



# Arizona Administrative REGISTER

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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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

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**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.

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# Participate in the Process

## Look for the Agency Notice

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

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

## Attend a public hearing/meeting

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

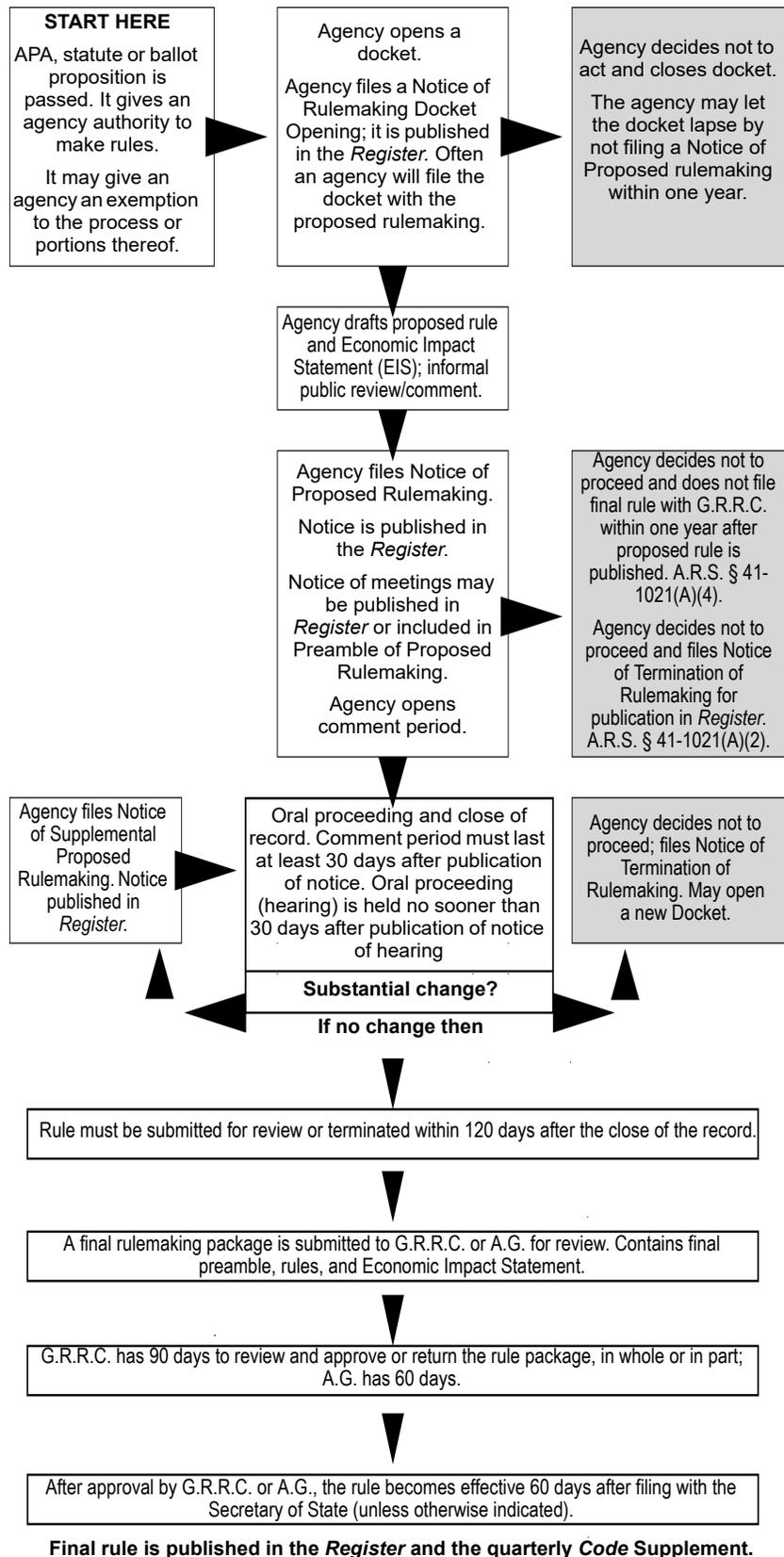
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

## Write the agency

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

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

# Arizona Regular Rulemaking Process



## Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Acronyms

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

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

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

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

FR – *Federal Register*

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

U.S.C. – *United States Code*

## About Preambles

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

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

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



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

**NOTICE OF PROPOSED RULEMAKING  
TITLE 2. ADMINISTRATION  
CHAPTER 12. OFFICE OF THE SECRETARY OF STATE**

[R19-188]

**PREAMBLE**

- | <b><u>1. Article, Part, or Section Affected (as applicable)</u></b> | <b><u>Rulemaking Action</u></b> |
|---|---------------------------------|
| R2-12-1201  | Re-number                       |
| R2-12-1201  | New Section                     |
| R2-12-1202  | Re-number                       |
| R2-12-1202  | Amend                           |
| R2-12-1203  | Re-number                       |
| R2-12-1204  | Re-number                       |
| R2-12-1204  | Amend                           |
| R2-12-1205  | Re-number                       |
| R2-12-1205  | Amend                           |
| R2-12-1206  | Re-number                       |
| R2-12-1206  | Amend                           |
| R2-12-1207  | Re-number                       |
| R2-12-1207  | Amend                           |
| R2-12-1208  | Re-number                       |
| R2-12-1208  | Repeal                          |
| R2-12-1209  | Repeal                          |
- 2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**  
 Authorizing statute: A.R.S. § 41-352(C)  
 Implementing statute: A.R.S. § 41-352(C)
- 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. 1189, May 10, 2019
- 4. The agency’s contact person who can answer questions about the rulemaking:**  
 Name: Patricia A. Viverto, Director  
 Address: Secretary of State, Business Services  
 1700 W. Washington St., 7th Floor  
 Phoenix, AZ 85007  
 Telephone: (602) 542-6187  
 Fax: (602) 542-4366  
 E-mail: pviverto@azsos.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:**  
 Electronic Notary statutes were repealed (A.R.S. §§ 41-352 through 355 and 357 through 370), with the exception of A.R.S § 41-351 defining “electronic signature”. A new section, A.R.S. § 41-352 was added, to include a directive that the Secretary of State shall adopt rules establishing standards for electronic notarization on or before December 31, 2019.



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:

Not applicable

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

Not applicable

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

Not applicable

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 agency does not intend to hold a public hearing on these rules unless a public hearing is requested within 30 days of the publication of this notice. The agency will accept written comments within 30 days of the publication of these rules, Monday through Friday, 8:00 a.m. to 5:00 p.m. Please submit written comments to the following person:

Name: Patricia A. Viverto, Director
Address: Secretary of State, Business Services
1700 W. Washington St., 7th Floor
Phoenix, AZ 85007
Telephone: (602) 542-6187
Fax: (602) 542-4366
E-mail: pviverto@azsos.gov

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

Not applicable

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

Not applicable

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

Not applicable

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

Not applicable

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

None

13. The full text of the rules follows:

TITLE 2. ADMINISTRATION
CHAPTER 12. OFFICE OF THE SECRETARY OF STATE

ARTICLE 12. ELECTRONIC NOTARY

Section
R2-12-1201. Definitions

ARTICLE 12. ELECTRONIC NOTARY

R2-12-1201. Definitions

The following definitions shall apply to this Article unless context otherwise requires:

- 1. "Commission" means the same as defined in A.R.S. § 41-311(2).
2. "Electronic" means the same as defined in A.R.S. § 41-371(3).
3. "Electronic notarization" or "electronic notarial act" means a notarial act performed with respect to an electronic record in accordance with this Article while the signer is in the physical presence of the notary public.
4. "Electronic record" means the same as defined in A.R.S. § 41-371(4).
5. "Electronic seal" means the same as defined in A.R.S. § 41-371(5).
6. "Electronic signature" means the same as defined A.R.S. § 41-351.
7. "Non-repudiation" means the inability of the signer of an electronic document to deny their electronic signature without factual basis.
8. "Notarial act" means the same as defined in A.R.S. § 41-371(9).



9. "Person" means the same as defined in A.R.S. § 41-371(11).  
 10. "Qualified Certificate Authority" means a certificate authority that issues digital certificates in compliance with the requirements of R2-12-1204.

**~~R2-12-1201~~R2-12-1202. Application and Renewal Authority to Perform Electronic Notarization**

Each applicant for an electronic notary commission or a renewal of an electronic notary commission shall: A notary public of this state may perform electronic notarizations during the term of the notary public's commission if:

1. Submit to the Secretary of State a verified application on a form prescribed by the Secretary of State that complies with A.R.S. § 41-312 and provides the following information about the applicant: The notary public has received written authorization from the Secretary of State to perform either:
  - a. Full name and any former names used by the applicant; Electronic notarizations under this Article; or
  - b. Physical address and telephone number; Remote online notarizations under Article 13; and
  - c. Mailing address and telephone number;
  - d. Business address, telephone number, fax number and email address, if applicable;
  - e. County of residence;
  - f. Gender;
  - g. Date of birth;
  - h. The previous commission number of the applicant if previously an electronic notary or notary public appointed under A.R.S. § 41-312 in Arizona, if applicable;
  - i. Responses to questions regarding the applicant's background on the following subjects:
    - i. Whether the applicant has been convicted of a felony or an undesignated offense in this or any other jurisdiction and whether the applicant has been restored to civil rights.
    - ii. Whether the applicant has been convicted of a lesser offense involving moral turpitude or of a nature that is incompatible with the duties of a notary public in this or any other jurisdiction such as a finding that the applicant engaged in conduct that would violate A.R.S. § 41-313 if adjudicated in Arizona, or that the applicant engaged in conduct that constituted misconduct in public office or demonstrated dishonesty or a lack of veracity.
    - iii. Whether the applicant has ever had a professional license revoked, suspended, restricted, or denied for misconduct, dishonesty, or any cause that relates to the duties or responsibilities of a notary public such as a finding that the applicant engaged in conduct that would violate A.R.S. § 41-313 if adjudicated in Arizona, or that the applicant engaged in conduct that demonstrated dishonesty or a lack of veracity.
    - iv. Whether the applicant has had a notary commission revoked, suspended, restricted, or denied in this state or any other jurisdiction.
    - v. Statement that applicant is 18 years of age or older.
    - vi. Statement of being an Arizona resident.
    - vii. Whether the applicant holds or has held a notary commission in another state or jurisdiction and the commission number and jurisdiction, if applicable.
2. The Secretary of State may require that the applicant provide a detailed explanation and supporting documentation for each response on the application regarding the applicant's background. The Secretary of State has not terminated or revoked such authorization.
3. Each applicant shall register with the Secretary of State in a manner prescribed by the Secretary of State the applicant's possession of an approved electronic notary token within 90 days of submitting the application.

**~~R2-12-1202~~R2-12-1203. Applicant Filing Fee, Bond, and Bond Filing Fee Registration**

- A. ~~The application and renewal fee is \$25. To receive authorization from the Secretary of State to perform electronic notarizations a notary public must submit an application in a format prescribed by the Secretary of State that provides the following information about the applicant:~~
  1. The applicant's full legal name and the name under which the applicant is commissioned as a notary public (if different);
  2. The applicant's email address;
  3. A description of the technologies or devices that the applicant intends to use to perform electronic notarizations;
  4. The name, address, and website URL of any vendors or other persons that will directly supply to the applicant the technologies that the applicant intends to use;
  5. A certification that the applicant has obtained a digital certificate from a qualified certificate authority to be used by the applicant in performing electronic notarizations;
  6. A certification that the technologies described in the application comply with the requirements of this Article.
- B. ~~The bond filing fee is \$25. The application must be submitted to the Secretary of State as provided by information posted on the secretary of state's website at <https://azsos.gov/>.~~
- C. ~~The applicant shall purchase a surety bond in the amount of \$25,000. The original bond shall be filed with the Secretary of State's office accompanying the application or renewal. If, during the term of a notary public's commission, the notary public intends to use the technologies of another vendor or person than those identified under subsection (A)(3) and (4), then an additional application or amendment identifying such other vendors or other persons must be submitted to the Secretary of State as provided in this section.~~
- D. ~~The bond shall contain, on its face, the oath of office for the electronic notary public as specified in A.R.S. § 38-231(E). The electronic notary shall endorse the oath on the face of the bond, immediately below the oath, by signing the electronic notary's name under which the person has applied to be commissioned as an electronic notary and exactly as the name appears on the notary application form filed with the Secretary of State's Office. Each application and renewal submitted under this section must be accompanied by a nonrefundable fee of \$25.~~



- E. If the technology identified in the application under subsection (A) conforms to the standards adopted under this Article and the applicant satisfies the requirements of this section, the Secretary of State shall approve the use of the technology and issue to the notary public written authorization to perform electronic notarizations.
- F. The Secretary of State may reject the application, or terminate or revoke a prior authorization given under this section, for the following reasons:
  - 1. The applicant's failure to comply with A.R.S. §§ 41-311 through 41-351 or this Article;
  - 2. Any information required under subsection (A) is missing, inaccurate or incomplete; or
  - 3. The technology identified in the application does not conform to the standards adopted under this Article.
- G. The Secretary of State shall notify the notary public of approval or rejection of the application within 45 days after receipt. If the application is rejected, the Secretary of State shall state the reasons for the rejection.
- H. The term of the commission for electronic notarization shall be the same as the term of the notary's existing notary commission.
- I. The renewal of the commission of a notary public who has previously received authorization to perform electronic notarizations does not constitute renewal of such authorization. Applicant shall submit another application as provided under subsection (A) and must receive authorization from the Secretary of State in order to continue to perform electronic notarizations.
- J. Nothing herein shall be construed to prohibit a notary public from receiving, installing, or using a hardware or software updates to the technologies that the notary public identified under subsection (A) if the hardware or software update does not result in technologies that are materially different from the technologies that the notary public identified previously.

**R2-12-1203R2-12-1204. Notarial Journal Tamper Evident Technology**

- A. An electronic notary public shall keep a journal of all electronic notarial acts in bound paper form with the same form as required in A.R.S. § 41-319 herein referenced as a "journal." If an electronic notary act is conducted upon an electronic signature that is not recognized under A.R.S. § 41-132, the electronic notary shall have the signer sign the paper journal in a manner consistent with A.R.S. § 41-319. A notary public must select one or more tamper-evident technologies to perform electronic notarizations. The tamper-evident technology must consist of a digital certificate complying with the X.509 standard adopted by the International Telecommunication Union or a similar industry-standard technology.
- B. The journal shall be under the control of the electronic notary. In performance of an electronic notarization, a notary public must attach or logically associate the notary public's electronic signature and electronic seal to an electronic record that is the subject of a notarial act by use of the digital certificate.
- C. If an electronic notary also holds commission as a notary public appointed under A.R.S. § 41-312, and the commission dates are identical between the two commissions, then the electronic notary may use the notary public journal as the electronic notary paper journal. If the dates are not identical, then the electronic notary shall maintain two separate journals. A notary public may not perform an electronic notarization if the digital certificate:
  - 1. Has expired;
  - 2. Has been revoked or terminated by the issuing or registering authority;
  - 3. Is invalid; or
  - 4. Is incapable of authentication.
- D. If a notary service electronic certificate is used in a manner to create an electronic signature in a notarial act, the document name, title, brief description of contents, and the time stamp shall be entered into the issuing electronic notary's journal as a notary service electronic certificate entry. Renewal of the notary's digital certificate is separate from the registration process with the Secretary of State and must be obtained from a qualified certificate authority capable of supplying certificates that comply with this section. Renewal of the certificate with the certificate authority is the responsibility of the notary.
- E. Journals are not deemed received until the Secretary of State accepts the journals as complete. The electronic notary shall not be subject to a penalty for delay outside the control of the electronic notary in delivering the journal to the Secretary of State.

**R2-12-1204R2-12-1205. Standards for Electronic Notary Token and Notary Service Electronic Certificate Electronic Seal Requirements**

- A. An electronic notary token, and subsequently a notary service electronic certificate, shall be approved under A.R.S. § 41-132. A notary public must use the same unique electronic seal for all electronic notarizations performed during an applicable commission period.
- B. A provider of an electronic notary token may not provide an official electronic notary token to a person unless the person first presents evidence of the electronic notary commission for that person to the provider. An electronic seal must substantially conform to the following design: a rectangular or circular seal with the notary public's name as it appears on the commission, the great seal of the state of Arizona, the words "Notary Public", "State of Arizona" and "My commission expires on (date)", the name of the county in which the notary public is commissioned, and the commission number.
- C. A provider of a notary service electronic certificate may not provide an official notary service electronic certificate to a person unless the person presents himself or herself before and receives authorization from an electronic notary for reception of the notary service electronic certificate. When affixed to an electronic record, an electronic seal must be clear, legible, and photographically reproducible. An electronic seal is not required to be within a minimum or maximum size when photographically reproduced on an electronic record.
- D. An electronic notary token shall contain:
  - 1. The commission number of the electronic notary;
  - 2. The full name of the electronic notary, as commissioned as an electronic notary;
  - 3. The expiration date of the notary's commission;
  - 4. A link to the commission record of the electronic notary on the Secretary of State's official web site; and
  - 5. Any applicable information relative to A.R.S. § 41-132.
- E. A notary service electronic certificate shall contain:
  - 1. The commission number of the electronic notary authorizing the notary service electronic certificate;



2. The identification of the authorizing electronic notary's electronic notary token;
3. The full name of the individual, as presented to the electronic notary;
4. A link to the authorizing commission record of the electronic notary on the Secretary of State's official web site; and
5. Any applicable information relative to A.R.S. § 41-132.

F. An electronic notary may possess only one electronic notary token.

**R2-12-1205~~R2-12-1206. Use of Electronic Notary Tokens and Notary Service Electronic Certificate~~ Security of Electronic Signatures and Electronic Seals**

- A. An electronic notary may only use an electronic notary token for the duties set forth in A.R.S. §§ 41-351 through 41-369 and interactions with the provider of the electronic notary token. A notary public's electronic signature and electronic seal must remain within the exclusive control of the notary public, including control by means of use of a password or other secure method of authentication. A notary public shall not disclose any access information used to affix the notary public's electronic signature or electronic seal to electronic records, except:
1. When requested by the Secretary of State or a law enforcement officer;
  2. When required by court order or subpoena; or
  3. Pursuant to an agreement to facilitate electronic notarizations with a vendor or other technology provider identified in an application submitted under this Article.
- B. A person may only use a notary service electronic certificate for the purposes of creating electronic notarized documents and interactions with the provider of the notary service electronic certificate. A notary public may not allow any other individual to use his or her electronic signature or electronic seal to perform a notarial act.
- C. Use of an electronic notary token is not complete without: Upon resignation, revocation, or expiration of the notary public's commission, the notary public's electronic seal (including any coding, disk, digital certificate, card, software, or password that enables the notary public to attach or logically associate the electronic seal to an electronic record) must be destroyed or disabled to prohibit its use by any other person.
1. Incorporating the electronic notary token elements into the document;
  2. Either directly incorporating the time and date of notarization or incorporating the time and date of notarization using a process of an approved time stamp provider;
  3. Affixing the notary's electronic signature.
- D. Use of a notary service electronic certificate is not complete without: A notary public must immediately notify an appropriate law enforcement agency and the Secretary of State on actual knowledge of the theft or vandalism of the notary public's electronic signature, electronic seal or digital certificate. A notary public shall immediately notify the Secretary of State on actual knowledge of the unauthorized use by another person of the notary public's electronic signature, electronic seal or digital certificate.
1. Presence of a date and time stamp from an approved time stamp token provider;
  2. Affixing the notary's electronic signature.

**R2-12-1206~~R2-12-1207. Approval of Time Stamp Token Provider~~ Journal**

Any person or entity that can provide a service that synchronizes time as defined in A.R.S. § 1-242 into a process using an electronic notary token or a notary service electronic certificate, where applicable, may be added to the list of approved time stamp token providers. All time stamp tokens that interact with electronic notary tokens and notary service electronic certificates need to meet the applicable technology standards required by A.R.S. § 41-132. An electronic notary public shall keep a journal of all electronic notarial acts in bound paper form with the same form as required in A.R.S. § 41-319 and shall be under the sole control of the electronic notary public.

**R2-12-1207~~R2-12-1208. Fees Requirements for Authenticating the Notarial Act~~**

Electronic notaries may charge the following fees: Electronic notarial acts need to fulfill certain basic requirements to ensure non-repudiation and the capability of being authenticated by the Secretary of State for purposes of issuing Apostilles and Certificates of Authentication. They are as follows:

1. Fee for an acknowledgment shall be not more than \$25. The fact of the notarial act, including the notary's identity, signature, and commission status, must be verifiable by the Secretary of State, and
2. Fee for an oath or affirmation shall be not more than \$25. The notarized electronic document will be rendered ineligible for authentication by the Secretary of State if it is improperly modified after the time of notarization, including any unauthorized alterations to the document content, the electronic notarial certificate, the notary public's electronic signature, and/or the notary public's official electronic seal.
3. Fee for a jurat shall be not more than \$25.
4. Fee for authorizing a notary service electronic certificate to a person shall be not more than \$50. This does not include any vendor fees or charges to the person for reception of the notary service electronic certificate.
5. Fee for any other notarial act shall be not more than \$25.

**R2-12-1208. Penalty Fee for Lack of Notice Repealed**

The penalty to be imposed upon an electronic notary for failure to provide signed notice as defined in the statute to the Secretary of State of each loss, theft, or compromise of the electronic notary's journal shall be \$10 per use of electronic notary token up to a maximum of \$500. When audit trail is not recoverable, the maximum of \$500 shall be imposed upon the electronic notary for each failure to provide proper notice of a loss, theft, or compromise of the electronic notary's journal.

**R2-12-1209. Civil Penalties Repealed**

~~A. The penalty to be imposed upon an electronic notary for failure to provide signed notice as defined in the statute to the Secretary of State of each loss, theft, or compromise of a notary service electronic certificate or of loss, theft or compromise of any materials or processes used in creating an electronic notary token or authorizing a notary service electronic certificate shall be \$10 per day, up to a~~



maximum of \$500 for each failure to provide proper notice of a loss, theft, or compromise of a notary service electronic certificate or compromise of any materials or processes used in creating an electronic notary token.

- B. The penalty to be imposed upon an electronic notary for each failure to provide signed notice as defined in the statute to the Secretary of State of a change of address shall be \$10 per day, up to a maximum of \$250 for each failure to provide proper notice of a change of address.
C. The penalty to be imposed upon an electronic notary for failure to deposit the notary's electronic notary journal and records as defined in the statute with the Secretary of State shall be \$50 for the first day and then \$10 per day up to a maximum of \$500.

