosis in Cervidae: Uniform Methods and Rules, effective ~~September 30, 1998, and the May 14, 1999 revision, September 30, 2003.~~ This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Department and the Office of the Secretary of State.

##### R3-2-504. Pseudorabies Procedures for Eradication

Procedures for pseudorabies control and eradication in swine shall be as prescribed in ~~the USDA publication, Pseudorabies Eradication, State Federal Industry Program Standards, effective January 1, 1999~~ 9 CFR 85 as revised on January 1, 2018. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Department and the Office of the Secretary of State.

##### R3-2-505. Scrapie Procedures for Eradication

The Department controls and eradicates scrapie using the procedures outlined in 9 CFR 54; ~~66 FR 43963-44003, August 21, 2001-79~~ as revised on January 1, 2018. This material is incorporated by reference, does not include any later amendments or editions, and is on file with the Department and the Office of the Secretary of State.

#### ARTICLE 6. HEALTH REQUIREMENTS GOVERNING ADMISSION OF ANIMALS

##### R3-2-601. Definitions Repealed

The following terms apply to this Article:

~~“Animal” means livestock, feral swine, ratite, bison, water buffalo, oxen, llama, and any exotic mammal not regulated as restricted live wildlife by the Arizona Game and Fish Department.~~

~~“Certified copy” means a copy of an official health certificate that includes an additional original signature from the authorizing veterinarian.~~

~~“Macaque” means any monkey of the genus Macaca in the family Ceropithecidae.~~

~~“Official eartag” means an identification tag providing unique identification for individual animals. An official eartag that contains or displays an AIN with an 840 prefix must bear the US shield. The design, size, shape, color, and other characteristics of the official eartag will depend on the needs of the users, subject to the approval of the USDA. The official eartag must be tamper resistant and have a high retention rate in the animals. Official eartags must adhere to one of the following number systems:~~

~~National Uniform Ear tagging System;~~

~~Scrapie tags as prescribed in 9 C.F.R. 79.2~~

~~Animal identification number (AIN);~~

~~Premises-based number system. The premises-based number system combines an official premises identification number (PIN) with a producer's livestock production numbering system to provide a unique identification number. The PIN and the production number must both appear on the official tag, or~~

~~Any other numbering system approved by the Administrator of APHIS for the identification of animals in commerce.~~

~~“Specifically approved stockyard” means a stockyard specifically approved by VS and the State Veterinarian for receiving from other states cattle and bison that are not brucellosis reactor, brucellosis suspect, or brucellosis exposed.~~

##### R3-2-602. Importation Requirements



- A. All animals ~~and poultry~~ transported or moved into the state of Arizona, ~~unless otherwise specifically provided for in this Article, must shall~~ be accompanied by a valid, official Certificate of Veterinary Inspection from the state of origin, or a VS 9-3 form for National Poultry Improvement Plan flocks. All animals shall be imported in accordance with this rule and the species specific rule in this article. Any violation of this article is subject to a hold order pursuant to R3-2-605.
  - 1. ~~An official health certificate from the state of origin or a permit number, or both; and~~
  - 2. ~~The health documentation shall be attached to the waybill or in the possession of the driver of the vehicle or person in charge of the animals.~~
- B. ~~When a single health certificate and permit number is issued for animals being moved in more than one vehicle, the driver of each vehicle shall retain the original or a certified copy of the health certificate and permit number.~~
- B. Livestock may not enter the state of Arizona unless accompanied by an Arizona entry permit number documented on the Certificate of Veterinary Inspection. This requirement applies regardless of the species, breed, sex, class, age, point of origin, place of destination, or purpose of the movement of the livestock entering the state, except:
  - 1. Equine;
  - 2. Livestock consigned directly to slaughter at a state or federally licensed slaughter establishment; or
  - 3. Livestock being transported through the state.
- C. An animal affected with or recently exposed to any infectious, contagious, or communicable disease, or which originates in a state or federal quarantine area, shall not be transported or moved into the state of Arizona unless a permit for the entry is first obtained from the Arizona State Veterinarian's Office. All conditions for the movement of animals from a quarantined area established by the quarantining authority or APHIS shall be met. Animals imported from a quarantine area may be subject to additional import requirements by the State Veterinarian prior to entry into Arizona.
- D. The owner or owner's agent shall obtain prior permission from the State Veterinarian to ship or move into the state of Arizona any animal from a lot or herd from which an animal shows clinical signs of disease or positive reaction to a test required for admission to Arizona.
- E. The Director may enter into an agreement to allow New Mexico livestock consigned directly to an Arizona livestock auction to enter the state on a New Mexico brand inspection certificate in place of a Certificate of Veterinary Inspection. If the agreement is entered, it shall be posted on the Arizona Department of Agriculture's website. In the event the agreement is terminated or expires, the Department shall put notice of the termination on the website. The livestock owner or owner's agent is responsible for ensuring that the agreement is current prior to shipping the livestock. This process is subject to the restrictions included in the agreement.

**R3-2-603. ~~Importation of Diseased Animals Repealed~~**

- A. ~~An animal affected with or recently exposed to any infectious, contagious, or communicable disease, or which originates in a state or federal quarantine area, shall not be transported or moved into the state of Arizona unless a permit for the entry is first obtained from the Arizona State Veterinarian's Office. All conditions for the movement of animals from a quarantined area established by the quarantining authority or APHIS shall be met.~~
- B. ~~The owner or owner's agent shall obtain prior permission from the State Veterinarian to ship or move into Arizona any animal from a lot or herd from which an animal shows a suspicious or positive reaction to a test required for admission to Arizona.~~

**R3-2-604. ~~Livestock Permit Requirements; Exceptions Repealed~~**

- A. ~~Livestock may not enter the state of Arizona unless accompanied by an Arizona permit. Except as discussed in subsection (B), this requirement applies regardless of the species, breed, sex, class, age, point of origin, place of destination, or purpose of the movement of the livestock entering the state.~~
- B. ~~Exceptions:~~
  - 1. ~~Horses, mules, and asses; or~~
  - 2. ~~Livestock consigned directly to slaughter at a state or federally licensed slaughter establishment.~~

**R3-2-605. ~~Quarantine Hold Order for Animals Entering Illegally~~**

- A. ~~Animals entering the state without a valid health certificate or permit number or both, if required, or in violation of any Section under 3-A.A.C. 2 this Article, shall may be held in quarantine placed under a hold order at the risk and expense of the owner until released by an authorized representative of the State Veterinarian. Animals placed under quarantine a hold order for noncompliance with this Article may be released only after the State Veterinarian is satisfied by testing, dipping, or observation over time, that the animals are not a threat to the livestock industry.~~
- B. ~~The State Veterinarian may request order that an imported animal failing to meet entry requirements be returned to the state of origin, consigned directly to slaughter, confined to a designated feedlot, or consigned to a feedlot in another state within two weeks of the request. Any extension to this time-frame shall must be approved in writing by the State Veterinarian.~~
- C. ~~If the owner or owner's agent fails to comply with a an request order to return an animal to the state of origin within the time-frame required in subsection (B), the Department shall require that the animal be immediately gathered and tested at the owner's risk and expense to avoid exposure of Arizona animals to disease. The owner shall pay the expenses no later than five days after receipt of the bill, or Failure to do so will result in an auction of sufficient livestock to pay the just expenses which shall be held within 10 days at a livestock public auction market. If additional expenses occur due to lack of cooperation by the owner or the owner's agent, the Director shall order the further sale of livestock.~~

**R3-2-606. ~~Health Certificate Certificate of Veterinary Inspection~~**

- A. ~~A health certificate Certificate of Veterinary Inspection is valid for not more than 30 days after the date of issue, except where otherwise noted in this Article, and shall contain:~~
  - 1. ~~The name and address of the shipper Consignor and receiver Consignee;~~
  - 2. ~~The physical address of the origin of the animal;~~
  - 3. ~~The physical address of the animal's final destination;~~
    - a. ~~Entry permit number if applicable;~~
    - b. ~~Official identification if applicable; and~~

- c. Certificate of Veterinary Inspection individual certificate number.
  - d. Qualifying required tests with completion dates.
4. Cattle.
- a. The number of animals covered by the health certificate, an accurate description and, except for steers, spayed heifers, or "E" branded heifers consigned to a designated feedlot identified by brand, one of the following individual identifications:
    - i. The official eartag number that, for dairy cattle, identifies the herd of birth, or
    - ii. The registration tattoo number and the registration brand of a breed association recognized by VS.
  - b. The health status of the animals, including date and result of an inspection, dipping, test, or vaccination required by Arizona;
  - e. The method of transportation; and
  - d. For bulls subject to testing under R3-2-612(J), a statement that the bulls:
    - i. Tested negative for Trichostrongylus axei within one month prior to shipment using a polymerase chain reaction test or three cultures collected at intervals of no less than seven days apart; and
    - ii. Have had no breeding activity during the interval between the collection of the samples and the date of shipment.
5. Swine.
- a. Evidence that the swine have been inspected by the veterinarian issuing the health certificate within 10 days before the shipment;
  - b. A statement that:
    - i. The swine have never been fed garbage, and
    - ii. The swine have not been vaccinated for pseudorabies;
  - e. Except for feeder swine consigned to a restricted swine feedlot:
    - i. A list of the individual permanent identification for each exhibition swine, using an ear notch that conforms to the universal swine ear notch system or for each commercial swine, using other individual identification, and the premises identification using a tattoo or producer furnished tamper proof eartag that conforms to the USDA National Premises Identification System;
    - ii. The validated brucellosis free herd number and last test date for swine originating from a validated brucellosis free herd;
    - iii. The pseudorabies status of the state of origin; and
    - iv. The pseudorabies qualified negative herd number, if applicable;
  - d. Except for feeder swine consigned to a restricted swine feedlot, swine moving directly to an exhibition, and swine from a farm of origin in a state recognized by APHIS as a pseudorabies Stage V state, a statement that the swine shall be quarantined on arrival at destination and kept separate and apart from all other swine until tested negative for pseudorabies no sooner than 15 days nor later than 30 days after entry into Arizona; and
  - e. Feeder swine consigned to a restricted swine feedlot shall be identified by premises of origin using a tattoo or producer furnished tamper proof eartag that conforms to the USDA National Premises Identification System;
6. Sheep and goats.
- a. Individual identification prescribed in R3-2-614;
  - b. A statement that:
    - i. The sheep or goats are not infected with bluetongue, or exposed to scrapie, and do not originate from a scrapie infected or source flock;
    - ii. Breeding rams have been individually examined and are free of gross lesions of ram epididymitis; and
  - e. A statement that the sheep or goat test negative for Brucella ovis if a test is required by R3-2-614(B); and
7. Equine.
- a. An accurate identification for each equine covered by the health certificate including age, sex, breed, color, name, brand, tattoo, sears, and distinctive markings; and
  - b. A statement that the equine has a negative test for EIA, as required in R3-2-615, including:
    - i. The date and results of the test;
    - ii. The name of the testing laboratory; and
    - iii. The laboratory accession number.
- B.** Additions, deletions, and unauthorized or uncertified changes inserted or applied to a health certificate renders the certificate void. Uncertified photocopies of health certificates are invalid.
- B.** The Certificate of Veterinary Inspection shall be forwarded to the State Veterinarian in Arizona within 14 days of issue.
- C.** The veterinarian issuing a health certificate shall certify that the animals shown on the health certificate are free from evidence of any infectious, contagious, or communicable disease or known exposure.
- C.** A VS form 17-30 is deemed a valid international CVI if the following conditions are met:
1. Accompanied by a valid brand inspection certificate from a southern border state with an entry permit number; and
  2. Official identification as documented on the VS form 17-30.
- D.** An accredited veterinarian shall inspect animals for entry into the state.
- D.** Official Certificates of Veterinary Inspection may be used in electronic or paper form.
- E.** The Director may limit the period for which a health certificate is valid to less than 30 days if advised by the State Veterinarian of the occurrence of a disease that constitutes a threat to the livestock industry.
- E.** Additions, deletions, and unauthorized or uncertified changes inserted or applied to a Certificate of Veterinary Inspection renders the certificate void and may be subject to state or federal penalties.
- F.** The veterinarian issuing a Certificate of Veterinary Inspection shall certify that the animals shown on the Certificate of Veterinary Inspection are free from evidence of any infectious, contagious, or communicable disease or known exposure.
- G.** An accredited veterinarian shall inspect animals for entry into the state.



**H.** The Director may limit the period for which a Certificate of Veterinary Inspection is valid to less than 30 days if advised by the State Veterinarian of the occurrence of a disease that constitutes a threat to the livestock industry.

**R3-2-607. Entry Permit Number**

- A.** A **an entry** permit number for interstate movement may be obtained from the Office of the State Veterinarian, by calling (602) 542-4293 during the hours of 8 a.m. to 5 p.m. Monday through Friday, excluding state holidays. Any person applying for ~~A~~ **an entry** permit number shall provide the following information:
  - 1. The name and address of the ~~shipper~~ **Consignor** and ~~receiver~~ **Consignee**;
  - 2. The number and kind of animals;
  - 3. The **physical address of the** origin of shipment;
  - 4. The **physical address of the** shipment’s final destination;
  - 5. The method of transportation; and
  - 6. Any other information required by the State Veterinarian.
- B.** A **an entry** permit number is valid for ~~15~~ **a maximum of 30** calendar days from the date of issuance unless otherwise ~~specified~~ **indicated on the CVI.**
- C.** A **an entry** permit number shall be issued if the animals listed on the ~~permit~~ **Certificate of Veterinary Inspection** are in compliance with this Article. To cope with changing disease conditions, the State Veterinarian may refuse to issue ~~A~~ **an entry** permit number or may require additional conditions not specifically established in this Article if necessary to protect animal health in Arizona.
- D.** The **entry** permit number issued shall be affixed or written on the ~~health certificate~~ **Certificate of Veterinary Inspection**, brand inspection certificate, and any other official documents as follows: “Arizona Permit No. \_\_\_\_\_” followed by the serialized number.
- E.** The State Veterinarian shall refuse to grant ~~A~~ **an entry** permit number to any person who repeatedly commits the following:
  - 1. Giving false information concerning ~~A~~ **an entry** permit number for transportation of animals,
  - 2. Failing to fulfill the conditions of ~~A~~ **an entry** permit number, or
  - 3. Failing to obtain ~~A~~ **an entry** permit number.

**R3-2-608. Consignment of Animals Repealed**

~~The owner, or owner’s agent, of an animal transported or moved into Arizona, except an exhibition or show animal, shall consign the animal to or place it in the care of an Arizona resident or an entity authorized to do business in Arizona.~~

**R3-2-609. Diversion; Prohibitions**

A person consigning, transporting, or receiving an animal into the state of Arizona shall not authorize, order, or carry out diversion of the animal to a destination or consignee other than as set forth on the ~~health certificate~~ **Certificate of Veterinary Inspection** and **entry** permit, if required, without first obtaining permission from the State Veterinarian.

**R3-2-611. Transporter Duties**

- A.** All owners and operators of railroads, trucks, airplanes, or other conveyances transporting animals into or through the state shall possess a ~~valid health certificate under R3-2-606, and a permit number issued by the State Veterinarian, if required by R3-2-607.~~ **all of the importation documents required by this Article.** These documents shall be attached to the waybill, or be in the possession of the vehicle driver, or person in charge of the animals. When a single ~~health certificate~~ **Certificate of Veterinary Inspection** ~~or and entry~~ permit number is issued for animals being moved in more than one vehicle, the driver of each vehicle shall possess the original or a ~~certified~~ copy of the ~~health certificate~~ **Certificate of Veterinary Inspection** containing the **entry** permit number, if required.
- B.** The owner or operator of a railroad car, truck, airplane, or other conveyance used to transport animals into or through the state shall maintain the conveyance in a clean and sanitary condition.
- C.** The owners and operators of railroads, trucks, airplanes, or other conveyances who transport animals into the state in violation of this Section shall clean and disinfect the conveyance in which the animals were illegally brought into the state before using the conveyance for transporting more animals. The cleaning and disinfection shall be performed under the supervision of an authorized representative of the State Veterinarian or the USDA.
- D.** The owners ~~and~~ or operators of railroads, trucks, airplanes, or other conveyances shall follow the USDA requirements; ~~and Arizona Department of Agriculture and Arizona Commerce Commission rules and Arizona~~ **Arizona** statutes, in the humane transport of animals into, within, or through the state.

**R3-2-612. Importation of Cattle and Bison**

- A.** The owner of cattle and bison entering Arizona or the owner’s agent shall comply with the requirements in R3-2-602 through R3-2-611 and the following conditions:
  - 1. Pay the expenses incurred to quarantine, test, and retest the imported cattle or bison or return them to the state of origin.
  - 2. For imported beef breeding cattle, breeding bison, and dairy cattle, ensure that an accredited veterinarian applies an official eartag to each animal.
- A.** The Certificate of Veterinary Inspection for cattle and bison shall include:
  - 1. A valid entry permit number
  - 2. The number of cattle and bison covered by the Certificate of Veterinary Inspection, an accurate description and official identification, if applicable except for “F” branded heifers consigned to a designated feedlot identified by brand.
  - 3. The health status of the cattle and bison including:
    - a. The date of the inspection;
    - b. The dipping date, if applicable;
    - c. The date of negative results for required testing under this Article; and
    - d. The vaccination status as required by this Article.
  - 4. The method of transportation; and
  - 5. For bulls subject to testing under R3-2-612 (I), a statement that the bulls:
    - a. Tested negative for Trichostrongylus axei within 30 days prior to shipment using a polymerase chain reaction test; and

- ~~b. Have had no breeding activity during the interval between the collection of the samples and the date of shipment.~~
- B. Arizona shall not accept:**
- ~~1. Cattle or bison from brucellosis infected, exposed, or quarantined herds regardless of their vaccination or test status, or both, except:
 
    - a. Steers and spayed females, and
    - b. Animals shipped directly for immediate slaughter to an official state or federal slaughter establishment;~~
  - ~~2. Cattle or bison of unknown brucellosis exposure status, unless consigned for feeding purposes to a designated feedlot;~~
  - ~~3. Dairy cattle from a state or region within a foreign country without brucellosis status comparable to a Class Free State, or without tuberculosis status comparable to an Accredited Free State;~~
  - ~~4. Dairy and dairy cross steers, and dairy and dairy cross spayed heifers from Mexico;~~
  - ~~5. Beef breeding cattle or breeding bison from a state or region within a foreign country without brucellosis status comparable to a Class A State, or without tuberculosis status comparable to a Modified Accredited State.~~
- B. The owner of cattle and bison entering Arizona or the owner's agent shall comply with the requirements in this article. Failure to comply with entry requirements will incur the following conditions:**
- ~~1. Pay the expenses incurred by a hold order to test and retest the imported cattle or bison or return them to the state of origin.~~
  - ~~2. For imported beef breeding cattle, breeding bison, and dairy cattle, ensure that an accredited veterinarian applies an official eartag identification to each bovine or bison.~~
- C. Brucellosis testing requirements for beef breeding cattle, breeding bison, and dairy cattle imported into Arizona from other states:**
- ~~1. The owner or owner's agent shall ensure that an official calthood vaccine is tested negative for brucellosis within 30 days before entering Arizona if the official calthood vaccine is:
 
    - a. 18 months or older,
    - b. Cutting the first set of permanent incisors, or
    - e. Parturient or postparturient.~~
  - ~~2. The owner or owner's agent shall ensure that bulls and non-vaccinated heifers test negative for brucellosis if 12 months of age or older, unless consigned for feeding purposes to a designated feedlot. All cattle or bison consigned to a designated feedlot shall be branded with an "F" adjacent to the tail head before entry into Arizona unless the State Veterinarian grants permission to apply the "F" brand upon arrival. All "F" branded cattle or bison that leave the designated feedlot shall be shipped directly to:
 
    - a. An official state or federal slaughter establishment for immediate slaughter,
    - b. Another designated feedlot, or
    - e. Another state if shipping is permitted by the State Veterinarian in the state of destination.~~
  - ~~3. If cattle or bison originate from a Certified Brucellosis Free Herd and the herd certification number is documented on the health certificate and import permit, no brucellosis test is required.~~
  - ~~4. If native ranch cattle are from a brucellosis Class Free State that does not have free-ranging brucellosis infected bison or wildlife, no brucellosis test is required as long as:
 
    - a. The native ranch cattle are moved directly from the ranch of origin to an Arizona destination and the official eartag numbers are listed on a health certificate; or
    - b. The native ranch cattle are from a state that has a brand inspection program approved by the State Veterinarian and the owner's brand is listed on a brand inspection certificate or health certificate.~~
  - ~~5. Health and brand inspection certificates issued for the movement shall be forwarded to the State Veterinarian in Arizona within two weeks of issue.~~
  - ~~6. The owner or owner's agent:
 
    - a. Shall ensure that beef breeding cattle or breeding bison from a Class A State the cattle remain under import quarantine and isolation until the cattle test negative for brucellosis. The test shall be performed no earlier than 45 days and no later than 120 days after entry.
    - b. Shall retest dairy cattle if the State Veterinarian determines there is a potential risk of the introduction of brucellosis in the state.
    - e. Is not required to quarantine or test for brucellosis official calthood vaccinates less than 18 months of age, if permission is granted by the State Veterinarian.~~
  - ~~7. The owner or owner's agent:
 
    - a. Shall notify the State Veterinarian within seven days of moving cattle or bison that are under import quarantine from the destination listed on the import permit and health certificate
    - b. Shall notify the State Veterinarian at the time animals are retested for brucellosis, if the animals are under import quarantine and are not moved from the destination listed on the import permit and health certificate.
    - e. Is not required to notify the State Veterinarian if the cattle or bison are shipped directly to an official state or federal slaughter establishment for immediate slaughter.~~
  - ~~8. Beef breeding cattle, breeding bison, and dairy cattle meeting the criteria of subsections (C)(1) or (C)(2) and not meeting the criteria of subsection (C)(3) may be imported without a brucellosis test if moved to a specifically approved stockyard and tested before sale or movement from the stockyard. The owner or owner's agent shall not commingle these cattle or bison with other cattle or bison until these cattle or bison are tested and found to be brucellosis negative.~~
  - ~~9. Within seven days after importation, the owner or owner's agent shall ensure that the individual official eartag identification for imported dairy cattle is the same as that listed on the health certificate and the owner or the owner's agent shall report any discrepancies between the official eartag and the health certificate to the State Veterinarian. Any~~



dairy cattle shipped into Arizona not documented on the health certificate shall be tested for brucellosis and tuberculosis by the receiver within one week of arrival.

C. Arizona shall not accept:

- 1. Cattle or bison from brucellosis infected, exposed, or quarantined herds regardless of their vaccination or test status, or both, except:
  - a. Steers and spayed females, and
  - b. Cattle or bison shipped directly for immediate slaughter to an official state or federal slaughter establishment;
- 2. Cattle or bison of unknown brucellosis exposure status, unless consigned for feeding purposes to a designated feedlot;
- 3. Dairy cattle from a state or region within a foreign country without brucellosis status comparable to a Class-Free State, or without tuberculosis status comparable to an Accredited-Free State;
- 4. Dairy and dairy cross steers, and dairy and dairy cross spayed heifers from Mexico;
- 5. Beef breeding cattle or breeding bison from a state or region within a foreign country without brucellosis status comparable to a Class A State, or without tuberculosis status comparable to a Modified Accredited State.

D. ~~Brucellosis testing requirements for beef breeding cattle, breeding bison, and dairy cattle imported into Arizona from Mexico.~~

- 1. ~~Before to entry into Arizona, beef breeding cattle, breeding bison, or dairy cattle from Mexico shall meet the requirements of 9 CFR 93.424 through 93.427, January 1, 2007, as amended on December 4, 2013. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Department at 1688 W. Adams St., Phoenix, AZ 85007.~~
- 2. ~~The owner or owner's agent shall ensure that beef breeding cattle, breeding bison, and dairy cattle from Mexico remain under import quarantine and isolation until tested negative for brucellosis. The test shall not be performed earlier than 60 days nor later than 120 days after entry into Arizona. The test shall be performed again on breeding cattle and breeding bison 30 days after calving, unless the animals were consigned to a designated feedlot. All cattle or bison consigned to a designated feedlot shall be branded with an "F" adjacent to the tail head before entry into Arizona unless the State Veterinarian grants permission to apply the "F" brand on arrival. Unless neutered, all beef breeding cattle, breeding bison, and dairy cattle leaving the designated feedlot shall go directly to an official state or federal slaughter establishment for immediate slaughter or to another designated feedlot. The owner of the designated feedlot shall ensure that official eartag identification records are kept on all incoming consignments and then submit the records monthly to the State Veterinarian. An accredited veterinarian shall identify, on a form approved by the State Veterinarian, all cattle and bison leaving the designated feedlot. A copy of the form shall accompany the cattle or bison to slaughter and a copy shall be submitted to the State Veterinarian.~~
- 3. ~~Dairy cattle from Mexico shall test for brucellosis again 30 days after calving, unless the dairy cattle were consigned directly to a feedlot.~~

D. Brucellosis testing requirements for beef breeding cattle, breeding bison, and dairy cattle imported into Arizona from other states.

- 1. Brucellosis testing is not required in dairy and beef cattle from a brucellosis Class-Free State that does not have free-ranging brucellosis infected bison or wildlife.
- 2. Brucellosis not required for any cattle or bison consigned to a designated feedlot that are branded with an "F" adjacent to the tail head as long as the State Veterinarian grants permission to apply the "F" brand upon arrival. All "F" branded cattle or bison that leave the designated feedlot shall be shipped directly to:
  - a. An official state or federal slaughter establishment for immediate slaughter,
  - b. Another designated feedlot, or
  - c. Another state if shipping is permitted by the State Veterinarian in the state of destination.
- 3. All female dairy cattle four months of age or older, imported into Arizona, shall be official calfhood vaccinates, officially identified, certified, and legibly tattooed except for the following:
  - a. Show cattle for exhibition,
  - b. Cattle consigned directly to an official state or federal slaughter establishment for immediate slaughter, and
  - c. Cattle consigned for feeding purposes to a designated feedlot with an entry permit number.
- 4. For beef breeding cattle, breeding bison, and dairy breeding cattle from a Class A state the owner or owner's agent:
  - a. Shall ensure that the cattle remain under import quarantine and isolation until the cattle test negative for brucellosis. The test shall be performed no earlier than 45 days and no later than 120 days after entry.
  - b. Shall retest dairy cattle if the State Veterinarian determines there is a potential risk of the introduction of brucellosis in the state.
  - c. Is not required to quarantine or test for brucellosis official calfhood vaccinates less than 18 months of age, if permission is granted by the State Veterinarian.
- 5. The owner or owner's agent:
  - a. Shall notify the State Veterinarian within seven days of moving cattle or bison that are under quarantine from the destination listed on the import permit and Certificate of Veterinary Inspection.
  - b. Shall notify the State Veterinarian at the time animals are retested for brucellosis, if the animals are under quarantine and are not moved from the destination listed on the import permit and Certificate of Veterinary Inspection.
  - c. Is not required to notify the State Veterinarian if the cattle or bison are shipped directly to an official state or federal slaughter establishment for immediate slaughter.

E. ~~Except for the following all female dairy cattle four months of age or older, imported into Arizona, shall be official calfhood vaccinates, properly identified, certified, and legibly tattooed:~~

- 1- ~~Show cattle for exhibition,~~
- 2- ~~Cattle from a Certified Brucellosis Free Herd with permission of the State Veterinarian,~~

3. ~~Cattle from a brucellosis free state or country with permission of the State Veterinarian,~~
4. ~~Cattle consigned directly to an official state or federal slaughter establishment for immediate slaughter, and~~
5. ~~Cattle consigned for feeding purposes to a designated feedlot under import permit.~~

- E.** Tuberculosis testing requirements for beef breeding cattle, breeding bison, and dairy cattle imported into Arizona from other states.
1. No tuberculosis test is required for:
    - a. Beef breeding cattle or breeding bison, from a tuberculosis accredited Free State if the state accredited status is documented on the Certificate of Veterinary Inspection and entry permit; or
    - b. Steers and spayed heifers.
  2. Beef breeding cattle and breeding bison from a Tuberculosis Modified Accredited State or Tuberculosis Class Free State with a Tuberculosis Quarantine in effect, shall test negative for Bovine Tuberculosis within 60 days prior to entry into Arizona.
  3. All dairy breeding cattle greater than 120 days of age shall test negative for Bovine Tuberculosis within 60 days prior to entry into Arizona.
- F.** ~~When imported breeding cattle, breeding bison, or dairy cattle under import quarantine and isolation are sold at a specifically approved stockyard, the owner or owner's agent shall, at the time of the sale, identify those cattle to the new owner as being under import quarantine. If market cattle identification testing for brucellosis is conducted at the auction, the owner or owner's agent shall ensure that the cattle or bison are tested before the sale. The new owner shall segregate the cattle or bison and retest for brucellosis 45 to 120 days after the animals entered the state.~~
- F.** Brucellosis testing requirements for beef breeding cattle, breeding bison, and dairy cattle imported into Arizona from Mexico.
1. Prior to entry into Arizona, beef breeding cattle, breeding bison, or dairy cattle from Mexico shall meet the requirements of 9 CFR 93.424 through 93.427, as revised on January 1, 2018. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Department at 1688 W. Adams St., Phoenix, AZ 85007.
  2. The owner or owner's agent shall ensure that beef breeding cattle, breeding bison, and dairy cattle from Mexico remain under import quarantine and isolation until tested negative for brucellosis. The test shall not be performed earlier than 60 days nor later than 120 days after entry into Arizona. All cattle or bison consigned to a designated feedlot shall be branded with an "F" adjacent to the tail head before entry into Arizona unless the State Veterinarian grants permission to apply the "F" brand on arrival. Unless neutered, all beef breeding cattle, breeding bison, and dairy cattle leaving the designated feedlot shall go directly to an official state or federal slaughter establishment for immediate slaughter or to another designated feedlot. The owner of the designated feedlot shall ensure that official ~~ear tag~~ identification records are kept on all incoming consignments and then submit the records monthly to the State Veterinarian. An accredited veterinarian shall identify, on a form approved by the State Veterinarian, all cattle and bison leaving the designated feedlot. A copy of the form shall accompany the cattle or bison to slaughter and a copy shall be submitted to the State Veterinarian.
  3. Dairy cattle from Mexico shall test for brucellosis again 30 days after calving, unless the dairy cattle were consigned directly to a feedlot.
- G.** ~~Tuberculosis testing requirements for beef breeding cattle, breeding bison, and dairy cattle imported into Arizona from other states.~~
1. ~~No tuberculosis test is required for:~~
    - a. ~~Beef breeding cattle or breeding bison, or dairy cattle from a tuberculosis accredited herd Free State if the herd accreditation number is documented on the health certificate and import entry permit; or~~
    - b. ~~Native commercial and purebred beef breeding cattle from an Accredited Free State if its accredited free status is documented on the health certificate; and~~
    - c. ~~Steers and spayed heifers~~
  2. ~~Unless from an accredited herd, prescribed in subsection (G)(1), the owner or owner's agent shall ensure that purebred beef breeding cattle from modified accredited states, breeding bison, dairy females, and bulls for breeding dairy cattle test negative for tuberculosis within 60 days before entry into Arizona.~~
- H-G.** Tuberculosis testing requirements for cattle and bison imported into Arizona from Mexico.
1. ~~Before~~ Prior to entry into Arizona, cattle and bison from Mexico shall meet the requirements of 9 CFR 93.424 through 93.427 as revised on January 1, 2018, incorporated by reference in subsection (D E) (1).
  2. Steers and spayed heifers from states or regions in Mexico shall not enter the state if they have not been determined by the State Veterinarian to have fully implemented the Control, Eradication, or Free Phase of the bovine tuberculosis eradication program of Mexico.
  3. Steers and spayed heifers from states or regions in Mexico determined by the State Veterinarian to have fully implemented the Control Phase of the bovine tuberculosis eradication program of Mexico shall not be imported into Arizona without permission of the State Veterinarian.
  4. Steers and spayed heifers from states or regions in Mexico determined by the State Veterinarian to have fully implemented the Eradication Phase of the bovine tuberculosis eradication program of Mexico may be imported into Arizona, if they have either:
    - a. Tested negative for tuberculosis in accordance with procedures equivalent to the ~~Bovine Tuberculosis Eradication—Uniform Methods and Rules~~ 9 CFR Part 77 as amended on January 9, 2013 within 60 days before entry into the United States, or
    - b. Originated from a herd that is equivalent to an accredited herd in the United States and are moved directly from the herd of origin across the border as a single group and not commingled with other cattle or bison before arriving at the border.



- 5. Steers and spayed heifers from states or regions in Mexico determined by the State Veterinarian to have achieved the Free Phase of the bovine tuberculosis eradication program of Mexico may move directly into Arizona without testing or further restrictions if they are moved as a single group and not commingled with other cattle before arriving at the border.
- 6. Beef breeding cattle and breeding bison from states or regions in Mexico may be imported into Arizona if the State Veterinarian determines the Eradication or Free Phase of the bovine tuberculosis eradication program of Mexico has been fully implemented and the breeding cattle and breeding bison remain under ~~import~~ quarantine and isolation until retested negative for tuberculosis in accordance with the ~~Bovine Tuberculosis Eradication—Uniform Methods and Rules~~ 9 CFR Part 77 as revised on January 1, 2018. The test shall be performed not earlier than 60 days but not later than 120 days after entry unless consigned to a designated feedlot for feeding purposes only. Unless neutered, all beef breeding cattle or breeding bison consigned to a designated feedlot shall be branded with an “F” adjacent to the tail head before entry into Arizona, unless permission is granted by the State Veterinarian to apply the “F” brand on arrival. All beef breeding cattle or breeding bison leaving the designated feedlot shall go directly to an official state or federal slaughter establishment for immediate slaughter or to another designated feedlot. The owner of the designated feedlot shall ensure that official ~~ear-tag~~ identification records are kept on all incoming consignments and submit the records monthly to the State Veterinarian. An accredited veterinarian shall identify, on a form approved by the State Veterinarian, all beef breeding cattle and breeding bison leaving the designated feedlot. A copy of the form shall accompany the cattle and bison to slaughter and a copy shall be submitted to the State Veterinarian.

**I.H.** Bovine scabies requirements.

- 1. The owner or owner’s agent shall ensure that no cattle or bison affected with or exposed to scabies is shipped, trailed, driven, or otherwise transported or moved into Arizona except cattle or bison identified and moving under ~~permit number~~ a VS Form 1-27 and seal for immediate slaughter at an official state or federal slaughter establishment.
- 2. The owner or owner’s agent of cattle or bison from an official state or federal scabies quarantined area shall comply with the requirements of 9 CFR 73, Scabies in Cattle, ~~January 1, 2007, as revised on January 1, 2018,~~ before moving the cattle or bison into Arizona. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Department.
- 3. The State Veterinarian may require that breeding and feeding cattle and bison from known scabies infected areas and states be dipped or treated even if the animals are not known to be exposed. The State Veterinarian shall require that dairy cattle be dipped only if the animals are known to be exposed; otherwise ~~a~~ an accredited veterinarian’s examination and certification shall be sufficient.

**J.I.** Trichomoniasis requirements for bulls imported into Arizona from other states.

- 1. The owner or owner’s agent shall ensure bulls:
  - a. Test negative for Tritrichomonas foetus within 30 days prior to shipment using a polymerase chain reaction test or ~~three cultures collected at intervals of no less than seven days apart, a diagnostic test approved by the state veterinarian,~~ except for bulls:
    - i. Less than ~~one year~~ twelve months of age,
    - ii. Consigned directly to a state or federal licensed slaughter facility,
    - iii. Consigned directly to a dairy,
    - iv. Consigned directly to an exhibition or rodeo,
    - v. Consigned directly to a licensed feedlot for castration on arrival,
    - vi. Branded with an “F” adjacent to the tailhead and consigned directly to a designated feedlot for feeding and later movement directly to slaughter, and
  - b. Have no breeding activity during the interval between the collection of a sample and the date of shipment.
  - c. The following statements documented on the CVI in reference to R3-2-612 (A) (5):
    - i. Test negative for Tritrichomonas foetus within 30 days prior to shipment using a polymerase chain reaction test; and
    - ii. Have had no breeding activity during the interval between the collection of the samples and the date of shipment.
- 2. An accredited veterinarian approved to collect samples for Tritrichomonas foetus testing by the state animal health official in the state of origin shall collect the Tritrichomonas foetus test samples.
- 3. A laboratory approved to conduct tests for Tritrichomonas foetus by the state animal health official in the state of origin shall perform the test for Tritrichomonas foetus.

