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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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

Vol. 26 **Issue 19**

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Administrative Register
This publication is available online for free at www.azsos.gov.

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

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

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

Participate in the Process

Look for the Agency Notice

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

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

Attend a public hearing/meeting

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

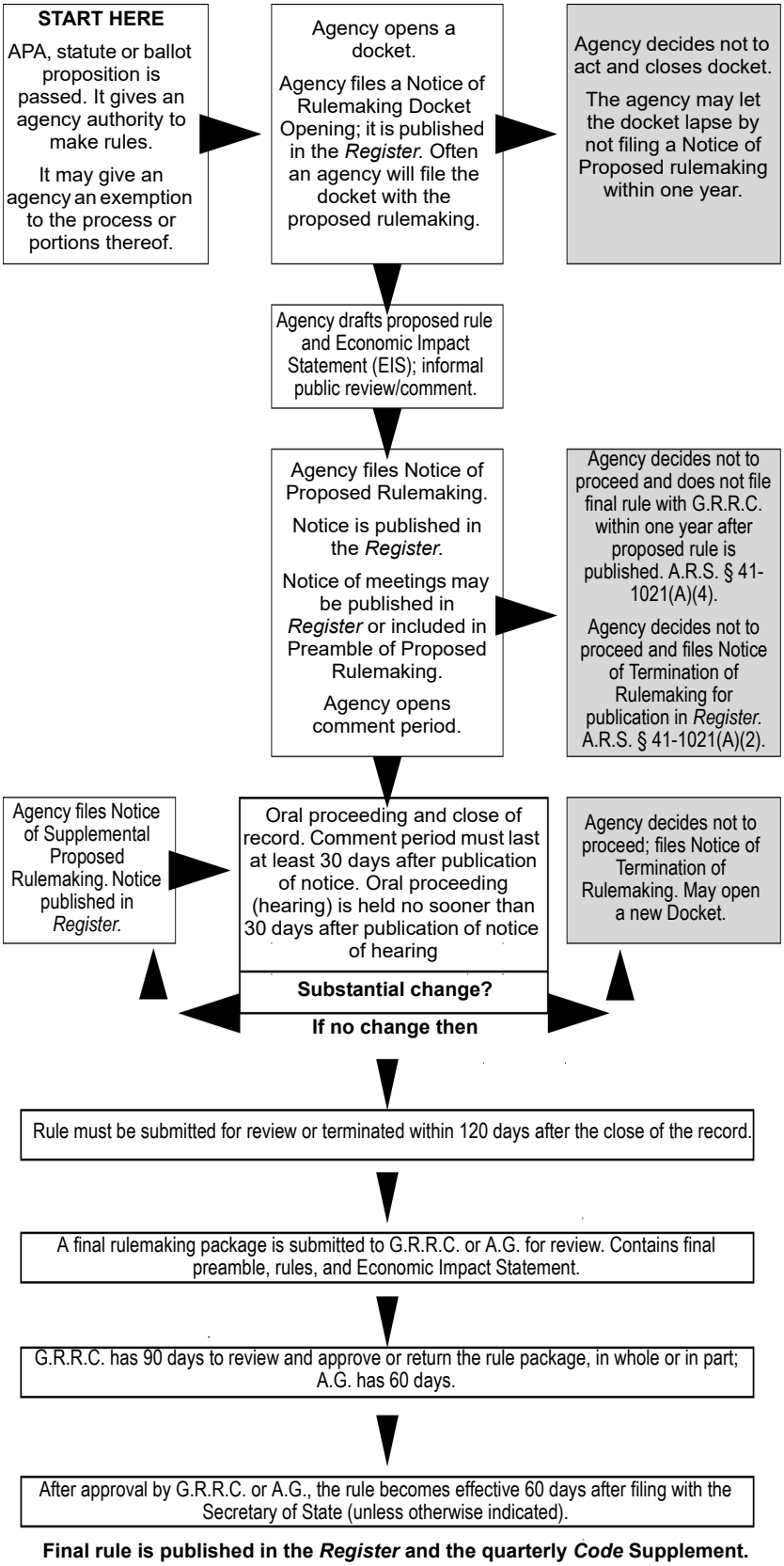
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

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

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

Arizona Regular Rulemaking Process



Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Acronyms

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

A.A.R. – Arizona Administrative Register

APA – Administrative Procedure Act

A.R.S. – Arizona Revised Statutes

CFR – *Code of Federal Regulations*

EIS – Economic, Small Business, and Consumer Impact Statement

FR – *Federal Register*

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

U.S.C. – *United States Code*

About Preambles

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

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

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

NOTICES OF PROPOSED RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Proposed 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 9. HEALTH SERVICES