NOTICE OF PROPOSED RULEMAKING
TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE
CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

[R19-189]

PREAMBLE

Table with 2 columns: Article, Part, or Section Affected (as applicable) and Rulemaking Action. Rows include R20-5-601, R20-5-602, and R20-5-629, all with 'Amend' as the action.

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

Authorizing statute: A.R.S. § 23-405(4)
Implementing statute: A.R.S. § 23-410

Note: Exemptions from Executive Orders 2017-02 and 2019-01 were provided for this rulemaking, as follows:

- Walking-Working Surfaces; Personal Protective Equipment (Fall Protection Systems) - January 13, 2017, by Brett Galley, Policy Assistant in the Office of the Arizona Governor.
Occupational Exposure to Beryllium - April 4, 2017, by Brett Galley, Policy Assistant in the Office of the Arizona Governor.
Occupational Exposure to Respirable Crystalline Silica; Correction - April 13, 2017; by Brett Galley, Policy Assistant in the Office of the Arizona Governor.
Cranes and Derricks in Construction: Operator Qualification, Revising the Beryllium Standard for General Industry, and Tracking of Workplace Injuries and Illnesses - August 16, 2019, by Kaitlin Harrier; Policy Advisor in the Office of the Arizona Governor.

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. 2443, September 20, 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

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

Section 18(c) of the Federal Occupational Safety and Health Act of 1970 requires state-administered occupational safety and health programs to adopt standards that are at least as effective as those adopted by the United States Department of Labor, Occupational Safety and Health Administration (OSHA). See also 29 CFR 1953.5; A.R.S. § 23-405(3). The Industrial Commission of Arizona (the "Commission") is proposing to amend R20-5-601 ("The Federal Occupational Safety and Health Standards for Construction, 29 CFR 1926"), R20-5-602 ("The Federal Occupational Safety and Health Standards for General Industry, 29 CFR 1910"), and R20-5-629 ("The Occupational Injury and Illness Recording and Reporting Requirements, 29 CFR 1904") to incorporate by reference the following recent OSHA rule updates to 29 CFR 1926 ("Safety and Health Regulations for Construction"), 29 CFR 1910 ("Occupational Safety and Health Standards"), and 29 CFR 1904 ("Recording and Reporting Occupational Injuries and Illnesses"):

- OSHA Final rule published on September 1, 2016, titled "Occupational Exposure to Respirable Crystalline Silica; Correction"; published in the Federal Register at 81 FR 60272.
OSHA Final rule published on November 18, 2016, titled "Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems)"; published in the Federal Register at 81 FR 82494.
OSHA Final rule published January 9, 2017, titled "Occupational Exposure to Beryllium"; published in the Federal Register at 82 FR 2470.



- OSHA Direct Final rule published on May 7, 2018 titled “Revising the Beryllium Standard for General Industry”; published in the *Federal Register* at 83 FR 19936.
- OSHA Final rule published on November 9, 2018, titled “Cranes and Derricks in Construction: Operator Qualification”; published in the *Federal Register* at 83 FR 56198.
- OSHA Final rule published on January 25, 2019, titled “Tracking of Workplace Injuries and Illnesses”; published in the *Federal Register* at 84 FR 380.

#### **Occupational Exposure to Respirable Crystalline Silica: Correction**

Under 29 CFR 1910 and 1926, employers are subject to standards for occupational exposure to respirable crystalline silica. On March 25, 2016, the Federal Occupational Safety & Health Administration (“OSHA”) published a final rule entitled “Occupational Exposure to Respirable Crystalline Silica” (the “Silica Rule”). In part, the Silica Rule retained the preceding permissible exposure limits (“PELs”) for respirable crystalline silica in general industry (29 CFR 1910.1000, Table Z-3) and construction (29 CFR 1926.55, appendix A) for industry sectors or operations where the new PEL of 50  $\mu\text{g}/\text{m}^3$  is not in effect. The preceding PELs applied to operations that are not covered by the new respirable silica standards, such as the processing of sorptive clays (*i.e.*, specific types of clay found in a few geologic deposits in the country that are used in a range of consumer products and industrial applications, such as pet litter and sealants for landfills). The preceding PELs also apply during the time between publication of the silica rule and the dates established for compliance with the rule. OSHA’s Final Rule titled “Occupational Exposure to Respirable Crystalline Silica; Correction” corrects certain typographical errors contained in the Final Silica Rule related to the formulas for the preceding PELs in general industry (29 CFR 1910.1000, Table Z-3) and construction (29 CFR 1926.55, appendix A), so that the formulas will appear as they did prior to publication of the Final Silica Rule.

#### **Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems)**

Under 29 CFR 1910, employers are subject to standards related to preventing workplace slips, trips, and falls, as well as other injuries and fatalities associated with walking working surface hazards. OSHA’s Final Rule titled Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems) revised and updates these general industry standards. The Final Rule includes revised and new provisions addressing, for example, fixed ladders; rope descent systems; fall protection systems and criteria, including personal fall protection systems; and training on fall hazards and fall protection systems. In addition, the Final Rule adds requirements on the design, performance, and use of personal fall protection systems. The Final Rule increases consistency between the general industry and construction standards, which will make compliance easier for employers who conduct operations in both industry sectors. Similarly, the Final Rule updates requirements to reflect advances in technology and to make them consistent with more recent OSHA standards and national consensus standards. OSHA has also reorganized the requirements and incorporated plain language in order to make the Final Rule easier to understand and follow. The Final Rule also uses performance-based language to give employers greater compliance flexibility.

OSHA believes that many employers already are in compliance with many provisions in the Final Rule; therefore, many employers should not have significant problems implementing the updated standards. In addition, because the Final Rule incorporates requirements from national consensus standards, most equipment manufacturers already provide equipment and systems that meet the requirements of the Final Rule.

#### **Occupational Exposure to Beryllium & Revising the Beryllium Standard for General Industry**

Under 29 CFR 1910 and 1926, employers are subject to standards for occupational exposure to beryllium. OSHA’s Final Rule titled Occupational Exposure to Beryllium updates existing standards for occupational exposure to beryllium and beryllium compounds. OSHA determined that employees exposed to beryllium at the previous permissible exposure limits face a significant risk of material impairment to their health, including increased risk of developing chronic beryllium disease and lung cancer. The Final Rule establishes new permissible exposure limits of 0.2 micrograms of beryllium per cubic meter of air (0.2  $\mu\text{g}/\text{m}^3$ ) as an 8-hour time-weighted average and 2.0  $\mu\text{g}/\text{m}^3$  as a short-term exposure limit determined over a sampling period of 15 minutes. The Final Rule also includes other provisions to protect employees, such as requirements for exposure assessment, methods for controlling exposure, respiratory protection, personal protective clothing and equipment, housekeeping, medical surveillance, hazard communication, and recordkeeping. The Final Rule covers exposures to beryllium in general industry, construction, and shipyards, but provides an exemption for materials containing only trace amounts of beryllium (less than 0.1% by weight) when the employer has objective data that employee exposure to beryllium will remain below the action level as an 8-hour time-weighted average under any foreseeable conditions.

#### **Revising the Beryllium Standard for General Industry**

OSHA’s Final Rule titled Revising the Beryllium Standard for General Industry includes a number of clarifying amendments to address the application of the 2017 beryllium standard (discussed above) to materials containing trace amounts of beryllium. The Final Rule amends the text of the 2017 beryllium standard for General Industry to clarify OSHA’s intent with respect to certain terms in the standard, including the definition of “Beryllium Work Area” (BWA), the definition of “emergency,” and the meaning of the terms “dermal contact” and “beryllium contamination.” It also clarifies OSHA’s intent with respect to provisions for disposal and recycling and with respect to provisions that OSHA intends to apply only where skin can be exposed to materials containing at least 0.1% beryllium by weight. OSHA states that the amendment to the standard is clarifying in nature and does not adversely impact the safety or health of employees. Finally, the Final Rule limits disposal and recycling requirements to materials that contain beryllium in concentrations of 0.1% by weight or more or are contaminated with beryllium, consistent with OSHA’s intention that provisions aimed at protecting workers from the effects of dermal contact do not apply in the case of materials containing only trace amounts of beryllium.

#### **Cranes and Derricks in Construction: Operator Qualification**

Under 29 CFR 1926, employers in construction are subject to standards related to crane operator training, certification/licensing, and competency. OSHA’s Final Rule titled Cranes and Derricks in Construction: Operator Qualification updates the existing standards by clarifying each employer’s duty to ensure the competency of crane operators through training, certification or licensing, and evaluation. OSHA is also altering a provision that required different levels of certification based on the rated lifting capacity of equipment. While testing organizations are not required to issue certifications distinguished by rated capacities, they are



permitted to do so, and employers may accept them or continue to rely on certifications based on crane type alone. Finally, the Final Rule establishes minimum requirements for determining operator competency. OSHA reports that the Final Rule will maintain safety and health protections for workers while reducing compliance burdens.

**Tracking of Workplace Injuries and Illnesses**

Under 29 CFR 1904, employers with more than 10 employees in most industries are required to keep records of occupational injuries and illnesses at their establishments. OSHA's Final Rule titled Tracking of Workplace Injuries and Illnesses is aimed at protecting worker privacy by amending the recordkeeping standards by rescinding the requirement for establishments with 250 or more employees to electronically submit information from OSHA Forms 300 and 301. These establishments will continue to be required to maintain those records on-site, and OSHA will continue to obtain them as needed through inspections and enforcement actions. In addition to reporting required after severe injuries, establishments will continue to submit information from their Form 300A. In addition, OSHA is amending the recordkeeping regulation to require covered employers to submit their Employer Identification Number (EIN) electronically along with their injury and illness data submission, which will facilitate use of the data and may help reduce duplicative employer reporting. Nothing in the final rule revokes an employer's duty to maintain OSHA Forms 300 and 301 for inspection. OSHA reports that the changes will improve enforcement targeting and compliance assistance, decrease burden on employers, and protect worker privacy and safety.

**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 rules. To the extent applicable, studies, surveys, data, or other information reviewed and relied upon by OSHA are discussed in the Final Rules, which are electronically available at:

- <https://www.federalregister.gov/documents/2016/09/01/2016-20442/occupational-exposure-to-respirable-crystalline-silica-correction>
- <https://www.federalregister.gov/documents/2016/11/18/2016-24557/walking-working-surfaces-and-personal-protective-equipment-fall-protection-systems>
- <https://www.federalregister.gov/documents/2017/01/09/2016-30409/occupational-exposure-to-beryllium>
- <https://www.federalregister.gov/documents/2018/05/07/2018-09306/revising-the-beryllium-standard-for-general-industry>
- <https://www.federalregister.gov/documents/2018/11/09/2018-24481/cranes-and-derricks-in-construction-operator-qualification>
- <https://www.federalregister.gov/documents/2019/01/25/2019-00101/tracking-of-workplace-injuries-and-illnesses>

**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:**  
**Occupational Exposure to Respirable Crystalline Silica; Correction**

Adoption of the Final Rule titled "Occupational Exposure to Respirable Crystalline Silica; Correction" will have no economic, small business, or consumer impact, as the Final Rule only corrects typographical errors contained in the Final Silica Rule.

**Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems)**

OSHA reports that slips, trips, and falls constitute a significant risk, and estimated that the updated standard will prevent 29 fatalities and 5,842 injuries annually. OSHA summarized its findings with respect to the estimated costs, benefits, and net benefits of the updated standard in their economic analysis and determined annual benefits will significantly exceed the annual costs. OSHA's detailed analysis is electronically available at: <https://www.federalregister.gov/documents/2016/11/18/2016-24557/walking-working-surfaces-and-personal-protective-equipment-fall-protection-systems>.

**Occupational Exposure to Beryllium**

OSHA estimates that the Final Rule will prevent 90 fatalities and 46 new cases of chronic beryllium disease annually once the full effects are realized, and the estimates national cost of the Final Rule is \$73.9 million. OSHA estimates that the discounted monetized benefits of the Final Rule will be \$560.9 million annually and estimates that the Final Rule will generate net benefits of approximately \$487 million annually. OSHA admits, however, that there is a great deal of uncertainty in the estimated benefits due to assumptions made about dental workers' exposures and reductions. OSHA summarized its findings with respect to the estimated costs, benefits, and net benefits of the updated standard in their economic analysis, which is electronically available at: <https://www.federalregister.gov/documents/2017/01/09/2016-30409/occupational-exposure-to-beryllium>.

**Revising the Beryllium Standard for General Industry**

OSHA estimates that the Final Rule will, at a 3 percent discount rate over 10 years, result in a net annual cost savings of \$0.36 million per year, and, at a discount rate of 7 percent, will result in net annual cost savings of \$0.37 million per year. When OSHA uses a perpetual time horizon, the reported annualized cost savings of the Final Rule is \$0.37 million with 7 percent discounting. OSHA reported that the Final Rule would result in a net cost savings for employers in primary aluminum production and coal-fired utilities, which are the only industries in General Industry covered by the 2017 Beryllium Final Rule (discussed above) that OSHA identified with operations involving materials containing only trace beryllium (less than 0.1% beryllium by weight). Arizona has aluminum production businesses, coal powered generating stations, and one coal power plant. OSHA summarized its findings with respect to the estimated costs, benefits, and net benefits of the updated standard in their economic analysis, which is electronically available at: <https://www.federalregister.gov/documents/2018/05/07/2018-09306/revising-the-beryllium-standard-for-general-industry>.

**Cranes and Derricks in Construction: Operator Qualification**

OSHA reported that, on average, the impact of costs on employers will be low because most employers are currently provid-



ing some degree of operator training and performing operator competency evaluations to comply with the previous 29 CFR 1926.1427(k), and were previously doing so to comply with §§ 1926.550, 1926.20(b)(4), and 1926.21(b)(2). Employers who currently provide insufficient training will incur new compliance costs. OSHA summarized its findings with respect to the estimated costs, benefits, and net benefits of the updated standard in their economic analysis, which is electronically available at: <https://www.federalregister.gov/documents/2018/11/09/2018-24481/cranes-and-derricks-in-construction-operator-qualification>.

#### **Tracking of Workplace Injuries and Illnesses**

The Final Rule ameliorates a regulatory burden by rescinding the need for employers of 250 or more employees to submit OSHA Forms 300 and 301. In addition, OSHA amended the standard to require covered employers to submit their Employer Identification Number (EIN) electronically, along with their injury and illness data submission, which will facilitate use of the data and may help reduce duplicative employer reporting. Although the EIN requirement increases regulatory burden, OSHA reports that the actions together will allow it to improve enforcement targeting and compliance assistance, decrease burden on employers, and protect worker privacy and safety. OSHA summarized its findings with respect to the estimated costs, benefits, and net benefits of the updated standard in their economic analysis, which is electronically available at: <https://www.federalregister.gov/documents/2019/01/25/2019-00101/tracking-of-workplace-injuries-and-illnesses>.

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

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](mailto:jessie.atencio@azdosh.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:**

Written comments can be submitted to the address listed in item 9 by the close of the comment period, which is at 5:00 p.m. on October 21, 2019. An oral proceeding on the proposed amended rule is scheduled for October 21, 2019, at 9:00 a.m., at the Industrial Commission of Arizona, 800 West Washington, Room 206, 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:**

A.R.S. § 23-405(3) requires the Commission to “[c]ooperate with the federal government to establish and maintain an occupational safety and health program as effective as the federal occupational safety and health program.”

##### **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:**

Section 18(c) of the Federal Occupational Safety and Health Act of 1970 requires state-administered occupational safety and health programs to adopt standards that are at least as effective as those adopted by the United States Department of Labor, Occupational Safety and Health Administration (“OSHA”). *See also* 29 CFR 1953.5; A.R.S. § 23-405(3). The Commission is proposing to amend R20-5-601 (“The Federal Occupational Safety and Health Standards for Construction, 29 CFR 1926”), R20-5-602 (“The Federal Occupational Safety and Health Standards for General Industry, 29 CFR 1910”), and R20-5-629 (“The Occupational Injury and Illness Recording and Reporting Requirements, 29 CFR 1904”) to incorporate by reference the following recent OSHA rule updates to 29 CFR 1926 (“Safety and Health Regulations for Construction”), 29 CFR 1910 (“Occupational Safety and Health Standards”), and 29 CFR 1904 (“Recording and Reporting Occupational Injuries and Illnesses”):

- OSHA Final rule published on September 1, 2016, titled “Occupational Exposure to Respirable Crystalline Silica; Correction.”
- OSHA Final rule published on November 18, 2016, titled “Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems).”
- OSHA Final rule published January 9, 2017, titled “Occupational Exposure to Beryllium.”
- OSHA Direct Final rule published on May 7, 2018 titled “Revising the Beryllium Standard for General Industry.”
- OSHA Final rule published on November 9, 2018, titled “Cranes and Derricks in Construction: Operator Qualification.”
- OSHA Final rule published on January 25, 2019, titled “Tracking of Workplace Injuries and Illnesses.”

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

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:**

The Commission is proposing to amend R20-5-601 (“The Federal Occupational Safety and Health Standards for Construc-



tion, 29 CFR 1926”), R20-5-602 (“The Federal Occupational Safety and Health Standards for General Industry, 29 CFR 1910”), and R20-5-629 (“The Occupational Injury and Illness Recording and Reporting Requirements, 29 CFR 1904”) to incorporate by reference the following recent OSHA rule updates to 29 CFR 1926 (“Safety and Health Regulations for Construction”), 29 CFR 1910 (“Occupational Safety and Health Standards”), and 29 CFR 1904 (“Recording and Reporting Occupational Injuries and Illnesses”):

- OSHA Final rule published on September 1, 2016, titled “Occupational Exposure to Respirable Crystalline Silica; Correction.”
- OSHA Final rule published on November 18, 2016, titled “Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems).”
- OSHA Final rule published January 9, 2017, titled “Occupational Exposure to Beryllium.”
- OSHA Direct Final rule published on May 7, 2018 titled “Revising the Beryllium Standard for General Industry.”
- OSHA Final rule published on November 9, 2018, titled “Cranes and Derricks in Construction: Operator Qualification.”
- OSHA Final rule published on January 25, 2019, titled “Tracking of Workplace Injuries and Illnesses.”

A copy OSHA’s Final Rules are available for inspection or reproduction at the Arizona Division of Occupational Safety and Health, 800 West Washington Street, Room 203, Phoenix, AZ 85007, or are electronically available at:

- <https://www.federalregister.gov/documents/2016/09/01/2016-20442/occupational-exposure-to-respirable-crystalline-silica-correction>
- <https://www.federalregister.gov/documents/2016/11/18/2016-24557/walking-working-surfaces-and-personal-protective-equipment-fall-protection-systems>
- <https://www.federalregister.gov/documents/2017/01/09/2016-30409/occupational-exposure-to-beryllium>
- <https://www.federalregister.gov/documents/2018/05/07/2018-09306/revising-the-beryllium-standard-for-general-industry>
- <https://www.federalregister.gov/documents/2018/11/09/2018-24481/cranes-and-derricks-in-construction-operator-qualification>
- <https://www.federalregister.gov/documents/2019/01/25/2019-00101/tracking-of-workplace-injuries-and-illnesses>

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

**TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE  
CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA**

**ARTICLE 6. OCCUPATIONAL SAFETY AND HEALTH STANDARDS**

Section

- R20-5-601. The Federal Occupational Safety and Health Standards for Construction, 29 CFR 1926
- R20-5-602. The Federal Occupational Safety and Health Standards for General Industry, 29 CFR 1910
- R20-5-629. The Occupational Injury and Illness Recording and Reporting Requirements, 29 CFR 1904

**ARTICLE 6. OCCUPATIONAL SAFETY AND HEALTH STANDARDS**

**R20-5-601. The Federal Occupational Safety and Health Standards for Construction, 29 CFR 1926**

Each employer shall comply with the standards in the Federal Occupational Safety and Health Standards for Construction, as published in 29 CFR 1926, with amendments as of ~~June 23, 2016~~ February 7, 2019, incorporated by reference. Copies of these referenced materials are available for review at the Industrial Commission of Arizona and may be obtained from the United States Government Printing Office, Superintendent of Documents, Washington, D.C. 20402. These standards shall apply to all conditions and practices related to construction activity by all employers, both public and private, in the state of Arizona. This incorporation by reference does not include amendments or editions to 29 CFR 1926 published after ~~June 23, 2016~~ February 7, 2019.

**R20-5-602. The Federal Occupational Safety and Health Standards for General Industry, 29 CFR 1910**

Each employer shall comply with the standards in Subparts B through Z inclusive of the Federal Occupational Safety and Health Standards for General Industry, as published in 29 CFR 1910, with amendments as of ~~June 23, 2016~~ July 6, 2018, incorporated by reference. Copies of these reference materials are available for review at the Industrial Commission of Arizona and may be obtained from the United States Government Printing Office, Superintendent of Documents, Washington, D.C. 20402. These standards shall apply to all conditions and practices related to general industry activity by all employers, both public and private, in the state of Arizona; provided that this Section shall not apply to those conditions and practices which are the subject of R20-5-601. This incorporation by reference does not include amendments or editions to 29 CFR 1910 published after ~~June 23, 2016~~ July 6, 2018.

**R20-5-629. The Occupational Injury and Illness Recording and Reporting Requirements, 29 CFR 1904**

Each employer shall comply with the standards in the Federal Occupational Safety and Health Standards for Recordkeeping, as published in 29 CFR 1904, with amendments as of ~~January 1, 2017~~ February 25, 2019, incorporated by reference. Copies of the incorporated materials are available for review at the Industrial Commission of Arizona and may be obtained from the United States Government Printing Office, Superintendent of Documents, Washington, D.C. 20402. These standards shall apply to all conditions and practices related to recordkeeping by all employers, both public and private, in the state of Arizona. This incorporation by reference does not include amendments or editions to 29 CFR 1904 published after ~~January 1, 2017~~ February 25, 2019.