**J.** For purposes of this section beef breeding cattle means intact beef cattle.

**R3-2-613. Importation of Swine**

- A.** ~~The owner of swine entering Arizona, or the owner’s agent, shall comply with the requirements of Article 6 and the following conditions:~~
  - 1. ~~Pay the expenses incurred to quarantine, test, and retest the imported swine; and~~
  - 2. ~~Obtain an official health certificate specified in R3-2-606-613 and permit specified in R3-2-607.~~
- A.** A Certificate of Veterinary Inspection for swine shall include:
  - 1. A valid entry permit number;
  - 2. The following statements recorded on the CVI:
    - a. The swine listed on this CVI have never been fed garbage; and
    - b. The swine listed on this CVI have not been vaccinated for pseudorabies;
  - 3. Official Identification; and
  - 4. If applicable, the validated brucellosis-free herd number and last test date for swine originating from a validated brucellosis-free herd.
- B.** Brucellosis test requirements. ~~Breeding swine~~ Swine imported into Arizona from other states shall:

1. Originate from a validated swine brucellosis-free herd or from a swine brucellosis-free state; or
  2. Test negative for brucellosis within 30 days before entry.
- C. ~~Pseudorabies test requirements. Swine imported into Arizona from other states shall:~~
1. ~~Be shipped directly from:~~
    - a. ~~The farm of origin in a state recognized by USDA APHIS as a pseudorabies Stage IV or Stage V state;~~
    - b. ~~The farm of origin in a state recognized by USDA APHIS as a pseudorabies Stage III state if the swine are:~~
      1. ~~Consigned directly to a terminal exhibition of only neutered swine;~~
      2. ~~Tested negative within 15 days before entry; and~~
      3. ~~Transported directly to a state or federally inspected slaughter facility immediately after the exhibition in a truck sealed by the State Veterinarian or agent;~~
    - c. ~~A pseudorabies monitored feeder pig herd in a pseudorabies Stage II or Stage III state if the swine is consigned to a restricted swine feedlot; or~~
    - d. ~~A sale in a state recognized by USDA APHIS as a pseudorabies Stage IV or Stage V state if all swine entered in the sale are from a state recognized by USDA APHIS as a pseudorabies Stage IV or Stage V state.~~
  2. ~~Except for feeder swine consigned to a restricted swine feedlot, swine moving directly to exhibition, and swine from a farm of origin in a state recognized by USDA APHIS as a pseudorabies Stage V state, remain under import quarantine and isolation at the location specified on the import permit and health certificate Certificate of Veterinary Inspection, with the following restrictions, until tested negative for pseudorabies no sooner than 15 days or later than 30 days after entry:~~
    - e. ~~The isolation pen shall be at least 200 feet from straying pigs, other livestock, pets, or working dogs, and not be accessible to normal traffic flow;~~
    - f. ~~Equipment, tools, and implements shall not be moved from an isolation pen and used at another pen;~~
    - g. ~~Workers shall disinfect their shoes and clothing before working with other livestock or the main herd; and~~
    - h. ~~The distance between an isolation pen barrier and another swine pen barrier shall be at least 200 feet and the isolation pen shall be double fenced to prevent exposure to accidental strays.~~
    - i. ~~Imported quarantined swine testing positive after entry shall be shipped directly to a state or federal slaughter establishment within 15 days after the positive identification and shall be accompanied by a USDA VS Form 1-27. The remainder of exposed animals shall be quarantined until the herd is declared free of the disease, or all exposed animals are depopulated and the premises cleaned and disinfected.~~
  3. ~~If swine move directly to exhibition from a herd in a Stage IV state, and remain in the state, the swine shall be held under import quarantine at a location disclosed by the exhibitor. The exhibitor shall disclose the location of the quarantine facility to the Department within three days of the end of the exhibition. The swine shall be quarantined according to the restrictions identified in subsections (C)(2)(a) through (C)(2)(e) until tested negative for pseudorabies no sooner than 15 days or later than 30 days after entry into the state.~~
- C. ~~Exhibition Swine~~
1. ~~All imported exhibition swine not moved directly to an exhibition in Arizona shall be inspected by a Department livestock officer, inspector, or documented through self-inspection requirements.~~
  2. ~~Exhibit officials shall deny entry to any swine not accompanied by the following documents:~~
    1. ~~Imported swine moved directly to an exhibition. An official certificate of veterinary inspection specified in this article and an entry permit number specified in R3-2-607 and R3-2-613;~~
    2. ~~Imported swine not moved directly to the exhibition. A Department issued certificate of inspection of exhibition swine containing the following:~~
      1. ~~The name, address, telephone number, and signature of the owner;~~
      2. ~~The name of the inspector and the date, time, and location of the inspection;~~
      3. ~~The individual identification of the swine (see section R3-2-613 A.3)~~
  3. ~~Native Arizona swine. A Department issued certificate of inspection of exhibition swine containing the following:~~
    1. ~~The name, address, telephone number, and signature of the owner;~~
    2. ~~The name of the inspector and the date, time, and location of the inspection;~~
    3. ~~The individual identification of the swine (see section R3-2-613 A.3)~~
  4. ~~Department issued certificate of inspection of exhibition swine. The owner shall provide the Department with:~~
    - a. ~~Imported swine.~~
      1. ~~The certificate of veterinary inspection listing entry permit and individual identification of the swine (see section R3-2-613 A.3)~~
      2. ~~If from a Stage IV state, documentation of a negative pseudorabies test conducted 15 to 30 days after entry.~~
    - b. ~~Native swine.~~
      1. ~~A bill of sale listing:~~
        1. ~~The name of the seller and buyer;~~
        2. ~~The individual identification of the swine (see section R3-2-613 A.3)~~
        3. ~~The date of the sale; or~~
      2. ~~Verification that the swine has been raised in Arizona and the individual identification of the swine.~~
- C. For purposes of this section, breeding swine means intact swine that have had breeding activity.
- D. It is unlawful for any person to import into the state of Arizona live feral swine. Any person or corporation owning or possessing a live feral swine in this state shall at all times keep such feral swine in a safe and suitable enclosure so that it may not run at large or damage the person or property of others. For purposes of this section, feral swine means a hog, boar, or



pig that appear to be untamed, undomesticated, or in a wild state; or appear to be contained for commercial hunting or trapping.

**R3-2-614. Importation of Sheep and Goats**

- A. ~~The owner of a sheep or goat entering Arizona, or the owner’s agent, shall comply with the requirements of~~
  - 1. ~~Article 6 and pay the expenses incurred to quarantine, test, and retest the sheep or goat.; and~~
  - 2. ~~Animal identification prescribed in 9 CFR 79, January 1, 2007, edition. This material is incorporated by reference, does not include any later amendments or editions, and is on file with the Department at 1688 W. Adams St., Phoenix, AZ 85007.~~

**A. A Certificate of Veterinary Inspection for sheep and goats shall include:**

- 1. A valid entry permit number
- 2. A statement that:
  - a. The sheep or goats are not infected with bluetongue, or exposed to scrapie, and do not originate from a scrapie-infected or source flock; and
  - b. The sheep or goats test negative for Brucella ovis if a test is required by R3-2-614 B; and if applicable
  - c. Breeding rams have been individually examined and are free of gross lesions of ram epididymitis.

**B.** A breeding ram six months of age or older shall test negative for Brucella ovis within 30 days of entry or originate from a certified brucellosis-free flock. An exhibition ram that returns to the out-of-state flock of origin within five days of the conclusion of the exhibit is exempt from the testing requirement of this subsection

**C.** Arizona native commercial flocks participating in a Brucella ovis control program through testing performed by an accredited and licensed veterinarian may return to Arizona from another state without testing, provided the flock has not commingled with other flocks.

**R3-2-615. Equine Importation of Equine**

~~A. Except for R3-2-607, an equine may enter the state as prescribed in R3-2-602 through R3-2-611.~~

**A. A Certificate of Veterinary Inspection for equine shall include:**

- 1. An accurate identification for each equine including age, sex, breed, color, name, brand, tattoo, scars, microchip if any, and distinctive markings; and
- 2. A statement that the equine has a negative test for EIA, including:
  - i. The date and results of the test;
  - ii. The name of the testing laboratory; and
  - iii. The laboratory accession number.

**B.** ~~A person shall not import an equine with fistulous withers or poll evil.~~

**B.** Equine entering the state are not required to obtain an entry permit number.

**C.** ~~All equine six months of age or older shall, using a test established in R3-2-407(A), be tested test negative for EIA within 12 months before entry. Testing expenses shall be paid by the owner.~~

**D.** Extended Equine Certificates of Veterinary Inspection (EECVI) are valid for the life of the certificate (up to 6 months) in the state of Arizona. The equine listed on the EECVI shall be officially identified with a microchip.

**R3-2-616. Importation of Cats and Dogs**

~~A dog or cat shall be accompanied by a health certificate~~ Certificate of Veterinary Inspection that documents the animal is currently vaccinated against Rabies ~~if older than 3 months of age~~ according to the requirements of the National Association of State Public Health Veterinarians’ Compendium of Animals Rabies Control, incorporated by reference in R3-2-409.

**R3-2-617. Importation of Poultry**

~~The Department has no disease testing entry requirements on poultry~~ Poultry entering the state shall provided the poultry appear healthy, do not originate from a poultry quarantine area, comply with all interstate requirements of APHIS, and are be accompanied by a health certificate Certificate of Veterinary Inspection or Form 9-3 from the National Poultry Improvement Program.

**R3-2-618. Importation of Psittacine Birds**

**A.** ~~The owner or the owner’s agent of a Psittacine bird entering Arizona shall obtain a health certificate~~ Certificate of Veterinary Inspection issued by a veterinarian within 30 days of entry, certifying:

- 1. The bird is not infected with the agent that causes avian chlamydiosis, and
- 2. The bird was not exposed to birds known to be infected with avian chlamydiosis within the past 30 days.

**B.** ~~The health certificate~~ Certificate of Veterinary Inspection shall accompany the Psittacine bird at the time of entry into Arizona.

**R3-2-620. Importation of Zoo Animals**

**A.** ~~An owner or owner’s agent may transport or move zoo animals into the state of Arizona if the animals are accompanied by an official health certificate~~ Certificate of Veterinary Inspection, and consigned to a zoo or in the charge of a circus or show.

**B.** ~~The owner, or owner’s agent, of an animal livestock except swine and equine~~ in a “Petting Zoo” shall have the ~~animal livestock~~ tested for tuberculosis within 12 months before importation. A negative test result is required for entry into Arizona.

**C.** ~~A business that transports or exhibits zoo animals shall be licensed by the Arizona Game and Fish Department.~~

**ARTICLE 7. LIVESTOCK INSPECTION**

**R3-2-701. Department Livestock Inspection**

**A.** ~~A Division employee shall inspect range cattle, as defined in R3-2-702(A), at a ranch if the owner or agent of livestock is:~~

- 1. ~~Moving cattle out-of-state,~~
- 2. ~~Transferring cattle ownership, or~~
- 3. ~~Shipping cattle for custom slaughter.~~

**B.** ~~A division employee shall inspect cattle at a feedlot or dairy if the cattle are being shipped for custom slaughter.~~

**B.** An owner or agent of cattle cannot be issued both non-range and range self-inspection certificates.

- C. With prior approval from a Division employee, livestock can be moved to a licensed custom slaughter facility using the livestock owner's or agent's or feedlot operator's self-inspection certificate. A Division employee must validate the self-inspection certificate prior to slaughter.
- ~~C.D.~~ The Department shall not issue a self-inspection certificate to an owner, or agent, of livestock or operator of a ranch, and dairy, feedlot operator if that individual has been convicted of a felony under A.R.S. Title 3 within the three-year period before the date on the self-inspection application. The Department may deny self-inspection to an applicant if within the five-year period before the date on the self-inspection application, the applicant was convicted of any A.R.S. Title 3 offense or an A.R.S. Title 13 offense related to livestock. A Division employee shall inspect livestock if an applicant is denied self-inspection authority.
- ~~D.E.~~ During fiscal year 2016, livestock officers and inspectors shall collect from the person in charge of cattle, dairy cattle, or sheep inspected a service charge of \$10 plus the per head inspection fee set out in A.R.S. § 3-1337 for making inspections for the transfer of ownership, sale, slaughter or transportation of the animals.

### **R3-2-702. Livestock Self-inspection**

#### **A. Definitions.**

"Dairy" means an owner or agent of a place or premise where one or more lactating animals are kept for milking purposes and from which a part or all of the milk is provided, sold, or offered for sale that meets both of the following conditions: the livestock is not permitted to range and the dairy is permitted by the Department. If these conditions are met, then a Division employee may grant the applicant dairy status.

"Description" means sex, breed, color, and markings, as applicable to the type of livestock.

"Exhibition" means an event including a fair, show, or field day that has as its primary purpose the opportunity for a member of a youth livestock organization, including 4-H and FFA, to display an animal raised by the individual youth in a judged competition.

"Feedlot" means an operator of a beef cattle feedlot or feed yard in which the livestock is not permitted to range and that is licensed by the Department. If these conditions are met, then a Division employee may grant the applicant feedlot status.

"Livestock" means cattle, sheep, goats, and ~~exhibition~~ swine.

"Livestock broker" means an owner or agent who engages in the business of buying and selling livestock and has immediate possession of the livestock for 10 days or less in which the livestock is not permitted to range. If these conditions are met, then a Division employee may grant the applicant livestock broker status.

"Non-range" means any owner or agent of an enclosed property that is 100 acres or less that meets all of the following conditions: the fence enclosing the livestock is well maintained, the livestock is not permitted to range, and the owner or agent of the livestock lives where the livestock are kept. If these conditions are met, then a Division employee may grant the applicant non-range status.

"Identification" means brand, back tag number, ear mark, tattoo, metal eartag, plastic eartag, and premises identification number, as applicable to the type of livestock.

"Range" means every character of lands, enclosed or unenclosed, outside of cities and towns, upon which livestock is permitted by custom, license or permit to roam and feed. A.R.S. § 3-1201(7)

"Range cattle" means cattle customarily permitted to roam upon the ranges of the state, whether public domain or in private control, and not in the immediate actual possession or control of the owner although occasionally placed in enclosures for temporary purposes. A.R.S. § 3-1201(8)

#### **B. Application.**

1. ~~Movers~~ Owners or agents of livestock or feedlot operators and an owner or operator of a dairy or feedlot shall request a book of self-inspection certificates from the Department. The applicant shall submit a written application form obtained from the Department and provide the following information:
  - a. Name, mailing address, physical address, telephone number, and ~~fax~~ email address;
  - b. Name of ~~ranch, dairy, or~~ business and type of livestock operation;
  - c. Whether the applicant has been convicted of a ~~felony under violation of~~ A.R.S. Title 3, or a violation of A.R.S. Title 13 related to livestock within the past ~~three~~ five years, and if so, the case number, court, charge, and sentence;
  - d. ~~Recorded brand number; and brand location~~
  - e. Individual(s) designated to sign self-inspection certificates, if applicable; and
  - f. Signature and date.
2. The holder of a self-inspection book shall advise the Department ~~by phone~~ within 30 days of any change to the information provided on an application form.
3. The holder of a self-inspection book shall renew registration with the Department every ~~two~~ three years from the date the initial or renewal application form is signed.
4. If a holder with self-inspection privileges has been convicted of a criminal violation under A.R.S. Title 3, or a violation of Title 13 related to livestock, that holder shall notify the Department immediately and their privileges shall be revoked.
- 4.5. Prior to a department employee issuing a book of self-inspection certificates, the owner shall submit the following payment amount and the department shall receive the payment in full prior to issuing the book:
  - a. \$25.00 for a twenty five page feedlot or livestock broker book;
  - b. \$20.00 for a twenty page dairy book; or
  - c. \$10.00 for a ten page non-range, range, sheep, goat, or swine book.

#### **C. Self-inspection certificate.**

1. An owner, ~~or agent, of livestock~~ or feedlot operator shall provide the following information, as applicable, on a self-inspection certificate whenever livestock subject to self-inspection are moved or ownership is transferred:
  - a. Name, address, and signature, of the owner or agent of livestock or feedlot operator;
  - b. Date of the shipment or transfer of ownership;
  - c. If moved, location from which and to which the livestock are moved, including the name of the auction, feedlot, arena, slaughter establishment, pasture, or other premises, and physical location;



- d. Name of transporter;
  - e. Number and description of livestock;
  - f. Official identification of each dairy cattle and sexually intact cattle over 18 months of age shipped out of state and back tag numbers of culled dairy cattle;
  - g. Brand number, expiration date, and location;
  - h. Name and address of buyer;
  - i. Number of head of cattle sold for which Beef Council fees are payable under A.R.S. §§ 3-1236 and 3-1238.
2. The owner or ~~owner's~~ agent of livestock or feedlot operator or ~~the owner or operator of a dairy or feedlot~~ shall complete a self-inspection certificate, except when livestock are subject to inspection by a Division employee under R3-2-701, and distribute copies of the certificate as follows:
- a. One copy and any fees that are owed under subsection (C)(1)~~(i)~~(i) shall be sent to the Department within 10 days after the end of the month in which ~~it was used~~ ownership is transferred;
  - b. If the livestock are shipped, the original certificate shall accompany the livestock whenever they are in transit and one copy shall be retained by the person transporting the livestock; or
  - c. If ownership of the livestock is transferred without shipment, two copies shall be provided to the new owner or agent of livestock or feedlot operator; and one copy shall be retained by the seller.
3. A certificate may be used once to either transfer livestock ownership or to move livestock to a specific destination. If the livestock are diverted to a destination other than that stated on the self-inspection certificate, the certificate is void. The owner, or agent of livestock, or feedlot operator shall complete a new certificate and send both the voided and new certificates to the Department within 10 days after the end of the month in which the certificates are ~~issued~~ used or voided.
4. An owner, or agent of livestock or feedlot operator shall use a self-inspection certificate only with a shipment of livestock matching the description for which the certificate is issued and only for the self-inspection issued date. If any of the information on the self-inspection certificate changes, the certificate is void and the owner, or agent of livestock or feedlot operator shall complete a new certificate.
5. An altered, erased, completed but unused, or defaced self-inspection certificate is void. A voided certificate shall be returned to the Department within 10 days after the end of the month in which it is voided.
6. Upon request, ~~unused~~ certificates shall be returned to the Department by the owner, or agent of livestock or feedlot operator. If an ~~commercial~~ operation licensed for self-inspection is sold, leased, transferred, or otherwise disposed of, the owner, or agent of livestock or feedlot operator shall notify the Department and return all self-inspection certificates to the Department within 30 days of the transaction.
7. If the owner or agent of livestock or feedlot operator cannot find an unused or used certificate, they must sign an affidavit provided by the Department verifying the certificate is lost and cannot be found. New certificates will not be issued until the signed affidavit has been received by the Department.
- D. Sale of livestock. A seller shall document a sale by completing a self-inspection certificate as prescribed in subsection (C) and providing a bill of sale to the purchaser as required under A.R.S. § 3-1291.
- E. Feedlot receiving form.
- 1. The operator of a feedlot shall document receipt of in-coming cattle on a form obtained from the Department. The operator shall include the following information on the form:
    - a. Name of feedlot and location;
    - b. Month and year for which report is made;
    - c. Number of cattle received, date received, and name and address of owner;
    - d. Description of the cattle;
    - e. If not Arizona native cattle, the import permit and ~~health~~ Certificate of Veterinary Inspection numbers;
    - f. If native Arizona cattle, self-inspection ~~form~~ certificate number or Department inspection certificate number; and
    - g. Pen number to which cattle are initially assigned.
  - 2. The operator shall return the completed form within 10 days after the end of the month of the reporting period.
- F. Quarantine. Livestock under quarantine by the Department shall not be shipped or sold by use of a self-inspection certificate.
- G. Violations. The Department shall process violations of this Section as prescribed under A.R.S. § 3-1203(D).
- R3-2-703. Seasonal Self-inspection Certificate**
- ~~A.~~ Exhibition cattle, sheep, goats, and swine.
- 1. An applicant for a seasonal self-inspection certificate prescribed under A.R.S. § 3-1346 shall ~~call the Department at (602) 542-6407 to request a seasonal self-inspection certificate from the Department.~~ The applicant shall provide ~~the answers to the following questions~~ information, as applicable:
    - a. Name, mailing address, physical address if different from mailing address, telephone number, and email address ~~fax~~;
    - b. Name of 4-H or FFA group, and group leader;
    - c. Physical Description description and identification of the livestock animal;
    - d. Official identification of livestock, except for native cattle born and raised in Arizona;
    - ~~de.~~ Permit number and ~~health certificate~~ Certificate of Veterinary Inspection number for livestock ~~an animal~~ imported from another state; ~~and~~
    - ~~ef.~~ Name of seller and self-inspection certificate number or Department inspection certificate number for livestock ~~an animal~~ purchased from an Arizona seller; and
    - ~~fg.~~ Signature and date of signature of the owner or lessee. If the owner or lessee is under 18 years of age, a signature of the parent or guardian and date of signature are required.
  - 2. The Department employee who records the information required in subsection (A)(1) shall advise the applicant of the required fee prescribed under A.R.S. § 3-1346(A). The Department shall issue a seasonal self-inspection certificate upon receipt of the fee.

3. An exhibitor shall provide the following information, as applicable, on a seasonal self-inspection certificate whenever livestock ~~an animal~~ subject to seasonal self-inspection is moved or ownership is transferred:
  - a. Name, address, telephone number, email address, and signature;
  - b. Date of movement;
  - c. Name of exhibition and location;
  - d. Final disposition of the livestock animal (sale, death, or retention) and date of occurrence; and
  - e. If the livestock animal is sold, name, address, and phone number of purchaser (person or slaughter plant).
4. The holder of a seasonal self-inspection certificate shall return the certificate to the Department within two weeks of the sale or slaughter of the livestock animal or at the end of the show season if the livestock animal is retained.

### R3-2-708. Equine Rescue Facility Registration

- A. "Arizona Equine Rescue Standards" means the American Association of Equine Practitioners Care Guidelines for Equine Rescue and Retirement Facilities, 2004 Edition. This material, which includes the Veterinary Checklist for Rescue/Retirement Facilities, is incorporated by reference, does not include any later amendments or editions, and is available for inspection at the Department of Agriculture, 1688 W. Adams St., Phoenix, Arizona 85007. A copy of this material may also be obtained from the American Association of Equine Practitioners web site at [http://www.aaep.org/pdfs/rescue\\_retirement\\_guidelines.pdf](http://www.aaep.org/pdfs/rescue_retirement_guidelines.pdf). The American Association of Equine Practitioners is located at ~~4075~~ 4033 Iron Works Parkway, Lexington, Kentucky 40511.
- B. An equine rescue facility shall pay the annual registration fee and file the following documents with the Department's Animal Services Division for the facility to be included on the Department's registry of equine rescue facilities:
  1. An application form containing the facility's name, physical and mailing address, and contact person and the contact person's phone number, and email address.
  2. A copy of documents filed with the Arizona Corporation Commission demonstrating the facility's current status as a nonprofit corporation in good standing in this state.
  3. A letter from a licensed veterinarian, dated within 15 days of filing, certifying that the facility is not inadequate with respect to any of the Arizona Equine Rescue Standards and attaching a signed copy of the completed Arizona Equine Rescue Standards' veterinary checklist.
- C. Registration is valid for one year. Registration may be renewed annually by complying with subsection (B).
- D. The annual registration fee is \$75.
- E. A nonprofit corporation owning multiple equine rescue facilities must file the letter and checklist described in subsection (B)(3) and pay the annual registration fee for each location it wants included on the registry.
- F. The Department shall remove a facility from the registry if it determines that the facility is not presently incorporated as a nonprofit corporation in this state or is inadequate with respect to any of the Arizona Equine Rescue Standards.

## ARTICLE 8. DAIRY AND DAIRY PRODUCTS CONTROL

### R3-2-801. Definitions

In addition to the definitions in A.R.S. §§ 3-601 and 3-661, the following terms apply to this Article:

"3-A Sanitary Standards" and "3-A Accepted Practices," as published by the International Association for Food Protection, ~~amended May 31, 2002~~ effective on or before October 15, 2017, means the criteria for design, materials, construction and use ~~cleanability~~ of dairy processing equipment. This material is incorporated by reference, does not include any later amendments or editions, and is on file with the Department at 1688 W. Adams St., Phoenix, AZ 85007 and is also available at <http://www.3-A.org>.

"C-I-P" means a procedure by which equipment, pipelines, and other facilities are cleaned-in-place as prescribed in the 3-A Accepted Practices.

"Converted" means the process by which a frozen dessert is changed from a frozen to semi-frozen form without any change in the ingredients.

"Fluid milk" means milk and any other product made by the addition of a substance to milk or to a liquid form of milk product if the milk or other product is produced, processed, distributed, sold or offered or exposed for sale for human consumption.

"Fluid trade product" means any trade product as defined in A.R.S. § 3-661(5) that resembles or imitates any fluid milk product ~~milk, lowfat milk, chocolate milk, half and half, or cream.~~

"Food establishment" means any establishment, except a private residence, that prepares or serves food for human consumption, regardless of whether the food is consumed on the premises.

"Frozen desserts mix" or "mix" means any frozen dessert before being frozen.

"Grade A raw milk" means raw milk produced on a dairy farm that conforms to Section 7 of the PMO and the requirements of R3-2-805.

"Parlor" and "milk room" mean the facilities used for the production of Grade A raw milk for pasteurization: or Grade A raw milk.

"Plant" means any place, premise, or establishment, or any part, including specific areas in retail stores, stands, hotels, restaurants, and other establishments where frozen desserts are manufactured, processed, assembled, stored, frozen, or converted for distribution or sale, or both. A plant may consist of rooms or space where utensils or equipment is stored, washed, or sanitized and where ingredients used in manufacturing frozen desserts are stored. Plant includes:

"Manufacturing plant" means a location where frozen desserts are manufactured, processed, pasteurized, and converted.

"Handling plant" means a location that is not equipped or used to manufacture, process, pasteurize, or convert frozen desserts, but where frozen desserts are sold or offered for sale other than at retail.

"PMO" means the Grade A Pasteurized Milk Ordinance, ~~2013~~ 2017 Revision. This material is incorporated by reference, does not include any later amendments or editions, and is on file with the Department at 1688 W. Adams St., Phoenix, AZ 85007. A copy of the incorporated material may also be viewed at <http://agriculture.az.gov>.

"Retail food store" means any establishment offering packaged or bulk goods for human consumption for retail sale.

### R3-2-803. Milk and Milk Products Labeling

- A. The manufacturer or processor shall ensure that milk and milk products listed in A.R.S. § 3-601(10), and Sections 1 and 2 of the PMO are designated by the name of the product and shall conform to its definition.



- B. The manufacturer or processor of milk and milk products shall conform with the labeling requirements in A.R.S. §§ 3-601.01 and 3-627, Section 4 of the PMO, and 21 CFR 101, 131, and 133, amended April 1, ~~2002~~ 2017. This CFR material is incorporated by reference, does not include any later amendments or editions, and is on file with the Department and the Office of the Secretary of State.
- C. The name of the manufacturer or processor shall be on all cartons or closures where it can be easily seen. A manufacturer or processor that has plants in other states shall use a code number or letter to designate the state in which a carton or closure is manufactured or processed. If a manufacturer or processor has a plant within Arizona, the Dairy Supervisor shall issue a code number or letter for each plant and shall keep a record of the number or letter issued. Manufacturers and processors shall include the Arizona code, 04, with the plant code assigned by the Dairy Supervisor.
- D. If milk or milk products are manufactured or processed and packaged at a plant for other retailers and the container or closure is not labeled the same as the manufacturer's or processor's like product, the manufacturer or processor shall include the statement "Manufactured or Processed at (name and address of plant or code number or letter)" on the carton or closure. The carton or closure may also contain the statement, "Distributed by: (name of person or firm)."
- E. Any person planning to use a new or modified label on a container shall submit the proposed label to the Dairy Supervisor for review.
  - 1. If the proposed label does not meet labeling standards specified in subsection (B), the Dairy Supervisor shall note the required changes on the proposed label, and sign and return the proposed label to the applicant.
  - 2. A person who requests additional time to use the inventory amounts of slow moving cartons or closures before using a modified label shall submit a written request to the Dairy Supervisor. The Dairy Supervisor may approve continued use of the existing cartons and closures if:
    - a. The use does not present a public health issue, and
    - b. The information on the cartons and closures is not misleading.

**R3-2-804. Trade Products**

- A. Any fluid trade product containing milk solids shall be regulated as a fluid milk product.
- B. Advertising, display, and sale:
  - 1. Any retail food store may submit its methods and techniques for the advertising, display, and sale of trade products and real products to the Dairy Supervisor to determine compliance with this Section.
  - 2. No food establishment shall sell or provide any patron or employee, for use as food, any trade product or food whose main ingredient is a trade product, unless one of the following disclosures is posted for each trade product, in a prominent place on the premises, or is plainly visible on each menu where other food items are described:
    - a. "\_\_\_\_\_ served here  
(brand or common name of trade product)  
  
instead of \_\_\_\_\_."  
(common name of dairy product)
    - b. "Nondairy products served here."
  - 3. No food establishment shall advertise or otherwise represent to the public that it serves, or uses in the preparation of a food, a real product when it actually serves or uses a trade product.
- C. Labeling: Except as follows, all labels shall comply with the PMO and 21 CFR 101, 131, and 133.
  - 1. The Dairy Supervisor shall approve a new or modified trade product label before the label is used. The applicant shall file a written request with duplicate copies of the proposed label and any supporting materials necessary to establish the truthfulness, reasonableness, relevancy, and completeness of the label.
  - 2. Unless each ingredient of a trade product is homogenized or pasteurized, the whole product shall not be labeled or advertised as an homogenized or pasteurized product. Individual ingredients that are homogenized or pasteurized may be identified as homogenized or pasteurized in the listing of ingredients.
  - 3. Except for combined ingredients constituting less than 1% of the whole product or unless each ingredient of a trade product qualifies as grade A, the whole product shall not be labeled or advertised as a grade A product. Ingredients that qualify as grade A may be identified as grade A in the listing of ingredients.
  - 4. Any trade product produced outside the state and labeled as prescribed in R3-2-802 and R3-2-803, may be sold within the state provided that the product meets the requirements of A.R.S. §§ 3-663 and 3-665.

**R3-2-805. Grade A Raw Milk For Consumption**

- A. All cattle and other dairy animals from which Grade A raw milk is produced shall be tested and found free of tuberculosis before any milk is sold. All herds shall be tested for tuberculosis at least every 12 months. All cattle and other dairy animals from which Grade A raw milk is produced shall be tested and found free of brucellosis before any milk is sold, and shall be tested every 12 months or have negative ~~ring tests for~~ ring tests of the milk at least once each month, or both, as determined by the State Veterinarian.
- B. Grade A raw milk shall be cooled immediately after completion of milking to 45° F or less and shall be maintained at that temperature until delivery.
- C. Grade A raw milk shall be bottled on the farm where it is produced. Raw milk products authorized under ARS§3-606, except for hard cheeses aged 60 days or more as defined in 7 CFR 58.439, shall be processed, manufactured and packaged on the farm where the milk is produced. Bottling and capping shall be done in a sanitary manner on approved equipment. Hand-capping is prohibited. Caps and cap stock shall be kept in sanitary containers until used.
- D. All vehicles used for the distribution of Grade A raw milk shall prominently display the distributor's name.
- E. Grade A raw milk shall be labeled as prescribed in R3-2-803 and A.R.S. § 3-606.

**R3-2-807. Frozen Dessert Plant and Processing Standards**

## A. Plant and Processing Standards.

1. The plant area shall be clean, orderly and free from refuse, rubbish, smoke, dust, air pollution and strong or foul odors originating on the premises. A drainage system shall be provided for the rapid drainage of water away from the building. If unsatisfactory conditions occur in the plant area, with respect to smoke, dust, air pollution, or odors, provision shall be made to protect the frozen desserts and ingredients from contamination.
2. Sewage and industrial waste shall be disposed in accordance with the provisions of the state or county environmental laws. Refuse, unless in appropriate containers, shall not accumulate on the premises.
3. Roads, driveways, yards, and parking areas adjacent to the plant shall be paved or treated to prevent dust and shall be smooth and well drained to prevent accumulation of stagnant liquid.
4. Buildings.
  - a. The building exterior and interior shall be kept clean and in good repair.
  - b. In processing and packaging areas, outside doors, windows, skylights, transoms, or other openings shall be protected and operated to preclude the entrance of dust, insects, vermin, rodents, and other animals. Outside doors shall be self-closing wherever practical. Window sills on new construction shall slope inward at least 45-degrees. Outside conveyor openings and other outside openings shall be protected by doors, screens, flaps, fans, or tunnels. Pipes shall be sealed where they extend through exterior walls. Outside pipe openings shall be covered when not in use.
  - c. Rooms. All rooms, compartments, coolers, freezers, and dry storage space in which any raw material, packaging or ingredient supplies, or finished products are handled, processed, manufactured, packaged, or stored shall be constructed to ensure clean and orderly operations.
    - i. Boiler and tool rooms shall be separate from rooms where milk products are received, where processing and packaging is done, or where equipment, facilities, and containers are washed and stored.
    - ii. Toilets and dressing rooms shall be conveniently located and toilets shall not open directly into any room where milk products, ingredients, or frozen desserts are handled, processed, packaged, or stored. Toilet and dressing room doors shall be self-closing. Toilets and dressing rooms shall be well vented to the outer air, and contain hand-washing facilities, hot and cold running water, soap, single-service towels or air dryers. Hand-washing signs shall be posted. Fixtures shall be kept clean and in good repair.
    - iii. Rooms for receiving milk and other raw ingredients and materials shall be separated from the processing area to avoid contamination of frozen desserts in the processing operations, except that products in cans or other closed containers may be received and transferred to a cooler or other storage without being received in a separate room.
    - iv. If tank truck deliveries of milk, milk products, or frozen desserts mix are made, other than occasional deliveries, a tank truck room large enough to accommodate the entire truck shall be provided with equipment for cleaning. A covered outside unloading pad may be used for truck tankers with filter dome vents, if washing and sanitizing facilities are provided. If a tank truck room is not located on the premises of an existing plant, facilities for washing and sanitizing tank trucks shall be provided at another location where the washing and sanitizing facility is free from dust and extreme weather conditions.
    - v. Except for existing processing and packaging rooms, there shall be at least three feet clearance between installations and the wall to prevent overcrowding and to facilitate cleaning. Existing facilities not meeting this requirement shall be permitted if cleaning can be accomplished and permission is obtained from the Dairy Supervisor or the Dairy Supervisor's designee. All processing and packaging rooms shall be equipped with hand-washing facilities including hot and cold running water, soap, single-service towels, or air-dryer.
    - vi. Refrigeration rooms and units shall be constructed of impervious material and shall be kept clean and sanitary.
    - vii. Separate rooms shall be provided so that the manufacturing, processing, and packaging are separate from the cleaning and sterilizing of utensils and containers.
    - viii. No person shall reside or sleep in a frozen desserts plant or in any room connected with it. No animal shall be kept or permitted in a frozen desserts plant.
  - d. Walls and ceilings shall be constructed of smooth, washable, impervious material. They shall be light-colored, kept clean and sanitary, and refinished when discolored. A darker color material may be used to a height not exceeding 60 inches from the floor.
  - e. Floors shall be an impervious, smooth-surfaced material that may be flushed clean with water. Except for hardening rooms, floors shall slope 3/16 to 1/4 inch per foot to one or more trapped outlets. No open channel drainage is permitted in new construction or in extensive remodeling of existing plants. Floor drains are not required in freezers used for storing frozen desserts or frozen ingredients. However, the floors shall be sloped to drain to at least one exit and shall be kept clean. Floors in new construction or extensive remodeling shall be joined and coved with the walls to form water-tight joints. Smooth wood floors may only be permitted in rooms where there will be no spillage of product or ingredients, such as rooms where wrapped or packaged frozen products are packed in multiple-pack containers. Toilets and dressing rooms shall have impervious floors and smooth walls.
  - f. Plumbing shall be installed to prevent back-up of sewage or odors into the plant.
  - g. All rooms and compartments, including storage space for materials, ingredients, and packages, and toilets and dressing rooms, shall be ventilated to maintain sanitary conditions, and to minimize or eliminate condensation and odors.
  - h. Lighting, whether natural or artificial, shall be well distributed in all rooms and compartments. Light bulbs and fluorescent tubes shall be protected so that broken glass cannot fall into any product or equipment.
    - i. Rooms where frozen desserts are handled, processed, manufactured, or packaged, or where equipment or utensils are washed, shall have at least 30 footcandles of light on all working surfaces;
    - ii. Areas where dairy products are examined for condition and quality shall have at least 50 footcandles of light; and
    - iii. All other rooms shall have at least 20 footcandles of light 30 inches above the floor.