CHAPTER 10. DEPARTMENT OF HEALTH SERVICES
HEALTH CARE INSTITUTIONS: LICENSING

[R20-67]

PREAMBLE

1. Article, Part, or Section Affected (as applicable) — **Rulemaking Action**

R9-10-201	Amend
R9-10-208	Amend
R9-10-209	Amend
R9-10-210	Amend
R9-10-211	Amend

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

Authorizing statutes: A.R.S. §§ 36-132(A)(1) and 36-136(G)

Implementing statutes: A.R.S. §§ 36-405 and 36-406

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. 2266, September 6, 2019

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

Name: Kathryn McCanna, Branch Chief
Address: Department of Health Services
Health Care Institution Licensing
150 N. 18th Ave., Suite 450
Phoenix, AZ 85007
Telephone: (602) 364-2841
Fax: (602) 364-4808
E-mail: Kathryn.McCanna@azdhs.gov

or

Name: Stephanie Elzenga, Acting Chief
Address: Department of Health Services
Office of Administrative Counsel and Rules
150 N. 18th Ave., Suite 200
Phoenix, AZ 85007
Telephone: (602) 542-8819
Fax: (602) 364-1150
E-mail: Stephanie. Elzenga @azdhs.gov

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

In order to ensure public health, safety, and welfare, Arizona Revised Statutes (A.R.S.) §§ 36-405 and 36-406 require the Arizona Department of Health Services (Department) to adopt rules establishing minimum standards and requirements for construction, modification, and licensure of health care institutions. The Department has adopted rules for licensing health care institutions in Arizona Administrative Code (A.A.C.) Title 9, Chapter 10. A.A.C. Title 9, Chapter 10, Article 2, contains the rules specifically for

hospitals as a class of health care institutions. The Department has become aware that the rules for hospitals do not appear to adequately address assistance provided to a patient by another individual in the patient's residence following care provided at a hospital. Nor are requirements related to transfer or transport of a patient to another health care institution after discharge sufficiently clear to avoid issues at the receiving health care institution. After receiving an exception from the rulemaking moratorium pursuant to Executive Order 2019-01, the Department is revising the rules in Article 2 for the purpose of enhancing the existing discharge procedures at hospitals to address these issues. The proposed rules will conform to rulemaking format and style requirements of the Governor's Regulatory Review Council and the Office of the Secretary of State.

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

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

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

Not applicable

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

The Department anticipates that the rulemaking may affect the Department, hospitals and other health care institutions, patients being discharged from a hospital and their families, individuals providing assistance to a patient in the patient's home after discharge, and the general public. The proposed changes include clarifying requirements for discharge planning, discharge, transfers, and transports; adding requirements related to an individual providing assistance to a patient in the patient's home after discharge, defined as "aftercare"; adding a requirement for a hospital to consider whether the health care institution from which a patient was transferred to the hospital will meet the patient's assessed or anticipated needs after discharge; and improving communication among health care institutions.

Although these changes may impose a minimal cost on the Department due to the additional time it may take during an inspection to make sure these requirements are being met, the Department anticipates that the changes being made in the proposed rules may provide a significant benefit to the Department. They may also provide a significant benefit to patients being discharged from a hospital and their families, aftercare providers, and the general public.

The Department believes that the new requirements related to aftercare may cause a hospital to incur minimal-to-moderate additional costs from updating policies and procedures, monitoring compliance, and possibly retraining staff to ensure compliance. A hospital may receive a significant benefit from knowing that a patient can be safely discharged to home, and possibly up to a substantial benefit if the tasks performed by an aftercare provider who is competent in carrying out the discharge instructions results in the patient not being readmitted under conditions that may affect Medicare reimbursement. The clarifications of requirements for discharge planning, discharge, transfers, and transports, as well as the addition of the requirement for a hospital to determine whether a patient can return to the health care institution from which the patient was transferred to the hospital, may impose minimal-to-moderate additional costs, depending on whether the hospital was already implementing these changes, and may provide a significant benefit from making clearer the Department's expectations and from better patient care. However, since many of the requirements are related to standards that affect Medicare reimbursement, following these requirements may lead to improved Medicare reimbursement and possibly up to a substantial benefit to the hospital.