**NOTICES OF FINAL EXPEDITED RULEMAKING**

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

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

**NOTICE OF FINAL EXPEDITED RULEMAKING  
TITLE 9. HEALTH SERVICES  
CHAPTER 16. DEPARTMENT OF HEALTH SERVICES  
OCCUPATIONAL LICENSING**

[R19-190]

**PREAMBLE**

- | <b><u>1. Article, Part, or Section Affected (as applicable)</u></b> | <b><u>Rulemaking Action</u></b> |
|---|---------------------------------|
| Article 6   | New Article                     |
| R9-16-601   | New Section                     |
| R9-16-602   | New Section                     |
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| R9-16-604   | New Section                     |
| R9-16-605   | New Section                     |
| R9-16-606   | New Section                     |
| R9-16-607   | New Section                     |
| R9-16-608   | New Section                     |
| R9-16-609   | New Section                     |
| R9-16-610   | New Section                     |
| R9-16-611   | New Section                     |
| R9-16-612   | New Section                     |
| R9-16-613   | New Section                     |
| R9-16-614   | New Section                     |
| R9-16-615   | New Section                     |
| R9-16-616   | New Section                     |
| R9-16-617   | New Section                     |
| R9-16-618   | New Section                     |
| R9-16-619   | New Section                     |
| R9-16-620   | New Section                     |
| R9-16-621   | New Section                     |
| R9-16-622   | New Section                     |
| R9-16-623   | New Section                     |
| R9-16-624   | New Section                     |
- 2. Citations to the agency's statutory authority for the rulemaking to include the authorizing statute (general) and the implementing statute (specific):**  
 Authorizing statutes: A.R.S. §§ 32-2803, 36-136(G)  
 Implementing statutes: A.R.S. §§ 32-2803, 32-2804, 32-2811 through 32-2819, 32-2821, 32-2824 and 36-2841 through 32-2843
- 3. The effective date of the rules:**  
 August 27, 2019
- 4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed expedited rulemaking:**  
 Notice of Rulemaking Docket Opening: 25 A.A.R. 1270, May 17, 2019  
 Notice of Proposed Expedited Rulemaking: 25 A.A.R. 1329, May 31, 2019
- 5. The agency's contact person who can answer questions about the rulemaking:**  
 Name: Megan Whitby, Bureau Chief  
 Address: Department of Health Services  
 Public Health Licensing Services  
 150 N. 18th Ave., Suite 400  
 Phoenix, AZ 85007  
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 Name: Robert Lane, Chief  
 Address: Department of Health Services  
 Office of Administrative Counsel and Rules  
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**6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, under A.R.S. § 41-1027, to include an explanation about the rulemaking:**

Arizona Revised Statutes (A.R.S.) Title 9, Chapter 28, Article 2 provides for the certification of different classifications of radiation technologists. Rules for certification are currently in Arizona Administrative Code (A.A.C.) Title 12, Chapter 2. Laws 2017, Ch. 313, and Laws 2018, Ch. 234, makes the Arizona Department of Health Services (Department) responsible for regulating radiation technologists, replacing the Arizona Radiation Regulatory Agency, the Radiation Regulatory Hearing Board, and the Medical Radiologic Technology Board of Examiners in these duties. The rules in 12 A.A.C. 2 do not refer to the Department as the agency responsible for regulating radiation technologists. Moreover, the rules are inconsistent with statutory requirements and formatted in a way that is difficult to understand. All of these issues may cause confusion on the part of regulated persons, unnecessarily adding to their administrative burden, as described in a five-year-review report approved by the Governor's Regulatory Review Council in December 2018. In addition, the rules do not comply with requirements in HB 2569 relating to reciprocity of professional licenses. After receiving an exception from the Governor's rulemaking moratorium established by Executive Order 2019-01, the Department has revised the rules by expedited rulemaking to make changes described in the five-year-review report and to comply with HB 2569 to reduce the regulatory burden while achieving the same regulatory objective, comply with statutory requirements, and help eliminate confusion on the part of the public. The Department believes the rulemaking meets the criteria for expedited rulemaking since the changes to be made will not increase the cost of regulatory compliance, increase a fee, or reduce procedural rights of persons regulated.

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

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

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

Not applicable

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

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

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

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

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

The Department received no written or oral comments about the rulemaking.

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

**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 Department believes the certification issued to an individual is a general permit in that certification specifies the individual and the tasks/services the individual is authorized by certification to provide, but a certified individual is not limited to providing the tasks/services in any one location.

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

Federal laws do not apply to the certification rules. However, federal regulations may impact the scope of practice and methodologies employed by certified individuals.

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

No such analysis was submitted.

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

Materials incorporated by reference in this rulemaking are:

- In R9-16-603(B)(1) - 2017 American Society of Radiologic Technologists Limited X-Ray Machine Operator Practice Standards



- In R9-16-604(B)(1) - 2017 American Society of Radiologic Technologists Limited X-Ray Machine Operator Practice Standards
- In R9-16-605(B)(1) - 2017 American Society of Radiologic Technologists Bone Densitometry Practice Standards
- In R9-16-608(B) - 2017 American Society of Radiologic Technologists Radiography Practice Standards
- In R9-16-608(C)(1) - 2017 American Society of Radiologic Technologists Nuclear Medicine Practice Standards
- In R9-16-608(D) - 2017 American Society of Radiologic Technologists Radiation Therapy Practice Standards
- In R9-16-610(B)(1) - 2017 American Society of Radiologic Technologists Mammography Practice Standards
- In R9-16-613(B)(1) - 2017 American Society of Radiologic Technologists Computed Tomography Practice Standards
- In R9-16-616(B)(1) - 2017 American Society of Radiologic Technologists Radiologist Assistant Practice Standards

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

The rule was not previously made as an emergency rule.

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

**TITLE 9. HEALTH SERVICES  
CHAPTER 16. DEPARTMENT OF HEALTH SERVICES  
OCCUPATIONAL LICENSING**

**ARTICLE 6. RADIATION TECHNOLOGISTS**

Section

- R9-16-601. Definitions
- R9-16-602. Training Programs
- R9-16-603. Practical Radiological Technologist - Eligibility and Scope of Practice
- R9-16-604. Practical Technologist in Podiatry - Eligibility and Scope of Practice
- R9-16-605. Practical Technologist in Bone Densitometry - Eligibility and Scope of Practice
- R9-16-606. Application for Examination
- R9-16-607. Application for Initial Certification
- R9-16-608. Radiological Technologist, Nuclear Medicine Technologist, and Radiation Therapy Technologist - Eligibility and Scope of Practice
- R9-16-609. Initial Application for a Radiological Technologist, Nuclear Medicine Technologist, and Radiation Therapy Technologist
- R9-16-610. Mammographic Technologist - Eligibility and Scope of Practice
- R9-16-611. Student Mammographic Technologist Permit
- R9-16-612. Initial Application for Certification for a Mammographic Technologist
- R9-16-613. Computed Tomography Technologist - Eligibility and Scope of Practice
- R9-16-614. Application for Computed Tomography Technologist Preceptorship and Temporary Permit
- R9-16-615. Application for Initial Certification for a Computed Tomography Technologist
- R9-16-616. Radiologist Assistant - Eligibility and Scope of Practice
- R9-16-617. Application for Initial Certification for a Radiologist Assistant
- R9-16-618. Special Permit
- R9-16-619. Application
- R9-16-620. Renewal of Certification
- R9-16-621. Time-frames
- R9-16-622. Changes Affecting a Certificate or Certificate Holder; Request for a Duplicate Certificate
- R9-16-623. Fees
- R9-16-624. Enforcement

**ARTICLE 6. RADIATION TECHNOLOGISTS**

**R9-16-601. Definitions**

In addition to the definitions in A.R.S. § 32-2801, the following definitions apply in this Article unless otherwise specified:

1. “Applicant” means:
  - a. An individual who submits an application packet, or
  - b. A person who submits a request for approval of a radiation technologist training program.
2. “Application packet” means the information, documents, and fees required by the Department for a certificate or permit.
3. “ARRT” means the American Registry of Radiologic Technologists.
4. “Authorized user” means the same as in A.A.C. R9-7-102.
5. “Calendar day” means each day, not including the day of the act, event, or default, from which a designated period of time beings to run, but including the last day of the period unless it is a Saturday, Sunday, statewide furlough day, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, statewide furlough day, or legal holiday.
6. “CBRPA” means the Certification Board for Radiology Practitioner Assistants.
7. “Certification” means the issuing of a certificate.
8. “Chest radiography” means radiography performed to visualize the heart and lungs only.
9. “Continuing education” means a course or learning activity that provides instruction and training designed to develop or improve the professional competence of a certificate holder related to the certificate holder’s scope of practice.



10. “Contrast media” means material intentionally administered to a human body to define a part or parts of the human body that are not normally radiographically visible.
11. “Department-approved educational program” means a curriculum of courses and learning activities that is accredited by a nationally recognized accreditation body or granted approval through the Department.
12. “Department-approved examination” means a test administered through ARRT, NMTCB, ISCD, or CBRPA.
13. “Extremity” means the same as in A.A.C. R9-7-102.
14. “Fluoroscopy” means the use of radiography to directly visualize internal structures of the human body, the motion of internal structures, and fluids in real time, or near real-time, to aid in the treatment or diagnosis of disease or the performance of other medical procedures.
15. “ISCD” means the International Society for Clinical Densitometry.
16. “Nationally recognized accreditation body” means ARRT, NMTCB, ISCD, or CBRPA.
17. “NMTCB” means the Nuclear Medicine Technology Certification Board.
18. “Radiograph” means the record of an image, representing anatomical details of a part of a human body examined through the use of ionizing radiation, formed by the differential absorption of ionizing radiation within the part of the human body.
19. “Radiography” means the use of ionizing radiation in making radiographs.
20. “Radiopharmaceutical agent” means a radionuclide or radionuclide compound designed and prepared for administration to human beings.

**R9-16-602. Training Programs**

- A. The Department shall maintain a list of Department-approved educational programs according to A.R.S. § 32-2804 on the Department’s website at <https://www.azdhs.gov/licensing/special/index.php#mrt-provider-info>.
- B. An applicant may request Department approval of a curriculum of courses and learning activities as a training program by submitting an application packet that contains:
  1. An application, in a Department-provided format, that includes:
    - a. The name and address of the school providing the training program;
    - b. The name, title, telephone number, and e-mail address of the administrator or designee of the school; and
    - c. A list of each training program for which approval is being requested, including the number of hours of instruction provided for each;
  2. A copy of the curriculum that includes course titles and course descriptions; and
  3. A list of instructors providing the instruction and the credentials of each.
- C. The Department shall:
  1. Review each application packet according to R9-16-621; and
  2. If approved, add the applicant’s school to the list of Department-approved educational programs in subsection (A).
- D. If an applicant for certification or permit did not complete a Department-approved educational program, the applicant may submit to the Department a copy of the curriculum for the training program completed by the applicant with the applicant’s application packet in R9-16-606(B), R9-16-607(A), or R9-16-609(A).

**R9-16-603. Practical Technologist in Radiology - Eligibility and Scope of Practice**

- A. An individual is eligible for certification as a practical technologist in radiology if the individual:
  1. Is at least 18 years of age; and
  2. Either:
    - a. Has completed a training program in radiologic technology through a Department-approved educational program and achieved a score of at least 67% on a Department-approved examination; or
    - b. Meets the criteria in A.R.S. § 32-4302(A).
- B. An individual certified as a practical technologist in radiology shall:
  1. Follow the standards specified in the 2017 American Society of Radiologic Technologists Limited X-Ray Machine Operator Practice Standards available at [https://www.asrt.org/docs/default-source/practice-standards-published/ps\\_lxmo.pdf?sfvrsn=29e176d0\\_16](https://www.asrt.org/docs/default-source/practice-standards-published/ps_lxmo.pdf?sfvrsn=29e176d0_16), incorporated by reference, on file with the Department, and including no future editions or amendments;
  2. Perform only:
    - a. Chest radiography, and
    - b. Radiography of the extremities; and
  3. Not use fluoroscopy or contrast media.

**R9-16-604. Practical Technologist in Podiatry - Eligibility and Scope of Practice**

- A. An individual is eligible for certification as a practical technologist in podiatry if the individual:
  1. Is at least 18 years of age; and
  2. Either:
    - a. Has:
      - i. Completed a training program in podiatry radiology through a Department-approved educational program;
      - ii. Received a signed and dated attestation from a podiatrist licensed according to A.R.S. Title 32, Chapter 7, verifying that the applicant:
        - (1) Completed training under the direction of the licensed podiatrist, and
        - (2) Is proficient in independently taking radiographs; and
      - iii. Achieved a score of at least 70% on a Department-approved examination; or
    - b. Meets the criteria in A.R.S. § 32-4302(A).
- B. An individual certified as a practical technologist in podiatry shall:



1. Follow the standards specified in the 2017 American Society of Radiologic Technologists Limited X-Ray Machine Operator Practice Standards, available at [https://www.asrt.org/docs/default-source/practice-standards-published/ps\\_lxmo.pdf?sfvrsn=29e176d0\\_16](https://www.asrt.org/docs/default-source/practice-standards-published/ps_lxmo.pdf?sfvrsn=29e176d0_16), incorporated by reference, on file with the Department, and including no future editions or amendments; and
2. Only perform radiographic examinations of the lower leg, ankle, and foot, without the use of fluoroscopy or contrast media.

**R9-16-605. Practical Technologist in Bone Densitometry - Eligibility and Scope of Practice**

- A.** An individual is eligible for certification as a practical technologist in bone densitometry if the individual:
1. Is at least 18 years of age; and
  2. Either:
    - a. Has completed a training program in bone densitometry through a Department-approved educational program and achieved a score of at least 70% on a Department-approved examination, or
    - b. Meets the criteria in A.R.S. § 32-4302(A).
- B.** An individual certified as a practical technologist in bone densitometry shall:
1. Follow the standards specified in the 2017 American Society of Radiologic Technologists Bone Densitometry Practice Standards, available at [https://www.asrt.org/docs/default-source/practice-standards-published/ps\\_bd.pdf?sfvrsn=11e176d0\\_22](https://www.asrt.org/docs/default-source/practice-standards-published/ps_bd.pdf?sfvrsn=11e176d0_22), incorporated by reference, on file with the Department, and including no future editions or amendments; and
  2. Apply ionizing radiation only to a person's hips, spine, and extremities through the use of a bone density machine without the use of fluoroscopy or contrast media.

**R9-16-606. Application for Examination**

- A.** An individual may apply for examination if the individual meets eligibility criteria for a:
1. Practical technologist in radiology listed in R9-16-603(A);
  2. Practical technologist in podiatry listed in R9-16-604(A); or
  3. Practical technologist in bone densitometry listed in R9-16-605(A).
- B.** An applicant for examination shall submit an application packet to the Department that includes:
1. The information and documents required in R9-16-619;
  2. Except as provided in R9-16-602(D), documentation of completion of a Department-approved educational program; and
  3. For an applicant for examination as a practical technologist in podiatry, the attestation specified in R9-16-604(A)(2)(a)(ii).
- C.** The Department shall approve or deny an individual's application for examination according to R9-16-621.
- D.** If the Department determines that the application packet submitted under subsection (B) is complete and in compliance, the Department shall notify the applicant that the applicant is approved to test.
- E.** Upon notification by the Department according to subsection (D), and applicant:
1. Shall arrange testing through AART, and
  2. Has six months to complete testing before the applicant is required to re-apply for examination.

**R9-16-607. Application for Initial Certification as a Practical Technologist in Radiology, Practical Technologist in Podiatry, or Practical Technologist in Bone Densitometry**

- A.** Except as provided in subsection (B), an applicant for initial certification as a practical technologist in radiology, practical technologist in podiatry, or practical technologist in bone densitometry shall submit an application packet to the Department that includes:
1. The information and documents required in R9-16-619;
  2. Except as provided in R9-16-602(D), documentation of completion of a Department-approved educational program;
  3. Documentation of achieving the applicable minimum score on a Department-approved examination;
  4. For an application for a practical technologist in podiatry, the signed attestation in R9-16-604(A)(2)(a)(ii) containing:
    - a. The name and date of birth of the applicant,
    - b. The name and license number of the licensed podiatrist,
    - c. A statement by the licensed podiatrist verifying completion of the applicant's clinical training and approval of radiographic images taken by the applicant, and
    - d. The licensed podiatrist's signature and date; and
  5. The applicable fee in R9-16-623.
- B.** If an applicant for initial certification as a practical technologist in radiology, practical technologist in podiatry, or practical technologist in bone densitometry may be eligible for certification under A.R.S. § 32-4302(A), the applicant shall submit an application packet to the Department that includes:
1. The information and documentation required in R9-16-619;
  2. Documentation of the professional license or certification issued to the applicant by each state in which the applicant holds a professional license or certification;
  3. A statement, signed and dated by the applicant, attesting that the applicant:
    - a. Has been licensed or certified in another state for at least one year, with a scope of practice consistent with the scope of practice for which certification is being requested;
    - b. Has met minimum education requirements and, if applicable, work experience and clinical supervision requirements, according to A.R.S. § 32-4302(A)(3);
    - c. Has not voluntarily surrendered a license or certification in any other state or country while under investigation for unprofessional conduct; and
    - d. Does not have an complaint, allegation, or investigation pending before another regulatory entity in another state or country related to unprofessional conduct; and
  4. The applicable fee in R9-16-623.
- C.** The Department shall approve or deny an individual's application for initial certification according to R9-16-621.



**R9-16-608. Radiologic Technologist, Nuclear Medicine Technologist, and Radiation Therapy Technologist - Eligibility and Scope of Practice**

- A.** An individual is eligible to apply for initial certification as a radiologic technologist, nuclear medicine technologist, or radiation therapy technologist if the individual:
  - 1. Is at least 18 years of age; and
  - 2. Satisfies one of the following:
    - a. Holds current applicable ARRT or NMTCB certification.
    - b. Has completed a Department-approved educational program in radiation technology and has a passing score on a Department-approved examination, or
    - c. Meets the criteria in A.R.S. § 32-4302(A).
- B.** An individual certified as a radiologic technologist shall follow the standards specified in the 2017 American Society of Radiologic Technologists Radiography Practice Standards, available at [https://www.asrt.org/docs/default-source/practice-standards-published/ps\\_rad.pdf?sfvrsn=13e176d0\\_18](https://www.asrt.org/docs/default-source/practice-standards-published/ps_rad.pdf?sfvrsn=13e176d0_18), incorporated by reference, on file with the Department, and including no future editions or amendments.
- C.** An individual certified as a nuclear medicine technologist shall:
  - 1. Follow the standards specified in the 2017 American Society of Radiologic Technologists Nuclear Medicine Practice Standards, available at [https://www.asrt.org/docs/default-source/practice-standards-published/ps\\_nm.pdf?sfvrsn=1ee176d0\\_14](https://www.asrt.org/docs/default-source/practice-standards-published/ps_nm.pdf?sfvrsn=1ee176d0_14), incorporated by reference, on file with the Department, and including no future editions or amendments; and
  - 2. Use radiopharmaceutical agents on humans for diagnostic or therapeutic purposes only.
- D.** An individual certified as a radiation therapy technologist shall follow the standards specified in the 2017 American Society of Radiologic Technologists Radiation Therapy Practice Standards, available at [https://www.asrt.org/docs/default-source/practice-standards-published/ps\\_rt.pdf?sfvrsn=18e076d0\\_16](https://www.asrt.org/docs/default-source/practice-standards-published/ps_rt.pdf?sfvrsn=18e076d0_16), incorporated by reference, on file with the Department, and including no future editions or amendments.

**R9-16-609. Application for Initial Certification as a Radiation Technologist, Nuclear Medicine Technologist, or Radiation Therapy Technologist**

- A.** Except as provided in subsection (B), an applicant for initial certification as a radiation technologist, nuclear medicine technologist, or radiation therapy technologist shall submit an application packet to the Department that includes:
  - 1. The information and documents required in R9-16-619;
  - 2. Either:
    - a. A copy of the applicant's current ARRT or NMTCB certification; or
    - b. Documentation of:
      - i. Completing a Department-approved educational program, except as provided in R9-16-602(D); and
      - ii. Having a passing score on a Department-approved examination; and
  - 3. The applicable fee in R9-16-623.
- B.** If an applicant for initial certification as a radiation technologist, nuclear medicine technologist, or radiation therapy technologist may be eligible for certification under A.R.S. § 32-4302(A), the applicant shall submit an application packet to the Department that includes:
  - 1. The information and documentation required in R9-16-619;
  - 2. Documentation of the professional license or certification issued to the applicant by each state in which the applicant holds a professional license or certification;
  - 3. A statement, signed and dated by the applicant, attesting that the applicant:
    - a. Has been licensed or certified in another state for at least one year, with a scope of practice consistent with the scope of practice for which certification is being requested;
    - b. Has met minimum education requirements and, if applicable, work experience and clinical supervision requirements, according to A.R.S. § 32-4302(A)(3);
    - c. Has not voluntarily surrendered a license or certification in any other state or country while under investigation for unprofessional conduct; and
    - d. Does not have an complaint, allegation, or investigation pending before another regulatory entity in another state or country related to unprofessional conduct; and
  - 4. The applicable fee in R9-16-623.
- C.** The Department shall approve or deny an individual's application for initial certification according to R9-16-621.

**R9-16-610. Mammographic Technologist - Eligibility and Scope of Practice**

- A.** An individual is eligible to apply for initial certification as a mammographic technologist if the individual:
  - 1. Is at least 18 years of age;
  - 2. Possesses a current Department-issued certification in radiologic technology; and
  - 3. Satisfies one of the following:
    - a. Holds a current ARRT certification in mammography;
    - b. Meets the initial training and education requirements in 21 CFR 900.12 and has a passing score on a Department-approved examination in mammography, or
    - c. Meets the criteria in A.R.S. § 32-4302(A).
- B.** An individual certified as a mammographic technologist:
  - 1. Shall follow the standards specified in the 2017 American Society of Radiologic Technologists Mammography Practice Standards, available at [https://www.asrt.org/docs/default-source/practice-standards-published/ps\\_mamm.pdf?sfvrsn=10e076d0\\_16](https://www.asrt.org/docs/default-source/practice-standards-published/ps_mamm.pdf?sfvrsn=10e076d0_16), incorporated by reference, on file with the Department, and including no future editions or amendments; and
  - 2. May perform diagnostic mammography or screening mammography, as defined in A.R.S. § 30-651.

**R9-16-611. Student Mammography Permits**

- A.** Before beginning the initial training in 21 CFR 900.12 under R9-16-610(A)(3)(b), an individual shall obtain a student mammography permit from the Department.
- B.** An applicant for a student mammography permit shall submit an application packet to the Department that includes:
1. The information and documents required under R9-16-619; and
  2. A Department-provided agreement form that includes the following:
    - a. The name and date of birth of the applicant;
    - b. The name, license number, e-mail address, and telephone number of a radiologist, licensed under A.R.S. Title 32, Chapter 13 or 17 and certified in radiology by the American Board of Radiology;
    - c. A statement that the licensed radiologist is accepting responsibility for the applicant's supervision and training; and
    - d. The licensed radiologist's signature and date of signing.
- C.** The Department shall approve or deny an individual's application for a student mammography permit according to R9-16-621.
- D.** A student mammography permit is valid for one year from the date issued and may not be renewed.