- i. Containers for collecting and holding waste other than dry waste paper and other dry packaging material shall be constructed of metal or other impervious material, covered with tight-fitting lids or covers, and emptied or disposed of daily or at least once during the shift. Clothing, tools, equipment, and other material not used with the frozen desserts operations shall not accumulate in the work areas or in the storage rooms.
  - j. A room or other space separate from any room or space where milk products or frozen desserts are received, handled, processed, packaged, or stored, shall be provided where employees may change and store clothing. This area shall contain hand-washing facilities, with hot and cold running water, soap or other detergents, and single-service towels or air dryers. Self-closing containers shall be provided for used towels and other wastes.
  - k. Approval of plans. Plans shall be submitted to the Dairy Supervisor, for any new or remodeled frozen dessert manufacturer, to be reviewed for compliance with this Section. The Dairy Supervisor may allow variances to the requirements in this Section, if protection from contamination is provided for all products handled.
5. Water and steam.
- a. Potable hot and cold water shall be available in sufficient quantity for all plant operations and facilities. Non-potable water may be used for boiler feed and condenser water, if the water lines are separated from the water lines carrying the potable water supply and the equipment is constructed to preclude contamination of any product or product contact surface. If water for washing frozen desserts equipment and utensils and for use in rehydration or as an ingredient in any frozen desserts is obtained from other than a regulated municipal supply, a bacteriological examination shall be made of the water supply at least once every six months by a bacteriologist laboratory acceptable to the Dairy regulatory program to determine potability. If the examination indicates contamination of the water supply, a device shall be installed to eliminate the contamination.
  - b. If steam is used, it shall be provided in sufficient volume and pressure for the operation of equipment or for sterilization, or both. Steam that comes in contact with frozen desserts, ingredients, or with the product contact surface, shall be steam of culinary quality as prescribed in Appendix H, Part III, Culinary Steam – Milk and Milk Products, of the PMO.
6. Equipment and utensils.
- a. New equipment shall meet applicable 3-A Sanitary Standards. All equipment, including connections, coming in contact with frozen desserts or ingredients during processing, manufacturing, handling, or packaging, shall be made of stainless steel. No equipment shall be permitted that is rusted, corroded, or in any other condition that may result in contamination of the frozen desserts. Non-metallic parts with product contact surfaces shall consist of material that meets 3-A Sanitary Standards for Plastic or Rubber and Rubber-like Materials or shall be of plastic approved by the United States Food and Drug Administration. Equipment, apparatus, and piping shall be easily accessible for cleaning and shall be kept in good repair and free from cracks and corroded surfaces. Stationary equipment, including welded sanitary lines and apparatus that permit in-place-cleaning, may be used if prior approval from the Dairy Supervisor has been obtained. C-I-P piping and welded sanitary pipeline systems shall be permitted if engineered and installed according to 3-A Accepted Practices for Permanently Installed Sanitary Product and Solution Pipelines and Cleaning Systems. If rigid pipelines are not practical, plastic pipelines listed in the 3-A Accepted Practices may be used. Product pumps shall be sanitary and easily dismantled for cleaning or shall be constructed to allow C-I-P procedures. All parts of interior surfaces of equipment, pipes (except C-I-P piping), or fittings, including valves and connections shall be accessible for inspection. The Dairy Supervisor may require other equipment, apparatus or piping if stationary equipment, apparatus or piping cannot or is not being effectively cleaned-in-place.
  - b. Equipment for storage and distribution of liquid sweetening agents shall be constructed of metals, alloys, or other material that will withstand corrosive action by the ingredient. The equipment and the ingredients shall be protected from contamination.
  - c. Pasteurizing equipment shall meet the standards prescribed in the PMO and 3-A Accepted Practices for Sanitary Construction, Installation, Testing and Operation of High-Temperature-Short-Time Pasteurizers and 3-A Sanitary Standards for Non-Coiled Type Batch Pasteurizers. Batch-type pasteurizers shall be provided with close-coupled outlet valves protected against leakage and shall be equipped with thermometers that record the information of each day's operation on separate charts. Air space thermometers and indicating thermometers shall be provided to check the recording thermometers. The recording thermometer chart shall contain the date, the identity of the pasteurizing number, the batch and product name, and the signature of the employee responsible for this information. The record shall be kept on file at the plant for at least six months. The accuracy of the recording thermometer shall be checked weekly daily using the indicating thermometer and the date and name of the person responsible for the weekly accuracy check shall be recorded the time and temperature shall be documented on the recording chart. Chart recorders and thermometers for batch pasteurizers shall be tested and sealed by the Dairy Supervisor or the Supervisor's designee after testing and seals shall not be removed without immediately notifying the Dairy Supervisor or the Supervisor's designee.
  - d. Every plant shall contain hardening rooms, refrigerating rooms, or refrigerated cabinets with space for storage of frozen desserts and perishable ingredients.
  - e. All utensils used in the receiving, storing, processing, manufacturing, packaging, and handling of frozen desserts or any ingredients shall be of smooth, stainless steel, or plastic listed in the 3-A Accepted Practices and shall have flush seams. Utensils that are badly worn, rusted, or corroded or that cannot be rendered clean and sanitary by washing shall not be used. Lead solder shall not come in contact with milk or milk products or frozen desserts.
7. Cleaning and sanitizing.
- a. Cleaning and sanitizing. Equipment, sanitary piping and utensils used in receiving, storing, processing, manufacturing, packaging, and handling frozen desserts and ingredients, and all product contact surfaces of homogenizers, high pressure pumps, packing glands on agitators, pumps and vats, and lines shall be kept clean. Before use, all equipment coming in contact with milk products or frozen desserts shall have a bactericidal or sanitizing treatment. Equipment not designed for

C-I-P cleaning shall be disassembled, thoroughly cleaned and sanitized. Biodegradable dairy cleaners, wetting agents, detergents, sanitizing agents, or other similar material that does not adversely affect or contaminate the frozen desserts or ingredients may be used. Steel wool or metal sponges shall not be used to clean any equipment or utensils with product contact surfaces. C-I-P cleaning shall be used only on equipment and pipeline systems designed, engineered, and installed for that type of cleaning. Other equipment and areas in the plant shall be thoroughly cleaned with ~~a commercial vacuum cleaner or other means and the material obtained shall be burned or disposed of so that any insects are destroyed and milk products and frozen desserts will not be contaminated~~ appropriate methods that prevent potential contamination of ingredients, packaging and frozen desserts. Exhaust stacks, elevators and elevator pits, conveyors and similar facilities shall be inspected and cleaned regularly.

- b. Equipment shall be sanitized by using one of the following methods:
  - i. Using 180° F water for at least two minutes.
  - ii. Using steam under pressure for at least two minutes or until all parts of the equipment being sanitized have reached 180° F, or the condensate off the equipment remains at 180° F for at least two minutes.
  - iii. Using chlorine with a residual of at least 50 ppm after one minute contact with equipment, or if sprayed, with a residual of at least 100 ppm after five minutes.
  - iv. Using any other sanitizing substance prescribed in Appendix F of the PMO.
- 8. Pasteurization and cooling.
  - a. All frozen desserts mix, except for flavoring agents used in frozen desserts, shall be pasteurized.
  - b. Frozen desserts mix shall be pasteurized by heating every particle ~~to~~ as described in Table 1 below:
    - i. ~~155° F for 30 minutes,~~
    - ii. ~~160° F for 15 minutes,~~
    - iii. ~~165° F for 10 minutes,~~
    - iv. ~~175° F for 25 seconds,~~
    - v. ~~180° F for 15 seconds,~~
    - vi. ~~200° F for three seconds, or~~
    - vii. ~~210° F with no holding time.~~

Table 1

Batch (Vat) Pasteurization	
Temperature	Time
69°C (155°F)	30 minutes
Continuous Flow (HTST) Pasteurization	
Temperature	Time
80°C (175°F)	25 seconds
83°C (180°F)	15 seconds
Continuous Flow (HHST) Pasteurization	
89°C (191°F)	1.0 seconds
90°C (194°F)	0.5 seconds
94°C (201°F)	0.10 seconds
96°C (204°F)	0.05 seconds
100°C (212°F)	0.01 seconds

- c. Continuous flow pasteurizers, ~~High~~high-temperature-short-time and ~~higher-heat-shorter-time,~~ pasteurizers shall have ~~the thermal limit controller set and sealed so that forward flow of the product cannot start unless the temperature at the controller sensor is above the required temperature and forward flow of the product cannot continue during descending temperatures if the temperature is below the required temperature~~ all public health controls sealed against access and alteration. The seals shall be applied by the Dairy Supervisor or the Supervisor’s designee after testing and shall not be removed without immediately notifying the Dairy Supervisor or the Supervisor’s designee. The system shall be designed ~~so that no product can bypass the controller sensor. The controller sensor shall not be removed from its proper position during the pasteurization process to meet the requirements of the PMO.~~
- d. After pasteurization all mix shall be cooled immediately to 45° F or less and shall be maintained at that temperature until frozen. Milk, cream, and other fluid milk products other than sterilized, evaporated or sweetened condensed milk in hermetically sealed containers shall be stored at 45° F or less.
  - i. Refrigerated vehicles or approved insulated containers shall be used when transporting frozen desserts mix from the manufacturing or other plant to a retail manufacturer, and
  - ii. Mix shall be moved from coolers or refrigeration units in a manufacturing plant to freezers by using pipes, tubing, or other means listed in the Permanently Installed Product and Solution Pipelines and Cleaning Systems Used in Milk and Milk Product Processing Plants section of the 3-A Accepted Practices.

9. Storage.



- a. Utensils and equipment. Utensils and portable equipment used in processing, handling, or packaging of frozen desserts shall be stored above the floor in clean, dry locations and in a self-draining position on racks constructed of impervious, corrosion-resistant material.
  - b. Supplies and containers. Whenever possible, supplies shall be kept in a room separate from the processing, handling, and packaging of frozen desserts and under conditions that result in keeping the materials clean and free from dust, moisture, insects, rodents, or other possible contamination. Supplies shall be arranged to permit cleaning of the area and easy inspection and access. Insecticides and rodenticides shall be plainly labeled, segregated, and stored in a separate room or cabinet away from the edible material or packaging supplies. Caps, parchment papers, wrappers, liners, gaskets, and single-service sticks, spoons, covers, and containers for frozen desserts or ingredients shall be stored only in sanitary tubes, wrappings, or cartons and kept in a clean, dry place until used and shall be handled in a sanitary manner.
  - c. Raw milk products. Raw products for use in frozen desserts that are conducive to bacterial growth shall be handled and stored to minimize bacterial growth. When stored, raw products shall be maintained at 45° F or lower until processing commences.
  - d. Non-refrigerated products. Products such as non-fat dry milk and other frozen desserts ingredients that do not require refrigeration for proper storing shall be placed in dry storage to be easily accessible for inspection and removal, and for adequate cleaning of the room. Dunnage, pallets or other similar method of elevation shall be used. Frozen desserts or ingredients shall not be stored with any product that would damage them or impair their quality. Opened containers of ingredients shall be protected from contamination.
  - e. Refrigerated products. All products that require refrigeration shall, except as otherwise specified, be stored under conditions of temperature and humidity that best maintain quality and condition. Products shall not be stored directly on wet floors or be exposed to foreign odors or conditions such as dripping or condensation that may cause package or product damage.
10. Notification of change in products to be manufactured. Any person manufacturing only frozen desserts with butterfat, or only frozen desserts with fats other than butterfat, and uses the other type of fat shall first notify the Dairy Supervisor.
11. Clearing lines and equipment. If the same equipment is used for processing, pasteurizing, and packaging frozen desserts made with dairy products and frozen desserts made with vegetable fats, oils, or proteins, any remaining product shall be completely removed from the lines and equipment and sanitized before introducing another product into the lines and equipment. All equipment and lines shall be sanitized either at the end or beginning of each day's operations.
12. Packaging and containers.
- a. Frozen desserts shall be packaged in commercial containers using packaging material that protects the product from contamination. The packaging, cutting, molding, dispensing, and other handling or preparation of frozen desserts and their ingredients shall be in a sanitary manner. Frozen dessert containers shall be filled at the place of pasteurization using approved mechanical equipment. Existing manual processes may be permitted if done in a manner that prevents all contact surface contamination and is approved by the Dairy Supervisor.
  - b. Multi-use containers for frozen desserts shall be kept clean and dry. If used for transporting frozen desserts, the containers shall be:
    - i. Rinsed immediately after emptying,
    - ii. Cleaned upon return to the plant, and
    - iii. Protected from contamination during storage.
  - c. Metal cans and containers shall be free from rust and corrosion.
  - d. Paper and plastic containers, liners, covers, or other materials coming in contact with frozen desserts shall be free from contamination.
  - e. Single-service containers shall not be reused.

**B. Personnel.**

- 1. Plant employees shall wash their hands before beginning work and upon returning to work after using toilet facilities, eating, smoking, or otherwise soiling their hands. Employees shall keep their hands clean and follow good hygienic practices while on duty. Expectoration or using tobacco in rooms or compartments where frozen desserts or ingredients are exposed is prohibited. Clean, white, or light-colored, washable outer garments shall be worn by all employees engaged in handling dairy products, mix or frozen desserts. Hair coverings for head and facial hair shall be worn by all employees engaged in the processing, pasteurizing, packaging, handling, and storage of frozen desserts, product containers, and utensils.
- 2. Frozen desserts shall be handled so that there is no direct contact between an employee's hands and the product.
- 3. A person who has a discharging or infected wound, sore or lesion on hands, arms or other exposed portions of the body shall not work in any plant processing or packaging room or in any capacity resulting in contact with milk products or frozen desserts or equipment used in the processing or handling of milk products or frozen desserts. An employee returning to work following illness from a communicable disease shall provide a certificate from a physician attesting to the employee's complete recovery before processing or handling milk products or frozen desserts.

**C. Quality standards.**

- 1. Milk products used in the manufacture of frozen desserts shall meet the following standards: **Product Standard Plate Count Not to Exceed**

Raw Milk	500,000 per ml.
Pasteurized Milk	50,000 per ml.
Raw Cream	500,000 per ml.
Pasteurized Cream	100,000 per ml.
- 2. Butter, 80% cream, plastic cream, mixtures of butterfat, sugar or sweetening agent, moisture and flavoring, condensed milk, mixes and all other similar products shall meet the following standards: **Bacterial Standards Not to Exceed**

Standard Plate Count	50,000 per gram
Coliform Count	20 per gram
Yeast <u>Count</u>	50 per gram
Mold <u>Count</u>	50 per gram

3. Powdered non-fat dry milk, dry whey, and dry buttermilk shall meet the PMO standards.
4. Fats and oils other than from milk shall meet the standards of the United States Food, Drug and Cosmetic Act as amended, or those of any applicable state regulation for fats and oils of food grade standards.
5. Frozen desserts in broken or opened containers or in containers from which the product has been partially used may be returned to the plant for examination but shall not be used or sold for making frozen desserts.
6. All reconstituted frozen desserts shall be pasteurized before packaging.

**D. Labeling.**

1. All packages of frozen desserts, including cans or other containers of frozen desserts mix but not including frozen desserts packaged in accordance with a customer's request and in the presence of the customer, shall be labeled as prescribed in the federal Food, Drug and Cosmetic Act, as amended.
2. Each frozen dessert package shall contain:
  - a. The code number assigned by the Dairy Supervisor, identifying the specific manufacturing plant; or
  - b. The name and address of the frozen dessert manufacturer.

- E. License suspension.** The Dairy Supervisor may suspend the license of a frozen dessert plant whenever the bacteria count, coliform determination, yeast or mold count exceeds the quality standards for frozen desserts in three out of the last five samples taken on separate days. In addition, the Dairy Supervisor may suspend the permit of a frozen dessert plant for failure to comply with any of the provisions of this Section.

**R3-2-808. Frozen Desserts Reconstituted from Powdered Mixes**

Except for R3-2-807(A)(8), retail establishments that reconstitute frozen desserts from powdered mixes and dispense the desserts on the premises shall comply with the requirements prescribed in R3- 2-807 and the following standards:

1. All equipment, containers, and utensils shall be washed and air-dried after each use and shall be sanitized before each use, in accordance with the ~~sterilization~~ sanitation standards established in subsection R3-2-807(A)(7)(b).
2. When not in use, all equipment, utensils, and containers shall be stored above the floor in a clean, dry location free from dust, moisture, insects, rodents, or other possible sources of contamination.
3. Excess quantities of the reconstituted frozen dessert shall not be made from the powdered mix in advance and stored outside the dispensing machine.
4. Frozen desserts shall be reconstituted according to the directions provided by the powdered mix manufacturer.

**ARTICLE 9. EGG AND EGG PRODUCTS CONTROL**

**R3-2-901. Definitions**

In addition to the definitions provided in A.R.S. §§ 3-701, ~~3-702~~, 3-703 and 3-704, the following shall apply to this Article:

"Check" means an individual egg that has a broken shell or crack in the shell but with its shell membranes intact and its contents do not leak. A "check" is considered to be lower in quality than a "dirty."

"Dirty" means a shell that is unbroken and that has dirt or foreign material adhering to its surface, which has prominent stains, or moderate stains covering more than 1/32 of the shell surface if localized, or 1/16 of the shell surface if scattered.

"Leaker" means an individual egg that has a crack or break in the shell and shell membranes to the extent that the egg contents are exuding or free to exude through the shell.

"Lot" means any quantity of two or more eggs.

"Lot Consolidation" means the removal of damaged eggs from cartons labeled by a producer or producer dealer and replacement of the damaged eggs with eggs of the same grade, size, brand, expiration date and source.

"Pasteurized in-shell eggs" means eggs that have been pasteurized with the shell intact by any method approved by the Federal Food and Drug Administration or the department.

"Repacking" means changing the identity of a lot of eggs by removing them from the original container labeled by a packer and placing them into another container not labeled by the packer at the point of origin with the same grade, size, lot number, source and/or brand.

"Spot-check" sample means any sample less than a representative sample described in the chart in R3-2-903(B).

"Ultimate consumer" means a person consuming eggs or egg products and a restaurant using eggs in the preparation of a meal.

"United Egg Producers Animal Husbandry Guidelines" means the United Egg Producers Animal Husbandry Guidelines for U.S. Egg Laying Flocks, 2008 2017 Edition. This material is incorporated by reference, does not include any later amendments or editions, and is available for inspection at the Department of Agriculture, 1688 W. Adams St., Phoenix, AZ 85007, or the United Egg Producers at 1720 Windward Concourse, Ste. 230, Alpharetta, GA 30005.

"United Egg Producers Certified" means a company that has achieved United Egg Producers Certified status pursuant to the requirements prescribed by the United Egg Producers Animal Husbandry Guidelines.

"United Egg Producers Certified logo" means the official symbol and accompanying language used to identify eggs produced by United Egg Producers Certified companies.

**R3-2-902. Standards, Grades, and Weight Classes for Shell Eggs; Pasteurized In-Shell Eggs**

**A. Standards for Eggs**

All standards, grades, and weight classes of quality for chicken eggs in the shell shall meet the grades for shell eggs ~~shall be~~ as prescribed in AMS 56, United States Standards, Grades, and Weight Classes for Shell Eggs, revised as of July 20, 2000. This material is incorporated by reference, does not include any later amendments or editions, and is on file with the Department at 1688 W. Adams St., Phoenix, AZ 85007 and the United States Department of Agriculture, Agricultural Marketing Service, Poultry Programs, STOP 0259, Room 3944-South, 1400 Independence Ave., S.W., Washington, DC 20250-0259, or online at



www.ams.usda.gov/poultry/standards/index.htm www.ams.usda.gov/grades-standards/eggs. "AMS" means Agricultural Marketing Service, United States Department of Agriculture.

B. Standards for Pasteurized In-Shell Eggs

It is unlawful for a producer, producer dealer, dealer, or retailer to sell, offer for sale, or expose for sale pasteurized in-shell eggs that are packed for human consumption unless both of the following conditions are met:

1. Quality and weight classes

- a. The eggs used to produce pasteurized in-shell eggs shall meet Consumer Grades A or AA and Weight Classes for Eggs of section A. above.
b. At destination:
i. Pasteurized in-shell eggs shall contain no more than 7 percent (9 percent for Jumbo size) Checks and not more than 1 percent Leakers, Dirties, or Loss (due to meat or blood spots) in any combination, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted.
ii. In lots of two or more cases, no individual case may exceed 10 percent Checks.
c. Pasteurized in-shell eggs shall meet the weight classes as indicated in Table I of this section.

Table I
Weight Classes for Pasteurized In-Shell Eggs
Table with 4 columns: Size or weight class, Minimum net weight per dozen (ounces), Minimum net weight 30 per dozen (pounds), Minimum net weight for individual eggs at rate per dozen (ounces). Rows include Jumbo, Extra large, Large, Medium, Small, and Peewee.

\*A lot average tolerance of 3.3 percent for individual eggs in the next lower weight class is permitted as long as no individual case within the lot exceeds 5 percent.

2. Labeling requirements

Except as provided in subdivision (j) below, it is unlawful for an egg producer, producer dealer, dealer or retailer to sell, offer for sale, or expose for sale pasteurized in-shell eggs that are packed for human consumption unless each container intended for sale to the ultimate consumer is labeled on one outside top, side, or end with all of the following:

- a. The consumer container is conspicuously labeled "KEEP REFRIGERATED" or with words of similar meaning as approved by the department.
b. The consumer container is conspicuously labeled "produced from" in conjunction with the appropriate consumer grade in letters no smaller than 1/2 size of the labeled consumer grade.
c. The words "Best By", or "Use by" immediately followed by the month and day in bold type.
d. If the pasteurized in-shell eggs are repacked, the original "Best By" or "Use by" date shall apply.
e. A Julian pack date which is the consecutive day of the year on which the pasteurized in-shell eggs were pasteurized.
f. The identification number of the plant of origin.
g. A conspicuous identification of the eggs as "pasteurized."
h. All state and federal labeling requirements.
i. This section does not apply to pasteurized in-shell eggs that are packaged for export.
j. Paragraph B. does not apply to pasteurized in-shell eggs that are packaged for interstate commerce or pasteurized in-shell eggs that are packaged for military sales if exported to a state or federal agency that requires a different format for the sell-by or best-if-used-by date on pasteurized in-shell eggs, and the processor is utilizing that format.

R3-2-906. Violations and Penalties

A. A dealer, producer-dealer, manufacturer, producer, or retailer, at each individual location, is subject to the penalties in subsection (B) for any of the following violations:

- 1. Category A:
a. Making a false or misleading statement relating to advertising or selling eggs and egg products;
b. Acting as a dealer, producer-dealer, producer, or manufacturer without a valid license;
c. Selling shell eggs with an incorrect or incomplete expiration date, or without an expiration date;

- d. Selling grade AA or grade A eggs after the expiration date on the carton, case, or container; ~~unless the eggs are exempt under A.R.S. § 3-715(K);~~ Selling pasteurized in-shell eggs without or past the “Best By” or “Use by” date.
  - e. Failing to maintain records and reports required by this Article;
  - f. Failing to label a carton, case, or container with one size, one grade, one brand name, or, if applicable under R3-2-907(B), the United Egg Producer Certified logo;
  - g. Moving eggs or an egg case, carton, or container with a warning tag or notice, or removing a warning tag or notice without permission from the Director;
  - h. Refusing to submit egg or egg product, an egg case, carton, container, subcontainer, lot, load, or display of eggs to inspection; or
  - i. Refusing to stop, at the request of an authorized representative of the Department, any vehicle transporting eggs or egg products.
  - j. Selling eggs that have not been produced in accordance with the standards prescribed under R3-2-907(B).
  - k. Failing to raise egg-laying hens in this state in accordance with the standards prescribed under R3-2-907(A).
2. Category B:
- a. Extending the expiration date of shell eggs as defined in A.R.S. § 3-701~~(10)~~(13); or
  - b. Advertising, representing, or selling out-of-state eggs as local eggs.
3. Category C:
- a. Failing to ensure that shell eggs for human consumption are kept refrigerated at an ambient temperature not higher than 45° F;
  - b. Failing to ensure that frozen egg products for human consumption, labeled for storage at 0° F or below, are kept under refrigeration at a temperature of 0° F or lower; or
  - c. Failing to ensure that liquid egg products for human consumption are kept refrigerated at a temperature not higher than 40° F.
  - d. Failing to meet the sanitary standards egg processing of R3-2-908.
- B. Any violation of this Article or of A.R.S. Title 3, Chapter 5, Article 1 not listed in subsection (A) is subject to a Category A civil penalty.
- C. Under A.R.S. § 3-739, the civil penalty for a violation of subsection (A) is:

Number of Violations	Category		
	A	B	C
1	Warning	Warning	Warning
2	\$50	\$50	\$100
3	\$100	\$100	\$200
4		\$150	\$400
5		\$200	\$500
6		\$250	
7		\$300	

**R3-2-907. Poultry Husbandry; Standards for Production of Eggs and Biosecurity Requirements**

- A. All egg-laying hens in this state shall be raised according to United Egg Producers Animal Husbandry Guidelines.
- B. All eggs sold in this state produced by hens shall be from hens raised according to the United Egg Producers Animal Husbandry Guidelines. All eggs shall display the United Egg Producers Certified logo on their cases, cartons, and containers, or the egg dealer shall annually provide the Department with a copy of a current independent third-party audit that demonstrates that the eggs were produced by hens raised according to UEP Animal Husbandry Guidelines.
- C. ~~This rule does not~~ Sections A and B of this rule do not apply to egg producers operating or controlling the operation of one or more egg ranches each having fewer than 20,000 egg-laying hens producing eggs. Sections A and B of this rule and also does do not apply to any hens that are raised cage-free or any eggs produced by hens that are raised cage-free.
- D. All producers and producer dealers with operations within the state shall have a written biosecurity plan in place. At a minimum each producer and producer dealer shall:
  - 1. Restrict access to all areas where poultry are housed or kept.
  - 2. Take steps to ensure that contaminated material is not transported into any poultry barns.
  - 3. Cover and secure feed in a manner that prevents wild bird, rodents or other animals from accessing the feed.
  - 4. Cover and properly contain poultry carcasses, used litter, or other disease-containing organic materials that prevents wild birds, rodents or other animals from accessing the material and movement of the materials by the wind.
  - 5. Keep houses in good repair and all areas to which the birds have access should be kept free of materials hazardous to the birds.
- E. The biosecurity plan shall contain the following:
  - 1. Methods for the disposal and handling of poultry manure.
  - 2. Procedures for prevention, control and eradication of vectors for poultry diseases.
  - 3. Procedures for the detection, control and treatment of poultry diseases.
  - 4. Methods for the disposal and handling of culled birds and entire flocks under normal cyclic operations and following emergency depletion as a result of disease.



- 5. A facility poultry disease control and prevention plan which includes standard operating procedures with respect to specific measures to control and prevent disease including but not limited to structural and operational disease control and prevention provisions.
- 6. Procedures to prevent cross contamination between nest run and in line eggs.
- 7. Procedures to prevent the introduction and transmittal of diseases by vehicles and any other forms of transportation.
- 8. Signed agreements with all employees containing biosecurity procedures regarding contact with outside poultry and wild birds.
- F. A producer and producer dealer shall allow the Department to enter the premises during normal working hours to inspect the biosecurity plan documents and the biosecurity that is implemented.

**R3-2-908. Sanitary Standards; Egg Processing**

- A. All egg producers and retail locations where lot consolidation is conducted in this state shall meet the facility and sanitary operation requirements prescribed by the Regulations Governing the Voluntary Grading of Shell Eggs, 7 CFR 56, effective March 30, 2008. This material is incorporated by reference, does not include any later editions, and is available for inspection at the Department of Agriculture, 1688 W. Adams St., Phoenix, AZ 85007.
- B. No person other than a producer or producer dealer shall repack eggs. All eggs sold to the ultimate consumer must be pre-packaged with all required labeling requirements of this article and A.R.S. Title 3 Chapter 5. A producer, producer dealer shall not pack or repack eggs that have been in retail distribution channels.
- C. A retailer may lot consolidate eggs labeled for the ultimate consumer by a packer. A daily log with lot information is required and shall include volume consolidated, grade, size, brand, lot and source.

**NOTICE OF PROPOSED RULEMAKING**

**TITLE 3. AGRICULTURE**

**CHAPTER 2. DEPARTMENT OF AGRICULTURE  
ANIMAL SERVICES DIVISION**

[R19-180]

**PREAMBLE**

- 1. **Article, Part, or Section Affected (as applicable)**      **Rulemaking Action**  
R3-2-410      New Section
- 2. **Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**  
Authorizing statute: A.R.S. § 3-107 (A) (1)  
Implementing statute: A.R.S. §§ 3-1203 & 3-1205.
- 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. 2372, September 13, 2019 (*in this issue*)

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

Name: Chris McCormack  
Address: Department of Agriculture  
1688 W. Adams St.  
Phoenix, AZ 85007  
Telephone: (602) 542-7186  
Fax: (602) 542-4290  
E-mail: [cmccormack@azda.gov](mailto:cmccormack@azda.gov)  
Web site: <https://agriculture.az.gov/>

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

The Animal Services Division (“ASD”) is responsible for exercising general supervision over the livestock interests of the state, and is authorized to adopt rules necessary to control the spread of disease. Trichostrongylus (“Trich”) is disease that is sexually transmitted among cattle that reduces a herd’s overall fertility. One of the most difficult issues associated with Trich is the fact that it presents very few visual symptoms; the main symptom of Trich is the significantly reduced calf crop. A recent model from New Mexico demonstrates that in a herd of 400 cows, Trich costs the producer over \$400 per head; ultimately, this has the effect of putting an otherwise profitable ranch out of business.

Unfortunately, Arizona is currently fighting Trich. Since 2016, 7.2% of Arizona’s bulls that were tested are Trich positive. Many of Arizona’s cattle producers do a fantastic job a keeping a clean herd, but unfortunately, regardless of the precautions a producer takes, one stray bull that is positive for Trich can destroy the productivity of an otherwise healthy herd and potentially bankrupt the producer. Because of the negative impacts associated with this disease, Arizona’s cattle producers asked ASD adopt a rule that requires all bulls, 12 months or older, sold for breeding purposes to be tested for Trich prior to the sale. For the past two years, ASD has been working with industry to develop an administrative rule that is workable and will reduce the spread of Trich. While this rule will result in a small economic impact for producers, that impact is significantly outweighed by the benefits of managing and preventing the spread of Trich in the state.

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

**underlying each study, and any analysis of each study and other supporting material:**

ECONOMIC IMPACTS OF TRICHOMONIASIS by: Wenzel, J, Gifford, C., Hawkes, J. Available at:

<https://aces.nmsu.edu/ces/animal/documents/department-newsletter---september-2017docx.pdf>

**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:**

N/A

**8. The preliminary summary of the economic, small business, and consumer impact: No Economic Impact**

An assessment of this rulemaking indicates that there would be a cost imposed on Arizona’s cattle producers. However, this economic cost is outweighed by the benefits of implementing this rule because this rule will prevent the spread of Trich within the state and therefore prevent cattle producers from losing hundreds of thousands of dollars as a result of contracting the disease, not to mention the costs associated with eradicating the disease from a herd of cattle. It should be noted that the industry that will bear the costs associated with this rule, approached the Department to help in developing this rule and overwhelmingly support its adoption.

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

Name: Chris McCormack  
 Address: Department of Agriculture  
 1688 W. Adams St.  
 Phoenix, AZ 85007  
 Telephone: (602) 542-7186  
 Fax: (602) 542-4290  
 E-mail: [cmccormack@azda.gov](mailto:cmccormack@azda.gov)  
 Web site: <https://agriculture.az.gov/>

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

An oral proceeding will be held at the following address on October 15, 2019 at 10:00 am. However, any written comments can be emailed to [cmccormack@azda.gov](mailto:cmccormack@azda.gov).

Arizona Department of Agriculture  
 Room 206  
 1688 W. Adams St.  
 Phoenix, AZ 85007

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

**a. 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 permits are issued

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

There is no Federal rule regulating intrastate Trich requirements.

**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 received.

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

None

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

**TITLE 3. AGRICULTURE**

**CHAPTER 2. DEPARTMENT OF AGRICULTURE  
 ANIMAL SERVICES DIVISION**

**ARTICLE 4. ANIMAL DISEASE PREVENTION AND CONTROL**

Section

R3-2-410. ~~Repealed~~ Trichomonas Testing Requirements

**ARTICLE 4. ANIMAL DISEASE PREVENTION AND CONTROL**

**R3-2-410. ~~Repealed~~ Trichomonas Testing Requirements**

**A. Definitions.**

For purposes of this section, the following definitions shall apply.

“Accredited Veterinarian” means an individual who is currently licensed to practice veterinary medicine in the State of Arizona and is an Accredited Level II by the United States Department of Agriculture, Animal Plant Health Inspection Service.

“Approved Laboratory” means any laboratory designated and approved by the State Veterinarian for examining *T. foetus* samples and reporting all results to the State Veterinarian.

“Bull” means an intact male bovine 12 months of age and older and is not confined to a drylot dairy.



“Change of Ownership” means when a bull is sold, leased, gifted, or exchanged and changes premises for breeding purposes in Arizona.

“Commingle” means cattle of opposite sex in the same enclosure or pasture with a reasonable opportunity for sexual contact.

“Direct to Slaughter” means transporting an animal from site of testing to a sale yard or directly to a slaughter plant without unloading or commingling prior to arrival.

“Official *T. foetus* bull test” means the sampling of a bull by a licensed, accredited veterinarian. Such test must be conducted after at least 7 days separation from all female bovine. The bull and sample must be officially and individually identified and documented for laboratory submission. The official laboratory test shall be a polymerase chain reaction (PCR), or other technologies as approved by the State Veterinarian and adopted through a Director’s Administrative Order. The test is not considered official until results are reported by the testing laboratory.

“Official *T. foetus* laboratory testing” means the laboratory procedures that shall be approved by the state veterinarian for identification of *T. foetus*.

“Positive *T. foetus* bull” means a bull that has had a positive official *T. foetus* bull test.

“Trichomonas foetus” OR “*T. foetus*” means a protozoan parasite that is the causative agent to the contagious venereal disease Trichomoniasis.

**B.** Testing requirements for Official *T. foetus*.

1. All Arizona origin bulls sold, leased, gifted, exchanged or otherwise changing possession for breeding purposes in Arizona shall be tested for *T. foetus* via Official *T. foetus* bull test prior to sale or change of ownership in the state, unless going to direct slaughter. *T. foetus* testing shall be performed on bulls prior to change of ownership of that bull.
2. The Official *T. foetus* test shall be collected by an Accredited Veterinarian and performed through an Approved Laboratory.
3. Pooled testing is not an official test.
4. The *T. foetus* negative test is valid for 60 days after the test is performed, providing the bull is kept separated from all female bovine.