The proposed rules may provide a minimal-to-moderate benefit to a health care institution to which a hospital transports or transfers a patient, depending on the number of discharged patients being transported or transferred to the health care institution and how difficult it currently is to obtain the needed information, due to spending less staff time obtaining this information, and a significant benefit from providing better care to the discharged patient. The Department anticipates that the change in the rules requiring a hospital to determine whether a patient can return to the health care institution from which the patient was transferred to the hospital may provide a substantial benefit to a health care institution from which a patient was sent to the hospital.

The Department also believes that improved communication between health care institutions, indirectly required by the rule changes, may also provide a significant benefit to both hospitals and other health care institutions.

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

Name:	Kathryn McCanna, Branch Chief
Address:	Department of Health Services Health Care Institution Licensing 150 N. 18th Ave., Suite 450 Phoenix, AZ 85007
Telephone:	(602) 364-2841
Fax:	(602) 364-4808
E-mail:	Kathryn.McCanna@azdhs.gov
	or
Name:	Stephanie Elzenga, Acting Chief
Address:	Department of Health Services Office of Administrative Counsel and Rules 150 N. 18th Ave., Suite 200 Phoenix, AZ 85007
Telephone:	(602) 542-8819
Fax:	(602) 364-1150

E-mail: Stephanie. Elzenga @azdhs.gov

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

The Department has scheduled the following oral proceeding:

Date and time: Tuesday, June 9, 2020 at 11:00 a.m.

Location: ALS Training Room
150 N. 18th Ave.
Phoenix, AZ 85007

Call-in number: 1 970-919-0671; PIN: 676 839 914#

Close of record: 4:00 p.m., June 9, 2020

A person may submit written comments on the proposed rules no later than the close of record to either of the individuals listed in items #4 and #9. A person with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Stephanie Elzenga at Stephanie.Elzenga@azdhs.gov or (602) 542-1020. Requests should be made as early as possible to allow time to arrange the accommodation.

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

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

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

Although licensing of health care institutions is not addressed in this rulemaking, A.R.S. § 36-407 prohibits a person from establishing, conducting, or maintaining "a health care institution or any class or subclass of health care institution unless that person holds a current and valid license issued by the [D]epartment specifying the class or subclass of health care institution the person is establishing, conducting or maintaining." A health care institution license is specific to the licensee, class or subclass of health care institution, 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 federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Not applicable

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

No business competitiveness analysis was received by the Department.

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

Not applicable

13. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

CHAPTER 10. DEPARTMENT OF HEALTH SERVICES
HEALTH CARE INSTITUTIONS: LICENSING

ARTICLE 2. HOSPITALS

Section
R9-10-201. Definitions
R9-10-208. Admission
R9-10-209. Discharge Planning; Discharge
R9-10-210. Transport
R9-10-211. Transfer

ARTICLE 2. HOSPITALS

R9-10-201. Definitions

In addition to the definitions in A.R.S. § 36-401 and R9-10-101, the following definitions apply in this Article unless otherwise specified:

1. "Adult" means an individual the hospital designates as an adult based on the hospital's criteria.
2. "Aftercare" means assistance provided to a patient by another individual in the patient's residence, which is not part of a health care institution, following care provided at a hospital, and may include:
   a. Assisting the patient with activities of daily living, and
   b. Following the discharge instructions provided by the hospital.
3. "Aftercare provider" means an individual who:
   a. May be a friend or relative of a patient or be the patient's representative,
   b. Is designated by the patient or the patient's representative to perform aftercare tasks, and
   c. Is not compensated for performing aftercare tasks for the patient.