**R9-16-612. Application for Initial Certification as a Mammographic Technologist**

- A.** Except as provided in subsection (B), an applicant for initial certification as a mammographic technologist shall submit an application packet to the Department that includes:
1. The information and documents required in R9-16-619;
  2. The applicant's current radiology technologist certificate number;
  3. The applicant's current student mammography permit number, if applicable;
  4. Either:
    - a. A copy of current ARRT certification in mammography; or
    - b. Documentation of:
      - i. Completing of initial education and training that meets the requirements specified in 21 CFR 900.12, and
      - ii. Having a passing score on a Department-approved examination in mammography; and
  5. The applicable fee in R9-16-623.
- B.** If an applicant for initial certification as a mammographic technologist may be eligible for certification under A.R.S. § 32-4302(A), the applicant shall submit an application packet to the Department that includes:
1. The information and documentation required in R9-16-619;
  2. Documentation of the license or certification as a mammographic technologist issued to the applicant by each state in which the applicant holds the license or certification;
  3. A statement, signed and dated by the applicant, attesting that the applicant:
    - a. Has been licensed or certified as a mammographic technologist in another state for at least one year;
    - b. Has met minimum education requirements and, if applicable, work experience and clinical supervision requirements, according to A.R.S. § 32-4302(A)(3);
    - c. Has not voluntarily surrendered a license or certification in any other state or country while under investigation for unprofessional conduct; and
    - d. Does not have an complaint, allegation, or investigation pending before another regulatory entity in another state or country related to unprofessional conduct; and
  4. The applicable fee in R9-16-623.
- C.** The Department shall approve or deny an individual's application for initial certification as a mammographic technologist according to R9-16-621.

**R9-16-613. Computed Tomography Technologist - Eligibility and Scope of Practice**

- A.** An individual is eligible to apply for initial certification as a computed tomography technologist if the individual:
1. Is at least 18 years of age;
  2. Possesses a current Department-issued certification as a radiologic technologist or nuclear medicine technologist; and
  3. Satisfies one of the following:
    - a. Holds a current ARRT or NMTCB certification in computed tomography;
    - b. Has completed two years of training in computed tomography and twelve hours of computed tomography-specific education, or
    - c. Meets the criteria in A.R.S. § 32-4302(A).
- B.** An individual certified as a computed tomography technologist:
1. Shall follow the standards specified in the 2017 American Society of Radiologic Technologists Computed Tomography Practice Standards, available at [https://www.asrt.org/docs/default-source/practice-standards-published/ps\\_ct.pdf?sfvrsn=9e076d0\\_16](https://www.asrt.org/docs/default-source/practice-standards-published/ps_ct.pdf?sfvrsn=9e076d0_16), incorporated by reference, on file with the Department, and including no future editions or amendments; and
  2. May apply ionizing radiation to a human using a computed tomography machine for diagnostic purposes.

**R9-16-614. Application for Computed Tomography Preceptorship and Temporary Certification**

- A.** Before beginning training under R9-16-613(A)(3)(b), an individual shall obtain a computed tomography preceptorship certificate from the Department.
- B.** An applicant for a computed tomography preceptorship certificate shall submit an application packet to the Department that includes:
1. The information and documents required under R9-16-619; and
  2. A Department-provided agreement form from a radiologist, licensed under A.R.S. Title 32, Chapter 13 or 17 and certified in radiology by the American Board of Radiology, that includes the following:
    - a. The name and date of birth of the applicant;
    - b. The name, license number, e-mail address, and telephone number of the licensed radiologist;



- c. A statement that the licensed radiologist is accepting responsibility for the applicant’s supervision and training; and
- d. The licensed radiologist’s signature and date of signing.
- C. The Department shall approve or deny an individual’s application for a computed tomography preceptorship certificate according to R9-16-621.
- D. A computed tomography preceptorship certificate is valid for one year from the date issued and may not be renewed.
- E. At least 30 days before the expiration of an individual’s computed tomography preceptorship certificate, the individual may apply for a computed tomography temporary certificate by submitting an application packet to the Department that includes:
  - 1. The information and documents required under R9-16-619; and
  - 2. A Department-provided agreement form from a radiologist, licensed under A.R.S. Title 32, Chapter 13 or 17 and certified in radiology by the American Board of Radiology, that includes the following:
    - a. The name and date of birth of the applicant;
    - b. The name, license number, e-mail address, and telephone number of the licensed radiologist;
    - c. A statement that the licensed radiologist is accepting responsibility for the applicant’s supervision and training; and
    - d. The licensed radiologist’s signature and date of signing.
- F. The Department shall approve or deny an individual’s application for a computed tomography temporary certificate according to R9-16-621.
- G. A computed tomography temporary certificate is valid for one year and may not be renewed.

**R9-16-615. Application for Initial Certification for a Computed Tomography Technologist**

- A. Except as provided in subsection (B), an applicant for initial certification as a computed tomography technologist shall submit an application packet to the Department that includes:
  - 1. The information and documents required in R9-16-619;
  - 2. The applicant’s current radiation technologist or nuclear medicine technologist certificate number;
  - 3. The applicant’s computed tomography preceptorship number or temporary certificate number, if applicable;
  - 4. Either:
    - a. A copy of the applicant’s current ARRT or NMTCB certification in computed tomography; or
    - b. Documentation of completion of:
      - i. Two years of training in computed tomography, and
      - ii. Twelve hours of computed tomography-specific education; and
  - 5. The applicable fee in R9-16-623.
- B. If an applicant for initial certification as a computed tomography technologist may be eligible for certification under A.R.S. § 32-4302(A), the applicant shall submit an application packet to the Department that includes:
  - 1. The information and documentation required in R9-16-619;
  - 2. Documentation of the license or certification as a computed tomography technologist issued to the applicant by each state in which the applicant holds the license or certification;
  - 3. A statement, signed and dated by the applicant, attesting that the applicant:
    - a. Has been licensed or certified as a computed tomography technologist in another state for at least one year;
    - b. Has met minimum education requirements and, if applicable, work experience and clinical supervision requirements, according to A.R.S. § 32-4302(A)(3);
    - c. Has not voluntarily surrendered a license or certification in any other state or country while under investigation for unprofessional conduct; and
    - d. Does not have an complaint, allegation, or investigation pending before another regulatory entity in another state or country related to unprofessional conduct; and
  - 4. The applicable fee in R9-16-623.
- C. The Department shall approve or deny an individual’s application for initial certification as a computed tomography technologist according to R9-16-621.

**R9-16-616. Radiologist Assistant - Eligibility and Scope of Practice**

- A. An individual is eligible to apply for initial certification as a radiologist assistant if the individual:
  - 1. Is at least 18 years of age; and
  - 2. Satisfies one of the following:
    - a. Holds a current ARRT or CBRPA certification as a radiologist assistant;
    - b. Has:
      - i. Completed a baccalaureate degree or post-baccalaureate certificate from an accredited educational institution that encompasses a radiologist assistant curriculum that includes a radiologist-directed clinical preceptorship, and
      - ii. Achieved a passing score on an ARRT or a CBRPA examination for radiologist assistants; or
    - c. Meets the criteria in A.R.S. § 32-4302(A).
- B. An individual certified as a radiologist assistant:
  - 1. Shall follow the standards specified the 2017 American Society of Radiologic Technologists Radiologist Assistant Practice Standards, available at [https://www.asrt.org/docs/default-source/practice-standards-published/ps\\_raa.pdf?sfvrsn=1ae076d0\\_16](https://www.asrt.org/docs/default-source/practice-standards-published/ps_raa.pdf?sfvrsn=1ae076d0_16), incorporated by reference on file with the Department, and including no future editions or amendments; and
  - 2. May perform the following procedures under the direction of a radiologist, licensed under A.R.S. Title 32, Chapter 13 or 17 and certified in radiology by the American Board of Radiology:
    - a. Fluoroscopy;
    - b. Assessment and evaluation of the physiological and psychological responsiveness of individuals undergoing radiologic procedures;



- c. Evaluation of image quality, making initial image observations and communicating observations to the supervising radiologist; and
  - d. Administration of contrast media or other medications prescribed by the supervising radiologist.
- C. A radiologist assistant shall not interpret images, make diagnoses, or prescribe medications or therapies.

**R9-16-617. Application for Initial Certification as a Radiologist Assistant**

- A. Except as provided in subsection (B), an applicant for initial certification as a radiologist assistant shall submit an application packet to the Department that includes:
- 1. The information and documents required in R9-16-619;
  - 2. Either:
    - a. The applicant's current ARRT or CBRPA certification as a radiologist assistant; or
    - b. Documentation of:
      - i. Completing a baccalaureate degree or post-baccalaureate certificate from an accredited educational institution that encompasses a radiologist assistant curriculum that includes a radiologist-directed clinical preceptorship, and
      - ii. Having a passing score on an ARRT or a CBRPA examination for radiologist assistants; and
  - 3. The applicable fee in R9-16-623.
- B. If an applicant for initial certification as a radiologist assistant may be eligible for certification under A.R.S. § 32-4302(A), the applicant shall submit an application packet to the Department that includes:
- 1. The information and documentation required in R9-16-619;
  - 2. Documentation of the license or certification as a radiologist assistant issued to the applicant by each state in which the applicant holds the license or certification;
  - 3. A statement, signed and dated by the applicant, attesting that the applicant:
    - a. Has been licensed or certified as a radiologist assistant in another state for at least one year;
    - b. Has met minimum education requirements and, if applicable, work experience and clinical supervision requirements, according to A.R.S. § 32-4302(A)(3);
    - c. Has not voluntarily surrendered a license or certification in any other state or country while under investigation for unprofessional conduct; and
    - d. Does not have a complaint, allegation, or investigation pending before another regulatory entity in another state or country related to unprofessional conduct; and
  - 4. The applicable fee in R9-16-623.
- C. The Department shall approve or deny an individual's application for initial certification as a radiologist assistant according to R9-16-621.

**R9-16-618. Special Permits**

- A. An applicant for a special permit under A.R.S. § 32-2814(B) shall submit an application packet to the Department containing:
- 1. The information and documents required in R9-16-619;
  - 2. An attestation, in a Department-provided format, from the health care institution in which the applicant proposes to practice:
    - a. Stating that the requesting health care institution is located in an Arizona medically underserved area, as defined in A.A.C. R9-15-101(4), or a health professional shortage area, as defined in A.A.C. R9-15-101(25);
    - b. Verifying that the health care institution developed and is implementing a program of continuing education for the applicant to protect the health and safety of individuals undergoing radiologic procedures; and
    - c. Signed and dated by the health care institution's administrator or designee; and
  - 3. A letter signed by the health care institution's administrator or designee that provides justification for the issuance of a special permit.
- B. The Department shall approve or deny an application for a special permit according to R9-16-621.
- C. A special permit is valid for no more than one year, but may be renewed as provided in subsection (A) if the circumstances justifying the issuance of a special permit have not changed.

**R9-16-619. Application Information**

An applicant for certification shall submit to the Department:

- 1. The following information in a Department-provided format:
  - a. The applicant's name;
  - b. The applicant's residential address and, if different, mailing address;
  - c. The applicant's telephone number;
  - d. The applicant's e-mail address;
  - e. The applicant's Social Security number, as required under A.R.S. §§ 25-320 and 25-502;
  - f. The applicant's date of birth;
  - g. The applicant's current employment in the radiation technology field, if applicable, including:
    - i. The employer's name,
    - ii. The applicant's position,
    - iii. Dates of employment,
    - iv. The address of the employer,
    - v. The supervisor's name,
    - vi. The supervisor's email address, and
    - vii. The supervisor's telephone number;
  - h. The applicant's educational history related to radiation technology, including:
    - i. The name and address of each educational institution,



- ii. The degree or certification received, and
  - iii. The applicant's date of graduation;
  - i. The type of certificate being applied for;
  - j. Whether the applicant has ever been convicted of a felony or a misdemeanor in this or another state;
  - k. If the applicant has been convicted of a felony or a misdemeanor:
    - i. The date of the conviction,
    - ii. The state or jurisdiction of the conviction,
    - iii. An explanation of the crime of which the applicant was convicted, and
    - iv. The disposition of the case;
  - l. Whether the applicant holds other professional licenses or certifications and, if so:
    - i. The professional license or certification, and
    - ii. The state in which the professional license or certification was issued;
  - m. Whether the applicant has had a professional license or certificate suspended, revoked, or had disciplinary action taken against the professional license or certificate;
  - n. Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-16-621;
  - o. An attestation that the information submitted as part of an application packet is true and accurate; and
  - p. The applicant's signature and date of signing;
2. If the applicant has had a professional license or certificate suspended, revoked, or had disciplinary action taken against the professional license or certificate within the previous five years, documentation that includes:
- a. The date of the disciplinary action, revocation, or suspension;
  - b. The state or nationally accredited certifying body that issued the disciplinary action, revocation, or suspension; and
  - c. An explanation of the disciplinary action, revocation, or suspension;
3. If the applicant is currently ineligible for licensing or certification in any state because of a license revocation or suspension, documentation that includes:
- a. The date of the ineligibility for licensing or certification,
  - b. The state or jurisdiction of the ineligibility for licensing or certification, and
  - c. An explanation of the ineligibility for licensing or certification; and
4. Documentation for the applicant that complies with A.R.S. § 41-1080.

**R9-16-620. Renewal of Certification**

- A.** Certifications issued under R9-16-607, R9-16-609, R9-16-612, R9-16-615, and R9-16-617 are valid for two years after issuance, unless revoked.
- B.** A certificate holder may apply to renew a certification:
- 1. Within 90 days before the expiration date of the certificate holder's current certification;
  - 2. Within the 30-day period after the expiration date of the certificate holder's certification, if the certificate holder pays the late renewal penalty fee in R9-16-623; or
  - 3. Within the extension time period granted under A.R.S. § 32-4301.
- C.** An applicant for renewal of a certification shall submit to the Department an application packet, including:
- 1. The following in a Department-provided format:
    - a. The applicant's name, address, telephone number, email address, date of birth, and Social Security number;
    - b. The applicant's current certification number and type;
    - c. The applicant's current employment in the radiation technology field, if applicable, including:
      - i. The employer's name,
      - ii. The applicant's position,
      - iii. Dates of employment,
      - iv. The address of the employer,
      - v. The supervisor's name,
      - vi. The supervisor's email address, and
      - vii. The supervisor's telephone number;
    - d. Whether the applicant has, within the two years before the date of the application, had:
      - i. A certificate issued under this Article suspended or revoked; or
      - ii. A professional license or certificate revoked by another state, jurisdiction, or nationally recognized accreditation body;
    - e. Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-16-621;
    - f. Attestation that all the information submitted as part of the application packet is true and accurate; and
    - g. The applicant's signature and date of signature;
  - 2. Either:
    - a. An attestation that the applicant completed continuing education required under A.R.S. § 32-2815(D) and that documentation of completion is available upon request, signed and dated by the applicant; or
    - b. A copy of the applicant's current certification from a nationally recognized accreditation body; and
  - 3. The applicable renewal fee and, if applicable, the late renewal penalty fee required in R9-16-623.
- D.** The Department shall approve or deny an application for recertification according to R9-16-621.

**R9-16-621. Review Time-frames**

- A.** For each type of certificate or permit issued by the Department under this Article, Table 6.1 specifies the overall time-frame described in A.R.S. § 41-1072(2).
- 1. An applicant and the Department may agree in writing to extend the substantive review time-frame and the overall time-frame.
  - 2. The extension of the substantive review time-frame and overall time-frame may not exceed 25% of the overall time-frame.



- B.** For each type of certificate or permit issued by the Department under this Article, Table 6.1 specifies the administrative completeness review time-frame described in A.R.S. § 41-1072(1).
  - 1. The administrative completeness review time-frame begins on the date the Department receives an application packet required in this Article.
  - 2. Except as provided in subsection (B)(3), the Department shall provide written notice of administrative completeness or a notice of deficiencies to an applicant within the administrative completeness review time-frame.
    - a. If an application packet is not complete, the notice of deficiencies shall list each deficiency and the information or documentation needed to complete the application packet.
    - b. A notice of deficiencies suspends the administrative completeness review time-frame and the overall time-frame from the date of the notice until the date the Department receives the missing information or documentation.
    - c. If the applicant does not submit to the Department all the information or documentation listed in the notice of deficiencies within 30 calendar days after the date of the notice of deficiencies, the Department shall consider the application packet withdrawn.
  - 3. If the Department issues a certificate during the administrative completeness review time-frame, the Department shall not issue a separate written notice of administrative completeness.
- C.** For each type of certificate or permit issued by the Department under this Article, Table 6.1 specifies the substantive review time-frame described in A.R.S. § 41-1072(3), which begins on the date the Department sends a written notice of administrative completeness.
  - 1. Within the substantive review time-frame, the Department shall provide written notice to the applicant that the Department approved or denied the application.
  - 2. During the substantive review time-frame:
    - a. The Department may make one comprehensive written request for additional information or documentation; and
    - b. If the Department and the applicant agree in writing, the Department may make supplemental requests for additional information or documentation.
  - 3. A comprehensive written request or a supplemental request for additional information or documentation suspends the substantive review time-frame and the overall time-frame from the date of the request until the date the Department receives all the information or documentation requested.
  - 4. If the applicant does not submit to the Department all the information or documentation listed in a comprehensive written request or supplemental request for additional information or documentation within 30 calendar days after the date of the request, the Department shall deny the certificate or permit.
- D.** An applicant who is denied a certificate or permit may appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10.

**Table 6.1. Time-frames**

<u>Type of Application</u>	<u>Administrative Completeness Review Time-frame (in Calendar Days)</u>	<u>Substantive Review Time-frame (in Calendar Days)</u>	<u>Overall Time-frame (in Calendar Days)</u>
<u>Application for Examination</u>	<u>30</u>	<u>30</u>	<u>60</u>
<u>Initial Certificate</u>	<u>30</u>	<u>30</u>	<u>60</u>
<u>Renewal Certificate</u>	<u>30</u>	<u>30</u>	<u>60</u>
<u>Student Mammography Permit</u>	<u>30</u>	<u>30</u>	<u>60</u>
<u>Computed Tomography Preceptorship Certificate or Computed Tomography Temporary Certificate</u>	<u>30</u>	<u>30</u>	<u>60</u>
<u>Special Permit</u>	<u>30</u>	<u>30</u>	<u>60</u>
<u>School Approval</u>	<u>60</u>	<u>60</u>	<u>120</u>

**R9-16-622. Changes Affecting a Certificate or Certificate Holder: Request for a Duplicate Certificate**

- A.** A certificate holder shall notify the Department in writing, within 30 calendar days after the effective date of a change in:
  - 1. The certificate holder’s residential address, mailing address, or e-mail address, including the new residential address, mailing address, or e-mail address;
  - 2. The certificate holder’s name, including a copy of the legal document establishing the certificate holder’s new name; or
  - 3. The certificate holder’s employer, including the name and address of the new employer.
- B.** A certificate holder may obtain a duplicate certificate by submitting to the Department:
  - 1. A written request for a duplicate certificate, in a Department-provided format, that includes:
    - a. The certificate holder’s name and address,
    - b. The certificate holder’s certificate number and expiration date, and
    - c. The certificate holder’s signature and date of signature; and
  - 2. The duplicate certificate fee in R9-16-623.
- C.** A certificate holder may submit to the Department, either as a separate written document or as part of the renewal application, a signed and dated request to transfer to inactive status or retirement status under A.R.S. § 32-2816(F).

**R9-16-623. Fees**

- A.** An applicant shall submit to the Department the following nonrefundable fees for:
  - 1. An initial application or renewal application for certification as a practical technologist in radiology, practical technologist in podiatry, or practical technologist in bone densitometry, \$60;



- 2. An initial application or renewal application for certification as a radiation technologist, nuclear medicine technologist, or radiation therapy technologist, \$60;
- 3. An initial application or renewal application for certification as a mammographic technologist, \$20;
- 4. An initial application or renewal application for certification as a computed tomography technologist, \$20;
- 5. An initial application or renewal application for certification as a radiologist assistant, \$60; and
- 6. A late renewal penalty fee according to A.R.S. § 32-2816(C), \$50.

**B.** The fee for a duplicate certificate is \$10.

**R9-16-624. Enforcement**

**A.** The Department may, as applicable:

- 1. Deny, revoke, or suspend a certificate or permit under A.R.S. § 36-2821;
- 2. Request an injunction under A.R.S. § 36-2825; or
- 3. Assess a civil money penalty under A.R.S. § 36-2821.

**B.** In determining which disciplinary action specified in subsection (A) is appropriate, the Department shall consider:

- 1. The type of violation.
- 2. The severity of the violation.
- 3. The danger to public health and safety.
- 4. The number of violations.
- 5. The number of individuals affected by the violations.
- 6. The degree of harm to an individual.
- 7. A pattern of noncompliance, and
- 8. Any mitigating or aggravating circumstances.

**C.** A certificate holder or permittee may appeal a disciplinary action taken by the Department according to A.R.S. Title 41, Chapter 6, Article 10.



**NOTICES OF EXEMPT RULEMAKING**

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

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

An agency's exemption is either written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters; or a court has

determined that an agency, board or commission is exempt from the rulemaking process.

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

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

**NOTICE OF EXEMPT RULEMAKING  
TITLE 9. HEALTH SERVICES  
CHAPTER 17. DEPARTMENT OF HEALTH SERVICES  
MEDICAL MARIJUANA PROGRAM**

[R19-191]

**PREAMBLE**

<b><u>1. Article, Part or Sections Affected (as applicable)</u></b>	<b><u>Rulemaking Action</u></b>
R9-17-101	Amend
R9-17-102	Amend
R9-17-103	Amend
R9-17-107	Amend
Table 1.1	Amend
R9-17-108	Amend
R9-17-109	Amend
R9-17-205	Amend
R9-17-308	Amend
R9-17-310	Amend
R9-17-316	Amend
R9-17-318	Amend
R9-17-322	Amend
R9-17-323	Amend
Article 4	New Article
R9-17-401	New Section
R9-17-402	New Section
R9-17-403	New Section
R9-17-404	New Section
R9-17-405	New Section
R9-17-406	New Section
R9-17-407	New Section
R9-17-408	New Section
R9-17-409	New Section
R9-17-410	New Section
R9-17-411	New Section

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

Authorizing statutes: A.R.S. §§ 36-132(A)(1) and 36-136(G)  
 Implementing statutes: A.R.S. §§ 36-2803, 36-2804.01, 36-2804.06, 36-2804.07, 36-2806, and 36-2819  
 Statute or session law authorizing the exemption: Laws 2019, Ch. 318, § 15

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

August 27, 2019  
 This is the date that SB 1494 is effective as Laws 2019, Ch. 318.