**C.** Positive bull identification.

1. When a positive *T. foetus* bull is identified, the Accredited Veterinarian shall notify the producer upon receipt of the positive test results.
2. Regardless of R3-2-402, the Accredited Veterinarian and Approved Laboratory shall notify the State Veterinarian of a positive *T. foetus* bull within 24 hours of receiving the results. The State Veterinarian’s Office, working in coordination with the regional livestock inspection staff, shall to the best of their ability notify the regional bovine producers about the positive test within 14 days upon notification of positive test. The State Veterinarian and/or livestock inspection staff is not required to reveal any details of the test just that there is a positive test in the region.
3. The Accredited Veterinarian that performed the test shall return to place of testing to verify the official ID of the positive bull.
4. The Accredited Veterinarian, or a person under direct supervision of the Veterinarian, shall brand the bull with an official “S” brand adjacent to the tailhead on the right hip.
5. If the bull testing positive is not at the premises where the *T. foetus* testing occurred the Accredited Veterinarian will immediately notify the State Veterinarian’s Office.
6. If an Accredited Veterinarian is unable to return to the premises in a time that is reasonable for sale of the bull, the producer shall take the positive *T. foetus* bull directly to the regional livestock sale yard.
  - i. The producer shall immediately notify the sale yard of the positive *T. foetus* bull. Failure to notify the sale yard of the positive *T. foetus* bull will result in a violation of this rule and the producer shall be subject to the penalties of A.R.S. § 3-1205(D).
  - ii. Prior to sale at the sale yard, a Livestock Officer shall verify the official identification of the positive *T. foetus* test bull.
  - iii. After the official identification is verified, the bull shall be branded with an official “S” brand adjacent to the tailhead on the right hip. The branding shall be done under direct supervision of a Livestock Officer or Livestock Inspector.
7. If a bull arrives at a livestock auction without an Official *T. foetus* bull test, the bull shall be quarantined at the auction and tested at the expense of the owner or shall be branded with an “S” brand and be sold only for slaughter.

**D.** Disposal of bull testing positive.

1. A bull testing positive for *T. foetus* or branded with the official “S” brand shall go direct to slaughter or shall be placed under State Quarantine and fed in a restricted feeding pen within a designated feedlot pursuant to A.A.C. R3-2-406.
2. The *T. foetus* positive bull shall not be commingled with any other female bovine. The bull shall go from the testing premises to direct slaughter or to the restricted feeding pen within 30 days of the positive *T. foetus* test.
3. All remaining herd bulls shall be under a Trichomonas Herd Management Program overseen by the Herd Veterinarian until two negative *T. foetus* tests are performed, documented.
4. “S” Branded bulls purchased at a sale yard shall go direct to a slaughter plant without unloading or commingling prior to arrival.

**E.** Trespassing or Stray Bulls

1. In the event of a trespassing or stray bull, the herd owner who locates the bull, may request an official Trichomonas test for that bull. In the event of a positive official Trichomonas test, Sections B and C of this rule shall apply.
2. The cost of the veterinary services and official trichomonas test shall be the responsibility of the herd owner. In the event of a stray bull, the animal will be subject to A.R.S. §§ 3-1401 et seq.

**NOTICE OF PROPOSED RULEMAKING**  
**TITLE 4. PROFESSIONS AND OCCUPATIONS**  
**CHAPTER 20. BOARD OF DISPENSING OPTICIANS**

[R19-181]

PREAMBLE

- |   |                                 |
|---|---------------------------------|
| <b>1. <u>Article, Part, or Section Affected (as applicable)</u></b> | <b><u>Rulemaking Action</u></b> |
| R4-20-120   | 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. §32-1673  
 Implementing statute: A.R.S. §32-1671, 32-1672, 32-1673, 32-1674, 32-1681, 32-1682, 32-1683, 32-1684, 32-1684.01, 32-1685, 32-1686, 32-1687, 32-1691, 32-1691.01, 32-1693, 32-1694, 32-1695, 32-1695, 32-1696, 32-1697, 32-1698, 32-1699
- 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. 1163, May 3, 2019
- 4. The agency’s contact person who can answer questions about the rulemaking:**  
 Name: Megan Darian, Executive Director  
 Address: 1740 W. Adams, Suite 3001  
           Phoenix, AZ 85007  
 Telephone: 602-542-8158  
 Fax: 602-926-8103  
 E-mail: mdarian@do.az.gov  
 Web site: www. do.az.gov
- 5. An agency’s justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**  
 The rule provides detailed licensing, regulatory information, and procedural instructions. The Board is proposing to amend rule R4-20-120 for clarification on the time frame due to restriction on the new database, as well as the change in when applicants are able to take the practical exams.
- 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:**  
 The proposed amendment do not diminish a previous grant of authority of a political subdivision of this state.
- 8. The preliminary summary of the economic, small business, and consumer impact:**  
 Amending this rule would not have any adverse economic impact on consumers and small businesses.
- 9. The agency’s contact person who can answer questions about the economic, small business and consumer impact statement:**  
 Name: Megan Darian, Executive Director  
 Address: 1740 W. Adams, Suite 3001  
           Phoenix, AZ 85007  
 Telephone: 602-542-8158  
 Fax: 602-926-8103  
 E-mail: mdarian@do.az.gov  
 Web site: www. do.az.gov
- 10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**  
 The Board of Dispensing Opticians has scheduled the following oral proceeding:  
 Date and Time: Tuesday Oct 22, 2019 at 10:00 a.m.  
 Location: 1740 W. Adams, Conference Room 1024  
           Phoenix, AZ 85007  
 Close of record: Tuesday Oct 22, 2019 at 12:00 p.m.
- 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:**

No

**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 4. PROFESSIONS AND OCCUPATIONS  
CHAPTER 20. BOARD OF DISPENSING OPTICIANS**

**ARTICLE 1. GENERAL**

Section  
R4-20-120. Continuing Education; Hours Required; Reporting

**ARTICLE 1. GENERAL**

**R4-20-120. Continuing Education; Hours Required; Reporting**

- A. ~~Within every three year period from the date of obtaining a license, a~~ A person licensed as a dispensing optician shall complete no fewer than 12 hours of continuing education that is approved by the Board for credit.
  - 1. For the initial period of licensure for an applicant who obtains initial licensure between January 1 and June 30, continuing education credits are due by December 31 of the second full calendar year of licensure.
  - 2. For the initial period of licensure for an applicant who obtains initial licensure between July 1 and December 31, continuing education credits are due by December 31 of the third full calendar year of licensure.
  - 3. Continuing education credits for every subsequent period of licensure are due every three years thereafter at the time of licensure renewal.
- B. Each licensee shall submit documentation to the Board verifying that the licensee has completed 12 hours or more of continuing education, within each three-year period. The licensee shall provide documentation that identifies the courses and the number of credit hours completed and include the following:
  - 1. If the course is from a school approved by the Commission on Opticianry Accreditation or college-accredited course, proof of course completion and the number of credits earned.
  - 2. If the course is part of an event, a certificate of completion, issued by the sponsor, which identifies each part completed.
  - 3. If the course is a home-study course, a certificate of completion issued by the sponsor and the number of credits earned.
  - 4. For any other course, a certificate of completion issued by the sponsor or presenter and the number of credits earned.
  - 5. If the licensee cannot obtain the above documentation, any other documents, affidavits, or testimony which provides assurance that the licensee has completed the requirements.
- C. ~~Of the twelve~~ 12 hours of continuing education, each licensee shall obtain at least:
  - 1. Four hours in eyeglass fitting and dispensing;
  - 2. Three hours in contact lens fitting and dispensing;
  - 3. One hour in state or national opticianry standards.
- D. Hours will be measured as follows: one credit hour will be assigned for each 50 minutes of a single session.
- E. The Board shall discipline any licensee who submits false information for continuing education documentation.
- F. A licensee shall not apply any hours accrued during one reporting period to any subsequent reporting period.

**NOTICE OF PROPOSED RULEMAKING**

**TITLE 9. HEALTH SERVICES**

**CHAPTER 6. DEPARTMENT OF HEALTH SERVICES  
COMMUNICABLE DISEASES AND INFESTATIONS**

[R19-182]

**PREAMBLE**

<b><u>1. Article, Part, or Section Affected (as applicable)</u></b>	<b><u>Rulemaking Action</u></b>
R9-6-401	Amend
R9-6-403	Amend
R9-6-404	Amend
R9-6-405	Amend
R9-6-406	Amend
R9-6-407	Amend
R9-6-408	Amend
R9-6-409	Amend

- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**  
 Authorizing statutes: A.R.S. §§ 36-132(A)(1) and 36-136(G)  
 Implementing statutes: A.R.S. § 36-136(I)(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. 1342, May 31, 2019
- 4. The agency's contact person who can answer questions about the rulemaking:**  
 Name: Ricardo Fernandez, Ryan White Part B/ADAP Program Director  
 Address: Department of Health Services  
 Public Health Preparedness  
 150 N. 18th Ave., Suite 110  
 Phoenix, AZ 85007  
 Telephone: (602) 364-3854  
 Fax: (602) 542-1155  
 E-mail: Ricardo.Fernandez@azdhs.gov  
 or  
 Name: Robert Lane, Office Chief  
 Address: Department of Health Services  
 Office of Administrative Counsel and Rules  
 150 N. 18th Ave., Suite 200  
 Phoenix, AZ 85007  
 Telephone: (602) 542-1020  
 Fax: (602) 364-1150  
 E-mail: Robert.Lane@azdhs.gov
- 5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**  
 Arizona Revised Statutes (A.R.S.) § 36-136(I)(1) requires the Department to make rules defining and prescribing "reasonably necessary measures for detecting, reporting, preventing, and controlling communicable and preventable diseases." The AIDS Drug Assistance Program (ADAP) helps people living with HIV to obtain necessary prescription drugs to prevent the occurrence of, or to alleviate, disability and death from HIV-related diseases, including AIDS, and to reduce the spread of the disease. The Department has adopted rules for ADAP in 9 A.A.C. 6, Article 4. The rules in 9 A.A.C. 6, Article 4, were last revised in 2007, are very outdated, and do not reflect the manner in which ADAP is now carried out. Changes required by the Ryan White CARE Act, through which ADAP is primarily funded, are not currently included in the rules. The rules also do not contain provisions related to individuals obtaining prescription drug coverage through health insurance plans under the federal Affordable Care Act. After receiving an exception from the Governor's rulemaking moratorium established by Executive Order 2019-01, the Department plans to revise the rules in 9 A.A.C. 6, Article 4, to address these issues and other issues identified by stakeholders as part of the rulemaking process and increase effectiveness. Changes to be made to the rules in 9 A.A.C. 6, Article 4, include adding requirements related to the Department's ability to leverage federal funds, health insurance plan drug coverage, and drug manufacturers' rebates to help ensure that individuals have access to HIV-related drugs that may reduce infectivity or disability from HIV-related diseases. The rulemaking also updates and clarifies requirements, eliminates redundancies in definitions, and amends rules that are not being enforced as written. The proposed changes conform to rulemaking format and style requirements of the Governor's Regulatory Review Council and the Office of the Secretary of State.
- 6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**  
 The Department did not review or rely on any study for this rulemaking.
- 7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**  
 Not applicable
- 8. The preliminary summary of the economic, small business, and consumer impact:**  
 The Department anticipates that the rulemaking may affect the Department, case managers and the agencies employing them, HIV-care providers, the contract pharmacy, other pharmacies through which an individual may receive their drugs through ADAP, persons living with HIV applying for participation or enrolled in ADAP and their families, and the general public. Annual costs/revenues changes are designated as minimal when more than \$0 and \$1,000 or less, moderate when between \$1,000 and \$10,000, and substantial when \$10,000 or greater in additional costs or revenues. A cost is listed as significant when meaningful or important, but not readily subject to quantification.  
 This rulemaking is changing the rules in 9 A.A.C. 6, Article 4, to make them consistent with how ADAP is currently implemented, in compliance with the requirements of the Ryan White CARE Act (RWCA), which provides the bulk of funding for ADAP. Eligibility requirements are being changed to include individuals who have health insurance coverage that is inadequate or unaffordable and to raise the income ceiling from 300% to 400% of the federal poverty level. In addition, the timing of continuing enrollment is being changed to conform to federal funding requirements. Since ADAP is collaborating more closely with other RWCA-funding recipients to improve continuity of services, a consolidated/universal application form has been developed, which is used by an applicant for any RWCA-funded program and is accessible to other RWCA-funded programs. Use of this form requires an applicant to allow sharing of information among the programs, so the proposed rules



include this requirement. If the Department were not already implementing ADAP according to these requirements, the Department believes that these changes might cause the Department to incur a minimal-to-moderate increase in costs due to more individuals being eligible for ADAP. However, since ADAP is already complying with the RWCA requirements to retain funding, the changes provide a significant benefit to the Department through a reduction in confusion with conflicting requirements. Making the rules consistent with current practice may also provide a significant benefit to all other stakeholder groups. Updating and clarifying definitions, cross-references, and formatting make the rules clearer and more understandable and may also provide a significant benefit to all stakeholder groups.

The proposed rules may provide a minimal benefit to HIV-care providers by removing requirements for notifying the Department of certain changes with an enrolled individual who is a patient and the vendor/contract pharmacy of other changes. The proposed rules also add a method by which an HIV-care provider may request ADAP coverage of a drug not paid for by insurance and revise the method for requesting coverage of a drug not on the ADAP formulary. These changes may provide a significant benefit to an HIV-care provider, who is not aware that the Department has already adopted this practice, by allowing the HIV-care provider to provide better care to the patient. The Department believes that the vendor/contract pharmacy and other pharmacies, through which an enrolled individual may receive their drugs through ADAP, may receive a significant benefit from clarification of requirements for receiving prescription orders from HIV-care providers and dispensing drugs to individuals enrolled in ADAP.

The Department anticipates that the proposed rules would provide a significant benefit to a case manager, if these practices were not already implemented by the Department, since they clarify requirements and provide additional documentation options for individuals applying for enrollment or continuing enrollment in ADAP, which may result in a case manager being able to complete application forms with the applicants or enrolled individuals in a more efficient manner. By removing requirements for a case manager to notify the Department of a change in HIV-care provider and to attest that information on an application is accurate and complete, the changes in the proposed rules result in less time being spent by the case manager and, thus, provide a minimal benefit to the case manager.

Because the current rules restrict eligibility to individuals with no other method to pay for drugs, the Department believes that changing the rules to allow individuals who have health insurance coverage that is inadequate or unaffordable to participate in ADAP would provide up to a substantial benefit to these individuals, if the Department had not already implemented this practice. Similarly, raising the eligibility ceiling from 300% to 400% of the federal poverty level makes those individuals whose income is within the gap eligible for ADAP and would provide these individuals with up to a substantial benefit, if not already being done. Having these changes in the rules may make persons living with HIV, who believed they were ineligible for ADAP based on the current rules, aware that they are now eligible, providing them with up to a substantial benefit. Other changes, such as allowing an enrolled individual with health insurance coverage to obtain drugs at a pharmacy other than the vendor/contract pharmacy and reducing application and notification requirements, provide a minimal benefit to an applicant or enrolled individual. However, the Department estimates that changing the time periods for continuing enrollment to those currently used may impose a minimal burden on an enrolled individual.

Persons living with HIV who are in care and are able to obtain drugs to control HIV-infection and related diseases are healthier and more productive citizens. Because their viral load is generally less, they are also less likely to infect others. Therefore, the Department believes that by making it easier for persons living with HIV to enroll in ADAP, continue enrollment, and obtain drugs necessary to control HIV-infection and related diseases, the proposed rules may provide a significant benefit to the general public.

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

Name: Ricardo Fernandez, Ryan White Part B/ADAP Program Director

Address: Department of Health Services  
Public Health Preparedness  
150 N. 18th Ave., Suite 110  
Phoenix, AZ 85007

Telephone: (602) 364-3854

Fax: (602) 542-1155

E-mail: Ricardo.Fernandez@azdhs.gov

or

Name: Robert Lane, Office Chief  
Address: Department of Health Services  
Office of Administrative Counsel and Rules  
150 N. 18th Ave., Suite 200  
Phoenix, AZ 85007

Telephone: (602) 542-1020

Fax: (602) 364-1150

E-mail: Robert.Lane@azdhs.gov

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

The Department has scheduled the following oral proceeding:

Date and time: Monday, October 21, 2019, at 1:00 p.m.

Location: 150 N. 18th Ave., Room 215B  
Phoenix, AZ 85007

Close of record: Monday, October 21, 2019, at 4:00 p.m.

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

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

**11. 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 rules 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:**

Not applicable

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

No business competitiveness analysis was received by the Department.

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

Not applicable

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

**TITLE 9. HEALTH SERVICES**

**CHAPTER 6. DEPARTMENT OF HEALTH SERVICES  
COMMUNICABLE DISEASES AND INFESTATIONS**

**ARTICLE 4. AIDS DRUG ASSISTANCE PROGRAM (ADAP)**

Section

- R9-6-401. Definitions
- R9-6-403. Eligibility Requirements
- R9-6-404. Initial Application Process
- R9-6-405. Enrollment Process; Provisional Pre-approved Enrollment Status
- R9-6-406. Notification Requirements
- R9-6-407. Continuing Enrollment
- R9-6-408. Termination from ADAP Services
- R9-6-409. Drug Prescription and Distribution Requirements

**ARTICLE 4. AIDS DRUG ASSISTANCE PROGRAM (ADAP)**

**R9-6-401. Definitions**

In this Article, unless otherwise specified:

1. "ADAP" means the AIDS Drug Assistance Program.
2. "Adult" means an individual who is:
  - a. Eighteen or more years old;
  - b. Married; or
  - c. Emancipated, as specified in A.R.S. Title 12, Chapter 15.
- ~~3.~~ "Advocacy" means the act of supporting, recommending, or arguing in favor of a cause or course of action for the benefit of an individual or group of individuals.
- ~~4.~~ "AHCCCS" means the Arizona Health Care Cost Containment System.
- ~~5.~~ "Annual family income" means combined yearly gross earned income and unearned income of all adult individuals within a family unit.
4. "Annual household income" means the adjusted gross income of all adult individuals within a household, as would be reported on the federal income tax return for an individual in the household, modified to include:
  - a. Federal taxable wages,
  - b. Tips,
  - c. Unemployment compensation,
  - d. Social security income,
  - e. Self-employment income,
  - f. Social security disability income,
  - g. Retirement or pension income,
  - h. Capital gains,
  - i. Investment income,
  - j. Rental and royalty income,
  - k. Excluded (untaxed) foreign income, and
  - l. Alimony.
- ~~6.~~ "Applicant" means an individual for whom a request for initial enrollment in ADAP is submitted to the Department, as



- specified in R9-6-404.
- 7-6. "Applying for a low-income subsidy" means submitting forms and supporting documentation to the Social Security Administration for determining eligibility for receiving a low-income subsidy.
- 8. "Biological substance" means a compound made by or derived from a plant or animal source.
- 9. "Business day" means any day of the week other than a Saturday, Sunday, legal holiday, or day on which the Department is authorized or obligated by law or executive order to close.
- 10-7. "Calendar day" means any day of the week, including a Saturday, Sunday, or legal holiday.
- 11. "Case management services" means the activities performed by a case manager for an HIV-infected individual or the individuals in the HIV-infected individual's family unit.
- 12-8. "Case manager" means an individual who:
  - a. Assesses the needs of an HIV-infected individual a person living with HIV for health services, housing, support services, and financial assistance;
    - i. Medical services, nursing services, or health-related services, as defined in A.R.S. § 36-401;
    - ii. Services not related to the treatment of HIV infection, intended to maintain or improve the physical, mental, or psychosocial capabilities of a person living with HIV or an individual in the person living with HIV's household;
    - iii. Housing; or
    - iv. Financial assistance;
  - b. Assists If applicable, assists the HIV-infected individual person living with HIV with obtaining health services, housing, support services, or financial assistance, as applicable housing, financial assistance, or the services specified in subsection (8)(a)(i) and (ii);
  - c. Coordinates the interaction of the HIV-infected individual person living with HIV with service providers individuals providing the services specified in subsection (8)(a)(i) and (ii); and
  - d. Monitors the interaction of the HIV-infected individual person living with HIV with service providers individuals providing the services specified in subsection (8)(a)(i) and (ii) to:
    - i. Determine the effects of each service provider's the activities of individuals providing the services specified in subsection (8)(a)(i) and (ii) on the needs of the HIV-infected individual person living with HIV, and
    - ii. Develop strategies to reduce unmet needs.
- 13-9. "CD4-T-lymphocyte count" means the number of a specific type of white blood cell in a cubic millimeter of blood.
- 14. "Community service organization" means a nonprofit entity that assists an individual who is infected with HIV or affected by another individual's infection with HIV by providing the services listed below or coordinating the interaction of the individual with service providers to obtain or retain:
  - a. Rehabilitation services;
  - b. Case management services;
  - c. Support services;
  - d. Advocacy;
  - e. Financial assistance; or
  - f. Housing.
- 15. "Confirmatory test" means a laboratory analysis, such as a Western blot analysis, approved by the U.S. Food and Drug Administration to be used after a screening test to diagnose or monitor the progression of HIV infection.
- 10. "Contract pharmacy" means an entity that has a legally binding agreement with the Department to dispense drugs through ADAP to enrolled individuals.
- 16-11. "Current" means within the six months before the date on which an:
  - a. Date of application Individual submits the documents specified in R9-6-404 to the Department as an application for initial enrollment in ADAP, or
  - b. Date on which an enrolled Enrolled individual submits to the Department the documents required in R9-6-407 for continuing enrollment.
- 17-12. "Date of application" means the month, day, and year that an individual submits the documents specified in R9-6-404 to the Department as an application for initial receives the documents specified in R9-6-404 for enrollment in ADAP.
- 18. "Diagnosis" means an identification of a communicable disease by an individual authorized by law to make the identification.
- 19-13. "Drug" means a chemical or biological substance or a compound made by or derived from a plant or animal source that:
  - a. Has been determined by the U.S. Food and Drug Administration to be useful in the treatment of individuals with HIV infection, and
  - b. Is available only through a prescription order.
- 20. "Earned income" means monetary payments received by an individual as a result of work performed or rental of property owned or leased by the individual, including:
  - a. Wages;
  - b. Commissions and fees;
  - c. Salaries and tips;
  - d. Profit from self employment;
  - e. Profit from rent received from a tenant or boarder, and
  - f. Any other monetary payments received by an individual for work performed or rental of property.

21. "Employed" means working for a person for money in the form of wages or a salary.
22. "Enrolling in a Medicare drug plan" means submitting information to the Centers for Medicare and Medicaid Services during an initial enrollment period or general enrollment period and selecting a Medicare drug plan.
23. "Family unit" means:
- A group of individuals residing together who are related by birth, marriage, or adoption; or
  - An individual who:
    - Does not reside with another individual; or
    - Resides only with another individual or group of individuals to whom the individual is unrelated by birth, marriage, or adoption.
- 24.14. "Formulary" means a list of drugs that are available to an individual through the individual's health insurance or ADAP.
25. "General enrollment period" means the interval of time between November 15 and December 31 of each calendar year during which an individual:
- May enroll in a Medicare drug plan if the individual, before May 15, 2006:
    - Was enrolled in Medicare;
    - Was eligible to enroll in a Medicare drug plan, and
    - Did not enroll in a Medicare drug plan; or
  - Currently enrolled in a Medicare drug plan may select a different Medicare drug plan.
26. "Gift" means something given voluntarily by an individual to another individual without payment in return.
27. "Guardian" means an individual appointed as a legal guardian by a court of competent jurisdiction.
15. "Health insurance enrollment period" means an interval of time during which an individual may apply for health insurance coverage, including:
- An annual interval of time, and
  - Any additional intervals of time due to a change in the individual's situation or circumstances.
28. "Health related services" means the same as in A.R.S. § 36-401.
29. "Health services" means medical services, nursing services, or health related services, as provided to an individual.
- 30.16. "HIV infection" means the same as in A.R.S. § 36-661.
17. "HIV-care provider" means the physician, registered nurse practitioner, or physician assistant who is treating an applicant or enrolled individual for HIV infection.
31. "Homeless" means having a primary nighttime sleeping place that is not:
- Designed to be a sleeping place for human beings, or
  - Ordinarily used as a primary nighttime sleeping place for human beings.
18. "Household" means an applicant or enrolled individual and any of the following individuals, as applicable, residing with the applicant or enrolled individual:
- The applicant's or enrolled individual's spouse;
  - A dependent parent;
  - A parent of a child who is:
    - The applicant or enrolled individual, and
    - Claimed as a dependent by the parent;
  - A dependent sibling or other relative;
  - A dependent child of the applicant or enrolled individual, regardless of age and including an adopted child or a foster child;
  - A non-dependent child or other relative if claimed or could be claimed as a dependent on the applicant's or enrolled individual's taxes; and
  - A child who is a part of a shared custody agreement of the applicant or enrolled individual, in years for which the child is claimed or could be claimed as a dependent on the applicant's or enrolled individual's taxes.
32. "Initial enrollment period" means the interval of time during which an individual may first enroll in a Medicare drug plan.
- 33.19. "Job" means a position in which an individual is employed.
- 34.20. "Low-income subsidy" means Medicare-provided assistance that may partially or fully cover the costs of drugs and is based on the annual household income of for an individual and, if applicable, the individual's spouse.
35. "Medical services" means the same as in A.R.S. § 36-401.
- 36.21. "Medicare" means a federal health insurance program established under Title XVIII of the Social Security Act.
- 37.22. "Medicare drug plan" means insurance approved by Medicare to cover some of the costs of drugs for individuals enrolled in Medicare.
- 38.23. "Non-permanent housing" means a living situation in which an individual is:
- Living in a place that is not designed to be a sleeping place for human beings or ordinarily used as a primary nighttime sleeping place for human beings, or
  - Living in a shelter or other temporary living arrangement.
39. "Nonprofit" means owned and operated under the direction of an entity that is recognized as exempt under § 501 of the U.S. Internal Revenue Code.
40. "Nursing services" means the same as in A.R.S. § 36-401.
24. "Person living with HIV" means an individual who is HIV-infected.
- 41.25. "Physician" means an individual licensed as a:
- ~~as a doctor~~ Doctor of allopathic medicine under A.R.S. Title 32, Chapter 13, or through a similar licensing board in another state; or



- b. ~~as a doctor~~ Doctor of osteopathic medicine under A.R.S. Title 32, Chapter 17, ~~or through a similar licensing board in another state.~~
- 42-26. ~~"Physician assistant" means an individual licensed under A.R.S. Title 32, Chapter 25, or through a similar licensing board in another state.~~
- 43-27. ~~"Poverty level" means the annual family household income for a family unit household of a particular size, as specified in the poverty guidelines updated annually in the Federal Register by the U.S. Department of Health and Human Services.~~
- 28. ~~"Pre-approved enrollment status" means that an applicant may receive drugs or other services through ADAP on a temporary basis.~~
- 44-29. ~~"Prescription order" means the same as in A.R.S. § 32-1901.~~
- 45. ~~"Primary care provider" means the physician, registered nurse practitioner, or physician assistant who is treating an applicant or enrolled individual for HIV infection.~~
- 46. ~~"Provisional enrollment" means an interval of time, determined by the Department, during which an individual who meets the eligibility criteria specified in R9-6-403(1) through (4) may receive drugs on the ADAP formulary through the vendor pharmacy while the individual is waiting for:~~
  - a. ~~An eligibility determination for AHCCCS enrollment or a low income subsidy; or~~
  - b. ~~Enrollment in a Medicare drug plan.~~
- 47. ~~"Public assistance" means a government program that provides a monetary payment, or that supplies goods or services that have a monetary value, to individuals, based on need, such as Supplemental Security Income, Temporary Aid to Needy Families, Food Stamps, or non-federally funded General Assistance.~~
- 48-30. ~~"Registered nurse practitioner" means an individual who meets the definition of registered nurse practitioner in A.R.S. § 32-1601 and is licensed under A.R.S. Title 32, Chapter 15, or through a similar licensing board in another state.~~
- 49-31. ~~"Regular" means recurring at fixed intervals.~~
- 50. ~~"Rehabilitation services" means the same as in A.A.C. R9-10-201.~~
- 51-32. ~~"Representative" means the:~~
  - a. ~~Guardian of an individual;~~
  - b. ~~Parent of an individual who is not an adult; or~~
  - c. ~~Person designated as an agent for an individual through a power of attorney, as specified in A.R.S. Title 14, Chapter 5, Article 5.~~
- 52. ~~"Reservist" means a member of the Reserves of the U.S. Army, Air Force, Navy, Marine Corps, or Coast Guard.~~
- 53-33. ~~"Resident" means an individual who has a place of habitation in Arizona and lives is living in Arizona as other than a tourist.~~
- 54. ~~"Restricted drug" means a drug on the ADAP formulary that is approved by the Department on a case-by-case basis for enrolled individuals who meet medical indications for the use of the drug.~~
- 55. ~~"Routine training" means military education and related hands-on activities designed to make an individual ready for the tasks the individual would be expected to perform as a member of the U.S. Air Force, Army, Coast Guard, Marine Corps, or Navy.~~
- 56. ~~"Screening test" means a laboratory analysis approved by the U.S. Food and Drug Administration as an initial test to indicate the possibility that an individual is HIV infected.~~
- 57-34. ~~"Self-employed" means receiving money as a direct result of the work performed by an individual rather than from wages or a salary paid to the individual.~~
- 58. ~~"Service provider" means an individual who provides medical services, nursing services, health-related services, or support services for an HIV-infected individual.~~
- 59. ~~"Shelter" means a facility that provides individuals with a temporary place to sleep at night with the expectation that the individual will go elsewhere during the daylight hours.~~
- 60. ~~"Support services" means activities, not related to the treatment of HIV infection, intended to maintain or improve the physical, mental, or psychosocial capabilities of an HIV-infected individual or the individual's family unit and that may include:~~
  - a. ~~Providing opportunities for social interactions for HIV-infected individuals;~~
  - b. ~~Taking care of a child of an HIV-infected individual while the HIV-infected individual receives medical services;~~
  - c. ~~Providing food or meals to an HIV-infected individual in the residence; or~~
  - d. ~~Providing information about available support services or materials about how to reduce the risk of spreading HIV.~~
- 61. ~~"Temporary" means transient, with no expectation of permanence.~~
- 62. ~~"Third-party payor" means a person other than an HIV-infected individual, such as health insurance or an employer, that is responsible for paying a portion of the costs of drugs for the HIV-infected individual.~~
- 63. ~~"Tourist" means an individual who is living in Arizona but maintains a place of habitation outside of Arizona and lives outside of Arizona for more than six months during a calendar year.~~
- 64. ~~"Treatment" means the administration to an individual of health services intended to relieve illness or injury.~~
- 65. ~~"Unearned income" means monetary payments received by an individual that are not compensation for work performed or rental of property owned or leased by the individual, including:~~
  - a. ~~Unemployment insurance;~~
  - b. ~~Workers' compensation;~~
  - c. ~~Disability payments;~~

- d. Payments from the Social Security Administration;
- e. Payments from public assistance;
- f. Periodic insurance or annuity payments;
- g. Retirement or pension payments;
- h. Strike benefits from union funds;
- i. Training stipends;
- j. Child support payments;
- k. Alimony payments;
- l. Military family allotments;
- m. Regular support payments from a relative or other individual not residing in the household;
- n. Investment income;
- o. Royalty payments;
- p. Periodic payments from estates or trusts; and
- q. Any other monetary payments received by an individual that are not:
  - i. As a result of work performed or rental of property owned by the individual;
  - ii. Gifts;
  - iii. Lump-sum capital gains payments;
  - iv. Lump-sum inheritance payments;
  - v. Lump-sum insurance payments; or
  - vi. Payments made to compensate for personal injury.

35. "Valid" means still in effect or having legal force.

66. "Vendor pharmacy" means an entity that contracts with the Department to perform the activities specified in R9-6-409(C).

67. "Veteran" means an individual who has served in the United States Armed Forces.

36. "Viral load" means the amount of HIV circulating in the body of an individual.

68. "Viral load test" means a laboratory analysis to determine the amount of HIV circulating in the body of an individual.