**4. A list of all notices published in the Register as specified in R9-1-409(A) that pertain to the record of the exempt rulemaking:**

Notice of Public Information: 25 A.A.R. 2057, August 9, 2019



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

Name: Thomas Salow, Branch Chief  
 Address: Department of Health Services  
 Public Health Licensing Services  
 150 N. 18th Ave., Suite 400  
 Phoenix, AZ 85007  
 Telephone: (602) 364-1935  
 Fax: (602) 364-3808  
 E-mail: Thomas.Salow@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

**6. 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.) Chapter 28.1, as amended by Laws 2019, Ch. 318, requires the Arizona Department of Health Services (Department) to adopt rules to certify and regulate independent third-party laboratories (laboratories) and independent third party laboratory agents (laboratory agents) that analyze cultivated marijuana. The rules in A.A.C. Title 9, Chapter 17, specify the requirements for the Medical Marijuana Program, and the Department is revising these rules to comply with Laws 2019, Ch. 318. This rulemaking includes the following: establishing application and renewal fees for laboratories and laboratory agents; adopting rules to certify and regulate laboratories; adopting rules to register and regulate laboratory agents; codifying in rule the requirement that, beginning November 1, 2020, nonprofit medical marijuana dispensaries, before selling or dispensing marijuana, test the marijuana using a Department-certified laboratory; and codifying in rule the change to the validity of registry identification cards and registration certificates from one year to two years after the date of issuance. These rules conform to format and style requirements of the Office of the Secretary of State.

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

None

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

Not applicable

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

Not applicable

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

Not applicable

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

Not applicable

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

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

A registry identification card for a qualifying patient or designated caregiver, issued according to A.R.S. § 36-2804.02, or for a dispensary agent or laboratory agent, issued according to A.R.S. § 36-2804.01, may be considered a general permit. A registration certificate for a medical marijuana dispensary, issued according to A.R.S. § 36-2804, or a registration certificate for a laboratory, issued according to A.R.S. § 36-2804.07, is specific to the certificate holder, type of facility, facility location, and scope of services provided. As such, a general permit is not applicable and is not used.

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

Not applicable

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

Not applicable

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

None



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

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

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

**TITLE 9. HEALTH SERVICES  
CHAPTER 17. DEPARTMENT OF HEALTH SERVICES  
MEDICAL MARIJUANA PROGRAM**

**ARTICLE 1. GENERAL**

Section	
R9-17-101.	Definitions
R9-17-102.	Fees
R9-17-103.	Application Submission
R9-17-107.	Time-frames
Table 1.1.	Time-frames
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**ARTICLE 1. GENERAL**

**R9-17-101. Definitions**

In addition to the definitions in A.R.S. § 36-2801, the following definitions apply in this Chapter unless otherwise stated:

1. "Accreditation" means approval by the:
  - a. American Association of Laboratory Accreditation.
  - b. Perry Johnson Laboratory Accreditation.
  - c. ANSI National Accreditation Board.
  - d. International Accreditation Services. or
  - e. NELAC Institute.
- ~~1-2.~~ "Acquire" means to obtain through any type of transaction and from any source.
- ~~2-3.~~ "Activities of daily living" means ambulating, bathing, dressing, grooming, eating, toileting, and getting in and out of bed.
- ~~3-4.~~ "Amend" means adding or deleting information on an individual's registry identification card that affects the individual's ability to perform or delegate a specific act or function.



- 4-5. “Batch” means a specific lot of medical marijuana grown from one or more seeds or cuttings that are planted and harvested at the same time.
- 5-6. “Batch number” means a unique numeric or alphanumeric identifier assigned to a batch by a dispensary when the batch is planted.
- 6-7. “Calendar day” means each day, not including the day of the act, event, or default from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, statewide furlough day, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, statewide furlough day, or legal holiday.
- 7-8. “CHAA” means a Community Health Analysis Area, a geographic area based on population, established by the Department for use by public health programs.
- 8-9. “Change” means adding or deleting information on an individual’s registry identification card that does not substantively affect the individual’s ability to perform or delegate a specific act or function.
- 9-10. “Commercial device” means the same as in A.R.S. § 41-2051.
- 10-11. “Cultivation site” means the one additional location where marijuana may be cultivated, infused, or prepared for sale by and for a dispensary.
- 11-12. “Current photograph” means an image of an individual, taken no more than 60 calendar days before the submission of the individual’s application, in a Department-approved electronic format capable of producing an image that:
  - a. Has a resolution of at least 600 x 600 pixels but not more than 1200 x 1200 pixels;
  - b. Is 2 inches by 2 inches in size;
  - c. Is in natural color;
  - d. Is a front view of the individual’s full face, without a hat or headgear that obscures the hair or hairline;
  - e. Has a plain white or off-white background; and
  - f. Has between 1 and 1 3/8 inches from the bottom of the chin to the top of the head.
- 12-13. “Denial” means the Department’s final decision not to issue a registry identification card, a dispensary registration certificate, a laboratory registration certificate, or an approval of a change of dispensary or a dispensary’s cultivation site location, to an applicant because the applicant or the application does not comply with the applicable requirements in A.R.S. Title 36, Chapter 28.1 or this Chapter.
- 13-14. “Dispensary” means the same as “nonprofit medical marijuana dispensary” as defined in A.R.S. § 36-2801.
- 14-15. “Dispensary agent” means the same as “nonprofit medical marijuana dispensary agent” as defined in A.R.S. § 36-2801.
- 15-16. “Edible food product” means a substance, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.
- 16-17. “Enclosed area” when used in conjunction with “enclosed, locked facility” means outdoor space surrounded by solid, 10-foot walls, constructed of metal, concrete, or stone that prevent any viewing of the marijuana plants, and a 1-inch thick metal gate.
- 17-18. “Entity” means a “person” as defined in A.R.S. § 1-215.
- 18-19. “Generally accepted accounting principles” means the set of financial reporting standards established by the Financial Accounting Standards Board, the Governmental Accounting Standards Board, or another specialized body dealing with accounting and auditing matters.
- 19-20. “In-state financial institution” means the same as in A.R.S. § 6-101.
- 21. “Laboratory” means the same as “independent third-party laboratory” as defined in A.R.S. § 36-2801.
- 22. “Laboratory agent” means the same as “independent third-party laboratory agent” as defined in A.R.S. § 36-2801.
- 20-23. “Legal guardian” means an adult who is responsible for a minor:
  - a. Through acceptance of guardianship of the minor through a testamentary appointment or an appointment by a court pursuant to A.R.S. Title 14, Chapter 5, Article 2; or
  - b. As a “custodian” as defined in A.R.S. § 8-201.
- 21-24. “Medical record” means the same as:
  - a. “Adequate records” as defined in A.R.S. § 32-1401,
  - b. “Adequate medical records” as defined in A.R.S. § 32-1501,
  - c. “Adequate records” as defined in A.R.S. § 32-1800, or
  - d. “Adequate records” as defined in A.R.S. § 32-2901.
- 22-25. “Out-of-state financial institution” means the same as in A.R.S. § 6-101.
- 23-26. “Private school” means the same as in A.R.S. § 15-101.
- 24-27. “Public place”:
  - a. Means any location, facility, or venue that is not intended for the regular exclusive use of an individual or a specific group of individuals;
  - b. Includes, but not is limited to:
    - i. Airports;
    - ii. Banks;
    - iii. Bars;
    - iv. Child care facilities;



- v. Child care group homes during hours of operation;
  - vi. Common areas of apartment buildings, condominiums, or other multifamily housing facilities;
  - vii. Educational facilities;
  - viii. Entertainment facilities or venues;
  - ix. Health care institutions, except as provided in subsection (24)(c);
  - x. Hotel and motel common areas;
  - xi. Laundromats;
  - xii. Libraries;
  - xiii. Office buildings;
  - xiv. Parking lots;
  - xv. Parks;
  - xvi. Public transportation facilities;
  - xvii. Reception areas;
  - xviii. Restaurants;
  - xix. Retail food production or marketing establishments;
  - xx. Retail service establishments;
  - xxi. Retail stores;
  - xxii. Shopping malls;
  - xxiii. Sidewalks;
  - xxiv. Sports facilities;
  - xxv. Theaters; and
  - xxvi. Waiting rooms; and
- c. Does not include:
- i. Nursing care institutions as defined in A.R.S. § 36-401,
  - ii. Hospices as defined in A.R.S. § 36-401,
  - iii. Assisted living centers as defined in A.R.S. § 36-401,
  - iv. Assisted living homes as defined in A.R.S. § 36-401,
  - v. Adult day health care facilities as defined in A.R.S. § 36-401,
  - vi. Adult foster care homes as defined in A.R.S. § 36-401, or
  - vii. Private residences.

~~25-28.~~ “Public school” means the same as “school” as defined in A.R.S. § 15-101.

~~26-29.~~ “Registry identification number” means the random 20-digit alphanumeric identifier generated by the Department, containing at least four numbers and four letters, issued by the Department to a qualifying patient, designated caregiver, dispensary, ~~or~~ dispensary agent, ~~laboratory, or laboratory agent.~~

~~27-30.~~ “Revocation” means the Department’s final decision that an individual’s registry identification card, ~~or~~ a dispensary registration certificate, ~~or a laboratory registration certificate~~ is rescinded because the individual, ~~or~~ the dispensary, ~~or the laboratory~~ does not comply with the applicable requirements in A.R.S. Title 36, Chapter 28.1 or this Chapter.

~~28-31.~~ “Working day” means a Monday, Tuesday, Wednesday, Thursday, or Friday that is not a state holiday or a statewide furlough day.

#### **R9-17-102. Fees**

- A. An applicant submitting an application to the Department shall submit the following nonrefundable fees:
1. Except as provided in R9-17-303(D), for registration of a dispensary, \$5,000;
  2. To renew the registration of a dispensary, \$1,000;
  3. To change the location of a dispensary, \$2,500;
  4. To change the location of a dispensary’s cultivation site or add a cultivation site, \$2,500;
  5. For a registry identification card for a:
    - a. Qualifying patient, except as provided in subsection (B), \$150;
    - b. Designated caregiver, \$200; ~~and~~
    - c. Dispensary agent, \$500; ~~and~~
    - d. Laboratory agent, \$500;
  6. For renewing a registry identification card for a:
    - a. Qualifying patient, except as provided in subsection (B), \$150;
    - b. Designated caregiver, \$200; ~~and~~
    - c. Dispensary agent, \$500; ~~and~~
    - d. Laboratory agent, \$500;
  7. For amending or changing a registry identification card, \$10; ~~and~~
  8. For requesting a replacement registry identification card, \$10; ~~and~~



- 9. For registration of a laboratory, \$5,000; and
- 10. To renew the registration of a laboratory, \$1,000.

B. A qualifying patient may pay a reduced fee of \$75 if the qualifying patient submits, with the qualifying patient’s application for a registry identification card or the qualifying patient’s application to renew the qualifying patient’s registry identification card, a copy of an eligibility notice or electronic benefits transfer card demonstrating current participation in the U.S. Department of Agriculture, Food and Nutrition Services, Supplemental Nutrition Assistance Program.

**R9-17-103. Application Submission**

- A. An applicant submitting an application for a registry identification card or to amend, change, or replace a registry identification card for a qualifying patient, designated caregiver, ~~or dispensary agent,~~ or laboratory agent, shall submit the application electronically in a Department-provided format.
- B. A residence address or mailing address submitted for a qualifying patient or designated caregiver as part of an application for a registry identification card is located in Arizona.
- C. A mailing address submitted for a principal officer or board member as part of a dispensary certificate registration application or as part of an application for a dispensary agent registration identification card is located in Arizona.
- D. A mailing address submitted for an owner as a part of a laboratory registration certificate application or as part of an application for a laboratory agent registration identification card is located in Arizona.

**R9-17-107. Time-frames**

- A. Within the administrative completeness review time-frame for each type of approval in Table 1.1, the Department shall:
  - 1. Issue a registry identification card ~~or,~~ dispensary registration certificate, or laboratory registration certificate;
  - 2. Provide a notice of administrative completeness to an applicant; or
  - 3. Provide a notice of deficiencies to an applicant, including a list of the information or documents needed to complete the application.
- B. An application for approval to operate a dispensary is not complete until the date the applicant states on a written notice provided to the Department that the dispensary is ready for an inspection by the Department.
- C. If the Department provides a notice of deficiencies to an applicant:
  - 1. The administrative completeness review time-frame and the overall time-frame are suspended from the date of the notice of deficiencies until the date the Department receives the missing information or documents from the applicant;
  - 2. ~~If the applicant does not submit the missing information or documents to the Department within the time frame in Table 1.1, the~~ The Department shall consider the application withdrawn if the applicant does not submit the missing information or documents to the Department within the time-frame in Table 1.1; and
  - 3. If the applicant submits the missing information or documents to the Department within the time-frame in Table 1.1, the substantive review time-frame begins on the date the Department receives the missing information or documents.
- D. Within the substantive review time-frame for each type of approval in Table 1.1, the Department:
  - 1. Shall issue or deny a registry identification card ~~or,~~ dispensary registration certificate, or laboratory registration certificate;
  - 2. May complete an inspection that may require more than one visit to a dispensary and, if applicable, the dispensary’s cultivation site; ~~and~~
  - 3. May complete an inspection that may require more than one visit to a laboratory; and
  - ~~3.4.~~ May make one written comprehensive request for more information, unless the Department and the applicant agree in writing to allow the Department to submit supplemental requests for information.
- E. If the Department issues a written comprehensive request or a supplemental request for information:
  - 1. The substantive review time-frame and the overall time-frame are suspended from the date of the written comprehensive request or the supplemental request for information until the date the Department receives all of the information requested, and
  - 2. The applicant shall submit to the Department all of the information and documents listed in the written comprehensive request or supplemental request for information within 10 working days after the date of the comprehensive written request or supplemental request for information.
- F. If an applicant for an initial dispensary registration certificate is allocated a dispensary registration certificate as provided in R9-17-303, the Department shall provide a written notice to the applicant of the allocation of the dispensary registration certificate that contains the dispensary’s registry identification number.
  - 1. After the applicant receives the written notice of the allocation, the applicant shall submit to the Department for each principal officer or board member for whom fingerprints were submitted:
    - a. An application for a dispensary agent registry identification card that includes:
      - i. The principal officer’s or board member’s first name; middle initial, if applicable; last name; and suffix, if applicable;
      - ii. The principal officer’s or board member’s residence address and mailing address;
      - iii. The county where the principal officer or board member resides;
      - iv. The principal officer’s or board member’s date of birth;
      - v. The identifying number on the applicable card or document in subsection (F)(1)(b)(i) through (v);
      - vi. The name and registry identification number of the dispensary;
      - vii. One of the following:
        - (1) A statement that the principal officer or board member does not currently hold a valid registry identification card, or
        - (2) The assigned registry identification number for each valid registry identification card currently held by the princi-



- pal officer or board member;
  - viii. A statement signed by the principal officer or board member pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
  - ix. An attestation that the information provided in and with the application is true and correct; and
  - x. The signature of the principal officer or board member and the date the principal officer or board member signed;
- b. A copy the principal officer's or board member's:
- i. Arizona driver's license issued on or after October 1, 1996;
  - ii. Arizona identification card issued on or after October 1, 1996;
  - iii. Arizona registry identification card;
  - iv. Photograph page in the principal officer's or board member's U.S. passport; or
  - v. Arizona driver's license or identification card issued before October 1, 1996 and one of the following for the principal officer or board member:
    - (1) Birth certificate verifying U.S. citizenship,
    - (2) U. S. Certificate of Naturalization, or
    - (3) U. S. Certificate of Citizenship;
- c. A current photograph of the principal officer or board member; and
- d. The applicable fee in R9-17-102 for applying for a dispensary agent registry identification card.
2. After receipt of the information and documents in subsection (F)(1), the Department shall review the information and documents.
- a. If the information and documents for at least one of the principal officers or board members complies with the A.R.S. Title 36, Chapter 28.1 and this Chapter, the Department shall issue:
    - i. A dispensary agent registry identification card to any principal officer or board member whose dispensary agent registry identification card application complies with A.R.S. Title 36, Chapter 28.1 and this Chapter; and
    - ii. The dispensary registration certificate.
  - b. If the information and documents for a dispensary agent registry identification card application for any principal officer or board member does not comply with A.R.S. Title 36, Chapter 28.1 and this Chapter, the Department shall deny the dispensary agent registry identification card application and provide notice to the principal officer or board member and to the dispensary that includes:
    - i. The specific reasons for the denial; and
    - ii. The process for requesting a judicial review of the Department's decision pursuant to A.R.S. Title 12, Chapter 7, Article 6.
- G. The Department shall issue:
- 1. A registry identification card ~~or~~ an approval to operate a dispensary, or a laboratory registration certificate, as applicable, if the Department determines that the applicant complies with A.R.S. Title 36, Chapter 28.1 and this Chapter;
  - 2. For an applicant for a registry identification card, a denial that includes the reason for the denial and the process for requesting judicial review if:
    - a. The Department determines that the applicant does not comply with A.R.S. Title 36, Chapter 28.1 and this Chapter; or
    - b. The applicant does not submit all of the information and documents listed in the written comprehensive request or supplemental request for information within 10 working days after the date of the comprehensive written request or supplemental request for information;
  - 3. For an applicant for a dispensary registration certificate, if the Department determines that the dispensary registration certificate application complies with A.R.S. Title 36, Chapter 28.1 and this Chapter but the Department is not issuing a dispensary registration certificate to the applicant because all available dispensary registration certificates have been allocated according to the criteria and processes in R9-17-303, written notice that:
    - a. The dispensary registration certificate application complies with A.R.S. Title 36, Chapter 28.1 and this Chapter;
    - b. The applicant was not allocated a dispensary registration certificate according to the criteria and processes in R9-17-303; and
    - c. The written notice is not a denial and is not considered a final decision of the Department subject to administrative review; or
  - 4. For an applicant for a dispensary registration certificate or a laboratory registration certificate, a denial that includes the reason for the denial and the process for administrative review if:
    - a. The Department determines that a dispensary registration certificate application or the laboratory registration certificate application does not comply with A.R.S. Title 36, Chapter 28.1 or this Chapter; or
    - b. The applicant does not submit all of the information and documents listed in the written comprehensive request or supplemental request for information within 10 working days after the date of the comprehensive written request or supplemental request for information.



**Table 1.1. Time-frames**

Type of approval	Authority (A.R.S. § or A.A.C.)	Overall Time-frame (in working days)	Time-frame for applicant to complete application (in working days)	Administrative Completeness Time-frame (in working days)	Substantive Review Time-frame (in working days)
Changing a registry identification card	§ 36-2808	10	10	5	5
Requesting a replacement registry identification card	§ 36-2804.06	5	5	2	3
Applying for a registry identification card for a qualifying patient or a designated caregiver	§ 36-2804.02(A)	15	30	5	10
Amending a registry identification card for a qualifying patient or a designated caregiver	§ 36-2808	10	10	5	5
Renewing a qualifying patient's or designated caregiver's registry identification card	§§ 36-2804.02(A) and 36-2804.06	15	15	5	10
Applying for a dispensary registration certificate	§ 36-2804	30	10	5	25
Applying for approval to operate a dispensary	R9-17-305	45		15	30
Changing a dispensary location or adding or changing a dispensary's cultivation site location	§ 36-2804 and R9-17-307	90	90	30	60
Renewing a dispensary registration certificate	§ 36-2804.06	15	15	5	10
Applying for a dispensary agent registry identification card	§§ 36-2804.01 and 36-2804.03	15	30	5	10
Renewing a dispensary agent's registry identification card	§ 36-2804.06	15	15	5	10
<u>Applying for a laboratory registration certificate</u>	<u>§ 36-2804.07</u>	<u>90</u>	<u>90</u>	<u>30</u>	<u>60</u>
<u>Renewing a laboratory registration certificate</u>	<u>§ 36-2804.06</u>	<u>15</u>	<u>15</u>	<u>5</u>	<u>10</u>
<u>Applying for a laboratory agent registry identification card</u>	<u>§ 36-2804.01</u>	<u>15</u>	<u>30</u>	<u>5</u>	<u>10</u>
<u>Renewing a laboratory agent's registry identification card</u>	<u>§ 36-2804.06</u>	<u>15</u>	<u>15</u>	<u>5</u>	<u>10</u>

**R9-17-108. Expiration of a Registry Identification Card, ~~or a~~ Dispensary Registration Certificate, ~~or~~ Laboratory Registration Certificate**

- A. Except as provided in subsection (B), a registry identification card issued to a qualifying patient, designated caregiver, ~~or~~ dispensary agent, ~~or~~ laboratory agent is valid for ~~one year~~ two years after the date of issuance.
- B. If the Department issues a registry identification card to a qualifying patient, designated caregiver, ~~or~~ dispensary agent, ~~or~~ laboratory agent based on a request for a replacement registry identification card or an application to change or amend a registry identification card, the replacement, changed, or amended registry identification card shall have the same expiration date as the registry identification card being replaced, changed, or amended.
- C. Except as provided in subsection (D), a dispensary registration certificate is valid for ~~one year~~ two years after the date of issuance.



- D. If the Department issues an amended dispensary registration certificate based on a change of location or an addition of a cultivation site, the dispensary registration certificate shall have the same expiration date as the dispensary registration certificate previously held by the dispensary.
- E. An approval to operate a dispensary shall have the same expiration date as the dispensary registration certificate associated with the approval to operate the dispensary.
- F. A laboratory registration certificate is valid for two years after the original date of issuance.

#### **R9-17-109. Notifications and Void Registry Identification Cards**

- A. The Department shall provide written notice that a cardholder's registry identification card is void and no longer valid under A.R.S. Title 36, Chapter 28.1 and this Chapter to a:
  - 1. Qualifying patient when the Department receives notification from:
    - a. The qualifying patient that the qualifying patient no longer has a debilitating medical condition, or
    - b. The physician who provided the qualifying patient's written certification that the:
      - i. Qualifying patient no longer has a debilitating medical condition,
      - ii. Physician no longer believes that the qualifying patient would receive therapeutic or palliative benefit from the medical use of marijuana, or
      - iii. Physician believes that the qualifying patient is not using the medical marijuana as recommended;
  - 2. Designated caregiver when:
    - a. The Department receives notification from the designated caregiver's qualifying patient that the designated caregiver no longer assists the qualifying patient with the medical use of marijuana, or
    - b. The registry identification card for the qualifying patient that is listed on the designated caregiver's registry identification card is no longer valid; ~~or~~
  - 3. Dispensary agent when:
    - a. The Department receives the written notification, required in R9-17-310(A)(9), that the dispensary agent:
      - i. No longer serves as a principal officer, board member, or medical director for the dispensary;
      - ii. Is no longer employed by the dispensary; or
      - iii. No longer provides volunteer service at or on behalf of the dispensary; or
    - b. The registration certificate for the dispensary that is listed on the dispensary agent's registry identification card is no longer valid; or
  - 4. Laboratory agent when:
    - a. The Department receives the written notification, required in R9-17-404(10), that the laboratory agent no longer:
      - i. Serves as an owner for the laboratory,
      - ii. Is employed by the laboratory, or
      - iii. Provides volunteer service at or on behalf of the laboratory; or
    - b. The registration certificate for the laboratory that is listed on the laboratory agent's registration identification card is no longer valid.
- B. The Department shall void a qualifying patient's registry identification card:
  - 1. When the Department receives notification that the qualifying patient is deceased; or
  - 2. For a qualifying patient under 18 years of age, when the qualifying patient's designated caregiver's registry identification card is revoked.
- C. The written notice required in subsection (A) that a registry identification card is void is not a revocation and is not considered a final decision of the Department subject to judicial review.

### **ARTICLE 2. QUALIFYING PATIENTS AND DESIGNATED CAREGIVERS**

#### **R9-17-205. Denial or Revocation of a Qualifying Patient's or Designated Caregiver's Registry Identification Card**

- A. The Department shall deny a qualifying patient's application for or renewal of the qualifying patient's registry identification card if the qualifying patient does not have a debilitating medical condition.
- B. The Department shall deny a designated caregiver's application for or renewal of the designated caregiver's registry identification card if the designated caregiver does not meet the definition of "designated caregiver" in A.R.S. § 36-2801.
- C. The Department may deny a qualifying patient's or designated caregiver's application for or renewal of the qualifying patient's or designated caregiver's registry identification card if the qualifying patient or designated caregiver:
  - 1. Previously had a registry identification card revoked for not complying with A.R.S. Title 36, Chapter 28.1 or this Chapter; or
  - 2. Provides false or misleading information to the Department.
- D. The Department shall revoke a qualifying patient's or designated caregiver's registry identification card if the qualifying patient or designated caregiver ~~provides medical marijuana to an individual who is not authorized to possess medical marijuana under A.R.S. Title 36, Chapter 28.1~~ diverts medical marijuana to an individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1.
- E. The Department shall revoke a designated caregiver's registry identification card if the designated caregiver has been convicted of an excluded felony offense.
- F. The Department may revoke a qualifying patient's or designated caregiver's registry identification card if the qualifying patient or designated caregiver knowingly violates A.R.S. Title 36, Chapter 28.1 or this Chapter.
- G. If the Department denies or revokes a qualifying patient's registry identification card, the Department shall provide written notice to the qualifying patient that includes:
  - 1. The specific reason or reasons for the denial or revocation; and
  - 2. The process for requesting a judicial review of the Department's decision pursuant to A.R.S. Title 12, Chapter 7, Article 6.
- H. If the Department denies or revokes a qualifying patient's designated caregiver's registry identification card, the Department shall provide written notice to the qualifying patient and the designated caregiver that includes:



1. The specific reason or reasons for the denial or revocation; and
2. The process for requesting a judicial review of the Department’s decision pursuant to A.R.S. Title 12, Chapter 7, Article 6.

**ARTICLE 3. DISPENSARIES AND DISPENSARY AGENTS**

**R9-17-308. Renewing a Dispensary Registration Certificate**

- A. An entity with a dispensary registration certificate that has not submitted an application for approval to operate a dispensary to the Department at least 60 calendar days before the expiration date of the dispensary registration certificate or has not obtained an approval to operate a dispensary issued by the Department is prohibited from renewing the dispensary registration certificate.
- B. To renew a dispensary registration certificate, a dispensary that has an approval to operate a dispensary issued by the Department, shall submit to the Department, at least 30 calendar days before the expiration date of the dispensary’s current dispensary registration certificate, the following:
  1. An application in a Department-provided format that includes:
    - a. The legal name of the dispensary;
    - b. The registry identification number for the dispensary;
    - c. The physical address of the dispensary;
    - d. The name of the entity applying;
    - e. The name of the individual designated to submit dispensary agent registry identification card applications on behalf of the dispensary;
    - f. The name and license number of the dispensary’s medical director;
    - g. The dispensary’s hours of operation during which the dispensary is available to dispense medical marijuana to qualifying patients and designated caregivers;
    - h. The name, address, date of birth, and registry identification number of each:
      - i. Principal officer,
      - ii. Board member, and
      - iii. Dispensary agent;
    - i. For each principal officer or board member, whether the principal officer or board member:
      - i. Has served as a principal officer or board member for a dispensary that had the dispensary registration certificate revoked,
      - ii. Is a physician currently providing written certifications for qualifying patients,
      - iii. Is a law enforcement officer, or
      - iv. Is employed by or a contractor of the Department;
    - j. The dispensary’s Transaction Privilege Tax Number issued by the Arizona Department of Revenue;
    - k. Whether the dispensary agrees to allow the Department to submit supplemental requests for information;
    - l. An attestation that the information provided to the Department to renew the dispensary registration certificate is true and correct; and
    - m. The signature of the individual or individuals in R9-17-301(A) and the date the individual or individuals signed;
  2. If the application is for renewing a dispensary registration certificate that was initially issued within the previous 12 months, a copy of the dispensary’s approval to operate a dispensary issued by the Department;
  3. A copy of an annual financial statement for the previous ~~year~~ two years, or for the portion of the previous ~~year~~ two years the dispensary was operational, prepared according to generally accepted accounting principles;
  4. A report of an audit by an independent certified public accountant of the annual financial statement required in subsection (B)(3); and
  5. The applicable fee in R9-17-102 for applying to renew a dispensary registration certificate.

**R9-17-310. Administration**

- A. A dispensary shall:
  1. Ensure that the dispensary is operating and available to dispense medical marijuana to qualifying patients and designated caregivers at least 30 hours weekly between the hours of 7:00 a.m. and 10:00 p.m.;
  2. Develop, document, and implement policies and procedures regarding:
    - a. Job descriptions and employment contracts, including:
      - i. Personnel duties, authority, responsibilities, and qualifications;
      - ii. Personnel supervision;
      - iii. Training in and adherence to confidentiality requirements;
      - iv. Periodic performance evaluations; and
      - v. Disciplinary actions;
    - b. Business records, such as manual or computerized records of assets and liabilities, monetary transactions, journals, ledgers, and supporting documents, including agreements, checks, invoices, and vouchers;
    - c. Inventory control, including:
      - i. Tracking;
      - ii. Packaging;
      - iii. Accepting marijuana from qualifying patients and designated caregivers;
      - iv. Acquiring marijuana from other dispensaries; ~~and~~
      - v. Disposing of unusable marijuana, which may include submitting any unusable marijuana to a local law enforcement agency; and
      - vi. Submitting marijuana or marijuana products to a laboratory agent or laboratory for testing;
    - d. Qualifying patient records, including purchases, denials of sale, any delivery options, confidentiality, and retention; and
    - e. Patient education and support, including:



- i. Availability of different strains of marijuana and the purported effects of the different strains;
    - ii. Information about the purported effectiveness of various methods, forms, and routes of medical marijuana administration;
    - iii. Methods of tracking the effects on a qualifying patient of different strains and forms of marijuana; and
    - iv. Prohibition on the smoking of medical marijuana in public places;
  3. Maintain copies of the policies and procedures at the dispensary and provide copies to the Department for review upon request;
  4. Review dispensary policies and procedures at least once every 12 months from the issue date of the dispensary registration certificate and update as needed;
  5. Employ or contract with a medical director;
  6. Ensure that each dispensary agent has the dispensary agent's registry identification card in the dispensary agent's immediate possession when the dispensary agent is:
    - a. Working or providing volunteer services at the dispensary or the dispensary's cultivation site, or
    - b. Transporting marijuana for the dispensary;
  7. Ensure that a dispensary agent accompanies any individual other than another dispensary agent associated with the dispensary when the individual is present in the enclosed, locked facility where marijuana is cultivated by the dispensary;
  8. Not allow an individual who does not possess a dispensary agent registry identification card issued under the dispensary registration certificate to:
    - a. Serve as a principal officer or board member for the dispensary,
    - b. Serve as the medical director for the dispensary,
    - c. Be employed by the dispensary, or
    - d. Provide volunteer services at or on behalf of the dispensary;
  9. Provide written notice to the Department, including the date of the event, within 10 working days after the date, when a dispensary agent no longer:
    - a. Serves as a principal officer or board member for the dispensary,
    - b. Serves as the medical director for the dispensary,
    - c. Is employed by the dispensary, or
    - d. Provides volunteer services at or on behalf of the dispensary;
  10. Document and report any loss or theft of marijuana from the dispensary to the appropriate law enforcement agency;
  11. Maintain copies of any documentation required in this Chapter for at least 12 months after the date on the documentation and provide copies of the documentation to the Department for review upon request;
  12. Post the following information in a place that can be viewed by individuals entering the dispensary:
    - a. If applicable, the dispensary's approval to operate;
    - b. The dispensary's registration certificate;
    - c. The name of the dispensary's medical director and the medical director's license number on a sign at least 20 centimeters by 30 centimeters;
    - d. The hours of operation during which the dispensary will dispense medical marijuana to a qualifying patient or a designated caregiver; and
    - e. A sign in a Department-provided format that contains the following language:
      - i. "WARNING: There may be potential dangers to fetuses caused by smoking or ingesting marijuana while pregnant or to infants while breastfeeding," and
      - ii. "WARNING: Use of marijuana during pregnancy may result in a risk of being reported to the Department of Child Safety during pregnancy or at the birth of the child by persons who are required to report;"
  13. Not lend any part of the dispensary's income or property without receiving adequate security and a reasonable rate of interest;
  14. Not purchase property for more than adequate consideration in money or cash equivalent;
  15. Not pay compensation for salaries or other compensation for personal services that is in excess of a reasonable allowance;
  16. Not sell any part of the dispensary's property or equipment for less than adequate consideration in money or cash equivalent; and
  17. Not engage in any other transaction that results in a substantial diversion of the dispensary's income or property.
- B.** If a dispensary cultivates marijuana, the dispensary shall cultivate the marijuana in an enclosed, locked facility.

**R9-17-316. Inventory Control System**

- A.** A dispensary shall designate in writing a dispensary agent who has oversight of the dispensary's medical marijuana inventory control system.
- B.** A dispensary shall only acquire marijuana from:
1. The dispensary's cultivation site,
  2. Another dispensary or another dispensary's cultivation site,
  3. A qualifying patient authorized by the Department to cultivate marijuana, or
  4. A designated caregiver authorized by the Department to cultivate marijuana.
- C.** A dispensary shall establish and implement an inventory control system for the dispensary's medical marijuana that documents:
1. Each day's beginning inventory, acquisitions, harvests, sales, disbursements, submissions to a laboratory agent or laboratory for testing, testing results received, disposal of unusable marijuana, and ending inventory;
  2. For acquiring medical marijuana from a qualifying patient or designated caregiver:
    - a. A description of the medical marijuana acquired including the amount and strain,
    - b. The name and registry identification number of the qualifying patient or designated caregiver who provided the medical marijuana,
    - c. The name and registry identification number of the dispensary agent receiving the medical marijuana on behalf of the dispensary, and
    - d. The date of acquisition;



- 3. For acquiring medical marijuana from another dispensary:
  - a. A description of the medical marijuana acquired including the amount, strain, and batch number;
  - b. The name and registry identification number of the dispensary providing the medical marijuana;
  - c. The name and registry identification number of the dispensary agent providing the medical marijuana;
  - d. The name and registry identification number of the dispensary agent receiving the medical marijuana on behalf of the dispensary; and
  - e. The date of acquisition;
- 4. For each batch of marijuana cultivated:
  - a. The batch number;
  - b. Whether the batch originated from marijuana seeds or marijuana cuttings;
  - c. The origin and strain of the marijuana seeds or marijuana cuttings planted;
  - d. The number of marijuana seeds or marijuana cuttings planted;
  - e. The date the marijuana seeds or cuttings were planted;
  - f. A list of all chemical additives, including nonorganic pesticides, herbicides, and fertilizers used in the cultivation;
  - g. The number of plants grown to maturity;
  - h. Harvest information including:
    - i. Date of harvest,
    - ii. Final processed usable marijuana yield weight, and
    - iii. Name and registry identification number of the dispensary agent responsible for the harvest, and
  - i. The disposal of medical marijuana that is not usable marijuana including the:
    - i. Description of and reason for the marijuana being disposed of including, if applicable, the number of failed or other unusable plants;
    - ii. Date of disposal;
    - iii. Method of disposal; and
    - iv. Name and registry identification number of the dispensary agent responsible for the disposal;
- 5. For providing medical marijuana to another dispensary:
  - a. The amount, strain, and batch number of medical marijuana provided;
  - b. The name and registry identification number of the other dispensary;
  - c. The name and registry identification number of the dispensary agent who received the medical marijuana on behalf of the other dispensary; and
  - d. The date the medical marijuana was provided; ~~and~~
- 6. For receiving edible food products infused with medical marijuana from another dispensary:
  - a. A description of the edible food products received from the dispensary including total weight of each edible food product and estimated amount and batch number of the medical marijuana infused in each edible food product;~~;~~
  - b. Total estimated amount and batch number of medical marijuana infused in the edible food products;~~;~~
  - c. The name and registry identification number of the:
    - i. Dispensary and the dispensary agent providing the edible food products to the receiving dispensary, and
    - ii. Dispensary agent receiving the edible food products on behalf of the receiving dispensary;~~;~~ and
  - d. The date the edible food products were provided to the dispensary; ~~and~~
- 7. For submitting marijuana or marijuana products to a laboratory agent or laboratory for testing:
  - a. The amount, strain, and batch number of the marijuana or marijuana products submitted;
  - b. The name and registry identification number of the laboratory;
  - c. The name and registry identification number of the laboratory agent who received the marijuana or marijuana products on behalf of the laboratory; and
  - d. The date the marijuana or marijuana products were submitted to the laboratory.
- D. The individual designated in subsection (A) shall conduct and document an audit of the dispensary’s inventory that is accounted for according to generally accepted accounting principles at least once every 30 calendar days.
  - 1. If the audit identifies a reduction in the amount of medical marijuana in the dispensary’s inventory not due to documented causes, the dispensary shall determine where the loss has occurred and take and document corrective action.
  - 2. If the reduction in the amount of medical marijuana in the dispensary’s inventory is due to suspected criminal activity by a dispensary agent, the dispensary shall report the dispensary agent to the Department and to the local law enforcement authorities.
- E. A dispensary shall:
  - 1. Maintain the documentation required in subsections (C) and (D) at the dispensary for at least five years from after the date on the document, and
  - 2. Provide the documentation required in subsections (C) and (D) to the Department for review upon request.

**R9-17-318. Security**

- A. Except as provided in R9-17-310(A)(7), a dispensary shall ensure that access to the enclosed, locked facility where marijuana is cultivated is limited to the dispensary’s principal officers, board members, and authorized dispensary agents.
- B. A dispensary agent may transport marijuana, marijuana plants, and marijuana paraphernalia between the dispensary and:
  - 1. The dispensary’s cultivation site,
  - 2. A qualifying patient, ~~and~~
  - 3. Another dispensary; ~~and~~
  - 4. A laboratory agent or laboratory for testing.
- C. Before transportation, a dispensary agent shall:
  - 1. Complete a trip plan that includes:
    - a. The name of the dispensary agent in charge of transporting the marijuana;



- b. The date and start time of the trip;
  - c. A description of the marijuana, marijuana plants, or marijuana paraphernalia being transported; and
  - d. The anticipated route of transportation; and
2. Provide a copy of the trip plan in subsection (C)(1) to the dispensary.
- D.** During transportation, a dispensary agent shall:
- 1. Carry a copy of the trip plan in subsection (C)(1) with the dispensary agent for the duration of the trip;
  - 2. Use a vehicle without any medical marijuana identification;
  - 3. Have a means of communication with the dispensary; and
  - 4. Ensure that the marijuana, marijuana plants, or marijuana paraphernalia are not visible.
- E.** After transportation, a dispensary agent shall enter the end time of the trip and any changes to the trip plan on the trip plan required in subsection (C)(1).
- F.** A dispensary shall:
- 1. Maintain the documents required in subsection (C)(2) and (E), and
  - 2. Provide a copy of the documents required in subsection (C)(2) and (E) to the Department for review upon request.
- G.** To prevent unauthorized access to medical marijuana at the dispensary and, if applicable, the dispensary's cultivation site, the dispensary shall have the following:
- 1. Security equipment to deter and prevent unauthorized entrance into limited access areas that include:
    - a. Devices or a series of devices to detect unauthorized intrusion, which may include a signal system interconnected with a radio frequency method, such as cellular, private radio signals, or other mechanical or electronic device;
    - b. Exterior lighting to facilitate surveillance;
    - c. Electronic monitoring including:
      - i. At least one 19-inch or greater call-up monitor,
      - ii. A video printer capable of immediately producing a clear still photo from any video camera image,
      - iii. Video cameras:
        - (1) Providing coverage of all entrances to and exits from limited access areas and all entrances to and exits from the building, capable of identifying any activity occurring in or adjacent to the building; and
        - (2) Having a recording resolution of at least 704 x 480 or the equivalent;
      - iv. A video camera at each point of sale location allowing for the identification of any qualifying patient or designated caregiver purchasing medical marijuana,
      - v. A video camera in each grow room capable of identifying any activity occurring within the grow room in low light conditions,
      - vi. Storage of video recordings from the video cameras for at least 30 calendar days,
      - vii. A failure notification system that provides an audible and visual notification of any failure in the electronic monitoring system, and
      - viii. Sufficient battery backup for video cameras and recording equipment to support at least five minutes of recording in the event of a power outage; and
    - d. Panic buttons in the interior of each building; and
  - 2. Policies and procedures:
    - a. That restrict access to the areas of the dispensary that contain marijuana and if applicable, the dispensary's cultivation site to authorized individuals only;
    - b. That provide for the identification of authorized individuals;
    - c. That prevent loitering;
    - d. For conducting electronic monitoring; and
    - e. For the use of a panic button.

**R9-17-322. Denial or Revocation of a Dispensary Registration Certificate**

- A.** The Department shall deny an application for a dispensary registration certificate or a renewal if:
- 1. For an application for a dispensary registration certificate, the physical address of the building or, if applicable, the physical address of the dispensary's cultivation site is within 500 feet of a private school or a public school that existed before the date the dispensary submitted the initial dispensary registration certificate application;
  - 2. A principal officer or board member:
    - a. Has been convicted of an excluded felony offense;
    - b. Has served as a principal officer or board member for a dispensary that:
      - i. Had the dispensary registration certificate revoked, or
      - ii. Did not obtain an approval to operate the dispensary within the first year after the dispensary registration certificate was issued;
    - c. Is under 21 years of age;
    - d. Is a physician currently providing written certifications for medical marijuana for qualifying patients;
    - e. Is a law enforcement officer; or
    - f. Is an employee or contractor of the Department; or
  - 3. The application or the dispensary does not comply with the requirements in A.R.S. Title 36, Chapter 28.1 and this Chapter.
- B.** The Department may deny an application for a dispensary registration certificate if a principal officer or board member of the dispensary provides false or misleading information to the Department.
- C.** The Department shall revoke a dispensary's registration certificate if:
- 1. The dispensary:
    - a. Operates before obtaining approval to operate a dispensary from the Department;



- b. ~~Dispenses, delivers, or otherwise transfers marijuana to an entity other than another dispensary with a valid dispensary registration certificate issued by the Department, a qualifying patient with a valid registry identification card, or a designated caregiver with a valid registry identification card~~ Diverts marijuana to an entity other than another dispensary with a valid dispensary registration certificate issued by the Department, a laboratory with a valid laboratory registration certificate issued by the Department, a qualifying patient with a valid registry identification card issued by the Department, a designated caregiver with a valid registry identification card issued by the Department, or a laboratory agent with a valid registry identification card issued by the Department; or
  - c. Acquires usable marijuana or mature marijuana plants from any entity other than another dispensary with a valid dispensary registration certificate issued by the Department, a qualifying patient with a valid registry identification card, or a designated caregiver with a valid registry identification card; or
2. A principal officer or board member has been convicted of an excluded felony offense.
- D. The Department may revoke a dispensary registration certificate if the dispensary does not:
- 1. Comply with the requirements in A.R.S. Title 36, Chapter 28.1 and this Chapter; or
  - 2. Implement the policies and procedures or comply with the statements provided to the Department with the dispensary’s application.
- E. If the Department denies a dispensary registration certificate application, the Department shall provide notice to the applicant that includes:
- 1. The specific reason or reasons for the denial, and
  - 2. All other information required by A.R.S. § 41-1076.
- F. If the Department revokes a dispensary registration certificate, the Department shall provide notice to the dispensary that includes:
- 1. The specific reason or reasons for the revocation; and
  - 2. The process for requesting a judicial review of the Department’s decision pursuant to A.R.S. Title 12, Chapter 7, Article 6.

**R9-17-323. Denial or Revocation of a Dispensary Agent’s Registry Identification Card**

- A. The Department shall deny a dispensary agent’s application for or renewal of the dispensary agent’s registry identification card if the dispensary agent:
- 1. Does not meet ~~the requirements in the definition “nonprofit medical marijuana dispensary agent” in A.R.S. § 36-2801(10);~~ or
  - 2. Previously had a registry identification card revoked for not complying with A.R.S. Title 36, Chapter 28.1 or this Chapter.
- B. The Department may deny a dispensary agent’s application for or renewal of the dispensary agent’s registry identification card if the dispensary agent provides false or misleading information to the Department.
- C. The Department shall revoke a dispensary agent’s registry identification card if the dispensary agent:
- 1. Uses medical marijuana, if the dispensary agent does not have a qualifying patient registry identification card;
  - 2. ~~Diverts medical marijuana to an individual who is not authorized to possess medical marijuana under A.R.S. Title 36, Chapter 28.1~~ entity other than another dispensary with a valid dispensary registration certificate issued by the Department, a laboratory with a valid laboratory registration certificate issued by the Department, a qualifying patient with a valid registry identification card issued by the Department, a designated caregiver with a valid registry identification card issued by the Department, or a laboratory agent with a valid registry identification card issued by the Department; or
  - 3. Has been convicted of an excluded felony offense.
- D. The Department may revoke a dispensary agent’s registry identification card if the dispensary agent knowingly violates A.R.S. Title 36, Chapter 28.1 or this Chapter.
- E. If the Department denies or revokes a dispensary agent’s registry identification card, the Department shall provide notice to the dispensary agent and the dispensary agent’s dispensary that includes:
- 1. The specific reason or reasons for the denial or revocation; and
  - 2. The process for requesting a judicial review of the Department’s decision pursuant to A.R.S. Title 12, Chapter 7, Article 6.