**R9-6-403. Eligibility Requirements**

An individual is eligible to enroll in ADAP if the individual:

1. Has a diagnosis of HIV infection from a physician, registered nurse practitioner, or physician assistant;
2. Is a resident of Arizona, as established by documentation that complies with ~~R9-6-404(A)(9)~~ R9-6-404(A)(8);
3. Has an annual family household income that is less than or equal to ~~300%~~ 400% of the poverty level;
4. Satisfies one of the following:
  - a. Has no health insurance coverage;
  - b. Has inadequate health insurance coverage, which may include Medicare or an AHCCCS health plan, limiting the ability of the individual to obtain drugs, such as health insurance coverage that:
    - i. Does not cover drugs, ~~or~~
    - ii. Does not include on its formulary at least one of the drugs prescribed for the individual ~~that is on the ADAP formulary, or~~
    - iii. Requires the use of specific pharmacies or higher co-payments for obtaining a drug;
  - c. Has health insurance that is unaffordable because premiums exceed 9.5% of the applicant's annual household income;
  - e.d. Is an American Indian or Alaska Native who:
    - i. Is eligible for, but chooses not to use, the Indian Health Service or a clinic operated by a sovereign tribal nation to receive drugs; and
    - ii. Either has no other health insurance coverage or has other health insurance coverage that is inadequate or unaffordable, as described in subsections (4)(b) and (c):
      - (1) ~~Does not cover drugs, or~~
      - (2) ~~Does not include on its formulary at least one of the drugs prescribed for the individual that is on the ADAP formulary; or~~
  - d.c. Is ~~a veteran~~ an individual who has served in the United States Armed Forces and who:
    - i. Is eligible for, but chooses not to use, Veterans Health Administration benefits to receive drugs; and
    - ii. Either has no other health insurance coverage or has other health insurance coverage that is inadequate or unaffordable, as described in subsections (4)(b) and (c):
      - (1) ~~Does not cover drugs, or~~
      - (2) ~~Does not include on its formulary at least one of the drugs prescribed for the individual that is on the ADAP formulary;~~
5. ~~Is ineligible for enrollment in AHCCCS, as established by documentation issued by AHCCCS; and~~
6. ~~If eligible for Medicare:~~
  - a. ~~Is ineligible for a full low income subsidy, as established by documentation issued by the Social Security Administration; and~~
  - b. ~~Has enrolled in a Medicare drug plan.~~

**R9-6-404. Initial Application Process**

- A. An applicant for initial enrollment in ADAP or the applicant's representative shall submit to the Department the following documents application packet:



1. ~~A Department provided form~~ An application in a Department-provided format, completed by the applicant or the applicant's representative, containing:
  - a. The applicant's name, date of birth, and gender;
  - b. Except as provided in subsection (A)(1)(c), the applicant's residential address and mailing address;
  - c. If the applicant is in non-permanent housing, the address of a ~~community service organization~~ person that has agreed to receive written communications for the applicant;
  - d. If applicable, the address in Arizona to which the applicant would want drugs to be shipped;
  - ~~d-e.~~ If applicable, the name of the applicant's representative and the mailing address of the applicant's representative, if different from the applicant's mailing address;
  - ~~e-f.~~ Either:
    - i. The telephone number of the applicant or a person that has agreed to receive telephone communications for the applicant, or
    - ii. An email address for the applicant;
  - ~~f-g.~~ The number of individuals in the applicant's ~~family unit~~ household that can be claimed on the applicant's income taxes and the names and ages of the individuals;
  - ~~g-h.~~ The names of individuals, other than the persons specified in subsection ~~(A)(1)(q)(iii)~~ (A)(1)(s)(v), with whom the applicant authorizes the Department to speak about the applicant's enrollment in ADAP;
  - ~~h-i.~~ The applicant's annual ~~family household~~ income;
  - ~~i-j.~~ The applicant's race and ethnicity;
  - ~~j-k.~~ Whether the applicant or an adult in the applicant's ~~family unit~~ household:
    - i. Is employed;
    - ii. Is self-employed;
    - ~~iii.~~ Is receiving public assistance;
    - ~~iv-iii.~~ Is receiving regular monetary payments from a source not specified in ~~subsection (A)(1)(j)(i) through subsection (A)(1)(j)(iii)~~ subsection (A)(1)(k)(i) or (ii) and, if so, an identification of the source of the monetary payments; or
    - ~~v-iv.~~ Is using a source not specified in ~~subsection (A)(1)(j)(i) through subsection (A)(1)(j)(iv)~~ subsections (A)(1)(k)(i) through (iii) or savings to assist the applicant in obtaining food, water, housing, or clothing for the applicant and if so, an identification of the source;
  - ~~k-l.~~ Whether the applicant is receiving ~~benefits~~ health insurance coverage from AHCCCS and:
    - i. If so, the name of the AHCCCS health plan and the date enrolled; and
    - ii. If the applicant's eligibility determination for AHCCCS is pending, the date the application for AHCCCS was submitted;
  - ~~l.~~ The date the applicant or the applicant's representative is scheduled to meet with AHCCCS to discuss eligibility for AHCCCS, if applicable;
  - m. Whether the applicant is eligible for Medicare ~~benefits~~ health insurance coverage and, if not, the date on which the applicant will be eligible for Medicare ~~benefits~~ health insurance coverage;
  - n. If the applicant is eligible for Medicare ~~benefits~~ health insurance coverage, whether:
    - i. The applicant, or the applicant's representative has applied for a low-income subsidy for the applicant and, if so, the date of the application for the low-income subsidy; and
    - ii. Either:
      - (1) The applicant or the applicant's representative has applied for a Medicare drug plan for the applicant and, if so, the date of the application for the Medicare drug plan; or
      - (2) The applicant is enrolled in a Medicare drug plan;
  - o. Whether the applicant or the applicant's spouse has or is eligible to enroll in health insurance coverage other than AHCCCS or Medicare that would pay for drugs on the ADAP formulary;
  - ~~p.~~ Whether the applicant has served on active duty:
    - i. In the U.S. Air Force, Army, Coast Guard, Marine Corps, or Navy;
    - ii. In the Army National Guard or Air National Guard; or
    - iii. As a reservist serving on active duty other than for routine training purposes;
  - p. If the applicant or the applicant's spouse is eligible to enroll in health insurance coverage other than Medicare that would pay for drugs on the ADAP formulary but enrollment is closed, the date the next health insurance enrollment period begins;
  - q. Whether the applicant is eligible to receive benefits from:
    - i. The Indian Health Service or a clinic operated by a sovereign tribal nation, or
    - ii. The Veterans Health Administration;
  - r. Whether the applicant is living in non-permanent housing or is in another situation in which the applicant's financial records to verify annual household income, as specified in subsection (A)(6), are not available to the applicant;
  - ~~q-s.~~ A statement by the applicant or the applicant's representative confirming that the applicant or the applicant's representative:
    - i. Understands that, if the annual household income of the applicant is at an amount that may make the applicant eligible for enrollment in AHCCCS, the applicant or the applicant's representative is required to submit to the Department proof of ineligibility for enrollment in AHCCCS and for a low-income subsidy within 30 calendar days after the date of application documentation stating the





- b. ~~If the applicant has other health insurance coverage, documentation confirming the health insurance coverage;~~
- 6. ~~If the applicant is eligible for Medicare, a copy of the applicant's Medicare prescription card or copy of a letter from the company providing the applicant's Medicare drug plan, confirming that the applicant has applied for or is enrolled in a Medicare drug plan;~~
- 7-6. ~~Proof Except as provided in subsection (C), proof of the applicant's annual family household income, including the following items as applicable to the applicant's family unit household:~~
  - a. ~~An income tax return submitted by the applicant for the previous tax year to the U.S. Internal Revenue Service or the Arizona Department of Revenue;~~
  - b. ~~For If an income tax return in subsection (A)(6)(a) is not available, for each job held by an adult in the family unit household:~~
    - i. ~~Paycheck stubs from the 30 within 60 calendar days before the date of application, or~~
    - ii. ~~A statement from the employer listing gross wages for the 30 calendar days before the date of application;~~
  - b-c. ~~From If an income tax return in subsection (A)(6)(a) is not available, from each self-employed adult in the family unit household, documentation of the current net income from self-employment, such as:~~
    - i. ~~An income tax return submitted for the previous tax year to the U.S. Internal Revenue Service or the Arizona Department of Revenue;~~
    - ii-i. ~~The Internal Revenue Service Forms 1099 prepared for the previous tax year for the self-employed adult in the family unit household;~~
    - iii-ii. ~~A profit and loss statement for the self-employed adult's business, covering a period ending no earlier than three months before the date of application; or~~
    - iv-iii. ~~Bank statements from the self-employed adult's checking and savings accounts, covering a period ending no earlier than three months before the date of application;~~
  - e. ~~A letter from each entity providing public assistance to an adult in the family unit, describing payments from public assistance;~~
  - d. ~~A letter from an entity providing a monetary award to an adult in the family unit to cover educational expenses other than tuition, describing the monetary award; and~~
  - e-d. ~~Documentation showing the amount and source of any regular monetary payments received by an adult in the family unit household from sources other than those specified in subsection (A)(7)(a) (A)(6)(a) through subsection (A)(7)(d) (A)(6)(c);~~
- 8-7. ~~If the applicant or the applicant's representative has stated on the form specified in according to subsection (A)(1) (A)(1)(k)(v) that the applicant has no source of regular monetary payments and is unable to provide any of the documentation specified in subsection (A)(7) (A)(6), a Department provided form the following, in a Department provided format, completed and signed within 30 calendar days before the date of application, containing:~~
  - a. ~~Information completed by the applicant or the applicant's representative stating whether:~~
    - i. ~~An adult in the applicant's family unit household receives money from intermittent work performed by the adult in the family unit household for which no paycheck stub is received and, if so, the average monthly earnings, and the adult's occupation;~~
    - ii. ~~The applicant is homeless or living in a shelter non-permanent housing;~~
    - iii. ~~The applicant is receiving assistance from another individual; and~~
    - iv. ~~The applicant has another source of assistance for obtaining food, water, housing, and clothing, and, if so, an identification of the source;~~
  - b. ~~A statement by the applicant or the applicant's representative attesting that, to the best of the knowledge and belief of the applicant or the applicant's representative, the information submitted under subsection (A)(8)(a) (A)(7)(a) is accurate and complete; and~~
  - c. ~~The dated signature of the applicant or the applicant's representative;~~
  - d. ~~A statement by the applicant's case manager or primary care provider attesting that to the best of the knowledge and belief of the applicant's case manager or primary care provider the information submitted under subsection (A)(8)(a) is accurate and complete; and~~
  - e. ~~The dated signature of the applicant's case manager or primary care provider;~~
- 9-8. ~~Proof that the applicant is a resident of Arizona that includes:~~
  - a. ~~One of the following that shows the Arizona residential address included on the Department provided form specified in according to subsection (A)(1) (A)(1)(b) and the name of the applicant or an adult in the applicant's family unit household:~~
    - i. ~~Documentation issued by a governmental entity related to participation in public assistance the applicant's eligibility for benefits, dated within 60 calendar days before the date of application;~~
    - ii. ~~Current documentation from AHCCCS related to the applicant's eligibility for enrollment in AHCCCS;~~
    - iii-ii. ~~Current Valid documentation from the Social Security Administration or the Department of Veterans Affairs related to the applicant's eligibility for benefits;~~
    - iv. ~~Current documentation from the Arizona Department of Economic Security related to the applicant's eligibility for unemployment insurance benefits;~~
    - v-iii. ~~A property tax statement for the most recent tax year issued by a governmental entity;~~
    - vi-iv. ~~A homeowners' association assessment or fee statement, dated within 60 calendar days before the~~





- 6. A statement by the ~~primary care provider~~ that the ~~primary care provider~~ understands that the ~~primary care provider~~ is required to notify the Department of changes specified in R9-6-406(B);
- 7.c. A statement by the ~~primary care~~ HIV-care provider attesting that, to the best of the ~~primary care~~ HIV-care provider's knowledge and belief, the information provided to the Department as specified in subsection (B) is accurate and complete; and
- 8.f. The dated signature of the ~~primary care~~ HIV-care provider;
- 2. Documentation confirming HIV-infection of the applicant; and
- 3. A copy of the most recent laboratory report of a test for viral load and, if available, CD4-T-lymphocyte count conducted for the applicant.

~~C. For purposes of enrollment in ADAP, an applicant or the applicant's representative may report annual family income using actual family income for the most recent 12 months or estimated annual family income determined by multiplying the most recent monthly family income by 12.~~

C. If an applicant or the applicant's representative stated in subsection (A)(1)(r) that the applicant is in a situation in which the applicant's financial records to verify annual household income, as required in subsection (A)(6), are not available to the applicant, the applicant or the applicant's representative may submit to the Department a statement describing the applicant's situation and provide whatever documentation the applicant has available to demonstrate the applicant's annual household income.

**R9-6-405. Enrollment Process; ~~Provisional~~ Pre-approved Enrollment Status**

- A. The Department shall:
  - 1. Review the documents submitted by an applicant as required in R9-6-404(A);
  - 2. Determine whether the applicant is eligible under R9-6-403;
  - 3. Grant or deny enrollment based on applicant eligibility, the date of application, and the availability of funds; and
  - 4. Notify the applicant or the applicant's representative of the Department's decision within five business working days after receiving the documents specified in R9-6-404(A).
- B. An applicant or the applicant's representative shall execute any consent forms or releases of information necessary for the Department to verify eligibility.
- C. The Department shall send an applicant or the applicant's representative a written notice of denial, setting forth the information required under A.R.S. § 41-1092.03, if:
  - 1. ~~The applicant or the applicant's representative fails to provide documentation establishing eligibility for enrollment in ADAP, does not qualify for enrollment in ADAP, based on the documentation provided to establish eligibility;~~
  - 2. The documentation submitted to the Department under R9-6-404 is found to contain false information; or
  - 3. The Department does not have funds available to enroll the applicant in ADAP.
- D. The Department shall grant a ~~30-day provisional pre-approved enrollment status~~ in ADAP to an applicant, lasting until the end of the month after the month in which an applicant applied for ADAP, if:
  - 1. The Department determines that the applicant meets the requirements of requirement in R9-6-403(1) through (4); and
  - 2. The applicant, whose annual household income is an amount that may make the applicant eligible for enrollment in AHCCCS, or the applicant's representative attests in writing that the applicant has applied for AHCCCS enrollment and, if eligible for Medicare, a low income subsidy and a Medicare drug plan, but is unable to provide documentation that complies with R9-6-403(5) or (6) or both states the status of the applicant's enrollment in AHCCCS;
  - 3. Except as provided in subsection (E), the applicant, who is eligible for Medicare or other health insurance coverage, or the applicant's representative attests in writing that the applicant has applied for, but is unable to provide documentation of, enrollment in Medicare and a Medicare drug plan or in other health insurance coverage, as applicable; and
  - 4. The applicant or the applicant's representative attests in writing that the applicant or the applicant's representative will provide, before the end of the period during which the applicant has pre-approved enrollment status, a missing component of:
    - a. Proof of the applicant's annual household income, according to R9-6-404(A)(6) or (7); or
    - b. Proof of residency, according to R9-6-404(A)(8).
- E. The Department shall grant pre-approved enrollment status in ADAP, lasting until the end of the month after the month in which an applicant may apply for Medicare or other health insurance, if the applicant or the applicant's representative provides documentation that the applicant would be eligible for Medicare or other health insurance coverage during the next health insurance enrollment period, but that enrollment was closed on the date of application for ADAP.
- ~~E.F.~~ The Department shall provide an applicant to whom the Department has granted ~~provisional pre-approved enrollment status~~ in ADAP with the drugs on the list specified in R9-6-404(B)(5) ADAP formulary during the ~~provisional enrollment period~~ during which the applicant has pre-approved enrollment status.
- ~~F.G.~~ Except as specified in subsection ~~(H) (I)~~, to continue ADAP enrollment beyond a ~~30-day provisional enrollment~~ the period in subsection (D) or (E) during which the applicant has pre-approved enrollment status, an applicant or the applicant's representative shall provide to the Department, before the end of the ~~30-day provisional enrollment~~ period, documentation that complies with R9-6-403(5) and, if applicable, R9-6-403(6) establishes eligibility according to R9-6-403.
- ~~G.H.~~ Except as specified in subsection ~~(H) (I)~~, if an applicant with ~~provisional pre-approved enrollment status~~ or the applicant's representative fails to provide documentation as required in subsection ~~(F) (G)~~ to the Department before the end of a 30-day ~~provisional enrollment~~ the period during which the applicant has pre-approved enrollment status, the Department shall send the applicant or the applicant's representative a written notice of denial, setting forth the information required under A.R.S. § 41-1092.03.
- H. The Department may grant an extension of ~~provisional enrollment~~ to an applicant beyond a ~~30-day provisional enrollment period~~ if the applicant or the applicant's representative provides documentation to the Department that the applicant has applied for

AHCCCS enrollment and, if eligible for Medicare, a low income subsidy and Medicare drug plan and:

1. AHCCCS has not yet determined whether the applicant is eligible for AHCCCS enrollment; or
2. If the applicant is eligible for Medicare:
  - a. The Social Security Administration has not yet determined whether the applicant is eligible for a low income subsidy; or
  - b. The applicant cannot enroll in a Medicare drug plan until the next general enrollment period.

**I.** The Department may grant an extension of pre-approved enrollment status to an applicant beyond the period in subsection (D) or (E) if the applicant or the applicant's representative provides a justification for needing more time to obtain the required documentation to verify eligibility because of missing:

1. Documentation of health insurance coverage;
2. Financial records to verify annual household income, specified in R9-6-404(A)(6);
3. Proof of residency, specified in R9-6-404(A)(8); or
4. Viral load test results on the laboratory report required in R9-6-404(B)(2).

**J.** Based on the information provided by an applicant about the applicant's health insurance coverage and except as provided in R9-6-409(F), the Department shall:

1. For an applicant with no health insurance coverage, provide a drug on the ADAP formulary through the contract pharmacy;
2. For an applicant with health insurance coverage that is inadequate, according to R9-6-403(4)(b), provide a drug on the ADAP formulary that is not covered by the applicant's health insurance, as documented according to R9-6-409(E), through the contract pharmacy; or
3. For an applicant with health insurance coverage that is unaffordable, according to R9-6-403(4)(c), provide a drug on the ADAP formulary with no copayment cost to the applicant when requesting the filling of a prescription for the drug or obtaining a refill of the drug through ADAP.

**R9-6-406. Notification Requirements**

**A.** An enrolled individual or the enrolled individual's representative shall notify the Department in writing or by telephone and comply with the applicable requirements specified in R9-6-407 within 30 calendar days after any of the following occurs:

1. The residential or mailing address or the telephone number of the enrolled individual changes from that provided to the Department under R9-6-404(A)(1) or R9-6-407;
2. The enrolled individual adds or ~~deletes~~ removes an individual with whom the Department may speak about the enrolled individual's ADAP enrollment from the list specified in ~~R9-6-404(A)(1)(g)~~ R9-6-404(A)(1)(h);
3. ~~The enrolled individual begins receiving treatment for HIV infection from a primary care provider different from the primary care provider who completed:~~
  - a. ~~The form specified in R9-6-404(B), or~~
  - b. ~~The most recent form specified in R9-6-407(D);~~
4. ~~3.~~ The enrolled individual has:
  - a. Lost health insurance coverage;
  - b. Been determined eligible for and enrolled to receive drug coverage through AHCCCS;
  - b.c. ~~Received notification of drug coverage from a third party payor~~ Been determined eligible for or obtained health insurance coverage, other than through AHCCCS, the Indian Health Service, or the Veterans Health Administration, or the health insurance coverage previously used by the enrolled individual; or
  - e.d. Been determined eligible for a low-income subsidy;
5. ~~4.~~ The enrolled individual's annual ~~family household~~ income has changed:
  - a. ~~Increased to an amount above 300% of the poverty level, or~~
  - b. ~~Decreased to an amount that may make the enrolled individual eligible for enrollment in AHCCCS; or~~
6. ~~5.~~ The enrolled individual establishes residency outside Arizona.

**B.** An enrolled individual's primary care provider shall:

1. Notify the Department in writing or by telephone:
  - a. That the enrolled individual has died, within 14 calendar days after the primary care provider learns of the death; and
  - b. That the enrolled individual is receiving treatment for HIV infection from a different primary care provider, within 14 calendar days after the primary care provider learns of the change in primary care provider; and
2. Include in the notification:
  - a. The name and date of birth of the enrolled individual;
  - b. If notifying under subsection (B)(1)(a), the date of death; and
  - e. If notifying under subsection (B)(1)(b), the name, business address, and telephone number of the new primary care provider.

**C.** An enrolled individual's primary care provider shall notify the vendor pharmacy, as specified in R9-6-409(A):

1. When prescribing a new drug for the enrolled individual, or
2. Within seven calendar days after discontinuing a drug that was contained in the list completed by the enrolled individual's primary care provider under R9-6-404(B) or R9-6-407(D).

**B.** Within 30 calendar days after an enrolled individual loses health insurance coverage, the enrolled individual shall provide to the Department documentation stating the loss of health insurance coverage.

**D.C.** An enrolled individual's case manager shall notify the Department in writing or by telephone within 30 calendar days after the case manager learns that:

1. The residential or mailing address or the telephone number of the enrolled individual has changed from that provided to



- 2. ~~The enrolled individual has begun receiving treatment for HIV infection from a primary care provider who is different from the primary care provider who completed:~~
  - a. ~~The form specified in R9-6-404(B), or~~
  - b. ~~The most recent form specified in R9-6-407(D);~~
- 3-2. ~~The enrolled individual has:~~
  - a. ~~Been Has been~~ determined eligible for and enrolled to receive drug coverage through AHCCCS;
  - b. ~~Received notification of drug coverage from a third party payor~~ Obtained health insurance coverage other than AHCCCS, the Indian Health Service, or the Veterans Health Administration; or
  - c. ~~Been Has been~~ determined eligible for a low-income subsidy;
- 4-3. ~~The enrolled individual's annual family household income has changed:~~
  - a. ~~Increased to an amount above 300% of the poverty level; or~~
  - b. ~~Decreased to an amount that may make the enrolled individual eligible for enrollment in AHCCCS;~~
- 5-4. ~~The enrolled individual has established residency outside Arizona; or~~
- 6-5. ~~The enrolled individual has died.~~

**R9-6-407. Continuing Enrollment**

- A. To continue enrollment in ADAP, an enrolled individual or the enrolled individual's representative shall:
  - 1. ~~When the enrolled individual's residential or mailing address changes, comply with subsection (B);~~
  - 2. ~~When the enrolled individual's primary care provider changes, comply with subsection (C);~~
  - 3-2. ~~When the enrolled individual's annual family household income decreases to an amount that may make the individual eligible for enrollment in AHCCCS changes, comply with subsection (E)(C);~~
  - 4-3. ~~When the enrolled individual becomes eligible for Medicare or other health insurance coverage, comply with subsection (F)(D);~~
  - 5-4. ~~Before the expiration of each six month period after an individual's initial enrollment end of the month that is six months after the enrolled individual's month of birth, comply with subsection (G)(E); and~~
  - 6-5. ~~Before the expiration of each 24 month period end of the enrolled individual's month of birth each year after an individual's initial enrollment, comply with subsection (H)(F).~~
- B. When an enrolled individual's residential ~~or mailing~~ address changes, the enrolled individual or the enrolled individual's representative shall submit to the Department:
  - 1. ~~Complete a Department provided form containing for the enrolled individual the information specified in R9-6-404(A)(1)(a) through R9-6-404(A)(1)(h) and R9-6-404(A)(1)(j), (k), (m), (n), and (o);~~
  - 2. ~~Attest on the form specified in subsection (B)(1) that:~~
    - a. ~~To the best of the knowledge and belief of the enrolled individual or the enrolled individual's representative, the information submitted in the form and the documents submitted with the form are accurate and complete;~~
    - b. ~~The enrolled individual meets the eligibility criteria specified in R9-6-403; and~~
    - e. ~~The enrolled individual or the enrolled individual's representative understands that eligibility does not guarantee that the Department will be able to provide drugs and that an individual's enrollment in ADAP may be terminated as specified in R9-6-408;~~
  - 3. ~~Grant permission on the form specified in subsection (B)(1) for the Department to discuss the enrolled individual's enrollment with:~~
    - a. ~~AHCCCS, for the purpose of determining AHCCCS eligibility;~~
    - b. ~~Medicare and the Social Security Administration, for the purpose of determining eligibility for a low income subsidy and enrollment in a Medicare drug plan;~~
    - e. ~~The applicant's primary care provider or designee;~~
    - d. ~~The vendor pharmacy, to assist with drug distribution; and~~
    - e. ~~Any other entity as necessary to establish eligibility for enrollment in ADAP or assist with drug distribution;~~
  - 4. ~~Sign and date the form specified in subsection (B)(1); and~~
  - 5. ~~Submit to the Department within 30 calendar days of the change:~~
    - a. ~~The form specified in subsection (B)(1); and~~
  - 1. The following information for the enrolled individual in a Department-provided format:
    - a. The enrolled individual's name and date of birth;
    - b. The new residential address and mailing address for the enrolled individual;
    - c. If the enrolled individual is in non-permanent housing, the address of a person that has agreed to receive written communications for the enrolled individual; and
    - d. If applicable, the address in Arizona to which the enrolled individual would want drugs to be shipped; and
  - b-2. ~~Proof of Arizona residency, as specified in R9-6-404(A)(9) R9-6-404(A)(8), showing the new Arizona residential address included on the form specified in subsection (B)(1) (B)(1)(b).~~
- C. ~~When an enrolled individual's primary care provider changes, the enrolled individual or the enrolled individual's representative shall:~~
  - 1. ~~Comply with subsections (B)(1) through (4);~~
  - 2. ~~Obtain from the new primary care provider the Department provided form specified in subsection (D), completed by the new primary care provider; and~~
  - 3. ~~Submit the form specified in subsection (B)(1) and the form specified in subsection (C)(2) to the Department within 30 calendar days after the change.~~
- D. ~~The primary care provider of an enrolled individual shall complete for the enrolled individual a Department provided form~~

containing:

1. The information required under R9-6-404(B)(1), (2), and (5) through (8); and
2. The dates of and results for the most recent CD4-T lymphocyte count and, if available, viral load test conducted for the enrolled individual.

**E.C.** When an enrolled individual's annual family household income decreases to an amount that may make the individual eligible for enrollment in AHCCCS changes, the enrolled individual or the enrolled individual's representative shall:

1. Submit to the Department, within 30 calendar days after the change, documentation of the enrolled individual's annual household income, as specified in R9-6-404(A)(6) or (7); and
2. If the enrolled individual's annual household income has decreased to an amount that may make the individual eligible for enrollment in AHCCCS:
  - 1-a. Apply for enrollment in AHCCCS within 30 calendar days after the change in annual family household income; and
  - 2-b. If the enrolled individual is determined to be ineligible for AHCCCS enrollment, submit to the Department, within 30 calendar days after the change, documentation that complies with R9-6-403(5) states the status of the enrolled individual's enrollment in AHCCCS.

**F.D.** When an enrolled individual becomes eligible for Medicare or other health insurance coverage, the enrolled individual or the enrolled individual's representative shall, within 30 calendar days after the enrolled individual becomes eligible for Medicare or other health insurance coverage:

1. Apply for a low income subsidy and for a Medicare drug plan, and
2. If the enrolled individual is determined to be ineligible for a low income subsidy, submit to the Department documentation that complies with R9-6-403(6).
  1. If eligible for Medicare:
    - a. Enroll in a Medicare drug plan; and
    - b. If the enrolled individual's annual household income is at or below 175% of the poverty level, apply for a low-income subsidy; and
    - c. Submit to the Department a copy of valid documentation stating:
      - i. The enrolled individual's enrollment in a Medicare drug plan; and
      - ii. If the enrolled individual's annual household income is at or below 175% of the poverty level, the status of the enrolled individual's eligibility for a low-income subsidy; and
  2. If eligible for other health insurance coverage, submit to the Department information about the health insurance coverage to enable the Department to determine if the health insurance coverage is inadequate, according to R9-6-403(4)(b), or unaffordable, according to R9-6-403(4)(c).

**G.** Before the expiration of each six month period after an individual's initial enrollment, the enrolled individual or the enrolled individual's representative shall submit to the Department:

1. Proof of annual family income, as specified in R9-6-404(A)(7) or (8); and
2. Proof that the enrolled individual is a resident of Arizona, as specified in R9-6-404(A)(9).

**H.E.** Before the expiration of each 24 month period after an individual's initial enrollment end of the month that is six months after the enrolled individual's month of birth, the enrolled individual or the enrolled individual's representative shall:

1. Comply with subsections (B)(1) through (4); Either:
  - a. Submit to the Department an attestation, in a Department-provided format, that there have been no changes specified in subsection (A)(1), (2), or (3); or
  - b. Comply with subsections (B), (C), and (D), as applicable; and
2. Obtain from the enrolled individual's primary care HIV-care provider Department provided form completed as specified in subsection (D) and submit to the Department a copy of the most recent laboratory report of a test for viral load, and, if available, CD4-T-lymphocyte count conducted for the applicant; and
3. Submit to the Department:
  - a. The form specified in subsection (H)(1);
  - b. The form specified in subsection (H)(2);
  - e. Proof of annual family income, as specified in R9-6-404(A)(7) or (8), and
  - d. Proof that the enrolled individual is a resident of Arizona, as specified in R9-6-404(A)(9).

**F.** Before the end of an enrolled individual's month of birth each year, an enrolled individual or the enrolled individual's representative shall submit to the Department the application packet required in R9-6-404(A).

**I.G.** The Department shall:

1. Review information about an enrolled individual and determine eligibility for continuing enrollment for the enrolled individual:
  - a. Every six months after the individual's initial enrollment; At the end of the enrolled individual's month of birth each year.
  - b. At the end of the month that is six months after the enrolled individual's month of birth each year.
  - b-c. When the Department receives information from the enrolled individual or the enrolled individual's representative under subsection (A); or
  - e-d. When the Department no longer has sufficient funds to provide continuing enrollment to all enrolled individuals;
2. Grant continuing enrollment to an enrolled individual, subject to the availability of funds, when:
  - a. The enrolled individual or the enrolled individual's representative complies with subsection (A); and
  - b. The Department determines that:



- i. The information in the documents submitted to the Department is accurate and complete, and
  - ii. The enrolled individual is eligible under R9-6-403; and
3. Notify the enrolled individual or the enrolled individual's representative of the Department's decision within five business working days after receipt of the documents required in subsection (A).

**H.** The Department may grant pre-approved enrollment status in ADAP, according to R9-6-405(D) or (E) and ending according to R9-6-405(G), to an enrolled individual who is missing documentation to establish eligibility under R9-6-403.

**J.I.** If the Department denies continuing enrollment to an enrolled individual, the Department shall send to the enrolled individual or the enrolled individual's representative a written notice of denial setting forth the information required under A.R.S. § 41-1092.03.

**R9-6-408. Termination from ADAP Services**

**A.** The Department may terminate an enrolled individual's enrollment in ADAP if:

- 1. The Department learns that information submitted to the Department by the enrolled individual or the enrolled individual's representative under R9-6-404(A) or (C), R9-6-407(A), or R9-6-409(E) or (F) is inaccurate or incomplete;
- 2. ~~The vendor pharmacy does not receive a request from the enrolled individual or the enrolled individual's representative for any drug through ADAP for a period of 90 calendar days; or~~
- 3. The enrolled individual or the enrolled individual's representative exhibits violent or threatening behavior to an employee of the Department, ~~or the vendor contract pharmacy, or a pharmacy in which the enrolled individual or the enrolled individual's representative is filling a prescription for a drug or requesting a refill of a drug through ADAP,~~ as established by documentation such as a police report or a written document from the individual.

**B.** The Department may terminate approval of a restricted drug for an individual enrolled in ADAP approved under R9-6-409(E) or (F) for an enrolled individual if the Department learns that the enrolled individual's funding is no longer available to pay for the drug approved under R9-6-409(E) or (F).

- 1. ~~Is not following the instructions of the enrolled individual's primary care provider regarding the use of the restricted drug; or~~
- 2. ~~Has not had additional laboratory analyses performed, as required in R9-6-409(E)(1)(i)(ii), to support continuing use of the restricted drug.~~

**C.** The Department shall send to an enrolled individual or the enrolled individual's representative a written notice of termination setting forth the information required under A.R.S. § 41-1092.03 if the Department terminates:

- 1. The enrolled individual's enrollment in ADAP, or
- 2. Approval of a restricted drug approved under R9-6-409(E) or (F) for the enrolled individual.

**R9-6-409. Drug Prescription and Distribution Requirements**

**A.** A primary care HIV-care provider shall:

- 1. Issue a prescription order:
  - a. For each drug ~~from on~~ the ADAP formulary prescribed for an applicant or enrolled individual by the primary care HIV-care provider; and
  - b. For dispensing up to a 30-day supply of the drug; and
  - e. ~~To authorize no more than a six-month supply of the drug, including the original prescription order and all refills;~~
- 2. ~~Submit:~~
  - a. ~~A written prescription order or copy of a written prescription order to the Department as specified in R9-6-404(A)(3); and~~
  - b. ~~A written or oral prescription order to the vendor pharmacy when:~~
    - i. ~~Prescribing a drug for a newly enrolled individual,~~
    - ii. ~~Prescribing a new drug for an enrolled individual, or~~
    - iii. ~~Authorizing an additional six-month supply of a drug for an enrolled individual; and~~
- 3. ~~Notify the vendor pharmacy when discontinuing a drug for an enrolled individual.~~
- 2. Provide a written prescription order to the applicant or enrolled individual or an electronic prescription order to the contract pharmacy or a pharmacy at which the applicant or enrolled individual may request a drug through ADAP.

**B.** ~~The Department shall forward a written prescription order submitted to the Department as specified in subsection (A)(2)(a) to the vendor pharmacy within three business days of approving an individual for initial enrollment.~~

**C.** ~~The vendor pharmacy shall:~~

- 1. ~~Maintain a supply of the drugs on the ADAP formulary available for dispensing;~~
- 2. ~~Receive prescription orders issued by an enrolled individual's primary care provider;~~
- 3. ~~Before dispensing drugs, verify:~~
  - a. ~~With an enrolled individual or the enrolled individual's representative the address to which the enrolled individual or the enrolled individual's representative wants the drugs delivered, and~~
  - b. ~~An individual's enrollment status;~~
- 4. Dispense up to a 30-day supply of a drug to an enrolled individual:
  - a. Upon receipt of a:
    - i. Prescription order as specified in subsection (C)(2), or
    - ii. Request from the enrolled individual or the enrolled individual's representative for a refill of the drug;
  - b. To the address identified, as specified in subsection (C)(3)(a); and
  - e. So the drug is dispensed to the enrolled individual no later than three business days after the vendor pharmacy;

- i. ~~Receives a prescription order or request for refill, as specified in subsection (C)(4)(a);~~
  - ii. ~~Has verified the address to which the drug is to be delivered, as specified in subsection (C)(3)(a); and~~
  - iii. ~~Has verified the individual's enrollment status, as specified in subsection (C)(3)(b); and~~
5. ~~Notify the Department upon receiving a request for dispensing a drug for an individual who is neither enrolled nor provisionally enrolled in ADAP.~~

**B.** The Department shall:

- 1. Except as specified in subsection (D), provide up to a 30-day supply of a drug to an enrolled individual; and
- 2. Ensure that a drug to be shipped to an enrolled individual is sent to the address in Arizona provided by the enrolled individual according to R9-6-404(A)(1)(d) or R9-6-407(B)(1)(d).

**D-C.** The Department may authorize replacement of a drug when:

- 1. The drug has been dispensed by the ~~vendor~~ contract pharmacy or a pharmacy in which the enrolled individual or the enrolled individual's representative requested a refill of the drug through ADAP to an enrolled individual; and
- 2. The enrolled individual or the enrolled individual's representative claims the dispensed drug was lost, stolen, or damaged.

**D.** The Department may authorize an enrolled individual to receive more than a 30-day supply of a drug if the enrolled individual:

- 1. Submits to the Department:
  - a. The enrolled individual's name and date of birth;
  - b. The number of days for which the enrolled individual is requesting a supply of the drug; and
  - c. A justification for receiving more than a 30-day supply of a drug, such as that:
    - i. The enrolled individual will be out of Arizona for more than 30 days without changing residency,  
or
    - ii. The enrolled individual's health insurance coverage will allow for more than a 30-day supply of a drug; and
- 2. Is expected to continue to be enrolled in ADAP:
  - a. Past the number of days for which the enrolled individual is requesting a supply of the drug, and
  - b. Without needing to submit information or documentation for continuing enrollment, according to R9-6-407(E) or (F), during the time period.

**E.** For an enrolled individual who has health insurance coverage, the HIV-care provider of the enrolled individual, independently or through the contract pharmacy, may request approval of a drug on the ADAP formulary that is not covered by the enrolled individual's health insurance by submitting to the Department documentation that:

- 1. The drug is not covered by the enrolled individual's health insurance,
- 2. A request for health insurance coverage of the drug as a medical exception has been denied by the enrolled individual's health insurance, and
- 3. An appeal of the denial of the request in subsection (E)(2) has been denied by the enrolled individual's health insurance.

**E-F.** The ~~primary care~~ HIV-care provider of an enrolled individual, independently or through the contract pharmacy, may request approval of a ~~restricted~~ drug that is not covered by the enrolled individual's health insurance and not on the ADAP formulary for the enrolled individual by:

- 1. Completing a ~~Department provided form~~ Providing to the Department the following information, in a Department-provided format, for each requested ~~restricted~~ drug that contains the following information:
  - a. The name, business address, email address, and telephone number of the ~~primary care~~ HIV-care provider;
  - b. The date of the request;
  - c. The enrolled individual's name and date of birth;
  - d. The ~~indications for the use~~ name and any other identifier of the ~~restricted~~ drug;
  - e. The ~~most recent results of laboratory analyses to support the request and the dates of the laboratory analyses~~ cost of the drug, if available;
  - f. The expected duration of the enrolled individual's use of the drug, including whether:
    - i. Use of the drug is expected to be a one-time occurrence, or
    - ii. The enrolled individual is expected to need multiple refills of the drug and the expected number of refills;
  - f.g. A justification for use of the ~~restricted~~ drug that is not on the ADAP formulary by the enrolled individual;
  - g. An attestation by the ~~primary care~~ provider that:
    - i. To the best of the ~~primary care~~ provider's knowledge and belief, the information presented in the request is accurate and complete; and
    - ii. The ~~primary care~~ provider understands that the ~~primary care~~ provider is required to provide instructions to the enrolled individual regarding the use of the ~~restricted~~ drug and monitor the enrolled individual's use of the ~~restricted~~ drug;
  - h. Whether the Department should consider adding the drug to the ADAP formulary and the reasons for the recommendation; and
  - h.i. The dated signature of the ~~primary care~~ HIV-care provider;
  - i. An attestation by the enrolled individual or the enrolled individual's representative that the enrolled individual or the enrolled individual's representative understands that the enrolled individual is required to:
    - i. Follow the instructions of the enrolled individual's primary care provider regarding the use of the ~~restricted~~ drug; and



- ii. Have periodic laboratory analyses performed to support continuing use of the restricted drug; and
        - j. The dated signature of the enrolled individual or the enrolled individual's representative;
  - 2. Issuing a ~~written or oral~~ valid prescription order for the ~~restricted drug that is not on the ADAP formulary~~ to the ~~vendor~~ contract pharmacy; and
  - 3. Submitting to the Department ~~the documentation required in subsections (E)(1) through (3);~~
    - a. ~~The completed drug-specific form specified in subsection (E)(1); and~~
    - b. ~~Copies of the results of the most recent laboratory analyses to support the request for the restricted drug.~~
- F. If the restricted drug requested under subsection (E) is approved by the Department for an enrolled individual, the enrolled individual's primary care provider shall:
- 1. ~~Provide instructions to the enrolled individual regarding the use of the restricted drug; and~~
  - 2. ~~Monitor the enrolled individual's use of and clinical response to the restricted drug.~~
- G. When the Department receives a ~~drug-specific form requesting a restricted drug that is not on the ADAP formulary~~ request under subsection (E) or (F) for an enrolled individual, the Department shall:
- 1. Review the documents submitted according to subsection ~~(E)(3)~~ (E) or (F), as applicable;
  - 2. Determine whether the information submitted to the Department:
    - a. Is complete; and
    - b. Substantiates that the enrolled individual's use of the ~~restricted~~ drug is indicated; and
  - 3. Notify, through the contract pharmacy, the following of the Department's decision within five ~~business~~ working days after receiving the request:
    - a. The enrolled individual or the enrolled individual's representative; and
    - b. The enrolled individual's ~~primary care~~ HIV-care provider; ~~and~~
    - c. ~~The vendor pharmacy.~~
- H. If the Department denies a request for approval of a ~~restricted drug~~ under subsection (E) or (F) for an enrolled individual, the Department shall send to the enrolled individual or the enrolled individual's representative a written notice of denial setting forth the information required under A.R.S. § 41-1092.03.
- I. The Department shall only authorize the distribution of drugs that are included on the ADAP formulary or approved for an enrolled individual according to subsection (F).