**ARTICLE 4. LABORATORIES AND LABORATORY AGENTS**

**R9-17-401. Owner**

- A.** For the purposes of this Chapter the following individuals are considered owners:
- 1. If an individual is applying for a laboratory registration certificate, the individual;
  - 2. If a corporation is applying for a laboratory registration certificate, two individuals who are officers of the corporation;
  - 3. If a partnership is applying for a laboratory registration certificate, two of the individuals who are partners;
  - 4. If a limited liability company is applying for a laboratory registration certificate, a manager or, if the limited liability company does not have a manager, an individual who is a member of the limited liability company;
  - 5. If an association or cooperative is applying for a laboratory registration certificate, two individuals who are members of the governing board of the association or cooperative;
  - 6. If a joint venture is applying for a laboratory registration certificate, two of the individuals who signed the joint venture agreement; and
  - 7. If a business organization type other than those described in subsections (A)(2) through (6) is applying for a laboratory registration certificate, two individuals who are members of the business organization.
- B.** When a laboratory is required by this Chapter to provide information, sign documents, or ensure actions are taken, the individual or individuals in subsection (A) shall comply with the requirement on behalf of the laboratory.

**R9-17-402. Applying for a Laboratory Registration Certificate**

- A.** To apply for a laboratory registration certificate, an applicant shall submit to the Department the following:
- 1. An application in a Department-provided format that includes:
    - a. The physical address of the laboratory;
    - b. The following information for the laboratory applying:





- a. Layout and dimensions of each room.
  - b. Name and function of each room.
  - c. Location of each hand washing sink.
  - d. Location of each toilet room, and
  - e. Means of egress;
  - 9. Documentation of accreditation;
  - 10. The laboratory's Transaction Privilege Tax Number issued by the Arizona Department of Revenue; and
  - 11. The applicable fee in R9-17-102 for applying for a laboratory registration certificate.
- B.** A change in location of the laboratory's physical address or ownership requires a new application to be submitted according to subsection (A).

**R9-17-403. Renewing a Laboratory Registration Certificate**

To renew a laboratory registration certificate, a laboratory shall submit to the Department, at least 30 calendar days before the expiration date of the laboratory's current registration certificate, but no more than 90 days before the expiration date of the laboratory's current registration certificate, the following:

- 1. An application in a Department-provided format that includes:
  - a. The physical address of the laboratory;
  - b. The following information for the laboratory:
    - i. The legal name of the laboratory.
    - ii. The registry identification number for the laboratory.
    - iii. Type of business organization.
    - iv. Mailing address.
    - v. Telephone number, and
    - vi. E-mail address;
  - c. The name of the owner designated to submit laboratory agent registry identification card applications on behalf of the laboratory;
  - d. The name, residence address, and date of birth of each owner;
  - e. The name of the technical laboratory director designated according to R9-17-404(3);
  - f. The name, residence address, and date of birth of each laboratory agent, if applicable;
  - g. For each laboratory agent, an attestation signed and dated by the laboratory agent that the laboratory agent has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801;
  - h. Whether the laboratory agrees to allow the Department to submit supplemental requests for information;
  - i. An attestation that the information provided to the Department to renew the laboratory registration certificate is true and correct; and
  - j. The signatures of the each owner of the laboratory according to R9-17-401(A) and the date the owner signed;
- 2. For each owner:
  - a. An attestation signed and dated by the owner that the owner has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801; and
  - b. An attestation signed and dated by the owner that the laboratory will not test medical marijuana and medical marijuana products for:
    - i. A dispensary, related medical marijuana business entity, or management company that the owner has a direct or indirect familial or financial relationship with or interest in; or
    - ii. A designated caregiver who the owner has a direct or indirect familial or financial relationship with;
- 3. If zoning restrictions have been enacted, a sworn statement signed and dated by the owner in R9-17-401(A) certifying that the laboratory is in compliance with any local zoning restrictions;
- 4. A copy of documentation issued by the local jurisdiction to the laboratory authorizing occupancy of the building as a laboratory, such as a certificate of occupancy, a special use permit, or a conditional use permit; and
- 5. The applicable fee in R9-17-102 for applying to renew a laboratory registration certificate.

**R9-17-404. Administration**

A laboratory shall:

- 1. Comply with the:
  - a. Quality assurance requirements in A.A.C. R9-14-615(B) and (C).
  - b. Operation requirements in A.A.C. R9-14-616, and
  - c. Laboratory records and reports requirements in A.A.C. R9-15-617(1) through (7);
- 2. Maintain accreditation;
- 3. Designate in writing a technical laboratory director who shall:
  - a. Ensure that all services and tests provided by the laboratory are performed in compliance with the requirements in this Article.
  - b. Direct and supervise services and tests provided by the laboratory and be responsible for the work of all personnel in the laboratory, and
  - c. Be responsible for safety and hazardous substance control in the laboratory;
- 4. Notify the Department in writing within 20 business days after any change in the technical laboratory director, providing the name and contact information for the new technical laboratory director;
- 5. Develop, document, and implement policies and procedures regarding:
  - a. Job descriptions and employment contracts, including:
    - i. Personnel duties, authority, responsibilities, and qualifications;



- ii. Personnel supervision;
  - iii. Training in and adherence to confidentiality requirements;
  - iv. Periodic performance evaluations; and
  - v. Disciplinary actions;
- b. Business records, such as manual or computerized records of assets and liabilities, monetary transactions, journals, ledgers, and supporting documents, including agreements, checks, invoices, and vouchers;
- c. Inventory control, including:
  - i. Tracking;
  - ii. Accepting marijuana or marijuana products for testing;
  - iii. Testing marijuana and marijuana products; and
  - iv. Disposing of marijuana or marijuana products, including the method of destruction, whether destroyed marijuana or marijuana products were tested, if not tested, the reason and whether any unusable marijuana or marijuana products were submitted to a local law enforcement agency;
- d. Laboratory records, including submissions of medical marijuana for testing, ensuring testing results are accurate, precise, and scientifically valid before reporting the results, reporting of testing results, confidentiality, and retention;
- e. A quality assurance program and standards;
- f. A chain of custody and sample process;
- g. A records retention process; and
- h. Security;
- 6. Review and document the review of laboratory policies and procedures at least once every 12 months after the issue date of the laboratory registration certificate and update as needed;
- 7. Ensure that each laboratory agent has the laboratory agent's registry identification card in the laboratory agent's immediate possession when the laboratory agent is working or providing volunteer services related to marijuana or marijuana products testing at the laboratory;
- 8. Ensure that a laboratory agent accompanies any individual other than another laboratory agent associated with the laboratory when the individual is present in the area of the laboratory where marijuana or marijuana products are being tested or stored for testing;
- 9. Not allow an individual who does not possess a laboratory agent registry identification card issued under the laboratory registration certificate to:
  - a. Serve as an owner for the laboratory;
  - b. Be employed by the laboratory, or
  - c. Provide volunteer services at or on behalf of the laboratory;
- 10. Provide written notice to the Department, including the date of the event, within 10 working days after the date, when a laboratory agent no longer:
  - a. Serves as an owner for the laboratory;
  - b. Is employed by the laboratory, or
  - c. Provides volunteer services at or on behalf of the laboratory;
- 11. Document and report any loss or theft of marijuana or marijuana products from the laboratory to the appropriate law enforcement agency; and
- 12. Maintain copies of any documentation required in this Chapter for at least 12 months after the date on the documentation and provide copies of the documentation to the Department for review upon request.

**R9-17-405. Submitting an Application for a Laboratory Agent Registry Identification Card**

To obtain a laboratory agent registry identification card for an individual serving as an owner for the laboratory, employed by the laboratory, or providing volunteer services at or on behalf of the laboratory, the owner shall submit to the Department the following for each laboratory agent:

- 1. An application in a Department-provided format that includes:
  - a. The laboratory agent's first name; middle initial, if applicable; last name; and suffix, if applicable;
  - b. The laboratory agent's residence address and mailing address;
  - c. The county where the laboratory agent resides;
  - d. The laboratory agent's date of birth;
  - e. The identifying number on the applicable card or document in subsection (5)(a) through (e);
  - f. The name and registry identification number of the laboratory; and
  - g. The signature of the individual in R9-17-402(A)(1)(c) designated to submit laboratory agent applications on the laboratory's behalf and the date the individual signed;
- 2. An attestation signed and dated by the laboratory agent that the laboratory agent:
  - a. Has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801, and
  - b. Will not test medical marijuana and medical marijuana products for:
    - i. A dispensary, related medical marijuana business entity, or management company that the laboratory agent has a direct or indirect familial or financial relationship with or interest in; or
    - ii. A designated caregiver who the laboratory has a direct or indirect familial or financial relationship with;
- 3. One of the following:
  - a. A statement that the laboratory agent does not currently hold a valid registry identification card, or
  - b. The assigned registry identification number for the laboratory agent for each valid registry identification card currently held by the laboratory agent;
- 4. A statement in a Department-provided format, signed by the laboratory agent, pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;



- 5. A copy of the laboratory agent's:
  - a. Arizona driver's license issued on or after October 1, 1996;
  - b. Arizona identification card issued on or after October 1, 1996;
  - c. Arizona registry identification card;
  - d. Photograph page in the laboratory agent's U.S. passport; or
  - e. Arizona driver's license or identification card issued before October 1, 1996 and one of the following for the laboratory agent:
    - i. Birth certificate verifying U.S. citizenship,
    - ii. U.S. Certificate of Naturalization, or
    - iii. U.S. Certificate of Citizenship;
- 6. A current photograph of the laboratory agent;
- 7. For the Department's criminal records check authorized in A.R.S. §§ 36-2804.01 and 36-2804.07:
  - a. The laboratory agent's fingerprints on a fingerprint card that includes:
    - i. The laboratory agent's first name; middle initial, if applicable; and last name;
    - ii. The laboratory agent's signature;
    - iii. If different from the laboratory agent, the signature of the individual physically rolling the laboratory agent's fingerprints;
    - iv. The laboratory agent's address;
    - v. If applicable, the laboratory agent's surname before marriage and any names previously used by the laboratory agent;
    - vi. The laboratory agent's date of birth;
    - vii. The laboratory agent's Social Security number;
    - viii. The laboratory agent's citizenship status;
    - ix. The laboratory agent's gender;
    - x. The laboratory agent's race;
    - xi. The laboratory agent's height;
    - xii. The laboratory agent's weight;
    - xiii. The laboratory agent's hair color;
    - xiv. The laboratory agent's eye color; and
    - xv. The laboratory agent's place of birth; or
  - b. If the laboratory agent's fingerprints and information required in subsection (7)(a) were submitted to the Department within the previous six months as part of an application for a designated caregiver registry identification card, a dispensary agent registry identification card, or a laboratory agent registry identification card, the registry identification number on the registry identification card issued to the laboratory agent as a result of the application; and
- 8. The applicable fee in R9-17-102 for applying for a laboratory agent registry identification card.

**R9-17-406. Submitting an Application to Renew a Laboratory Agent's Registry Identification Card**

To renew a laboratory agent's registry identification card for an individual serving as an owner for the laboratory, employed by the laboratory, or providing volunteer services at or on behalf of the laboratory, the laboratory shall submit to the Department, at least 30 calendar days before the expiration of the laboratory agent's registry identification card, but no more than 90 days before the expiration date of the laboratory's agent's registry identification card, the following:

- 1. An application in a Department-provided format that includes:
  - a. The laboratory agent's first name; middle initial, if applicable; last name; and suffix, if applicable;
  - b. The laboratory agent's residence address and mailing address;
  - c. The county where the laboratory agent resides;
  - d. The laboratory agent's date of birth;
  - e. The registry identification number on the laboratory agent's current registry identification card;
  - f. The identifying number on the applicable card or document in subsection (6)(a) through (e);
  - g. The name and registry identification number of the laboratory; and
  - h. The signature of the individual in R9-17-402(A)(1)(c) designated to submit laboratory agent applications on the laboratory's behalf and the date the individual signed;
- 2. If the laboratory agent's name in subsection (1)(a) is not the same name as on the laboratory agent's current registry identification card, one of the following with the laboratory agent's new name:
  - a. An Arizona driver's license,
  - b. An Arizona identification card, or
  - c. The photograph page in the laboratory agent's U.S. passport;
- 3. An attestation signed and dated by the laboratory agent that the laboratory agent:
  - a. Has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801; and
  - b. Will not test medical marijuana and medical marijuana products for:
    - i. A dispensary, related medical marijuana business entity or management company the laboratory agent has a direct or indirect familial or financial relationship with or interest in; or
    - ii. A designated caregiver the laboratory has a direct or indirect familial or financial relationship with;
- 4. One of the following:
  - a. A statement that the laboratory agent does not currently hold a valid registry identification card, or
  - b. The assigned registry identification number for the laboratory agent for each valid registry identification card currently held by the laboratory agent;
- 5. A statement in a Department-provided format signed by the laboratory agent pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;



6. A copy of the laboratory agent's:
  - a. Arizona driver's license issued on or after October 1, 1996;
  - b. Arizona identification card issued on or after October 1, 1996;
  - c. Arizona registry identification card;
  - d. Photograph page in the laboratory agent's U.S. passport; or
  - e. Arizona driver's license or identification card issued before October 1, 1996 and one of the following for the laboratory agent:
    - i. Birth certificate verifying U.S. citizenship,
    - ii. U.S. Certificate of Naturalization, or
    - iii. U.S. Certificate of Citizenship;
7. A current photograph of the laboratory agent;
8. For the Department's criminal records check authorized in A.R.S. §§ 36-2804.01 and 36-2804.07:
  - a. The laboratory agent's fingerprints on a fingerprint card that includes:
    - i. The laboratory agent's first name; middle initial, if applicable; and last name;
    - ii. The laboratory agent's signature;
    - iii. If different from the laboratory agent, the signature of the individual physically rolling the laboratory agent's fingerprints;
    - iv. The laboratory agent's address;
    - v. If applicable, the laboratory agent's surname before marriage and any names previously used by the laboratory agent;
    - vi. The laboratory agent's date of birth;
    - vii. The laboratory agent's Social Security number;
    - viii. The laboratory agent's citizenship status;
    - ix. The laboratory agent's gender;
    - x. The laboratory agent's race;
    - xi. The laboratory agent's height;
    - xii. The laboratory agent's weight;
    - xiii. The laboratory agent's hair color;
    - xiv. The laboratory agent's eye color; and
    - xv. The laboratory agent's place of birth; or
  - b. If the laboratory agent's fingerprints and information required in subsection (8)(a) were submitted to the Department within the previous six months as part of an application for a designated caregiver registry identification card, a dispensary agent registry identification card, or a laboratory agent registry identification card, the registry identification number on the registry identification card issued to the laboratory agent as a result of the application; and
9. The applicable fee in R9-17-102 for applying to renew a laboratory agent's registry identification card.

**R9-17-407. Inventory Control System**

- A.** A laboratory shall designate in writing a laboratory agent who has oversight of the laboratory's marijuana inventory control system.
- B.** A laboratory shall not accept submissions of marijuana or marijuana products for testing from an individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1.
- C.** A laboratory shall establish and implement an inventory control system for the laboratory's marijuana and marijuana products that documents:
  1. Each day's beginning marijuana and marijuana products inventory, marijuana and marijuana products submitted for testing, disposal of tested or unusable marijuana or marijuana products, and ending marijuana and marijuana products inventory; and
  2. As applicable, for submissions of marijuana and marijuana products for testing:
    - a. A description of the submitted marijuana or marijuana products including the amount, strain and batch number;
    - b. The name and registry identification number of the dispensary that submitted the marijuana or marijuana products;
    - c. The name and registry identification number of the dispensary agent that submitted the marijuana or marijuana products;
    - d. The name and registry identification number of the qualifying patient that submitted the marijuana or marijuana products;
    - e. The name and registry identification number of the designated caregiver that submitted the marijuana or marijuana products;
    - f. The name and registry identification number of the laboratory agent receiving the marijuana or marijuana products on behalf of the laboratory; and
    - g. The date of acquisition;
    - h. The date of each test; and
    - i. The test results.
- D.** The individual designated in subsection (A) shall conduct and document an audit of the laboratory's inventory that is accounted for according to generally accepted accounting principles at least once every 30 calendar days.
  1. If the audit identifies a reduction in the amount of marijuana or marijuana products in the laboratory's inventory not due to documented causes, the laboratory shall determine where the loss has occurred and take and document corrective action.
  2. If the reduction in the amount of marijuana or marijuana products in the laboratory's inventory is due to suspected criminal activity by a laboratory agent, the laboratory shall report the laboratory agent to the Department and to the local law enforcement authorities.
- E.** A laboratory shall:
  1. Maintain the documentation required in subsections (C) and (D) at the dispensary for at least five years after the date on the document, and



- 2. Provide the documentation required in subsections (C) and (D) to the Department for review upon request.

**R9-17-408. Security**

- A. Except as provided in R9-17-404(8), a laboratory shall ensure that access to the area of the laboratory where marijuana or marijuana products are being tested or stored for testing is limited to a laboratory's owners and authorized laboratory agents.
- B. A laboratory agent may transport marijuana or marijuana products submitted for testing to a laboratory.
- C. Before transportation to a laboratory, a laboratory agent shall:
  - 1. Complete a trip plan that includes:
    - a. The name of the laboratory agent in charge of transporting the marijuana or marijuana products;
    - b. The date and start time of the trip;
    - c. A description of the marijuana or marijuana products being transported; and
    - d. The anticipated route of transportation; and
  - 2. Provide a copy of the trip plan in subsection (C)(1) to the laboratory.
- D. During transportation to the laboratory, a laboratory agent shall:
  - 1. Carry a copy of the trip plan in subsection (C)(1) with the laboratory agent for the duration of the trip;
  - 2. Use a vehicle without any medical marijuana identification;
  - 3. Have a means of communication with the laboratory; and
  - 4. Ensure that the marijuana or marijuana products are not visible.
- E. After transportation, a laboratory agent shall enter the end time of the trip and any changes to the trip plan on the trip plan required in subsection (C)(1).
- F. A laboratory shall:
  - 1. Maintain the documents required in subsection (C)(2) and (E), and
  - 2. Provide a copy of the documents required in subsection (C)(2) and (E) to the Department for review upon request.
- G. To prevent unauthorized access to marijuana or marijuana products at the laboratory for testing, the laboratory shall have the following:
  - 1. Security equipment to deter and prevent unauthorized entrance into limited access areas that include:
    - a. Devices or a series of devices to detect unauthorized intrusion, which may include a signal system interconnected with a radio frequency method, such as cellular, private radio signals, or other mechanical or electronic device;
    - b. Exterior lighting to facilitate surveillance;
    - c. Electronic monitoring including:
      - i. At least one 19-inch or greater call-up monitor;
      - ii. A video printer capable of immediately producing a clear still photo from any video camera image;
      - iii. Video cameras:
        - (1) Providing coverage of all entrances to and exits from limited access areas and all entrances to and exits from the building, capable of identifying any activity occurring in or adjacent to the building; and
        - (2) Having a recording resolution of at least 704 x 480 or the equivalent;
      - iv. A video camera in each area of the laboratory where marijuana or marijuana products are being tested or stored for testing capable of identifying any activity occurring within the area in low light conditions;
      - v. Storage of video recordings from the video cameras for at least 30 calendar days;
      - vi. A failure notification system that provides an audible and visual notification of any failure in the electronic monitoring system; and
      - vii. Sufficient battery backup for video cameras and recording equipment to support at least five minutes of recording in the event of a power outage; and
    - d. Panic buttons in the interior of each building; and
  - 2. Policies and procedures that:
    - a. Restrict access to the areas of the laboratory that contain marijuana or marijuana products and, if applicable, to authorized individuals only;
    - b. Provide for the identification of authorized individuals; and
    - c. Prevent loitering.

**R9-17-409. Physical Plant**

- A laboratory shall ensure that designated storage areas for marijuana or marijuana products or materials used in direct contact with marijuana or marijuana products are separate from storage areas for toxic or flammable materials and are maintained in a manner to prevent:
- 1. Microbial contamination and proliferation, and
  - 2. Contamination or infestation by insects or rodents.

**R9-17-410. Denial or Revocation of a Laboratory Registration Certificate**

- A. The Department shall deny an application for a laboratory registration certificate if:
  - 1. The physical address of the laboratory is within 500 feet of a private school or a public school that existed before the date the laboratory submitted the initial laboratory registration certificate application;
  - 2. An owner:
    - a. Has been convicted of an excluded felony offense, or
    - b. Is under 21 years of age;
  - 3. The application or the laboratory does not comply with the requirements in A.R.S. Title 36, Chapter 28.1 and this Chapter;
  - 4. The laboratory acquires marijuana or marijuana products from an individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;



5. The laboratory diverts marijuana or marijuana products to an individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
  6. An owner has any direct or indirect familial or financial relationship with or interest in a nonprofit medical marijuana dispensary or related medical marijuana business entity or management company, or any direct or indirect familial or financial relationship with a designated caregiver for whom the laboratory is testing marijuana and marijuana products for medical use in this state; or
  7. The laboratory fails to maintain accreditation.
- B.** The Department may deny an application for a laboratory registration certificate if an owner of the laboratory provides false or misleading information to the Department.
- C.** The Department shall revoke a laboratory's registration certificate if:
1. The laboratory acquires marijuana or marijuana products from an individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
  2. The laboratory diverts marijuana or marijuana products to an individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
  3. An owner has been convicted of an excluded felony offense;
  4. An owner has any direct or indirect familial or financial relationship with or interest in a nonprofit medical marijuana dispensary or related medical marijuana business entity or management company, or any direct or indirect familial or financial relationship with a designated caregiver for whom the laboratory is testing marijuana and marijuana products for medical use in this state; or
  5. The laboratory fails to maintain accreditation.
- D.** The Department may deny an application for a laboratory registration certificate or revoke a laboratory registration certificate if the laboratory does not:
1. Comply with the requirements in A.R.S. Title 36, Chapter 28.1 and this Chapter; or
  2. Implement the policies and procedures or comply with the statements provided to the Department with the laboratory's application.
- E.** If the Department denies a laboratory registration certificate application, the Department shall provide notice to the applicant that includes:
1. The specific reason or reasons for the denial, and
  2. All other information required by A.R.S. § 41-1076.
- F.** If the Department revokes a laboratory registration certificate, the Department shall provide notice to the laboratory that includes:
1. The specific reason or reasons for the revocation; and
  2. The process for requesting a judicial review of the Department's decision pursuant to A.R.S. Title 12, Chapter 7, Article 6.
- R9-17-411. Denial or Revocation of a Laboratory Agent's Registry Identification Card**
- A.** The Department shall deny an application for or renewal of a laboratory agent's registry identification card if the laboratory agent does not meet the requirements in A.R.S. § 36-2801.
- B.** The Department may deny an application for or renewal of a laboratory agent's registry identification card if the laboratory agent provides false or misleading information to the Department.
- C.** The Department shall revoke a laboratory agent's registry identification card if the laboratory agent:
1. Uses marijuana, if the laboratory agent does not have a qualifying patient registry identification card;
  2. Diverts marijuana or marijuana products to an individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1; or
  3. Has been convicted of an excluded felony offense.
- D.** The Department may revoke a laboratory agent's registry identification card if the laboratory agent knowingly violates A.R.S. Title 36, Chapter 28.1 or this Chapter.
- E.** If the Department denies or revokes a laboratory agent's registry identification card, the Department shall provide notice to the laboratory agent and the laboratory agent's laboratory that includes:
1. The specific reason or reasons for the denial or revocation; and
  2. The process for requesting a judicial review of the Department's decision pursuant to A.R.S. Title 12, Chapter 7, Article 6.

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## NOTICES OF RULEMAKING DOCKET OPENING

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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.

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### NOTICE OF RULEMAKING DOCKET OPENING DEPARTMENT OF HEALTH SERVICES RADIATION CONTROL

[R19-192]

- 1. Title and its heading:** 9, Health Services  
**Chapter and its heading:** 7, Department of Health Services – Radiation Control  
**Articles and their headings:** 7, Medical Uses of Radioactive Material  
**Section numbers:** R9-7-705, R9-7-707, R9-7-710, R9-7-711, R9-7-719, R9-7-720, R9-7-721, R9-7-722, R9-7-723, R9-7-724, R9-7-727, R9-7-728, R9-7-731, and R9-7-744 (*The Department may add, delete, or modify other Sections, as necessary.*)

- 2. The subject matter of the proposed rules:**  
Arizona Revised Statutes (A.R.S.) § 30-654(B)(5) requires the Arizona Department of Health Services (Department) to make rules deemed necessary to administer A.R.S. Title 30, Chapter 4, Control of Ionizing Radiation. The Department has adopted these rules in A.A.C. Title 9, Chapter 7. Arizona is an Agreement State by the Document negotiated between the U.S. Atomic Energy Commission (now U.S. Nuclear Regulatory Commission) and the Governor of Arizona in March of 1967 under A.R.S. § 30-656. In order to remain in compliance with the Agreement, Arizona must adopt regulations related to the control of radioactive material in a manner that is consistent with federal regulations. The U.S. Nuclear Regulatory Commission periodically issues changes, denoted as Regulation Toolbox: Review Summary Sheets for Regulation Amendments (RATS IDs), that are required to be incorporated by Agreement States. Several RATS IDs have not yet been incorporated into Arizona's rules related to the medical uses of radioactive material. The Department is revising the rules in A.A.C. Title 9, Chapter 7, Article 7, by expedited rulemaking to make changes to conform to the RATS IDs under 10 CFR Chapter I. The Department also plans to make other changes to reduce the administrative burden of the rules by clarifying existing language in the rules, correcting cross-references, and making the rules easier to understand. (The Department may add, delete, or modify other Sections, as necessary.)

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

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

Name: 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

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

Written comments will be accepted at the addresses listed in item #4 until the close of record, which has not yet been determined.



No oral proceedings have been scheduled at this time.

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

To be announced in the Notice of Proposed Expedited Rulemaking

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

[R19-193]

- 1. Title and its heading:** 20, Commerce, Financial Institutions, and Insurance
- Chapter and its heading:** 5, Industrial Commission of Arizona
- Article and its heading:** 6, Occupational Safety and Health Standards
- Section numbers:** R20-5-601, R20-5-602, R20-5-629

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

Section 18(c) of the Federal Occupational Safety and Health Act of 1970 requires state-administered occupational safety and health programs to adopt standards that are at least as effective as those adopted by the United States Department of Labor, Occupational Safety and Health Administration (“OSHA”). See also 29 CFR 1953.5; A.R.S. § 23-405(3). The Industrial Commission of Arizona (the “Commission”) is proposing to amend R20-5-601 (“The Federal Occupational Safety and Health Standards for Construction, 29 CFR 1926”), R20-5-602 (“The Federal Occupational Safety and Health Standards for General Industry, 29 CFR 1910”), and R20-5-629 (“The Occupational Injury and Illness Recording and Reporting Requirements, 29 CFR 1904”) to incorporate by reference the following recent OSHA rule updates to 29 CFR 1926 (“Safety and Health Regulations for Construction”), 29 CFR 1910 (“Occupational Safety and Health Standards”), and 29 CFR 1904 (“Recording and Reporting Occupational Injuries and Illnesses”):

- OSHA Final rule published on September 1, 2016, titled “Occupational Exposure to Respirable Crystalline Silica; Correction”; published in the *Federal Register* at 81 FR 60272.
- OSHA Final rule published on November 18, 2016, titled “Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems)”; published in the *Federal Register* at 81 FR 82494.
- OSHA Final rule published January 9, 2017, titled “Occupational Exposure to Beryllium”; published in the *Federal Register* at 82 FR 2470.
- OSHA Direct Final rule published on May 7, 2018 titled “Revising the Beryllium Standard for General Industry”; published in the *Federal Register* at 83 FR 19936.
- OSHA Final rule published on November 9, 2018, titled “Cranes and Derricks in Construction: Operator Qualification”; published in the *Federal Register* at 83 FR 56198.
- OSHA Final rule published on January 25, 2019, titled “Tracking of Workplace Injuries and Illnesses”; published in the *Federal Register* at 84 FR 380.

**Occupational Exposure to Respirable Crystalline Silica; Correction**

Under 29 CFR 1910 and 1926, employers are subject to standards for occupational exposure to respirable crystalline silica. On March 25, 2016, the Federal Occupational Safety & Health Administration (“OSHA”) published a final rule entitled “Occupational Exposure to Respirable Crystalline Silica” (the “Silica Rule”). In part, the Silica Rule retained the preceding permissible exposure limits (“PELs”) for respirable crystalline silica in general industry (29 CFR 1910.1000, Table Z-3) and construction (29 CFR 1926.55, appendix A) for industry sectors or operations where the new PEL of 50 -µg/m3 is not in effect. The preceding PELs applied to operations that are not covered by the new respirable silica standards, such as the processing of sorptive clays (*i.e.*, specific types of clay found in a few geologic deposits in the country that are used in a range of consumer products and industrial applications, such as pet litter and sealants for landfills). The preceding PELs also apply during the time between publication of the silica rule and the dates established for compliance with the rule. OSHA’s Final Rule titled “Occupational Exposure to Respirable Crystalline Silica; Correction” corrects certain typographical errors contained in the Final Silica Rule related to the formulas for the preceding PELs in general industry (29 CFR 1910.1000, Table Z-3) and construction (29 CFR 1926.55, appendix A), so that the formulas will appear as they did prior to publication of the Final Silica Rule.

**Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems)**

Under 29 CFR 1910, employers are subject to standards related to preventing workplace slips, trips, and falls, as well as other injuries and fatalities associated with walking working surface hazards. OSHA’s Final Rule titled Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems) revised and updates these general industry standards. The Final Rule includes revised and new provisions addressing, for example, fixed ladders; rope descent systems; fall protection systems and criteria, including personal fall protection systems; and training on fall hazards and fall protection systems. In addition, the Final Rule adds requirements on the design, performance, and use of personal fall protection systems. The Final Rule increases consistency between the general industry and construction standards, which will make compliance easier for employers who conduct operations in both industry sectors. Similarly, the Final Rule updates requirements to reflect advances in technology and to make them consistent with more recent OSHA standards and national consensus standards. OSHA has also reorganized the requirements and incorporated plain language in order to make the Final Rule easier to understand and follow. The Final Rule also uses performance-based language to give employers greater compliance flexibility.

OSHA believes that many employers already are in compliance with many provisions in the Final Rule; therefore, many employers should not have significant problems implementing the updated standards. In addition, because the Final Rule incorporates requirements from national consensus standards, most equipment manufacturers already provide equipment and systems that meet the requirements of the Final Rule.



**Occupational Exposure to Beryllium & Revising the Beryllium Standard for General Industry**

Under 29 CFR 1910 and 1926, employers are subject to standards for occupational exposure to beryllium. OSHA’s Final Rule titled Occupational Exposure to Beryllium updates existing standards for occupational exposure to beryllium and beryllium compounds. OSHA determined that employees exposed to beryllium at the previous permissible exposure limits face a significant risk of material impairment to their health, including increased risk of developing chronic beryllium disease and lung cancer. The Final Rule establishes new permissible exposure limits of 0.2 micrograms of beryllium per cubic meter of air (0.2 µg/m3) as an 8-hour time-weighted average and 2.0 µg/m3 as a short-term exposure limit determined over a sampling period of 15 minutes. The Final Rule also includes other provisions to protect employees, such as requirements for exposure assessment, methods for controlling exposure, respiratory protection, personal protective clothing and equipment, housekeeping, medical surveillance, hazard communication, and recordkeeping. The Final Rule covers exposures to beryllium in general industry, construction, and shipyards, but provides an exemption for materials containing only trace amounts of beryllium (less than 0.1% by weight) when the employer has objective data that employee exposure to beryllium will remain below the action level as an 8-hour time-weighted average under any foreseeable conditions.

**Revising the Beryllium Standard for General Industry**

OSHA’s Final Rule titled Revising the Beryllium Standard for General Industry includes a number of clarifying amendments to address the application of the 2017 beryllium standard (discussed above) to materials containing trace amounts of beryllium. The Final Rule amends the text of the 2017 beryllium standard for General Industry to clarify OSHA’s intent with respect to certain terms in the standard, including the definition of “Beryllium Work Area” (BWA), the definition of “emergency,” and the meaning of the terms “dermal contact” and “beryllium contamination.” It also clarifies OSHA’s intent with respect to provisions for disposal and recycling and with respect to provisions that OSHA intends to apply only where skin can be exposed to materials containing at least 0.1% beryllium by weight. OSHA states that the amendment to the standard is clarifying in nature and does not adversely impact the safety or health of employees. Finally, the Final Rule limits disposal and recycling requirements to materials that contain beryllium in concentrations of 0.1% by weight or more or are contaminated with beryllium, consistent with OSHA’s intention that provisions aimed at protecting workers from the effects of dermal contact do not apply in the case of materials containing only trace amounts of beryllium.

**Cranes and Derricks in Construction: Operator Qualification**

Under 29 CFR 1926, employers in construction are subject to standards related to crane operator training, certification/licensing, and competency. OSHA’s Final Rule titled Cranes and Derricks in Construction: Operator Qualification updates the existing standards by clarifying each employer’s duty to ensure the competency of crane operators through training, certification or licensing, and evaluation. OSHA is also altering a provision that required different levels of certification based on the rated lifting capacity of equipment. While testing organizations are not required to issue certifications distinguished by rated capacities, they are permitted to do so, and employers may accept them or continue to rely on certifications based on crane type alone. Finally, the Final Rule establishes minimum requirements for determining operator competency. OSHA reports that the Final Rule will maintain safety and health protections for workers while reducing compliance burdens.

**Tracking of Workplace Injuries and Illnesses**

Under 29 CFR 1904, employers with more than 10 employees in most industries are required to keep records of occupational injuries and illnesses at their establishments. OSHA’s Final Rule titled Tracking of Workplace Injuries and Illnesses is aimed at protecting worker privacy by amending the recordkeeping standards by rescinding the requirement for establishments with 250 or more employees to electronically submit information from OSHA Forms 300 and 301. These establishments will continue to be required to maintain those records on-site, and OSHA will continue to obtain them as needed through inspections and enforcement actions. In addition to reporting required after severe injuries, establishments will continue to submit information from their Form 300A. In addition, OSHA is amending the recordkeeping regulation to require covered employers to submit their Employer Identification Number (EIN) electronically along with their injury and illness data submission, which will facilitate use of the data and may help reduce duplicative employer reporting. Nothing in the final rule revokes an employer’s duty to maintain OSHA Forms 300 and 301 for inspection. OSHA reports that the changes will improve enforcement targeting and compliance assistance, decrease burden on employers, and protect worker privacy and safety.

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

Notice of Proposed Rulemaking: 25 A.A.R. 2404, September 20, 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

**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.



## 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 ACUPUNCTURE BOARD OF EXAMINERS

[M19-92]

1. **Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:**  
Board Approval of Alcoholism, Substance Abuse, or Chemical Dependency Programs Offering Auricular Acupuncture
2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**  
March, 27, 2019
3. **Summary of the contents of the substantive policy statement:**  
In light of the opioid epidemic that has become a serious public health concern nationally and here in the state of Arizona, the Board has decided to set forth specific criteria for alcoholism, substance abuse, and chemical dependency programs that wish to seek approval from the Board to operate as a treatment program that can provide auricular acupuncture services through the employment of an auricular acupuncture certificate holder under the supervision of a licensed acupuncturist.
4. **Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**  
A.R.S. § 32-3922 provides that the State of Arizona Acupuncture Board of Examiners ("Board") may issue auricular acupuncture certificates for the purpose of treating alcoholism, substance abuse, or chemical dependency. A certificate issued pursuant to this statute only allows the certificate holder to practice auricular acupuncture under the supervision of a licensed Arizona acupuncturist in an alcoholism, substance abuse, or chemical dependency program ("treatment program"). The Board is authorized to approve these treatment programs under A.R.S. § 32-3922 (B).
5. **A statement as to whether the substantive policy statement is a new statement or a revision:**  
This is a new Substantive Policy Statement
6. **The agency contact person who can answer questions about the substantive policy statement:**  
Name: David Geriminsky, Executive Director  
Address: Acupuncture Board of Examiners  
1740 W. Adams  
Phoenix, AZ 85007  
Telephone: (602)364-0145  
E-mail: info@acupuncture.az.gov  
Website: www.acupunctureboard.az.gov
7. **Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:**  
The Substantive Policy Statement is available at no cost on the Board's website at: <https://acupunctureboard.az.gov/statutes-rules/substantive-policy-statements>. A copy may also be obtained upon request at the Board Office at no charge.

### NOTICE OF SUBSTANTIVE POLICY STATEMENT DEPARTMENT OF AGRICULTURE PLANT SERVICES DIVISION

[M19-93]

1. **Title of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:**  
SP 19-01: Industrial Hemp Sampling Method
2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**  
Issue Date: September 12, 2019



- 3. Summary of the contents of the substantive policy statement:**  
Advises the public of the Department’s current method for sampling industrial hemp plants or crops prior to harvest to determine compliance for total Delta-9 Tetrahydrocannabinol concentration.
- 4. Federal or state constitutional provision; federal or state statute, administrative regulation; or final court judgment that underlies the substantive policy statement:**  
A.R.S. § 3-316 and A.A.C. R3-4-1008
- 5. A statement as to whether the substantive policy statement is a new statement or a revision:**  
New
- 6. The agency contact person who can answer questions about the substantive policy statement:**  
Name: Brian McGrew  
Address: Department of Agriculture  
1688 W. Adams  
Phoenix, AZ 85007  
Telephone: (602) 542-3228  
E-mail: bmcgrew@azda.gov
- 7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:**  
Copies of this policy statement may be obtained at no cost via email to the person listed above or on the Department website at <https://agriculture.az.gov>. Hard copies may be obtained for \$0.25 per page by submitting a public records request to the Department.

**NOTICE OF AGENCY SUBSTANTIVE POLICY STATEMENT  
DEPARTMENT OF INSURANCE**

[M19-90]

- 1. Title of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:**  
2019 Arizona Insurance Laws (Regulatory Bulletin 2019-02)
- 2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**  
The Department issued the substantive policy statement on August 27, 2019.
- 3. Summary of the contents of the substantive policy statement:**  
The Regulatory Bulletin advises all insurance producers, surplus lines brokers, insurance industry representatives, insurance trade associations, life & disability insurers, property & casualty insurers and other interested parties of the major, newly enacted legislation affecting the Department of Insurance, its licensees and insurance consumers. This annually produced Regulatory Bulletin generally describes the substantive content of all bills that may be of interest to the insurance industry in Arizona.
- 4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**  
A.R.S. §§ 28-4133 (Amends), 20-1126 (Creates), 20-485 (Amends), 20-1401 (Amends), 20-1404 (Amends), 20-3321 (Amends), 20-3331 (Creates), 44-1751 (Amends), 44-1453 (Creates), 44-1754 (Creates), 20-241 (Creates), 20-242 (Creates), 20-103 (Amends), 20-408 (Amends), 20-416 (Amends), 20-417 (Amends), 20-481 (Amends), 20-481.33 (Amends), 20-492 (Creates), 20-492.01 (Creates), 20-492.02 (Creates), 20-492.03 (Creates), 20-492.04 (Creates), 20-492.05 (Creates), 20-492.06 (Creates), 20-450 (Amends), 20-451 (Amends), 20-452 (Amends), 20-2330 (Amends), 20-2324 (Amends), 20-259.01 (Amends), 28-4009 (Amends), 20-841.09 (Amends), 20-1057.13 (Amends), 20-1406.05 (Amends), 20-103 (Amends), 20-123 (Repeals), Title 44, chapter 11, article 25 (Repeals), 44-1799.91 (Creates), 44-1799.92 (Creates), 44-1799.93 (Creates), 44-1799.94 (Creates), 44-1799.95 (Creates), 44-1799.96 (Creates), 20-1379 (Amends), 20-1384 (Creates), 20-2104 (Amends), 20-951 (Amends), 20-952 (Amends), 20-1097 (Amends).
- 5. A statement as to whether the substantive policy statement is a new statement or a revision:**  
This is a new statement.
- 6. The name, address, and telephone number of the person to whom questions and comments about the substantive policy statement may be directed:**  
Name: Stephen Briggs  
Address: Department of Insurance  
100 N. 15th Ave., Suite 102  
Phoenix, AZ 85007-2624  
Email: sbriggs@azinsurance.gov  
Telephone: (602) 364-3471
- 7. Information about where a person may obtain a copy of the substantive policy statement:**  
Copies of this policy are available via the internet at <http://insurance.az.gov> or from the person listed in question #6 for 25 cents per page.



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**GOVERNOR EXECUTIVE ORDER**

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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.

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**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**

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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.

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### RULES EFFECTIVE DATES CALENDAR

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

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



**GOVERNOR'S REGULATORY REVIEW COUNCIL  
NOTICE OF ACTION TAKEN AT THE SEPTEMBER 4, 2019 MEETING**

[M19-91]

**Rules:**

**1. DEPARTMENT OF ENVIRONMENTAL QUALITY (R19-0906)**

Title 18, Chapter 11, Article 1, Water Quality Standards for Surface Waters

**Amend:** R18-11-101, R18-11-107.01, R18-11-109, R18-11-114, R18-11-115, R18-11-120, R18-11-122, Appendix A, Table 1, Table 2, Table 3, Table 5, Table 6, Appendix B, Appendix C

**Repeal:** Table 11, Table 12

**New Table:** Table 11, Table 12, Table 13, Table 14, Table 15, Table 16, Table 17

**COUNCIL ACTION: APPROVED**

**2. ARIZONA DEPARTMENT OF REVENUE (R19-0902)**

Title 15, Chapter 10, Article 5, Electronic Filing Program

**Amend:** R15-10-502, R15-10-503

**COUNCIL ACTION: APPROVED**

**3. ARIZONA DEPARTMENT OF INSURANCE (Expedited Rulemaking) (R19-0904)**

Title 20, Chapter 6, Article 4, Types of Insurance Companies

**Amend:** R20-6-401

**COUNCIL ACTION: APPROVED**

**4. ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY (Expedited Rulemaking) (R19-0903)**

Title 18, Chapter 9, Article 1, Aquifer Protection Permits - General Provisions

**Amend:** R18-9-101, R18-9-103

**COUNCIL ACTION: APPROVED**

**5. ARIZONA STATE RETIREMENT SYSTEM (R19-0905)**

Title 2, Chapter 8, Article 3, Long-Term Disability and Article 8, Recovery of Overpayments

**Amend:** R2-8-301, R2-8-302, R2-8-303, R2-8-304, R2-8-807

**COUNCIL ACTION: APPROVED WITH CHANGES**

**6. GAME AND FISH COMMISSION (R19-0901)**

Title 12, Chapter 4, Article 3, Taking and Handling of Wildlife

**Amend:** R12-4-303

**COUNCIL ACTION: APPROVED WITH DIFFERENT EFFECTIVE DATE**

**Five Year Review Reports:**

**1. INDUSTRIAL COMMISSION (F19-0904)**

Title 20, Chapter 5, Article 1, Workers' Compensation Practice and Procedure

**COUNCIL ACTION: APPROVED**

**2. DEPARTMENT OF REVENUE (F19-0908)**

Title 15, Chapter 2, Department of Revenue - Income and Withholding Tax Section

**COUNCIL ACTION: APPROVED**

**3. DEPARTMENT OF FINANCIAL INSTITUTIONS (F19-0906)**

Title 20, Chapter 4, Article 9, Mortgage Brokers; Article 18, Mortgage Bankers; and Article 19, Commercial Mortgage Bankers

**COUNCIL ACTION: APPROVED**



**4. INDUSTRIAL COMMISSION (F19-0903)**

Title 20, Chapter 5, Article 2, Self-Insurance Requirements for Individual Employers and Workers' Compensation Pools Organized Under A.R.S. 11-952.01(B) and 41-621.01

**COUNCIL ACTION: APPROVED**

**5. DEPARTMENT OF HEALTH SERVICES (F19-0901)**

Title 9, Chapter 1, Article 1, Rules of Practice and Procedure; Article 2, Public Participation in Rulemaking; and Article 3, Disclosure of Medical Records, Payment Records, and Public Health Records

**COUNCIL ACTION: APPROVED**

**Governor's Regulatory Review Council Calendar, 2020**

**COUNCIL ACTION: APPROVED**