NOTICE OF PROPOSED RULEMAKING

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

[R19-177]

PREAMBLE

- |           |  |                                   |
|-----------|--|-----------------------------------|
| <b>1.</b> | <b>Article, Part, or Section Affected (as applicable)</b><br>R20-5-507 | <b>Rulemaking Action</b><br>Amend |
|-----------|--|-----------------------------------|
- 2. Citations to agency's statutory rulemaking authority to include the authorizing statute and the implementing statutes:**  
 Authorizing statute: A.R.S. § 23-491.04(A)(2)  
 Implementing statutes: A.R.S. § 23-491.06; A.R.S. Title 23, Chapter 2, Article 12 (Safety Conditions for Elevators and Similar Conveyances)  
 Note: An exception from the moratorium on rulemaking, Executive Order 2019-01, was provided for this rulemaking by Kaitlin Harrier, Policy Advisor in the Office of the Arizona Governor, by e-mail dated August 16, 2019 because protecting the health and safety of the residents of Arizona is a top priority of state government and this rulemaking mitigates a potential safety hazard.
- 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. 2373, September 13, 2019 (*in this issue*)
- 4. The agency's contact person who can answer questions about the rulemaking:**  
 Name: Jessie Atencio, Director  
 Address: Division of Occupational Safety and Health  
 Industrial Commission of Arizona  
 800 W. Washington St., Suite 203  
 Phoenix, AZ 85007  
 Telephone: (602) 542-5795  
 Fax: (602) 542-1614  
 E-mail: jessie.atencio@azdosh.gov (please include "R20-5-507 Proposed Elevator Clearance Rulemaking" in the subject line)
- 5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**

Pursuant to A.R.S. §§ 23-491.04(A)(2) and 23-491.06, the Industrial Commission of Arizona (the "Commission") is required to promulgate standards and regulations necessary to carry out Title 23, Chapter 2, Article 12 (Safety Conditions for Elevators and Similar Conveyances), including adopting national consensus standards. Based on input obtained from the Governor's Regulatory Review Council, the Commission is proposing to amend A.A.C. R20-5-507 (Safety Code for Elevators, Escalators, Dumbwaiters, Moving Walks, Material Lifts, and Dumbwaiters with Automatic Transfer Devices) by adding a subsection (B) to adopt the clearance

standard contained in requirement 5.3.1.7.2 of ASME A17.1-2016, Safety Code for Elevators and Escalators, replacing, after the effective date of subsection (B), the existing national consensus standard from Section 5.3 of ASME A17.1-2007.

**6. A reference to any study relevant to the rule that the agency reviewed and proposes either to 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 Commission did not review or rely on any study relevant to the proposed amended rule.

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

Not applicable

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

The Commission anticipates that the proposed rulemaking will have minimal adverse economic impact on businesses installing elevators, as these businesses are sophisticated stakeholders that are already aware of the potential safety issues related to the elevator clearance standard in A17.1-2007. The Commission is unaware of any small business, as that term is defined in A.R.S. § 41-1001(21), that will be adversely affected by the amended rule. Consumers who purchase elevators and the users of those elevators will be the primary beneficiaries of the revised elevator clearance rule. As proposed, the revised elevator clearance rule is intended to protect elevator users from exposure to a potential safety hazard.

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

Name: Scott J. Cooley, Esq.  
 Address: Legal Division  
 Industrial Commission of Arizona  
 800 W. Washington St., Suite 303  
 Phoenix, AZ 85007  
 Telephone: (602) 542-5781  
 Fax: (602) 542-6783  
 E-mail: [scott.cooley@azica.gov](mailto:scott.cooley@azica.gov) (please include "R20-5-507 Proposed Elevator Clearance Rulemaking" in the subject line)

**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:**

Written comments can be submitted to the addresses listed in items 4 and 9 by the close of the comment period, which is at 5:00 p.m. on October 15, 2019. An oral proceeding on the proposed amended rule is scheduled for October 15, 2019, at 9:00 a.m., at the Industrial Commission of Arizona, 800 West Washington, Room 339, Phoenix, Arizona 85007.

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

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:**

The proposed amended rule does not require issuance of a regulatory permit or license.

**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 federal law directly applicable to the subject of the proposed rulemaking.

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

An analysis was not submitted.

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

The Commission is proposing to amend R20-5-507 (Safety Code for Elevators, Escalators, Dumbwaiters, Moving Walks, Material Lifts, and Dumbwaiters with Automatic Transfer Devices) by adding the specific language of requirement 5.3.1.7.2 of ASME A17.1-2016. This change, after the effective date of subsection (B), will replace the existing standard in Section 5.3 of ASME A17.1-2007. The specific language of requirement 5.3.1.7.2 is included in subsection B.

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

**TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE**

**CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA**

**ARTICLE 5. ELEVATOR SAFETY**

Section

R20-5-507. Safety Code for Elevators, Escalators, Dumbwaiters, Moving Walks, Material Lifts, and Dumbwaiters with Automatic Transfer Devices

**ARTICLE 5. ELEVATOR SAFETY**

R20-5-507. Safety Code for Elevators, Escalators, Dumbwaiters, Moving Walks, Material Lifts, and Dumbwaiters with Automatic Transfer Devices



- A.** Every owner or operator of an elevator, escalator, dumbwaiter, moving walk, material lift, or dumbwaiter with automatic transfer device, installed on or after ~~the effective date of this Section August 6, 2009~~ shall comply with the ASME A17.1-2007 (Safety Code for Elevators and Escalators) or ASME A17.7-2007 (Performance-Based Safety Code for Elevators and Escalators) as referenced in ASME A17.1-2007, which are incorporated by reference. Except as stated in subsection B, this incorporation by reference does not include any later amendments or editions of the incorporated matter. A copy of this referenced material is available for review at the Industrial Commission of Arizona, 800 West Washington Street, Phoenix, Arizona 85007, and may be obtained from ASME at Three Park Avenue, New York, New York 10016- 5990 or at <http://www.asme.org>. Every owner or operator of an elevator, escalator, dumbwaiter, moving walk, material lift, or dumbwaiter with an automatic transfer device, installed between May 5, 2009 and ~~the effective date of this Section August 6, 2019,~~ shall comply with ASME A17.1- 2007 or, as an alternative, may comply with ASME A17.7- 2007. Every owner or operator of an elevator, escalator, dumbwaiter, moving walk, material lift, or dumbwaiter with an automatic transfer device, installed before May 5, 2009, shall comply with the ASME A17.1 Safety Code for Elevators and Escalators in effect at the time of installation or, as an alternative, may comply with ASME A17.1- 2007 or ASME 17.7-2007.
- B.** For installations of an elevator, escalator, dumbwaiter, moving walk, material lift, or dumbwaiter with an automatic transfer device, installed after the effective date of this subsection, the distance between the hoistway face of the hoistway doors and the hoistway edge of the landing sill shall not exceed 19 mm (0.75 in.) for swinging doors and 57 mm (2.25 in.) for sliding doors.

**NOTICE OF PROPOSED RULEMAKING**

**TITLE 21. CHILD SAFETY**

**CHAPTER 5. DEPARTMENT OF CHILD SAFETY  
PERMANENCY AND SUPPORT SERVICES**

[R19-183]

**PREAMBLE**

- |   |                                 |
|---|---------------------------------|
| <b><u>1. Article, Part, or Section Affected (as applicable)</u></b> | <b><u>Rulemaking Action</u></b> |
| R21-5-201   | Amend                           |
| R21-5-205   | Amend                           |
- 2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**  
 Authorizing statute: A.R.S. § 8-453(A)(5)  
 Implementing statute: A.R.S. §§ 8-453(A)(9)(b)(iii), 8-453(A)(18), 8-521, and 8-521.01
- 3. 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. 2374, September 13, 2019 (*in this issue*)
- 4. The agency’s contact person who can answer questions about the rulemaking:**  
 Name: Shawn Fuller, General Counsel  
 Address: Department of Child Safety  
 3003 N. Central Ave.  
 Phoenix, AZ 85012  
 Telephone: (602) 255-2554  
 E-mail: Shawn.Fuller@azdcs.gov  
 Or  
 Name: Angie Trevino, Rules Development and Policy Specialist  
 Address: Department of Child Safety  
 3003 N. Central Ave.  
 Phoenix, AZ 85012  
 Telephone: (602) 255-2569  
 Email: Angelica.Trevino@azdcs.gov  
 Website: <https://dcs.az.gov/about/dcs-rules-rulemaking>
- 5. An agency’s justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**  
 The rules proposed in this rulemaking pertain to the Independent Living and the Transitional Independent Living Program. For youth who are in the custody of the Department, these programs provide services to help them prepare for adulthood. The justification for this emergency rulemaking is A.R.S. § 41-1026(A)(1). The current rules offer youth who are adjudicated dependent foster youth, up to their 18th birthday, to have the option of entering into the voluntary extended foster care program. The emergency rulemaking amends these rules in order to extend this same option to youth who are dually adjudicated (dependent and delinquent) and placed in a secure setting up to their 19th birthday. In state Fiscal year 2018, A.R.S. § 8-202 was amended to extend the Arizona Department Juvenile Corrections’ jurisdiction for detained delinquent youth to be served up to their 19th birthday.
- 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:**  
 Not applicable

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

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

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

Name: Shawn Fuller, General Counsel  
Address: Department of Child Safety  
3003 N. Central Ave.  
Phoenix, AZ 85012

Telephone: (602) 255-2554  
E-mail: Shawn.Fuller@azdcs.gov

Or

Name: Angie Trevino, Rules Development and Policy Specialist  
Address: Department of Child Safety  
3003 N. Central Ave.  
Phoenix, AZ 85012

Telephone: (602) 255-2569  
Email: Angelica.Trevino@azdcs.gov  
Web site: <https://dcs.az.gov/about/dcs-rules-rulemaking>

**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:**

Written comments may be submitted by:

Email: Policy Unit@azdcs.gov  
Mail: Department of Child Safety  
Field Resources and Policy Unit  
P.O. Box 6030  
Phoenix, AZ 85005

Close of public comment record is October 16, 2019 at 5:00 p.m.

The Department will hold oral proceedings on October 16, 2019 at 10:00AM at the following locations:

Department of Child Safety  
3550 N. Central Avenue, 2nd Floor  
Phoenix, AZ 85012

and

Abrams Public Health Center  
3950 S. Country Club Rd., Room 3108/3110  
Tucson, AZ 85714

Americans with Disabilities Act: Persons with disabilities may request reasonable accommodations by contacting the Arizona Department of Child Safety, Angie Trevino, at (602) 255-2569. Please make requests as early as possible to allow time to arrange the accommodation.

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

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

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

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

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

No analysis was submitted.

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

Not applicable

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

**TITLE 21. CHILD SAFETY**

**CHAPTER 5. DEPARTMENT OF CHILD SAFETY  
PERMANENCY AND SUPPORT SERVICES**



ARTICLE 2. INDEPENDENT LIVING AND TRANSITIONAL INDEPENDENT LIVING PROGRAMS

Section

R21-5-201. Definitions

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

ARTICLE 2. INDEPENDENT LIVING AND TRANSITIONAL INDEPENDENT LIVING PROGRAMS

R21-5-201. Definitions

The following definitions apply to this Article:

1. "Active participation" means the foster youth is demonstrating efforts toward completion of case plan goals such as regular attendance at school or employment that results in school credits or earned wages.
2. "Aftercare services" means assistance and support available to eligible, former foster youth living in Arizona after the Department, tribal foster care, or other state foster care case is dismissed, and includes services available through the Transitional Independent Living Program.
3. "Age of majority" means that a person is at least 18 years old.
4. "Approved living arrangement" means a residence that has been reviewed by the assigned Child Safety Worker or other responsible agency staff and approved within the individual case plan.
5. "Arizona Young Adult Program" means a group of programs and services designed to assist eligible youth to make a successful transition to adulthood. The programs and services include Independent Living Services, the Independent Living Subsidy Program, Voluntary Out-of-home Care for Foster Youth 18 through 20 Years of Age, and the Transitional Independent Living Program.
6. "Child placing agency" means the same as in A.R.S. § 8-501(A)(1)(a)(iii), and includes a Child Welfare Agency that OLR licenses as a Placing Agency to place a child in a licensed foster home, or facility.
7. "Child Welfare Agency" means the same as in A.R.S. § 8-501.
8. "Child Safety Worker" means the same as in A.R.S. § 8-801.
9. "Custody of the Department" means that the foster youth:
  - a. Is in out-of-home care under the supervision of the Department while the subject of a dependency petition, as an adjudicated dependent, or placed voluntarily under A.R.S. § 8-806; or
  - b. Is 18, 19, or 20 years of age, a resident of Arizona, and has signed an individual case plan agreement for voluntary out-of-home care. This includes foster youth who were dually adjudicated (dependent and delinquent) and released from a secure setting prior to, or on the foster youth's ~~18th~~ 19th birthday.
10. "Department" or "DCS" means the Arizona Department of Child Safety.
11. "Eligible youth" means a person who meets the qualifications in A.R.S. § 8-521 for the Independent Living Program, the qualifications in A.R.S. § 8-521.01 for the Transitional Independent Living Program, or is a person who was formerly in another state's child welfare program who would otherwise be eligible.
12. "Employment" means:
  - a. Paid employment;
  - b. Participation in employment-readiness activities, which include career assessment and exploration, and part time enrollment in an employment or career readiness education program;
  - c. Volunteer positions;
  - d. Job-shadowing;
  - e. Internship; or
  - f. Other paid or unpaid employment-related activities.
13. "Extraordinary purchase" means an expenditure by an eligible youth that impedes an eligible youth's ability to meet the financial obligations outlined in the eligible youth's budget.
14. "Foster youth" means a person in the custody of the Department.
15. "Full-time student" means an eligible youth enrolled in an education program identified by the program as being full-time due to the number of credits, credit hours, or other measure of enrollment.
16. "Independent Living Program" means the program authorized by A.R.S. § 8-521 to provide an Independent Living Subsidy and educational case management to a foster youth.
17. "Independent Living Services" or "IL Services" means an array of assistance and support services, including those provided under the Independent Living Program, that the Department provides, contracts, refers, or otherwise arranges that are designed to help a foster youth transition to adulthood by building skills and resources necessary to ensure personal safety, well-being, and permanency into adulthood.
18. "Independent Living Subsidy" or "IL Subsidy" means a monthly stipend provided under the Independent Living Program to a foster youth, to assist in meeting monthly living expenses. This stipend replaces any foster care maintenance payment from the Department for support of the foster youth's daily living expenses.
19. "Individual case plan" means an agreement between an eligible foster youth and the Department, directed by the foster youth that documents specific services and assistance that support the foster youth's goals in relation to:
  - a. Natural supports including permanent connections to and relationships with family and community, including peer and community mentors;
  - b. A safe, stable, desired living arrangement, which may include a permanent arrangement such as guardianship or adoption;
  - c. Daily living skills;
  - d. Secondary and postsecondary education and training;
  - e. Employment and career planning;
  - f. Physical health, including reproductive health;
  - g. Life care planning;

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



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

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



NOTICES OF SUPPLEMENTAL PROPOSED RULEMAKINGS

This section of the Arizona Administrative Register contains Notices of Supplemental Proposed Rulemakings.

After an agency has filed a Notice of Proposed Rulemaking and it is published in the Register, an agency may decide to make substantial changes to the rule after it is proposed. The agency prepares a Notice of Supplemental Proposed Rulemaking with these proposed changes. When filed, the notice is published under the deadline schedule in the back of the Register.

The Notice of Supplemental Proposed Rulemaking shall be published in the Register before holding any oral proceedings (A.R.S. § 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 #11 for the close of record and information related to public hearings and oral comments.

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

[R19-184]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action
2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):
3. 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:
4. The agency's contact person who can answer questions about the rulemaking:
5. 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 remedy a deficiency identified by the United State Environmental Protection Agency (EPA) in Arizona's nonattainment New Source Review (NSNR) rules. The Arizona Department of Environmental Quality (ADEQ) must adopt rules defining a significant emission rate (SER) for ammonia, as a precursor to fine particulate matter ("PM2.5"), under the NSNR program to comply with federal requirements. This rulemaking action is required to secure full approval of Arizona's NSR rules into the state implementation plan (SIP) and avoid sanctions under the federal Clean Air Act (CAA). Therefore, ADEQ is proposing to amend the definition of "significant" in R18-2-101(131) to include an emission rate for ammonia in PM2.5 nonattainment areas within the State of Arizona.

ADEQ received public comments in response to its Notice of Proposed Rulemaking (25 A.A.R. 993). One of the public comments received was submitted by EPA regarding other New Source Review (NSR) rules in Title 18, Chapter 2, Articles 3 and 4. This Notice of Supplemental Proposed Rulemaking addresses EPA's public comment regarding other New Source Review (NSR) rules submitted in response to the Notice of Proposed Rulemaking. The section-by-section explanation of the proposed rules in Section



and Section 7 of this preamble discuss these changes in greater detail.

#### **Legal Background.**

Under section 110(a)(1) of the CAA, each state is obligated to submit a “plan which provides for implementation, maintenance and enforcement of” the national ambient air quality standards (NAAQS). The CAA goes on to require that SIPs:

Include a program to provide for the . . . regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D of [Title I of the CAA].

42 U.S.C. § 7410(a)(2)(C). State and federal regulations adopted under this section are commonly referred to as “new source review” programs because they apply to newly constructed and modified, as opposed to existing sources. The CAA divides NSR requirements into those that apply to attainment areas (Part C requirements) and those that apply to nonattainment areas (Part D requirements). This rulemaking focuses on Part D of Title I of the CAA.

Part D of Title I of the CAA establishes an NSR program for major sources and modifications in nonattainment areas. This program is known as “Nonattainment New Source Review” (NNSR). Under Subpart 1 of Part D, a major source is defined as any source that emits, or has the potential to emit, 100 tons per year or more of a pollutant for which the area has been designated nonattainment. Subpart 4 of Part D establishes specific requirements for NNSR in PM<sub>10</sub> and PM<sub>2.5</sub> nonattainment areas.

Permit applicants subject to NNSR requirements under Part D must demonstrate that a major source or modification will comply with the lowest achievable emission rate (LAER) and that reductions in emissions from the same source or other sources will offset any emissions increases from the new or modified source.

#### **CAA Sanctions.**

Under the CAA and federal regulations, if EPA disapproves any element of a plan submitted under Title I, Part D of the CAA relating to nonattainment areas, and the plan deficiencies are not corrected within 18 months after the effective date of the disapproval, major sources subject to NNSR will have to offset emissions increases at a ratio of 2 to 1. 42 U.S.C. § 7509(a), (b)(2); 40 CFR § 52.31(d)(1). If the deficiencies remain uncorrected for an additional six months, the state loses most federal highway funds in the affected area. 42 USC § 7509(a), (b)(1); 40 CFR § 52.31(d)(1). If imposed, the sanctions will apply to nonattainment areas under ADEQ’s jurisdiction and the pollutants covered by the plan and will remain in effect until EPA finds that a revised plan corrects the deficiencies. 40 CFR § 52.31(b)(3),(d)(2), (5).

Additionally, EPA is required to adopt a federal implementation plan (FIP) within twenty-four months following the disapproval of *any* SIP if the deficiencies are not corrected and approved. 42 U.S.C. § 7410(c). ADEQ therefore must correct *all* deficiencies identified in the 2016 limited disapproval and the 2018 conditional approval, described below, in order to avoid sanctions and a FIP.

#### **Arizona’s Previous NSR Rulemaking, SIP Revision, and EPA’s Decisions.**

Below is a timeline of events relevant to this rulemaking:

On June 6, 2012, ADEQ adopted comprehensive amendments to the state’s air permit program designed, among other things, to bring the program into compliance with federal NNSR regulations. ADEQ submitted these amendments to EPA as a SIP revision on October 29, 2012 (the “2012 NSR SIP”).

On June 22, 2016, EPA published a limited disapproval of the 2012 NSR SIP for failure to regulate VOCs and ammonia as PM<sub>2.5</sub> precursors in the West Central Pinal (WCP) and Nogales PM<sub>2.5</sub> nonattainment areas. This limited disapproval established a deadline of January 22, 2018 (18 months after the disapproval) for ADEQ to cure the deficiency or face the imposition of offset sanctions in those nonattainment areas. If an additional six months passed after that deadline before ADEQ failed to cure the deficiency, highway sanctions would be imposed.

On February 2, 2017, ADEQ adopted amendments to its rules designed, among other things, to cure the deficiencies relating to PM<sub>2.5</sub> precursors identified in EPA’s June 22, 2016 limited disapproval. On April 28, 2017, ADEQ submitted these amendments as a SIP revision (the “2017 NSR SIP”).

On June 6, 2017, EPA proposed limited approval and limited disapproval of the 2017 NSR SIP. The limited disapproval noted that the 2017 NSR SIP addressed all requirements for PM<sub>2.5</sub> precursors, except for establishing a significant level for ammonia. A significant level is the threshold for emissions increases at major sources that are subject to NNSR. EPA rules establish significant levels for all pollutants subject to NNSR, except ammonia. Under section 189(e) of the Clean Air Act and 40 CFR § 51.165(a)(1)(x)(F), states containing PM<sub>2.5</sub> nonattainment areas are obligated either to adopt a significant level for ammonia or to demonstrate that ammonia does not contribute to the failure to attain the PM<sub>2.5</sub> NAAQS.

On December 6, 2017, ADEQ sent EPA a letter committing to correct the deficiency with regard to ammonia by March 31, 2019 by submitting either (1) a demonstration that ammonia does not contribute to nonattainment in the WCP and Nogales PM<sub>2.5</sub> nonattainment areas or (2) a rule establishing a significant level for ammonia (the “December 2017 commitment”). Based on this commitment, EPA proposed conditional approval of the 2017 NSR SIP with regard to PM<sub>2.5</sub> precursors on January 10, 2018. This proposal had the effect of deferring sanctions. EPA published a final conditional approval on May 4, 2018.

On March 29, 2019, ADEQ submitted a SIP revision to EPA, pursuant to 40 CFR § 51.165(a)(13), demonstrating that ammonia does not significantly contribute to PM<sub>2.5</sub> nonattainment in Arizona. ADEQ’s March 29, 2019 SIP Revision: Demonstration of a Significant Emission Rate for Ammonia is available at: <http://azdeq.gov/node/5742>. Based on subsequent conversations between EPA and ADEQ staff, EPA staff believes the March 29, 2019 submission is not approvable. ADEQ disagrees with EPA staff’s assessment. However, in order to assure that the requirements of Title I, Part D of the CAA are met and the terms of the 2018 conditional approval are satisfied, ADEQ proposes to amend its rules to include a SER for ammonia, as a PM<sub>2.5</sub> precursor, in PM<sub>2.5</sub>



nonattainment areas.

**Amendment is Necessary to Address NSR Deficiency**

Pursuant to ADEQ’s December 2017 commitment and the EPA’s conditional approval (83 Fed. Reg. 19631 (May 4, 2018)), this rulemaking proposes to establish a significant level for ammonia as a precursor of PM<sub>2.5</sub> in PM<sub>2.5</sub> nonattainment areas in Arizona.

As discussed above, the purpose of this rulemaking is to correct the single, remaining deficiency identified in the 2016 limited disapproval, and the 2018 conditional approval. This rulemaking will ensure Arizona’s NSR program conforms to federal requirements and qualifies for full approval by EPA. In order to address the remaining deficiency identified by the EPA regarding ammonia as a PM<sub>2.5</sub> precursor, ADEQ committed to adopt rule revisions to satisfy the requirements of CAA § 189(e) and related NNSR regulations. Therefore, ADEQ proposes to amend the definition of significant, as it relates to PM<sub>2.5</sub> nonattainment areas (R18-2-101(131)(e)), to add an emission rate of ammonia in the amount of 40 tons per year.

The SER of 40 tons per year of ammonia was selected by examining other, similarly situated PM<sub>2.5</sub> nonattainment areas within EPA Region IX. Recently, EPA approved a California SIP revision that implemented a SER for ammonia for the South Coast Air Quality Management District. 83 FR 39012 (Aug. 8, 2018) (proposed rule); 83 FR 61551 (Nov. 30, 2018) (final rule). In order to meet its NNSR obligations under the CAA, the South Coast Air Quality Management District selected a SER of 40 tons per year of ammonia. Additionally, EPA proposed approval of the Imperial Valley Air Pollution Control District’s SIP revision establishing a SER of 40 tons per year of ammonia. 84 FR 10753 (Mar. 22, 2019).

Additionally, this SER for ammonia is consistent with the SER of 40 tons per year that EPA established for sulfur dioxide, oxides of nitrogen, and volatile organic compounds (VOCs) as precursors to PM<sub>2.5</sub>. 73 FR 28321, 28333 (May 16, 2008); *see also* 40 CFR § 51.165(a)(1)(x)(A).

**Subsections not amended listed as “No change”:** ADEQ has made use of the option in the Secretary of State rule A.A.C. R1-1-502(B)(18)(f) to list some sections not amended as “No change” rather than showing sometimes long sections of text that are not being changed. Certain other subsections’ unchanged text are shown to provide context for nearby proposed changes. “No change” does not mean comments on rule text listed as “No change” will not be considered. However, the exception to the rules moratorium granted by the Governor to ADEQ to do this rulemaking may limit what ADEQ can actually implement.

**Section by Section Explanation of Proposed Rules:**

- R18-2-101 Amend the definition of “significant” used in the major NSR programs and related permit rules.
- R18-2-301 Amend incorporation by reference of 40 CFR 51, Appendix W.
- R18-2-302.01 Amend language regarding affected areas to improve clarity and consistency and correct typographical error in citation to 40 CFR 51, Subpart I.
- R18-2-304 Amend internal cross references to improve clarity.
- R18-2-334 Amend incorporations by reference of federal requirements; amend language regarding affected areas to improve clarity and consistency.
- R18-2-406 Amend incorporation by reference of 40 CFR 51, Appendix W.

**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. An explanation of the substantial change that resulted in the supplemental notice:**  
In response to the Notice of Proposed Rulemaking (NPRM) (25 A.A.R. 993), ADEQ received a public comment from EPA stating that other rules related to the NSR program require amendment. ADEQ agrees that these changes need to be made but believes that some of them are substantially different from the rule proposed in the NPRM. Therefore, the public is entitled to comment on them through a Notice of Supplement Proposed Rulemaking before they are adopted. A.R.S. § 41-1025.

EPA commented that incorporations by reference of 40 C.F.R. Part 51, Appendix W (Appendix W) in R18-2-301 and R18-2-406, as of July 1, 2015, were out of date. On June 30, 2017, EPA substantially amended Appendix W. R18-2-406 is part of ADEQ’s prevention of significant deterioration (PSD) program. PSD is a required element of an infrastructure SIP (I-SIP) and these out of date references could interfere with future I-SIP approvals. CAA § 110(a)(2). Therefore, to ensure consistency and prevent I-SIP approval issues, ADEQ is amending all references to Appendix W, except for the reference in A.A.C. Title 18, Chapter 2, Appendix 2, which is already up to date.

Additionally, EPA’s comment pointed out inconsistent language between A.A.C. R18-2-334(C)(2) and R18-2-302.01(C)(1) related to ambient air quality assessments. In order to improve clarity, ADEQ is proposing amended language to make these two rules consistent.

EPA’s comment identified several internal cross-references in A.A.C. R18-2-304(F) and (J), and R18-2-334(G) that contained minor. ADEQ is making these corrections to improve the clarity of its NSR rules. ADEQ does not believe that these changes are substantial.

ADEQ received comments from other stakeholders. ADEQ will respond to these comments in the Notice of Final Rulemaking.

Finally, ADEQ is proposing amended language for the definition of significant that differs from the NPRM’s proposed language. A.R.S. § 41-1025. First, the NPRM’s proposed language would have affected Class II permitting requirements. Such an affect would have been beyond NNSR’s requirements for ammonia, as a precursor to PM<sub>2.5</sub>, in PM<sub>2.5</sub> nonattainment areas. A.R.S. § 49-104(A)(16). Therefore, the proposed amended language assures the SER for ammonia only applies to NNSR. Second, ADEQ is



amending the definition of significant for VOCs to make the language consistent with other subsections.

**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 preliminary 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 (EIS) under A.R.S. § 41-1055.

**An identification of the rulemaking.**

The rulemaking addressed by this EIS is the adoption of amendments designed to bring ADEQ's new source review (NSR) rules into conformance with federal requirements. This rulemaking will remedy the remaining deficiency identified by EPA in its 2016 limited disapproval and 2018 conditional approval to bring Arizona's NSR program into conformity with federal requirements. All other deficiencies were remedied in previous rulemakings. The changes are described in greater detail in section 5 of this notice of proposed rulemaking.

This proposed change is procedural or technical in nature and should have at most a trivial economic impact on the agency, businesses or consumers.

**An identification of the persons who will be directly affected by, bear the cost of or directly benefit from the rulemaking.**

In order for the ammonia SER proposed in this rulemaking to have any regulatory impact, an existing source with the potential to emit 100 tons per year for ammonia located in one of the two PM<sub>2.5</sub> nonattainment areas would have to undergo a physical or operational change that results in a net increase of at least 40 tons per year of ammonia emissions. There are currently no such sources located anywhere in the Nogales or West Central Pinal nonattainment areas, and it is extraordinarily improbable that any will be constructed in the future. Thus, this rulemaking is highly unlikely to impose any economic costs on the regulated community or to result in any environmental benefits.

On the other hand, avoiding the potential federal highway funds sanctions will benefit the State and residents of Arizona.

**A cost benefit analysis of the following:**

**The probable costs and benefits to the implementing agency or other agencies directly affected by the implementation and enforcement of the rulemaking.**

ADEQ's increased cost of implementing the NSR program resulting from the procedural and technical changes contained in this proposal will likely be minimal. This rulemaking consists of adjustments to existing programs to conform to EPA's conditional approval and federal and state requirements.

**The probable costs and benefits to a political subdivision of this state directly affected by the implementation and enforcement of the rulemaking.**

The costs to political subdivisions subject to permitting under ADEQ's rules from these proposed amendments should be minimal. In general, the types of sources operated by political subdivisions are very unlikely to be subject to major NSR, and as noted above it is highly unlikely that any source will be subject to NNSR as a result of this rulemaking. ADEQ considers any impacts to sources in counties with their own pollution control programs to be indirect.

**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.**

As discussed above, the amendment to R18-2-101 rules is necessary to comply with federal requirements for the program. If ADEQ fails to adopt this amendment, the same or similar standard would ultimately apply to sources in Arizona through the adoption of a federal implementation plan (FIP) or the application of 40 CFR Part 51, Appendix S. In addition, Title I, Part D of the CAA imposes a limited time for ADEQ to adopt the NSR amendments. Failure to meet the statutory timeframe will result in sanctions by the federal government, as described above.

Thus, failure to adopt these amendments would not in the long run result in the avoidance of any costs of compliance for the reasons given above, but would result in a substantial negative impact on the state's economy.

The other changes are of a technical, non-substantive, nature, and are unlikely to have any costs for business subject to these rules.

**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.**

ADEQ does not believe that any additional costs will be imposed on businesses as a result of the amended NSR requirements for the reasons described above. Accordingly, there should be no impact on private employment or on the employment of any political subdivision subject to NSR.

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

**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.

As previously mentioned, there are no existing or proposed major sources of ammonia within ADEQ's jurisdiction and therefore no small businesses would be subject to this rulemaking.

**The administrative and other costs required for compliance with the rulemaking.**

Not Applicable

**A description of the methods that the agency may use to reduce the impact on small businesses.**

Not Applicable

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



Not Applicable

**A statement of the probable effect on state revenues.**

Since any costs associated with the rulemaking will be recoverable through air quality permit fees, there will be no net effect on state revenues.

**A description of any less intrusive or less costly alternative methods of achieving the purpose of the rulemaking.**

ADEQ was not able to identify any less intrusive or costly alternative methods for achieving the purpose of the rulemaking—compliance with the federal NSR requirements for ammonia as PM<sub>2.5</sub> precursor.

**A description of any data on which a rule is based with a detailed explanation of how the data was obtained and why the data is acceptable data. An agency advocating that any data is acceptable data has the burden of proving that the data is acceptable. For the purposes of this paragraph, “acceptable data” means empirical, replicable and testable data as evidenced in supporting documentation, statistics, reports, studies or research.**

Data on which this proposed rulemaking is based on can be located by referring to the Federal Register notices referenced in part 5 of this NPRM. Copies of the Federal Register are available at either <https://www.federalregister.gov/> or <https://www.govinfo.gov/app/collection/fr/>.

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

Name: Zachary Dorn  
Address: Department of Environmental Quality  
Air Quality Division, AQIP Section  
1110 W. Washington St.  
Phoenix, AZ 85007  
Telephone: (602) 771-4585  
Fax: (602) 771-2299  
E-mail: dorn.zachary@azdeq.gov

**11. 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:**

ADEQ will conduct a public hearing to receive feedback, comments, questions, and concerns on the proposed rulemaking. All interested parties may attend.

The public comment period for this rulemaking will take place between September 13, 2019 and October 15, 2019. The public comment period will close October 15, 2019.

The public hearing for the rules will be conducted on October 15, 2019 at 1:00 p.m., at:

Arizona Department of Environmental Quality  
1110 W. Washington St., Room 3100A  
Phoenix, AZ 85007

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

There are no matters prescribed by statute applicable specifically to ADEQ or this specific rulemaking.

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

This proposed rule amendment will not require any permits as it is to comply with CAA NSR regulations for any applicable new construction or major modification of a stationary source that falls under ADEQ’s jurisdiction. Federal law does allow for the enforcement of major NSR requirements through the issuance of permits, because major NSR requires case-by-case, facility specific determinations.

**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 proposed rule amendment will help Arizona comply with the federal Clean Air Act, Title I, Parts C and D. This rulemaking 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 person(s) submitted an analysis to ADEQ.

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

There are no incorporations by reference added to the rules in this action.

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



**TITLE 18. ENVIRONMENTAL QUALITY  
CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY  
AIR POLLUTION CONTROL**

**ARTICLE 1. GENERAL**

Section  
R18-2-101. Definitions

**ARTICLE 3. PERMITS AND PERMIT REVISIONS**

Section  
R18-2-301. Definitions  
R18-2-302.01. Source Registration Requirements  
R18-2-304. Permit Application Processing Procedures  
R18-2-334. Minor New Source Review

**ARTICLE 4. PERMIT REQUIREMENTS FOR NEW MAJOR  
SOURCES AND MAJOR MODIFICATIONS TO EXISTING MAJOR SOURCES**

Section  
R18-2-406. Permit Requirements for Sources Located in Attainment and Unclassifiable Areas

**ARTICLE 1. GENERAL**

**R18-2-101. Definitions**

The following definitions apply to this Chapter. Where the same term is defined in this Section and in the definitions Section for an Article of this Chapter, the Article-specific definition shall apply.

1. No change
2. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. 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
12. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. No change
  - f. No change
13. No change
  - a. No change
  - b. No change
  - c. No change
14. No change
15. No change
16. No change
  - a. No change
  - b. No change
17. No change
18. No change
19. No change
20. No change
  - a. No change
    - i. No change
    - ii. No change
    - iii. No change



- iv. No change
  - b. No change
    - i. No change
    - ii. No change
    - iii. No change
    - iv. No change
    - v. No change
    - vi. No change
  - c. No change
- 21. No change
- 22. No change
- 23. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. No change
  - f. No change
  - g. No change
  - h. No change
  - i. No change
  - j. No change
  - k. No change
  - l. No change
  - m. No change
  - n. No change
  - o. No change
  - p. No change
  - q. No change
  - r. No change
  - s. No change
  - t. No change
  - u. No change
  - v. No change
  - w. No change
  - x. No change
  - y. No change
  - z. No change
- 24. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
    - i. No change
    - ii. No change
    - iii. No change
  - e. No change
- 25. No change
- 26. No change
- 27. No change
- 28. No change
- 29. No change
- 30. No change
- 31. No change
  - a. No change
  - b. No change
- 32. No change
- 33. No change
- 34. No change
- 35. No change
- 36. No change
- 37. No change
- 38. No change
- 39. No change
- 40. No change
- 41. No change



- 42. No change
- 43. No change
- 44. No change
- 45. No change
- 46. No change
- 47. No change
- 48. No change
- 49. No change
- 50. No change
- 51. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. No change
  - f. No change
  - g. No change
  - h. No change
  - i. No change
  - j. No change
  - k. No change
  - l. No change
- 52. No change
- 53. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
- 54. No change
- 55. No change
- 56. No change
- 57. No change
- 58. No change
- 59. No change
- 60. No change
- 61. No change
- 62. No change
- 63. No change
- 64. No change
- 65. No change
- 66. No change
- 67. No change
- 68. No change
  - a. No change
    - i. No change
    - ii. No change
    - iii. No change
    - iv. No change
    - v. No change
    - vi. No change
    - vii. No change
  - b. No change
  - c. No change
    - i. No change
    - ii. No change
    - iii. No change
    - iv. No change
    - v. No change
    - vi. No change
  - d. No change
    - i. No change
    - ii. No change
    - iii. No change
    - iv. No change
  - e. No change
    - i. No change



- ii. No change
- f. No change
  - i. No change
  - ii. No change
  - iii. No change
- g. No change
  - i. No change
  - ii. No change
- 69. No change
- 70. No change
- 71. No change
- 72. No change
- 73. No change
- 74. No change
  - a. No change
  - b. No change
  - c. No change
    - i. No change
    - ii. No change
    - iii. No change
    - iv. No change
    - v. No change
      - (1) No change
      - (2) No change
      - (3) No change
    - vi. No change
      - (1) No change
      - (2) No change
      - (3) No change
    - vii. No change
    - viii. No change
    - ix. No change
      - (1) No change
      - (2) No change
    - x. No change
    - xi. No change
  - d. No change
- 75. No change
  - a. No change
  - b. No change
    - i. No change
    - ii. No change
  - c. No change
- 76. No change
- 77. No change
- 78. No change
- 79. No change
- 80. No change
  - a. No change
  - b. No change
  - c. No change
- 81. No change
- 82. No change
- 83. No change
- 84. No change
- 85. No change
- 86. No change
- 87. No change
- 88. No change
  - a. No change
    - i. No change
    - ii. No change
    - iii. No change
  - b. No change
    - i. No change
    - ii. No change



- c. No change
- d. No change
- e. No change
- f. No change
  - i. No change
  - ii. No change
  - iii. No change
  - iv. No change
  - v. No change
- g. No change
- h. No change
- 89. No change
- 90. No change
- 91. No change
- 92. No change
- 93. No change
- 94. No change
- 95. No change
- 96. No change
- 97. No change
- 98. No change
- 99. No change
- 100. No change
- 101. No change
- 102. No change
- 103. No change
- 104. No change
- 105. No change
- 106. No change
- 107. No change
- 108. No change
- 109. No change
- 110. No change
- 111. No change
- 112. No change
- 113. No change
- 114. No change
- 115. No change
- 116. No change
- 117. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
- 118. No change
- 119. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
- 120. No change
- 121. No change
- 122. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
    - i. No change
    - ii. No change
  - e. No change
- 123. No change
  - a. No change
  - b. No change
- 124. No change
  - a. No change
    - i. No change



- ii. No change
- iii. No change
- iv. No change
- b. No change
  - i. No change
  - ii. No change
  - iii. No change
- c. No change
- d. No change
- 125. No change
  - a. No change
    - i. No change
    - ii. No change
    - iii. No change
    - iv. No change
    - v. No change
    - vi. No change
    - vii. No change
  - b. No change
  - c. No change
- 126. No change
- 127. No change
- 128. No change
- 129. No change
  - a. No change
  - b. No change
- 130. No change
- 131. "Significant" means, in reference to a significant emissions increase, a net emissions increase, a stationary source's potential to emit or a stationary source's maximum capacity to emit with any elective limits as defined in R18-2-301(13):
  - a. A rate of emissions of conventional pollutants that would equal or exceed any of the following:

Pollutant	Emissions Rate
Carbon monoxide	100 tons per year (tpy)
Nitrogen oxides	40 tpy
Sulfur dioxide	40 tpy
PM <sub>10</sub>	15 tpy
PM <sub>2.5</sub>	10 tpy of direct PM <sub>2.5</sub> emissions; 40 tpy of sulfur dioxide emissions; 40 tpy of nitrogen oxide emissions.
Ozone	40 tpy of VOC or nitrogen oxides
Lead	0.6 tpy

- b. For purposes of determining the applicability of R18-2-302(B)(2) or R18-2-406, in addition to the rates specified in subsection (131)(a), a rate of emissions of non-conventional pollutants that would equal or exceed any of the following:

Pollutant	Emissions Rate
Particulate matter	25 tpy
Fluorides	3 tpy
Sulfuric acid mist	7 tpy
Hydrogen sulfide (H <sub>2</sub> S)	10 tpy
Total reduced sulfur (including H <sub>2</sub> S)	10 tpy
Reduced sulfur compounds (including H <sub>2</sub> S)	10 tpy



Municipal waste combustor organics (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans) 3.5 x 10<sup>-6</sup> tpy

Municipal waste combustor metals (measured as particulate matter) 15 tpy

Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride) 40 tpy

Municipal solid waste landfill emissions (measured as nonmethane organic compounds) 50 tpy

Any regulated NSR pollutant not specifically listed in this subsection (or) subsection (131)(a), except for ammonia. Any emission rate

- c. In ozone nonattainment areas classified as serious or severe, the emission rate for nitrogen oxides or VOC determined under R18-2-405.
- d. In a carbon monoxide nonattainment area classified as serious, a rate of emissions that would equal or exceed 50 tons per year, if the Administrator has determined that stationary sources contribute significantly to carbon monoxide levels in that area.
- e. In PM<sub>2.5</sub> nonattainment areas, an emission rate that would equal or exceed 40 tons per year of VOC as a precursor of PM<sub>2.5</sub>.
- f. In PM<sub>2.5</sub> nonattainment areas, for purposes of determining the applicability of R18-2-403 or R18-2-404, an emission rate that would equal or exceed 40 tons per year of ammonia, as a precursor to PM<sub>2.5</sub>. This subsection shall take effect on the effective date of the Administrator's action approving it as part of the state implementation plan.
- gf. Notwithstanding the emission rates listed in subsection (131)(a) or (b), for purposes of determining the applicability of R18-2-406, any emissions rate or any net emissions increase associated with a major source or major modification, which would be constructed within 10 kilometers of a Class I area and have an impact on the ambient air quality of such area equal to or greater than 1 µg/m<sup>3</sup> (24-hour average).

132. No change

133. No change

134. No change

135. No change

136. No change

a. No change

b. No change

137. No change

138. No change

139. No change

140. No change

141. No change

142. No change

143. No change

144. No change

145. No change

146. No change

a. No change

i. No change

ii. No change

iii. No change

b. No change

i. No change

ii. No change

iii. No change

iv. No change



- v. No change
- vi. No change
- vii. No change
- viii. No change
- ix. No change
- x. No change
- xi. No change
- xii. No change
- xiii. No change
- xiv. No change
- xv. No change
- xvi. No change
- xvii. No change
- xviii. No change
- xix. No change
- xx. No change
- xxi. No change
- xxii. No change
- xxiii. No change
- xxiv. No change
- c. No change
  - i. No change
  - ii. No change
  - iii. No change
  - iv. No change
  - v. No change
  - vi. No change
  - vii. No change
  - viii. No change
- d. No change
  - i. No change
  - ii. No change
  - iii. No change
  - iv. No change
  - v. No change
  - vi. No change
  - vii. No change
  - viii. No change
  - ix. No change
  - x. No change
  - xi. No change
  - xii. No change
- e. No change
  - i. No change
  - ii. No change
  - iii. No change
  - iv. No change
  - v. No change
  - vi. No change
  - vii. No change
- f. No change
  - i. No change
  - ii. No change
  - iii. No change
  - iv. No change
  - v. No change
  - vi. No change
  - vii. No change
- g. No change
  - i. No change
  - ii. No change
- h. No change
  - i. No change
  - ii. No change
  - iii. No change
  - iv. No change



- v. No change
- vi. No change
- 147. No change
- 148. No change
- 149. No change
- 150. No change
- 151. No change
- 152. No change
- 153. No change
- 154. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. No change
  - f. No change
  - g. No change
  - h. No change
  - i. No change
  - j. No change
  - k. No change
  - l. No change
  - m. No change
  - n. No change
  - o. No change
  - p. No change
  - q. No change
  - r. No change
  - s. No change
  - t. No change
  - u. No change
  - v. No change
  - w. No change
  - x. No change
  - y. No change
  - z. No change
  - aa. No change
  - bb. No change
  - cc. No change
  - dd. No change
  - ee. No change
  - ff. No change
  - gg. No change
  - hh. No change
  - ii. No change
  - jj. No change
  - kk. No change
  - ll. No change
  - mm. No change
  - nn. No change
  - oo. No change
  - pp. No change
  - qq. No change
  - rr. No change
  - ss. No change
  - tt. No change
  - uu. No change
  - vv. No change
  - ww. No change
  - xx. No change
  - yy. No change
  - zz. No change
  - aaa. No change
  - bbb. No change
  - ccc. No change
  - ddd. No change



- eee. No change
- fff. No change
- ggg. No change
- hhh. No change
  - i. No change
  - ii. No change
  - iii. No change
  - iv. No change
  - iii. No change
- 155. No change

**ARTICLE 3. PERMITS AND PERMIT REVISIONS**

**R18-2-301. Definitions**

The following definitions apply to this Article:

- 1. No change
- 2. No change
- 3. No change
- 4. No change
- 5. No change
- 6. No change
  - a. No change
  - b. No change
  - c. No change
    - i. No change
    - ii. No change
      - (1) No change
      - (2) No change
      - (3) No change
    - iii. No change
    - iv. No change
    - v. No change
- 7. No change
- 8. No change
- 9. No change
- 10. No change
- 11. No change
- 12. No change
- 13. No change
- 14. No change
  - a. No change
    - i. No change
    - ii. No change
  - b. No change
  - c. No change
  - d. No change
    - i. No change
    - ii. No change
    - iii. No change
    - iv. No change
    - v. No change
    - vi. No change
    - vii. No change
    - viii. No change
      - (1) No change
      - (2) No change
    - ix. No change
    - x. No change
    - xi. No change
      - (1) No change
      - (2) No change
    - xii. No change
    - xiii. No change
  - e. No change
    - i. No change
    - ii. No change
    - iii. No change



15. No change
16. No change
17. No change
18. No change
19. No change
20. No change
  - a. No change
    - i. No change
    - ii. No change
  - b. No change
  - c. No change
  - d. No change
    - i. No change
    - ii. No change
21. "Screening model" means air dispersion modeling performed with screening techniques in accordance with 40 CFR 51, Appendix W as of June 30, 2017 (and no future amendments or additions).
22. No change
23. No change
24. No change

**R18-2-302.01. Source Registration Requirements**

- A. No change
  1. No change
  2. No change
  3. No change
  4. No change
  5. No change
  6. No change
  7. No change
- B. No change
  1. No change
  2. No change
  3. No change
  4. The Department shall also send a copy of the notice required by subsection (B)(3) to the administrator through the appropriate regional office, and to all other state and local air pollution control agencies having jurisdiction in the region in which the source subject to the registration will be located. The notice shall also be sent to any other agency in the region having responsibility for implementing the procedures required under 40 CFR 51, Subpart I.
  5. No change
- C. Review for National Ambient Air Quality Standards Compliance; Requirement to Obtain a Permit.
  1. The Director shall review each application for registration of a source with the maximum capacity to emit with any elective limits any regulated minor NSR pollutant in an amount equal to or greater than the permitting exemption threshold. The purpose of the review shall be to determine whether the new or modified source may interfere with attainment or maintenance of a national ambient air quality standard in ~~any area Arizona or affected state or Indian reservation~~. In making the determination required by this subsection, the Director shall take into account the following factors
    - a. No change
    - b. No change
    - c. No change
    - d. No change
    - e. No change
    - f. No change
  2. No change
  3. No change
  4. No change
- D. No change
  1. No change
  2. No change
  3. No change
- E. No change
  1. No change
  2. No change
  3. No change
  4. No change
- F. No change
  1. No change
    - a. No change
    - b. No change
  2. No change



- a. No change
- b. No change
- 3. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. No change
- 4. No change
  - a. No change
  - b. No change
  - c. No change
- G.** No change
  - 1. No change
    - a. No change
      - i. No change
      - ii. No change
    - b. No change
    - c. No change
  - 2. No change
- H.** No change
  - 1. No change
  - 2. No change
  - 3. No change
  - 4. No change
- I.** No change

**R18-2-304. Permit Application Processing Procedures**

- A.** No change
- B.** No change
  - 1. No change
  - 2. No change
  - 3. No change
    - a. No change
    - b. No change
    - c. No change
    - d. No change
    - e. No change
    - f. No change
    - g. No change
    - h. No change
  - 4. No change
    - a. No change
    - b. No change
  - 5. No change
  - 6. No change
  - 7. No change
  - 8. No change
    - a. No change
    - b. No change
      - i. No change
      - ii. No change
      - iii. No change
      - iv. No change
    - c. No change
      - i. No change
      - ii. No change
      - iii. No change
      - iv. No change
    - d. No change
    - e. No change
  - 9. No change
    - a. No change
      - i. No change
      - ii. No change
      - iii. No change
      - iv. No change



- b. No change
  - c. No change
  - d. No change
  - 10. No change
  - C. No change
    - 1. No change
    - 2. No change
    - 3. No change
    - 4. No change
  - D. No change
    - 1. No change
    - 2. No change
    - 3. No change
  - E. No change
  - F. A complete application shall comply with all of the following:
    - 1. To be complete, an application shall provide all information required by subsection (B) (standard application form section). An application for permit revision only need supply information related to the proposed change, unless the source's proposed permit revision will change the permit from a Class II permit to a Class I permit. A responsible official shall certify the submitted information consistent with subsection (~~H~~I) (Certification of Truth, Accuracy, and Completeness).
    - 2. No change
    - 3. No change
    - 4. No change
    - 5. No change
    - 6. If, while processing an application that has been determined or deemed to be complete, the Director determines that additional information is necessary to evaluate or take final action on that application, the Director may request such information in writing and set a reasonable deadline for a response. Except for minor permit revisions as set forth in R18-2-319, a source's ability to continue operating without a permit, as set forth in subsection (~~J~~K), shall be in effect from the date the application is determined to be complete until the final permit is issued, provided that the applicant submits any requested additional information by the deadline specified by the Director.
    - 7. No change
    - 8. Activities which are insignificant pursuant to the definition of insignificant activities in R18-2-101 shall be listed in the application. Except as necessary to complete the assessment required by subsection (~~E~~F)(2) or (3), the application need not provide emissions data regarding insignificant activities. If the Director determines that an activity listed as insignificant does not meet the requirements of the definition of insignificant activities in R18-2-101 or that emissions data for the activity is required to complete the assessment required by subsection (~~E~~F)(2) or (3), the Director shall notify the applicant in writing and specify additional information required.
    - 9. No change
    - 10. No change
  - G. No change
  - H. No change
  - I. No change
  - J. No change
    - 1. No change
    - 2. In addition, a permit may be issued, revised, or renewed only if all of the following conditions have been met:
      - a. The application received by the Director for a permit, permit revision, or permit renewal shall be complete according to subsection (~~E~~F).
      - b. No change
      - c. No change
      - d. No change
      - e. No change
      - f. No change
      - g. No change
    - 3. No change
    - 4. No change
    - 5. No change
  - K. No change
- R18-2-334. Minor New Source Review**
- A. No change
    - 1. No change
      - a. No change
      - b. No change
    - 2. No change
    - 3. No change
    - 4. No change
  - B. No change
  - C. No change



- 1. No change
  - a. No change
  - b. No change
  - c. No change
    - i. No change
    - ii. No change
- 2. An ambient air quality assessment demonstrates that emissions from the source or minor NSR modification will not interfere with attainment or maintenance of a national ambient air quality standard in any area Arizona or any affected state.
  - a. No change
  - b. No change
    - i. No change
    - ii. No change
  - c. No change
- D.** No change
  - 1. No change
  - 2. No change
    - a. No change
    - b. No change
    - c. No change
    - d. No change
    - e. No change
- E.** No change
  - 1. No change
  - 2. No change
  - 3. No change
  - 4. No change
  - 5. No change
  - 6. No change
- F.** No change
- G.** A copy of the notice required by R18-2-330 for permits or significant permit revisions subject to this Section must also be sent to the Administrator through the appropriate regional office, and to all other state and local air pollution control agencies having jurisdiction in the region in which the source subject to the permit or permit revision will be located. The notice also must be sent to any other agency in the region having responsibility for implementing the procedures required under 40 CFR 51, Subpart I.
- H.** All modeling required pursuant to this Section shall be conducted in accordance with 40 CFR 51, Appendix W as of June 30, 2017 (and no future amendments or additions).
- I.** No change
- J.** No change

**ARTICLE 4. PERMIT REQUIREMENTS FOR NEW MAJOR SOURCES AND MAJOR MODIFICATIONS TO EXISTING MAJOR SOURCES**

**R18-2-406. Permit Requirements for Sources Located in Attainment and Unclassifiable Areas**

- A.** No change
  - 1. No change
  - 2. No change
  - 3. No change
  - 4. No change
  - 5. No change
    - a. No change
    - b. No change
  - 6. Air quality models:
    - a. All estimates of ambient concentrations required under this Section shall be based on the applicable air quality models, databases, and other requirements specified in 40 CFR 51, Appendix W, "Guideline On Air Quality Models," as of June 30, 2017 (and no future amendments or additions) ~~July 1, 2015 (and no future amendments or additions)~~, which shall be referred to hereinafter as "Guideline" and is adopted by reference and is on file with the Department.
    - b. No change
- B.** No change
- C.** No change
- D.** No change
- E.** No change
  - 1. No change
  - 2. No change
  - 3. No change
  - 4. No change
  - 5. No change
- F.** No change
- G.** No change



- H. No change
- I. No change
- J. No change
  - 1. No change
  - 2. No change
- K. No change
  - 1. No change
  - 2. No change
- L. No change
  - 1. No change
  - 2. No change
- M. No change
- N. No change

---

---

## NOTICES OF RULEMAKING DOCKET OPENING

---

---

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

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

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

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

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

---

---

### NOTICE OF RULEMAKING DOCKET OPENING DEPARTMENT OF AGRICULTURE ANIMAL SERVICES DIVISION

[R19-185]

1. **Title and its heading:** 3, Agriculture  
**Chapter and its heading:** 2, Department of Agriculture - Animal Services Division  
**Articles and their headings:** 4, Animal Disease Prevention and Control  
**Section numbers:** R3-2-410
2. **The subject matter of the proposed rules:**  
The purpose of this rulemaking is to implement a rule that requires Trichomoniasis testing of all bulls being sold for breeding purposes to curb the spread of Trichomoniasis.
3. **A citation to all published notices relating to the proceeding:**  
Notice of Proposed Rulemaking: 25 A.A.R. 2323, September 13, 2019 (*in this issue*)
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Chris McCormack, Associate Director, ASD  
Address: Arizona Department of Agriculture  
1688 W. Adams St.  
Phoenix, AZ 85007  
Telephone: (602) 542-7186  
E-mail: cmccormack@azda.gov
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
Written comments may be submitted by using the address listed in item 4 until the close of the record on October 15, 2019 at noon. An oral proceeding is scheduled for October 15, 2019 at 11:00 a.m., to be held at 1688 W. Adams St., Phoenix, AZ 85007, Room 206.
6. **A timetable for agency decisions or other action on the proceeding, if known:**  
The Department is hopeful that the rulemaking can be completed and the rule can become effective in January 2020.

### NOTICE OF RULEMAKING DOCKET OPENING DEPARTMENT OF AGRICULTURE ANIMAL SERVICES DIVISION

[R19-186]

1. **Title and its heading:** 3, Agriculture  
**Chapter and its heading:** 2, Department of Agriculture - Animal Services Division  
**Article and its heading:** 1, General Provisions  
2, Meat and Poultry Inspection  
3, Feeding of Animals  
4, Animal Disease Prevention and Control  
5, State-Federal Cooperative Disease Control Program  
6, Health Requirements Governing Admission of Animals  
7, Livestock Inspection  
8, Dairy and Dairy Products Control  
9, Egg and Egg Products Control  
**Section Numbers:** R3-2-101, R3-2-102; R3-2-208; R3-2-301, R3-2-302; R3-2-401 through R3-2-413; R3-2-501, R3-2-503 through R3-2-505; R3-2-601



through

R3-2-609, R3-2-611 through R3-2-618, R3-2-620; R3-2-701 through R3-2-703, R3-2-708; R3-2-801, R3-2-803 through R3-2-805, R3-2-807, R3-2-808; R3-2-901, R3-2-902, R3-2-906 through R3-2-908

**2. The subject matter of the proposed rule:**

The rules being amended, added, or eliminated are all relating to the programs within the Animal Services Division and are intended to re-regulate the Livestock, Dairy, Egg, and Meat industries. The rulemaking is being completed in an effort to reduce, modernize, and simplify our existing regulations.

**3. A citation to all published notices relating to the proceeding:**

Notice of Proposed Rulemaking: 25 A.A.R. 2291, September 13, 2019 (*in this issue*)

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

Name: Chris McCormack  
 Address: Department of Agriculture  
 1688 W. Adams St.  
 Phoenix, AZ 85007  
 Telephone: (602) 542-7186  
 Fax: (602) 542-4290  
 E-mail: cmccormack@azda.gov

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

The Department will accept comments during business hours until the close of the record on October 15, 2019 at noon at the address listed in item 4. Information regarding an oral proceeding is included in the Notice of Proposed Rulemaking.

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

To be determined.

**NOTICE OF RULEMAKING DOCKET OPENING  
 INDUSTRIAL COMMISSION OF ARIZONA**

[R19-178]

**1. Title and its heading:**

20, Commerce, Financial Institutions, and Insurance

**Chapter and its heading:**

5, Industrial Commission of Arizona

**Article and its heading:**

5, Elevator Safety

**Section numbers:**

R20-5-507

**2. The subject matter of the proposed rule:**

Pursuant to A.R.S. §§ 23-491.04(A)(2) and 23-491.06, the Industrial Commission of Arizona (the “Commission”) is required to promulgate standards and regulations necessary to carry out Title 23, Chapter 2, Article 12 (Safety Conditions for Elevators and Similar Conveyances), including adopting national consensus standards. Based on input obtained from the Governor’s Regulatory Review Council, the Commission is proposing to amend A.A.C. R20-5-507 (Safety Code for Elevators, Escalators, Dumbwaiters, Moving Walks, Material Lifts, and Dumbwaiters with Automatic Transfer Devices) to adopt the clearance standard contained in requirement 5.3.1.7.2 of ASME A17.1-2016, Safety Code for Elevators and Escalators, to replace the existing national consensus standard from Section 5.3 of ASME A17.1-2007.

**3. A citation to all published notices relating to the proceeding:**

Notice of Proposed Rulemaking: 25 A.A.R. 2345, September 13, 2019 (*in this issue*)

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

Name: Jessie Atencio, Director  
 Address: Division of Occupational Safety and Health  
 Industrial Commission of Arizona  
 800 W. Washington St., Suite 203  
 Phoenix, AZ 85007  
 Telephone: (602) 542-5795  
 Fax: (602) 542-1614  
 E-mail: jessie.atencio@azdosh.gov (please include “R20-5-507 Proposed Elevator Clearance Rulemaking” in the subject line)

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

The Commission will accept written comments during a public comment period that will be noticed in the Notice of Proposed Rulemaking. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.

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

To be determined.



NOTICE OF RULEMAKING DOCKET OPENING
DEPARTMENT OF CHILD SAFETY
PERMANENCY AND SUPPORT SERVICES

[R19-187]

- 1. Title and its heading: 21, Child Safety
Chapter and its heading: 5, Department of Child Safety - Permanency and Support Services
Article and its heading: 2, Independent Living and Transitional Independent Living Programs
Section numbers: R21-5-201 and R21-5-205

2. The subject matter of the proposed rule:
The rule amendments proposed in this rulemaking pertain to the Independent Living and the Transitional Independent Living Programs. For youth who are dually adjudicated as delinquent and foster youth, the amendments to these rules extend the option of entering into the voluntary extended foster care program up to their 19th birthday.

3. A citation to all published notices relating to the proceeding:
Notice of Proposed Rulemaking: 25 A.A.R. 2347, September 13, 2019 (in this issue)

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

Name: Shawn Fuller, General Counsel
Address: Department of Child Safety
3003 N. Central Ave.
Phoenix, AZ 85012
Telephone: (602) 255-2554
E-mail: Shawn.Fuller@azdcs.gov
Or
Name: Angie Trevino, Rules Development and Policy Specialist
Address: Department of Child Safety
3003 N. Central Ave.
Phoenix, AZ 85012
Telephone: (602) 255-2569
E-mail: Angelica.Trevino@azdcs.gov
Website: https://dcs.az.gov/about/dcs-rules-rulemaking

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

Written comments may be submitted by:

Email: PolicyUnit@azdcs.gov
Mail: Department of Child Safety
Field Resources and Policy Unit
P.O. Box 6030
Phoenix, AZ 85005

Close of public comment record is October 16, 2019 at 5:00 p.m.

The Department will hold oral proceedings on October 16, 2019 at 10:00 a.m., at the following locations:

Department of Child Safety
3550 N. Central Ave., 2nd Floor
Phoenix, AZ 85012

and

Abrams Public Health Center
3950 S. Country Club Rd., Room 3108/3110
Tucson, AZ 85714

Americans with Disabilities Act: Persons with disabilities may request reasonable accommodations by contacting the Arizona Department of Child Safety, Angie Trevino, at (602) 255-2569. Please make requests as early as possible to allow time to arrange the accommodation.

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

A Notice of Final Rulemaking will be published upon the approval by the Governor's Regulatory Review Council.




---



---

## NOTICES OF PUBLIC INFORMATION

---



---

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

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

---



---

### NOTICE OF PUBLIC INFORMATION DEPARTMENT OF HEALTH SERVICES HEALTH CARE INSTITUTIONS: LICENSING

[M19-88]

1. **Title and its heading:** 9, Health Services
- Chapter and its heading:** 10, Department of Health Services - Health Care Institutions: Licensing
2. **The public information relating to the listed Section:**  
 Arizona Revised Statutes (A.R.S.) §§ 36-132(A)(17) and 36-405 authorize the Department to license and regulate health care institutions. A.R.S. § 36-405 further authorizes the Department to classify and subclassify health care institutions. The Department has implemented A.R.S. §§ 36-132(A)(17) and 36-405 in Arizona Administrative Code (A.A.C.) Title 9, Chapter 10. Intermediate care facilities are a class of health care institutions that primarily provide health and rehabilitative services to individuals with developmental disabilities. These facilities are certified by the federal Centers for Medicare and Medicaid Services (CMS), but, until Laws 2019, Ch. 133 was enacted, were not required to be licensed by the Department. A.R.S. § 36-591(E), as amended by Laws 2019, Ch. 133, now requires intermediate care facilities to be licensed under A.R.S. Title 36, Chapter 4. Laws 2019, Ch. 133, § 11 also exempts the Department from rulemaking requirements in A.R.S. Title 41, Chapter 6 until April 24, 2020. After receiving an exception from the rulemaking moratorium established by Executive Order 2019-01, the Department has revised the rules in Arizona 9 A.A.C. 10, through exempt rulemaking, to add requirements for the licensing of intermediate care facilities. These rules became effective on April 25, 2019. After several months of implementing the new rules, the Department is considering revisions to improve the new rules and is posting draft rules for stakeholder comment. This Notice of Public Information provides notice that the Department has posted draft rules on the Department website (<https://www.azdhs.gov/director/administrative-counsel-rules/rules/index.php#rulemakings-active-intermediate-care-facilities>) and is soliciting comments from interested persons.
3. **The name, address, and telephone number of agency personnel to whom questions and comments on the rules may be addressed:**  
 Name: Colby Bower, Assistant Director  
 Address: Department of Health Services  
 Public Health Licensing Services  
 150 N. 18th Ave., Suite 510  
 Phoenix, AZ 85007  
 Telephone: (602) 542-6383  
 Fax: (602) 364-4808  
 E-mail: Colby.Bower@azdhs.gov  
 or  
 Name: Robert Lane, Chief  
 Address: Department of Health Services  
 Office of Administrative Counsel and Rules  
 150 N. 18th Ave., Suite 200  
 Phoenix, AZ 85007  
 Telephone: (602) 542-1020  
 Fax: (602) 364-1150  
 E-mail: Robert.Lane@azdhs.gov
4. **The website where persons may obtain information about the rulemaking:**  
<https://www.azdhs.gov/director/administrative-counsel-rules/rules/index.php#rulemakings-active-intermediate-care-facilities>



## 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 BEHAVIORAL HEALTH EXAMINERS

[M19-89]

1. **Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:**  
2019-01 Requirements for Universal Recognition Path to Licensure by Endorsement
2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**  
August 16, 2019
3. **Summary of the contents of the substantive policy statement:**  
The substantive policy statement clarifies the application process for the Universal Recognition path to licensure by endorsement pursuant to A.R.S. § 32-4302 effective August 27, 2019.
4. **Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**  
Not applicable
5. **A statement as to whether the substantive policy statement is a new statement or a revision:**  
New statement
6. **The agency contact person who can answer questions about the substantive policy statement:**  
Name: Donna Dalton  
Address: Board of Behavioral Health Examiners  
1740 W. Adams St., Suite 3600  
Phoenix, AZ 85007  
Telephone: (602) 542-1811  
Fax: (602) 364-0890  
E-mail: [donna.dalton@azbbhe.us](mailto:donna.dalton@azbbhe.us)  
Website: [www.azbbhe.us](http://www.azbbhe.us)
7. **Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:**  
A person may obtain a copy of the substantive policy statement by contacting the individual listed in item 6, or visiting the Board's website at [www.azbbhe.us](http://www.azbbhe.us).



---

---

**GOVERNOR EXECUTIVE ORDER**

---

---

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

This order has been reproduced in its entirety as submitted.

---

---

**EXECUTIVE ORDER 2019-01****Moratorium on Rulemaking to Promote Job Creation and Customer-Service-Oriented Agencies; Protecting Consumers Against Fraudulent Activities**

[M19-04]

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

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

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

**WHEREAS**, in 2015 the State of Arizona implemented a moratorium on all new regulatory rulemaking by State agencies through executive order and renewed the moratorium in 2016, 2017 and 2018; and

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

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

**WHEREAS**, approximately 283,300 private sector jobs have been added to Arizona since January 2015; and

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

**WHEREAS**, each State agency shall continue to conduct a critical and comprehensive review of its administrative rules and take action to reduce the regulatory burden, administrative delay and legal uncertainty associated with government regulation while protecting the health, peace and safety of residents; and

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

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

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

1. A State agency subject to this Order shall not conduct any rulemaking, whether informal or formal, without the prior written approval of the Office of the Governor. In seeking approval, a State agency shall address one or more of the following as justifications for the rulemaking:
  - a. To fulfill an objective related to job creation, economic development or economic expansion in this State.
  - b. To reduce or ameliorate a regulatory burden while achieving the same regulatory objective.
  - c. To prevent a significant threat to the public health, peace, or safety.
  - d. To avoid violating a court order or federal law that would result in sanctions by a federal court for failure to conduct the rulemaking action.
  - e. To comply with a federal statutory or regulatory requirement if such compliance is related to a condition for the receipt of federal funds or participation in any federal program.
  - f. To comply with a state statutory requirement.
  - g. To fulfill an obligation related to fees or any other action necessary to implement the State budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
  - h. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
  - i. To address matters pertaining to the control, mitigation, or eradication of waste, fraud or abuse within an agency or wasteful, fraudulent, or abusive activities perpetrated against an agency.
  - j. To eliminate rules which are antiquated, redundant or otherwise no longer necessary for the operation of state government.
2. A State agency subject to this Order shall not publicize any directives, policy statements, documents or forms on its website unless such are explicitly authorized by Arizona Revised Statutes or Arizona Administrative Code.
3. A State agency subject to this Order and which issues occupational or professional licenses shall review the agency's rules and practices related to receiving and acting on substantive complaints about unlicensed individuals who are allegedly holding them-



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

4. For the purposes of this Order, the term "State agencies" includes, without limitation, all executive departments, agencies, offices, and all state boards and commissions, except for: (a) any State agency that is headed by a single elected State official; (b) the Corporation Commission; and (c) any board or commission established by ballot measure during or after the November 1998 general election. Those state agencies, boards and commissions excluded from this Order are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.
5. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a State agency. For the purposes of this Order, "person," "rule," and "rulemaking" have the same meanings prescribed in section 41-1001, Arizona Revised Statutes.

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

**Douglas A. Ducey**  
**GOVERNOR**

**DONE** at the Capitol in Phoenix on this ninth day of January in the Year Two Thousand and Nineteen and of the Independence of the United States of America the Two Hundred and Forty-Third.

**ATTEST:**  
**Katie Hobbs**  
**SECRETARY OF STATE**



## 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**

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

### **EMERGENCY RULEMAKING**

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

### **RECODIFICATION OF RULES**

RC = Recodified

### **REJECTION OF RULES**

RJ = Rejected by the Attorney General

### **TERMINATION OF RULES**

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

### **RULE EXPIRATIONS**

EXP = Rules have expired

*See also “emergency expired” under emergency rulemaking*

### **CORRECTIONS**

C = Corrections to Published Rules

**2019 Arizona Administrative Register  
Volume 25 Page Guide**

Issue 1, Jan. 4, 2019.....1-87	Issue 2, Jan. 11, 2019.....88-116	Issue 3, Jan. 18, 2019.....117-140
Issue 4, Jan. 25, 2019.....141-172	Issue 5, Feb. 1, 2018.....173-284	Issue 6, Feb. 8, 2019.....285-344
Issue 7, Feb. 15, 2019.....345-396	Issue 8, Feb. 22, 2019.....397-426	Issue 9, March 1, 2019.....427-480
Issue 10, March 8, 2019.....481-544	Issue 11, March 15, 2019.....545-692	Issue 12, March 22, 2019.....693-740
Issue 13, March 29, 2019.....741-790	Issue 14, April 5, 2019.....791-866	Issue 15, April 12, 2019.....867-914
Issue 16, April 19, 2019.....915-988	Issue 17, April 26, 2019.....989-1128	Issue 18, May 3, 2019.....1129-1178
Issue 19, May 10, 2019.....1179-1212	Issue 20, May 17, 2019.....1213-1288	Issue 21, May 24, 2019.....1289-1324
Issue 22, May 31, 2019.....1325-1360	Issue 23, June 7, 2019.....1361-1406	Issue 24, June 14, 2019.....1407-1476
Issue 25, June 21, 2019.....1477-1578	Issue 26, June 28, 2019.....1579-1714	Issue 27, July 5, 2019.....1715-1776
Issue 28, July 12, 2019.....1777-1822	Issue 29, July 19, 2019.....1823-1880	Issue 30, July 26, 2019.....1881-1918
Issue 31, Aug. 2, 2019.....1919-2006	Issue 32, Aug. 9, 2019.....2007-2076	Issue 33, Aug. 16, 2019.....2077-2110
Issue 34, Aug. 23, 2019.....2111-2150	Issue 35, Aug. 30, 2019.....2151-2206	Issue 36, Sept. 6, 2019.....2207-2286

**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 36 OF VOLUME 25.**

**Administration, Department of - Benefit Services Division**

R2-6-105. SPM-1186;  
TM-2265

**Administration, Department of - Public Buildings Maintenance**

R2-11-301. FM-2211  
R2-11-302. FM-2211  
R2-11-303. FM-2211  
R2-11-304. FM-2211  
R2-11-305. FM-2211  
R2-11-306. FM-2211  
R2-11-307. FM-2211  
R2-11-309. FM-2211  
R2-11-310. FM-2211  
R2-11-311. FM-2211  
R2-11-312. FN-2211  
R2-11-401. FR-2211  
R2-11-402. FR-2211  
R2-11-403. FR-2211  
R2-11-404. FR-2211  
R2-11-405. FR-2211  
R2-11-406. FR-2211  
R2-11-407. FR-2211  
R2-11-408. FR-2211  
R2-11-409. FR-2211  
R2-11-501. PN-1481;  
FR-2211;  
F#-2211

**Agriculture, Department of - Animal Services Division**

R3-2-203. FXM-2081  
R3-2-701. FXM-2081  
R3-2-810. FXM-2081

**Agriculture, Department of - Citrus Fruit and Vegetable Division**

R3-10-101. FXM-2089  
R3-10-102. FXM-2089

**Agriculture, Department of - Environmental Services Division**

R3-3-702. FXM-2084

**Agriculture, Department of - Office of Commodity Development and Promotion**

R3-6-102. FXM-2088

**Agriculture, Department of - Pest Management Division**

R3-8-103. FXM-720

**Agriculture, Department of - Plant Services Division**

R3-4-101. PM-795  
Table 1. PM-795  
R3-4-201. PM-795  
R3-4-202. PM-795  
R3-4-203. PN-795  
Table 2. PN-795  
Table 3. PN-795  
R3-4-204. PM-795  
R3-4-218. PM-795  
R3-4-219. PR-795  
R3-4-220. PM-795  
R3-4-226. PR-795  
R3-4-228. PR-795  
R3-4-229. PM-795  
R3-4-231. PM-795  
R3-4-234. PR-795  
R3-4-238. PR-795

R3-4-239. PM-795  
R3-4-240. PR-795  
R3-4-241. PM-795  
R3-4-242. PR-795  
R3-4-244. PR-795  
R3-4-245. PM-795  
Table 4. PN-795  
Table 5. PN-795  
Table 6. PN-795  
R3-4-246. PR-795  
R3-4-248. PM-795  
R3-4-301. FXM-2085  
R3-4-501. PM-795  
R3-4-901. PM-795  
R3-4-1001. XN-1447  
R3-4-1002. XN-1447  
R3-4-1003. XN-1447  
R3-4-1004. XN-1447  
R3-4-1005. XN-1447  
Table 1. XN-1447  
R3-4-1006. XN-1447  
R3-4-1007. XN-1447  
R3-4-1008. XN-1447  
R3-4-1011. XN-1447  
R3-4-1012. XN-1447  
R3-4-1013. XN-1447  
R3-4-1014. XN-1447

**Arizona Health Care Cost Containment System (AHCCCS) - Administration**

R9-22-303. FM-1849  
R9-22-712.35. PM-1781  
R9-22-712.61. PM-1781;  
PM-1787  
R9-22-712.71. PM-1781  
R9-22-712.75. PM-1787

R9-22-721. PM-1790  
 R9-22-730. FXM-1938  
**Board of Physician Assistants, Arizona Regulatory**

R4-17-203. FM-401

**Charter Schools, State Board for**

R7-5-101. FXM-1926  
 R7-5-208. FXM-1926  
 R7-5-301. FXM-1926  
 R7-5-402. FXM-1926  
 R7-5-501. FXM-1926  
 R7-5-504. FXM-1926  
 R7-5-506. FXM-1926  
 R7-5-509. FXM-1926  
 R7-5-602. FXM-1926

**Child Safety, Department of - Permanency and Support Services**

R21-5-201. EM-771  
 R21-5-205. EM-771

**Clean Elections Commission, Citizens**

R2-20-104. PM-1411;  
 PM-2115;  
 TM-2129  
 R2-20-113. PM-1413;  
 FM-2118  
 R2-20-702. PM-1414;  
 FM-2120  
 R2-20-704. PM-1417;  
 FM-2122

**Contractors, Registrar of**

R4-9-116. EXP-373  
 R4-9-121. EXP-373

**Corporation Commission, Arizona - Fixed Utilities**

R14-2-211. EM-1798  
 R14-2-2601. PN-355;  
 SPN-2033  
 R14-2-2602. PN-355;  
 SPN-2033  
 R14-2-2603. PN-355;  
 SPN-2033  
 R14-2-2604. PN-355;  
 SPN-2033  
 R14-2-2605. PN-355;  
 SPN-2033  
 R14-2-2606. PN-355;  
 SPN-2033  
 R14-2-2607. PN-355;  
 SPN-2033  
 R14-2-2608. PN-355;  
 SPN-2033  
 R14-2-2609. PN-355;  
 SPN-2033  
 R14-2-2610. PN-355;  
 SPN-2033  
 R14-2-2611. PN-355;  
 SPN-2033  
 R14-2-2612. PN-355;  
 SPN-2033

R14-2-2613. PN-355;  
 SPN-2033  
 R14-2-2614. PN-355;  
 SPN-2033  
 R14-2-2615. PN-355;  
 SPN-2033  
 R14-2-2616. PN-355;  
 SPN-2033  
 R14-2-2617. PN-355;  
 SPN-2033  
 R14-2-2618. PN-355;  
 SPN-2033  
 R14-2-2619. PN-355;  
 SPN-2033  
 R14-2-2620. PN-355;  
 SPN-2033  
 R14-2-2621. PN-355;  
 SPN-2033  
 R14-2-2622. PN-355;  
 SPN-2033  
 R14-2-2623. PN-355;  
 SPN-2033  
 R14-2-2624. PN-355;  
 SPN-2033  
 R14-2-2625. PN-355;  
 SPN-2033  
 R14-2-2626. PN-355;  
 SPN-2033  
 R14-2-2627. PN-355;  
 SPN-2033  
 R14-2-2628. PN-355;  
 SPN-2033

**Corporation Commission, Arizona - Transportation**

R14-5-201. FM-151  
 R14-5-202. FM-151  
 R14-5-204. FM-151

**Economic Security, Department of - Child Support Enforcement**

R6-7-103. PM-1719

**Economic Security, Department of - Food Stamps Program**

R6-14-301. TN-413  
 R6-14-302. TN-413  
 R6-14-303. TN-413  
 R6-14-304. TN-413  
 R6-14-305. TN-413  
 R6-14-306. TN-413  
 R6-14-307. TN-413  
 R6-14-308. TN-413  
 R6-14-309. TN-413  
 R6-14-310. TN-413  
 R6-14-311. TN-413  
 R6-14-401. TN-413  
 R6-14-402. TN-413  
 R6-14-403. TN-413  
 R6-14-404. TN-413  
 R6-14-405. TN-413  
 R6-14-406. TN-413  
 R6-14-407. TN-413  
 R6-14-408. TN-413  
 R6-14-409. TN-413  
 R6-14-410. TN-413

R6-14-411. TN-413  
 R6-14-412. TN-413  
 R6-14-413. TN-413  
 R6-14-414. TN-413  
 R6-14-415. TN-413  
 R6-14-416. TN-413  
 R6-14-417. TN-413  
 R6-14-501. TN-413  
 R6-14-502. TN-413  
 R6-14-503. TN-413  
 R6-14-504. TN-413  
 R6-14-505. TN-413  
 R6-14-506. TN-413  
 R6-14-507. TN-413

**Economic Security, Department of - Social Services**

R6-5-3301. FN-885  
 R6-5-3302. FN-885  
 R6-5-3303. FN-885  
 R6-5-3304. FN-885  
 R6-5-3305. FN-885  
 R6-5-3306. FN-885  
 R6-5-3307. FN-885

**Economic Security, Department of - The JOBS Program**

R6-10-101. PM-1365  
 R6-10-101.01. PM-1365  
 R6-10-102. PM-1365  
 R6-10-103. P#-1365;  
 PN-1365  
 R6-10-104. P#-1365;  
 PM-1365  
 R6-10-105. P#-1365;  
 PM-1365  
 R6-10-106. P#-1365;  
 PM-1365  
 R6-10-107. P#-1365;  
 PN-1365  
 R6-10-108. P#-1365;  
 PM-1365  
 R6-10-109. P#-1365;  
 PM-1365  
 R6-10-110. P#-1365;  
 PM-1365  
 R6-10-111. P#-1365;  
 PM-1365  
 R6-10-112. P#-1365;  
 PM-1365  
 R6-10-113. P#-1365;  
 PM-1365  
 R6-10-114. P#-1365;  
 PM-1365  
 R6-10-115. P#-1365;  
 PM-1365  
 R6-10-116. P#-1365;  
 PM-1365  
 R6-10-117. P#-1365;  
 PM-1365  
 R6-10-118. P#-1365;  
 PM-1365  
 R6-10-119. P#-1365;  
 PM-1365  
 R6-10-120. P#-1365;  
 PM-1365





	FR-1583;	R9-10-308.	PM-549;	R9-10-515.	X#-1222;
	FN-1583		FM-1583		XN-1222
R9-10-108.	PM-549;	R9-10-314.	PM-549;	R9-10-516.	X#-1222;
	FM-1583		FM-1583		XN-1222
Table 1.1.	PM-549;	R9-10-315.	PM-549;	R9-10-517.	FEM-259;
	FM-1583		FM-1583		X#-1222;
R9-10-109.	PM-549;	R9-10-316.	PM-549;		XN-1222
	FM-1583		FM-1583	R9-10-518.	X#-1222;
R9-10-110.	PM-549;	R9-10-321.	PM-549;		XN-1222;
	FM-1583;		FM-1583		PEM-2217
	PEM-2217	R9-10-322.	PEM-2217	R9-10-519.	XN-1222
R9-10-111.	PM-549;	R9-10-323.	FEM-259	R9-10-520.	XN-1222
	FM-1583	R9-10-324.	PM-549;	R9-10-521.	XN-1222
R9-10-112.	PM-549;		FM-1583	R9-10-522.	XN-1222
	FM-1583	R9-10-401.	PM-549;	R9-10-523.	XN-1222
R9-10-113.	PM-549;		FM-1583	R9-10-524.	XN-1222
	FM-1583	R9-10-402.	PM-549;	R9-10-525.	XN-1222
R9-10-114.	PM-549;		FM-1583	R9-10-602.	PM-549;
	FM-1583	R9-10-403.	PM-549;		FM-1583
R9-10-115.	PM-549;		FM-1583	R9-10-607.	PM-549;
	FM-1583	R9-10-408.	PM-549;		FM-1583
R9-10-116.	PM-549;		FM-1583	R9-10-617.	FEM-259
	FM-1583	R9-10-409.	PM-549;	R9-10-618.	PEM-2217
R9-10-118.	PM-549;		FM-1583	R9-10-702.	PM-549;
	FM-1583	R9-10-412.	PM-549;		FM-1583
R9-10-119.	PEM-1159;		FM-1583	R9-10-703.	PM-549;
	FEM-1893	R9-10-414.	PM-549;		FM-1583
R9-10-201.	PM-549;		FM-1583	R9-10-706.	PM-549;
	FM-1583	R9-10-415.	PM-549;		FM-1583
R9-10-202.	PM-549;		FM-1583	R9-10-707.	PM-549;
	FM-1583	R9-10-418.	PM-549;		FM-1583
R9-10-203.	PM-549;		FM-1583	R9-10-708.	PM-549;
	FM-1583	R9-10-425.	PM-549;		FM-1583
R9-10-206.	PM-549;		FM-1583	R9-10-711.	PM-549;
	FM-1583	R9-10-426.	PEM-2217		FM-1583
R9-10-207.	PM-549;	R9-10-427.	PM-549;	R9-10-712.	PM-549;
	FM-1583		FM-1583		FM-1583
R9-10-210.	PM-549;	R9-10-501.	X#-1222;	R9-10-713.	PM-549;
	FM-1583		XN-1222		FM-1583
R9-10-215.	PM-549;	R9-10-502.	X#-1222;	R9-10-714.	PM-549;
	FM-1583		XN-1222		FM-1583
R9-10-217.	PM-549;	R9-10-503.	X#-1222;	R9-10-715.	PM-549;
	FM-1583;		XN-1222		FM-1583
	PEM-2217	R9-10-504.	X#-1222;	R9-10-716.	PM-549;
R9-10-219.	PM-549;		XN-1222		FM-1583
	FM-1583	R9-10-505.	X#-1222;	R9-10-717.	PM-549;
R9-10-220.	PM-549;		XN-1222		FM-1583
	FM-1583	R9-10-506.	X#-1222;	R9-10-717.01.	PN-549;
R9-10-224.	PM-549;		XN-1222		FN-1583
	FM-1583	R9-10-507.	X#-1222;	R9-10-718.	PM-549;
R9-10-225.	PM-549;		XN-1222		FM-1583
	FM-1583	R9-10-508.	X#-1222;	R9-10-719.	PM-549;
R9-10-226.	PM-549;		XN-1222		FM-1583
	FM-1583	R9-10-509.	X#-1222;	R9-10-720.	PM-549;
R9-10-228.	PEM-2217		XN-1222		FM-1583;
R9-10-233.	PM-549;	R9-10-510.	X#-1222;		PEM-2217
	FM-1583		XN-1222	R9-10-721.	FEM-259
R9-10-234.	PEM-2217	R9-10-511.	X#-1222;	R9-10-722.	FM-1583
R9-10-302.	PM-549;		XN-1222	R9-10-801.	PM-549;
	FM-1583	R9-10-512.	X#-1222;		FM-1583
R9-10-303.	PM-549;		XN-1222	R9-10-802.	PM-549;
	FM-1583	R9-10-513.	X#-1222;		FM-1583
R9-10-306.	PM-549;		XN-1222	R9-10-803.	PM-549;
	FM-1583	R9-10-514.	X#-1222;		FM-1583
R9-10-307.	PM-549;		XN-1222	R9-10-806.	PM-549;
	FM-1583				FM-1583

R9-10-807.	PM-549; FM-1583	R9-10-1901.	PR-549; FR-1583	R9-4-101.	PM-2011
R9-10-808.	PM-549; FM-1583	R9-10-1902.	PM-549; FM-1583	R9-4-201.	PM-2011
R9-10-810.	PM-549; FM-1583	R9-10-1910.	PEM-2217	R9-4-202.	PM-2011
R9-10-814.	PM-549; FM-1583	R9-10-2101.	X#-1222	R9-4-301.	PM-2011
R9-10-815.	PM-549; FM-1583; PEM-2217	R9-10-2102.	X#-1222; XM-1222	R9-4-302.	PM-2011
R9-10-817.	PM-549; FM-1583	R9-10-2103.	X#-1222	R9-4-401.	PM-2011
R9-10-818.	PM-549; FM-1583; PEM-2217	R9-10-2104.	X#-1222	R9-4-402.	PM-2011
R9-10-819.	FEM-259	R9-10-2105.	X#-1222	R9-4-403.	PM-2011
R9-10-820.	PM-549; FM-1583; PEM-2217	R9-10-2106.	X#-1222	R9-4-404.	PM-2011
R9-10-917.	FEM-259	R9-10-2107.	X#-1222	R9-4-405.	PM-2011
R9-10-918.	PEM-2217	R9-10-2108.	X#-1222	R9-4-501.	PM-2011
R9-10-1002.	PM-549; FM-1583	R9-10-2109.	X#-1222	R9-4-502.	PM-2011
R9-10-1003.	PM-549; FM-1583	R9-10-2110.	X#-1222	R9-4-503.	PM-2011
R9-10-1013.	PM-549; FM-1583	R9-10-2111.	X#-1222; XM-1222	R9-4-504.	PM-2011
R9-10-1014.	PM-549; FM-1583	R9-10-2112.	X#-1222	<b>Health Services, Department of - Occupational Licensing</b>	
R9-10-1017.	PM-549; FM-1583	R9-10-2113.	X#-1222		
R9-10-1018.	PM-549; FM-1583; PEM-2217	R9-10-2114.	X#-1222	R9-16-601.	PEM-1329
R9-10-1019.	PM-549; FM-1583; PEM-2217	R9-10-2115.	X#-1222	R9-16-602.	PEM-1329
R9-10-1025.	PM-549; FM-1583; PEM-2217	R9-10-2116.	X#-1222	R9-16-603.	PEM-1329
R9-10-1029.	PEM-2217	R9-10-2117.	X#-1222	R9-16-604.	PEM-1329
R9-10-1030.	FEM-259	R9-10-2118.	X#-1222	R9-16-605.	PEM-1329
R9-10-1031.	PM-549; FM-1583	<b>Health Services, Department of - Health Programs Services</b>		R9-16-606.	PEM-1329
R9-10-1102.	PM-549; FM-1583			R9-13-101.	PM-697; FM-1827
R9-10-1116.	FEM-259	R9-13-102.	PM-697; FM-1827	R9-16-608.	PEM-1329
R9-10-1117.	PEM-2217	Table 13.1.	PN-697; FN-1827	R9-16-609.	PEM-1329
R9-10-1203.	PEM-2185	R9-13-103.	PM-697; FM-1827	R9-16-610.	PEM-1329
R9-10-1206.	PEM-2185	R9-13-104.	PM-697; FM-1827	R9-16-611.	PEM-1329
R9-10-1315.	PEM-2217	R9-13-105.	PM-697; FM-1827	R9-16-612.	PEM-1329
R9-10-1316.	FEM-259	R9-13-106.	PN-697; FN-1827	R9-16-613.	PEM-1329
R9-10-1317.	PEM-2217	R9-13-107.	PR-697; PN-697; FR-1827;	R9-16-614.	PEM-1329
R9-10-1414.	PM-549; FM-1583	R9-13-108.	FN-1827 PR-697; PN-697;	R9-16-615.	PEM-1329
R9-10-1415.	FEM-259	R9-13-109.	FR-1827; FN-1827	R9-16-616.	PEM-1329
R9-10-1416.	PEM-2217	R9-13-110.	PR-697; PN-697;	R9-16-617.	PEM-1329
R9-10-1505.	PEM-1159; FEM-1893	R9-13-111.	FR-1827; FN-1827	R9-16-618.	PEM-1329
R9-10-1509.	PEM-1159; FEM-1893	R9-13-112.	PN-697; FN-1827	R9-16-619.	PEM-1329
R9-10-1514.	PEM-2217	R9-13-113.	FN-1827 PN-697;	R9-16-620.	PEM-1329
R9-10-1610.	FEM-259	R9-13-114.	FN-1827 PN-697;	R9-16-621.	PEM-1329
R9-10-1712.	FEM-259	R9-13-115.	FN-1827 PN-697;	R9-16-622.	PEM-1329
R9-10-1810.	FEM-259	<b>Health Services, Department of - Noncommunicable Diseases</b>		R9-16-623.	PEM-1329
				R9-12-101.	PN-289; FN-1419
				<b>Health Services, Department of - Sober Living Homes</b>	
				R9-12-102.	PN-289; FN-1419
				R9-12-103.	PN-289; FN-1419
				R9-12-104.	PN-289; FN-1419
				R9-12-105.	PN-289; FN-1419
				R9-12-106.	PN-289; FN-1419
				R9-12-107.	PN-289; FN-1419
				Table 1.1.	PN-289; FN-1419
				R9-12-201.	PN-289; FN-1419
				R9-12-202.	PN-289; FN-1419
				R9-12-203.	PN-289; FN-1419



R4-23-602.	SPM-19; FM-1015	R13-3-1201.	FEM-844	R2-12-909.	PN-121	
R4-23-603.	SPM-19; FM-1015	<b>Radiation Regulatory Agency</b>		<b>Tax Deferred Annuity and Deferred Compensation Plans, Governing Committee for</b>		
R4-23-604.	SPM-19; FM-1015	R12-2-103.	EXP-1307			
R4-23-605.	SPM-19; FM-1015	R12-2-205.	EXP-1307	R2-9-101.	PR-91; FR-883	
R4-23-606.	SPM-19; FM-1015	R12-2-404.	EXP-1307	<b>Transportation, Department of - Fuel Taxes</b>		
R4-23-607.	SPM-19; FM-1015; PM-2159	<b>Real Estate Department, State</b>		R17-8-401.	PEM-2125	
R4-23-676.	PN-5; SPN-19; FN-1015	R4-28-105.	EXP-971	R17-8-403.	PEM-2125	
R4-23-677.	FN-1012	<b>Retirement System Board, State</b>		R17-8-404.	PEM-2125	
R4-23-692.	SPM-19; FM-1015	R2-8-301.	PM-1217	R17-8-501.	PEM-2125	
R4-23-693.	SPM-19; FM-1015	R2-8-302.	PM-1217	R17-8-502.	PEM-2125	
R4-23-801.	PR-2159	R2-8-303.	PM-1217	R17-8-504.	PEM-2125	
R4-23-1102.	SPM-19; FM-1015	R2-8-304.	PM-1217	<b>Transportation, Department of - Third-party Programs</b>		
R4-23-1103.	SPM-19; FM-1015; PM-2159	R2-8-501.	FM-303	R17-7-206.	EXP-1736	
R4-23-1105.	SPM-19; FM-1015	R2-8-502.	FM-303	R17-7-207.	EXP-1736	
R4-23-1106.	PM-2159	R2-8-503.	FM-303	R17-7-304.	EXP-1736	
<b>Physical Therapy, Board of</b>			R2-8-504.	FM-303	R17-7-305.	EXP-1736
R4-24-101.	FM-404	R2-8-505.	FM-303	R17-7-501.	EXP-1736	
R4-24-201.	FM-404	R2-8-506.	FM-303	R17-7-502.	EXP-1736	
R4-24-207.	FM-404	R2-8-507.	FM-303	<b>Transportation, Department of - Title, Registration, and Driver Licenses</b>		
R4-24-208.	FM-404	R2-8-508.	FM-303	R17-4-101.	PN-670; FN-1885	
Table 1.	FM-404	R2-8-509.	FM-303	R17-4-313.	XM-104; XR-2261; XN-2261	
R4-24-210.	FM-404	R2-8-510.	FM-303	R17-4-351.	PN-745; FN-1890	
R4-24-211.	FM-404	R2-8-511.	FM-303	R17-4-352.	PN-745; FN-1890	
R4-24-401.	FM-404	R2-8-512.	FM-303	R17-4-407.	PR-670; PN-670; FR-1885; FN-1885	
R4-24-402.	FM-404	R2-8-513.	FM-303			
R4-24-403.	FM-404	R2-8-513.01.	FM-303	R17-4-409.	PM-670; FM-1885	
<b>Peace Officer Standards and Training Board, Arizona</b>			R2-8-513.02.			
R13-4-202.	XM-1267	R2-8-514.	FM-303			
<b>Public Safety, Department of - Criminal Identification Section</b>			R2-8-515.			
R13-1-401.	PM-1483	R2-8-519.	FM-303			
R13-1-402.	PM-1483	R2-8-520.	FM-303			
R13-1-501.	PER-324; FER-1444	R2-8-521.	FM-303			
R13-1-502.	PER-324; FER-1444	R2-8-701.	FM-303			
R13-1-503.	PER-324; FER-1444	R2-8-702.	FM-303			
R13-1-504.	PER-324; FER-1444	R2-8-703.	FM-303			
Exhibit A.	RC-412	R2-8-704.	FM-303			
Exhibit B.	RC-412	R2-8-705.	FM-303			
<b>Public Safety, Department of - Tow Trucks</b>			R2-8-706.			
R13-3-701.	FEM-844	R2-8-707.	FM-303			
R13-3-703.	FEM-844	R2-8-709.	FR-303			
R13-3-902.	FEM-844	R2-8-807.	PM-1217			
		R2-8-1101.	FN-303			
		R2-8-1102.	FN-303			
		R2-8-1103.	FN-303			
		<b>Revenue, Department of - General Administration</b>				
		R15-10-502.	PM-1183			
		R15-10-503.	PM-1183			
		<b>Revenue, Department of - Transaction Privilege and Use Tax Section</b>				
		R15-5-1860.	FEM-327			
		<b>Secretary of State, Office of</b>				
		R2-12-901.	PN-121			
		R2-12-902.	PN-121			
		R2-12-903.	PN-121			
		R2-12-904.	PN-121			
		R2-12-905.	PN-121			
		R2-12-906.	PN-121			
		R2-12-907.	PN-121			
		R2-12-908.	PN-121			

---

**OTHER NOTICES AND PUBLIC RECORDS INDEX**

---

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

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

---

**THIS INDEX INCLUDES OTHER NOTICE ACTIVITY THROUGH ISSUE 36 OF VOLUME 25.**

---

**Agency Ombudsman, Notices of**

- First Things First, Early Childhood Development and Health Board; p. 385
- Game and Fish Commission; p. 385
- Public Safety, Department of; p. 854

**Docket Opening, Notices of Rulemaking**

- Administration, Department of - Public Buildings Maintenance; 2 A.A.C. 11; p. 1560
- Arizona Health Care Cost Containment System (AHCCCS) - Administration; 9 A.A.C. 22; pp. 1802-1803
- Agriculture, Department of - Plant Services Division; 3 A.A.C. 4; p. 849
- Clean Elections Commission, Citizens; 2 A.A.C. 20; pp. 1456-1457, 2130
- Corporation Commission, Arizona - Fixed Utilities; 14 A.A.C. 2; pp. 376
- Dispensing Opticians, Board of; 4 A.A.C. 20; p. 1163
- Economic Security, Department of - Child Support Enforcement; 6 A.A.C. 7; pp. 1737-1738
- Economic Security, Department of - Food Stamps Program; 6 A.A.C. 14; pp. 1739-1740
- Economic Security, Department of - The JOBS Program; 6 A.A.C. 10; p. 1389
- Environmental Quality, Department of - Air Pollution Control; 18 A.A.C. 2; pp. 51-52, 1113, 1163-1164
- Environmental Quality, Department of - Water Pollution Control; 18 A.A.C. 9; p. 1308
- Environmental Quality, Department of - Water Quality Standards; 18 A.A.C. 11; p. 273
- Facilities Board, School; 7 A.A.C. 6; p. 1740
- Game and Fish Commission; 12 A.A.C. 4; pp. 128, 375-376, 894
- Health Services, Department of - Child Care Facilities; 9 A.A.C. 5; p. 1561

- Health Services, Department of - Communicable Diseases and Infestations; 9 A.A.C. 6; p. 1342
- Health Services, Department of - Emergency Medical Services; 9 A.A.C. 25; p. 1271
- Health Services, Department of - Food, Recreational, and Institutional Sanitation; 9 A.A.C. 8; pp. 374-375, 466, 724
- Health Services, Department of - Health Care Institutions: Licensing; 9 A.A.C. 10; pp. 678, 1457, 2093, 2266
- Health Services, Department of - Noncommunicable Diseases; 9 A.A.C. 4; p. 1341
- Health Services, Department of - Occupational Licensing; 9 A.A.C. 16; p. 1270
- Industrial Commission of Arizona; 20 A.A.C. 5; p. 895
- Information Technology Agency, Government; 2 A.A.C. 18; pp. 107-108
- Insurance, Department of; 20 A.A.C. 6; pp. 161, 896
- Medical Board, Arizona; 4 A.A.C. 16; p. 1898
- Nursing Care Institution Administrators and Assisted Living Facility Managers, Board of Examiners for; p. 2093
- Osteopathic Examiners in Medicine and Surgery, Board of; 4 A.A.C. 22; p. 723
- Pharmacy, Board of; 4 A.A.C. 23; pp. 51, 2092
- Podiatry, Board of; 4 A.A.C. 25; p. 465
- Public Safety, Department of - Criminal Identification Section; 13 A.A.C. 1; p. 331
- Public Safety, Department of - School Buses; 13 A.A.C. 13; p. 894
- Retirement System Board, State; 2 A.A.C. 8; p. 1270
- Revenue, Department of - General Administration; 15 A.A.C. 10; 1189
- Secretary of State, Office of; 2 A.A.C. 12; p. 1189, 1737
- Tax Deferred Annuity and Deferred Compensation Plans, Govern-

- ing Committee for; 2 A.A.C. 9; p. 107
- Transportation, Department of - Fuel Taxes; 17 A.A.C. 8; p. 2130
- Transportation, Department of - Oversize and Overweight Special Permits; 17 A.A.C. 6; p. 680
- Transportation, Department of - Title, Registration, and Driver Licenses; 17 A.A.C. 4; p. 679

**Governor's Office**

- Executive Order 2019-01:** pp. 131-132
- Governor's Regulatory Review Council**
- Notices of Action Taken at Monthly Meetings: pp. 342, 424, 787-788, 984-986, 1358-1359, 1576-1577, 1916-1917, 2205-2206

**Guidance Document, Notices of**

- Health Services, Department of; pp. 109, 2054
- Revenue, Department of; pp. 1191-1192

**Proposed Delegation Agreement, Notices of**

- Environmental Quality, Department of; pp. 1741-1760, 2055
- Health Services, Department of; p. 681

**Public Information, Notices of**

- Accountancy, Board of; p. 468
- Environmental Quality, Department of; pp. 57-63, 1942-1990
- Environmental Quality, Department of - Water Pollution Control; pp. 162, 1114, 1459
- Game and Fish Commission; pp. 53-57
- Gaming, Department of - Racing Division - Boxing and Mixed Martial Arts Commission; p. 850
- Health Services, Department of; p. 2058
- Health Services, Department of - Medical Marijuana Program; p. 2057
- Technical Registration, Board of; p. 725

**Substantive Policy Statement,  
Notices of**

Accountancy, Board of; pp. 469, 1899  
Behavioral Health Examiners, Board of; p. 1344  
Contractors, Registrar of; p. 1197  
Finance Authority, Water Infrastructure; pp. 380-383  
Gaming, Department of - Racing Division - Boxing and Mixed Martial Arts Commission; pp. 851-853  
Health Services, Department; pp. 1115, 1309  
Insurance, Department; p. 532  
Lottery Commission, State; pp. 726, 2132  
Nursing, Board of; pp. 726, 2267  
Osteopathic Examiners in Medicine and Surgery; pp. 2267-2269  
Peace Officer Standards and Training Board, Arizona (AZPOST); p. 1805  
Psychologist Examiners, Board; p. 2269  
Podiatry Examiners, Board of; p. 1460  
Real Estate Department, State; pp. 129-130  
Revenue, Department of; pp. 1193-1196  
State Land Department, Arizona; pp. 378-380  
Technical Registration, Board of; p. 1273  
Water Resources, Department of; pp. 332, 378



**RULES EFFECTIVE DATES CALENDAR**

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

January		February		March		April		May		June	
Date Filed	Effective Date										
1/1	3/2	2/1	4/2	3/1	4/30	4/1	5/31	5/1	6/30	6/1	7/31
1/2	3/3	2/2	4/3	3/2	5/1	4/2	6/1	5/2	7/1	6/2	8/1
1/3	3/4	2/3	4/4	3/3	5/2	4/3	6/2	5/3	7/2	6/3	8/2
1/4	3/5	2/4	4/5	3/4	5/3	4/4	6/3	5/4	7/3	6/4	8/3
1/5	3/6	2/5	4/6	3/5	5/4	4/5	6/4	5/5	7/4	6/5	8/4
1/6	3/7	2/6	4/7	3/6	5/5	4/6	6/5	5/6	7/5	6/6	8/5
1/7	3/8	2/7	4/8	3/7	5/6	4/7	6/6	5/7	7/6	6/7	8/6
1/8	3/9	2/8	4/9	3/8	5/7	4/8	6/7	5/8	7/7	6/8	8/7
1/9	3/10	2/9	4/10	3/9	5/8	4/9	6/8	5/9	7/8	6/9	8/8
1/10	3/11	2/10	4/11	3/10	5/9	4/10	6/9	5/10	7/9	6/10	8/9
1/11	3/12	2/11	4/12	3/11	5/10	4/11	6/10	5/11	7/10	6/11	8/10
1/12	3/13	2/12	4/13	3/12	5/11	4/12	6/11	5/12	7/11	6/12	8/11
1/13	3/14	2/13	4/14	3/13	5/12	4/13	6/12	5/13	7/12	6/13	8/12
1/14	3/15	2/14	4/15	3/14	5/13	4/14	6/13	5/14	7/13	6/14	8/13
1/15	3/16	2/15	4/16	3/15	5/14	4/15	6/14	5/15	7/14	6/15	8/14
1/16	3/17	2/16	4/17	3/16	5/15	4/16	6/15	5/16	7/15	6/16	8/15
1/17	3/18	2/17	4/18	3/17	5/16	4/17	6/16	5/17	7/16	6/17	8/16
1/18	3/19	2/18	4/19	3/18	5/17	4/18	6/17	5/18	7/17	6/18	8/17
1/19	3/20	2/19	4/20	3/19	5/18	4/19	6/18	5/19	7/18	6/19	8/18
1/20	3/21	2/20	4/21	3/20	5/19	4/20	6/19	5/20	7/19	6/20	8/19
1/21	3/22	2/21	4/22	3/21	5/20	4/21	6/20	5/21	7/20	6/21	8/20
1/22	3/23	2/22	4/23	3/22	5/21	4/22	6/21	5/22	7/21	6/22	8/21
1/23	3/24	2/23	4/24	3/23	5/22	4/23	6/22	5/23	7/22	6/23	8/22
1/24	3/25	2/24	4/25	3/24	5/23	4/24	6/23	5/24	7/23	6/24	8/23
1/25	3/26	2/25	4/26	3/25	5/24	4/25	6/24	5/25	7/24	6/25	8/24
1/26	3/27	2/26	4/27	3/26	5/25	4/26	6/25	5/26	7/25	6/26	8/25
1/27	3/28	2/27	4/28	3/27	5/26	4/27	6/26	5/27	7/26	6/27	8/26
1/28	3/29	2/28	4/29	3/28	5/27	4/28	6/27	5/28	7/27	6/28	8/27
1/29	3/30			3/29	5/28	4/29	6/28	5/29	7/28	6/29	8/28
1/30	3/31			3/30	5/29	4/30	6/29	5/30	7/29	6/30	8/29
1/31	4/1			3/31	5/30			5/31	7/30		



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



### REGISTER PUBLISHING DEADLINES

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

<b>Deadline Date (paper only) Friday, 5:00 p.m.</b>	<b>Register Publication Date</b>	<b>Oral Proceeding may be scheduled on or after</b>
April 12, 2019	May 3, 2019	June 3, 2019
April 19, 2019	May 10, 2019	June 10, 2019
April 26, 2019	May 17, 2019	June 17, 2019
May 3, 2019	May 24, 2019	June 24, 2019
May 10, 2019	May 31, 2019	July 1, 2019
May 17, 2019	June 7, 2019	July 8, 2019
May 24, 2019	June 14, 2019	July 15, 2019
May 31, 2019	June 21, 2019	July 22, 2019
June 7, 2019	June 28, 2019	July 29, 2019
June 14, 2019	July 5, 2019	August 5, 2019
June 21, 2019	July 12, 2019	August 12, 2019
June 28, 2019	July 19, 2019	August 19, 2019
July 5, 2019	July 26, 2019	August 26, 2019
July 12, 2019	August 2, 2019	September 3, 2019
July 19, 2019	August 9, 2019	September 9, 2019
July 26, 2019	August 16, 2019	September 16, 2019
August 2, 2019	August 23, 2019	September 23, 2019
August 9, 2019	August 30, 2019	September 30, 2019
August 16, 2019	September 6, 2019	October 7, 2019
August 23, 2019	September 13, 2019	October 15, 2019
August 30, 2019	September 20, 2019	October 21, 2019
September 6, 2019	September 27, 2019	October 28, 2019
September 13, 2019	October 4, 2019	November 4, 2019
September 20, 2019	October 11, 2019	November 12, 2019
September 27, 2019	October 18, 2019	November 18, 2019
October 4, 2019	October 25, 2019	November 25, 2019
October 11, 2019	November 1, 2019	December 2, 2019
October 18, 2019	November 8, 2019	December 9, 2019
October 25, 2019	November 15, 2019	December 16, 2019
November 1, 2019	November 22, 2019	December 23, 2019



## GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES

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

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

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

[M19-05]

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

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