~~2.~~4. "Care plan" means a documented guide for providing nursing services and rehabilitation services to a patient that includes measurable objectives and the methods for meeting the objectives.
~~3.~~5. "Continuing care nursery" means a nursery where medical services and nursing services are provided to a neonate who does not require intensive care services.
~~4.~~6. "Critically ill inpatient" means an inpatient whose severity of medical condition requires the nursing services of specially trained registered nurses for:
a. Continuous monitoring and multi-system assessment,
b. Complex and specialized rapid intervention, and
c. Education of the inpatient or inpatient's representative.
~~5.~~7. "Device" has the same meaning as in A.R.S. § 32-1901.
~~6.~~8. "Diet" means food and drink provided to a patient.
~~7.~~9. "Diet manual" means a written compilation of diets.
~~8.~~10."Dietary services" means providing food and drink to a patient according to an order.
~~9.~~11."Diversion" means notification to an emergency medical services provider, as defined in A.R.S. § 36-2201, that a hospital is unable to receive a patient from an emergency medical services provider.
~~10.~~12."Drug formulary" means a written list of medications available and authorized for use developed according to R9-10-218.
~~11.~~13."Gynecological services" means medical services for the diagnosis, treatment, and management of conditions or diseases of the female reproductive organs or breasts.
~~12.~~14."Hospital services" means medical services, nursing services, and health-related services provided in a hospital.
~~13.~~15."Infection control risk assessment" means determining the probability for transmission of communicable diseases.
~~14.~~16."Inpatient" means an individual who:
a. Is admitted to a hospital as an inpatient according to policies and procedures,
b. Is admitted to a hospital with the expectation that the individual will remain and receive hospital services for 24 consecutive hours or more, or
c. Receives hospital services for 24 consecutive hours or more.
~~15.~~17."Intensive care services" means hospital services provided to a critically ill inpatient who requires the services of specially trained nursing and other personnel members as specified in policies and procedures.
~~16.~~18."Medical staff regulations" means standards, approved by the medical staff, that govern the day-to-day conduct of the medical staff members.
~~17.~~19."Multi-organized service unit" means an inpatient unit in a hospital where more than one organized service may be provided to a patient in the inpatient unit.
~~18.~~20."Neonate" means an individual:
a. From birth until discharge following birth, or
b. Who is designated as a neonate by hospital criteria.
~~19.~~21."Nurse anesthetist" means a registered nurse who meets the requirements of A.R.S. § 32-1601 and who has clinical privileges to administer anesthesia.
~~20.~~22."Nurse executive" means a registered nurse accountable for the direction of nursing services provided in a hospital.
~~21.~~23."Nursery" means an area in a hospital designated only for neonates.
~~22.~~24."Nurse supervisor" means a registered nurse accountable for managing nursing services provided in an organized service in a hospital.
~~23.~~25."Nutrition assessment" means a process for determining a patient's dietary needs using information contained in the patient's medical record.
~~24.~~26."On duty" means that an individual is at work and performing assigned responsibilities.
~~25.~~27."Organized service" means specific medical services, such as surgical services or emergency services, provided in an area of a hospital designated for the provision of those medical services.
~~26.~~28."Outpatient" means an individual who:
a. Is admitted to a hospital with the expectation that the individual will receive hospital services for less than 24 consecutive hours; or
b. Except as provided in subsection (17) receives, hospital services for less than 24 consecutive hours.
~~27.~~29."Pathology" means an examination of human tissue for the purpose of diagnosis or treatment of an illness or disease.
~~28.~~30."Patient care" means hospital services provided to a patient by a personnel member or a medical staff member.
~~29.~~31."Pediatric" means pertaining to an individual designated by a hospital as a child based on the hospital's criteria.
~~30.~~32."Perinatal services" means medical services for the treatment and management of obstetrical patients and neonates.
~~31.~~33."Post-anesthesia care unit" means a designated area for monitoring a patient following a medical procedure for which anesthesia was administered to the patient.
~~32.~~34."Private duty staff" means an individual, excluding a personnel member, compensated by a patient or the patient's representative.
~~33.~~35."Psychiatric services" means the diagnosis, treatment, and management of a mental disorder.
~~34.~~36."Social services" means assistance, other than medical services or nursing services, provided by a personnel member to a patient to assist the patient to cope with concerns about the patient's illness or injury while in the hospital or the anticipated needs of the patient after discharge.
~~35.~~37."Specialty" means a specific branch of medicine practiced by a licensed individual who has obtained education or qualifications in the specific branch in addition to the education or qualifications required for the individual's license.
~~36.~~38."Surgical services" means medical services involving a surgical procedure.
~~37.~~39."Transfusion" means the introduction of blood or blood products from one individual into the body of another individual.
~~38.~~40."Unit" means a designated area of an organized service.

~~39.~~41. "Vital record" has the same meaning as in A.R.S. § 36-301.
~~40.~~42. "Well-baby bassinet" means a receptacle used for holding a neonate who does not require treatment and whose anticipated discharge is within 96 hours after birth.

R9-10-208. Admission

An administrator shall ensure that:
1. A patient is admitted as an inpatient on the order of a medical staff member;
2. An individual, authorized by policies and procedures, is available to accept a patient for admission;
3. Except in an emergency, informed consent is obtained from a patient or the patient's representative before or at the time of admission;
4. The informed consent obtained in subsection (3) or the lack of consent in an emergency is documented in the patient's medical record;
5. A physician or other medical staff member performs a medical history and physical examination on a patient within 30 calendar days before admission or within 48 hours after admission and documents the medical history and physical examination in the patient's medical record within 48 hours after admission; ~~and~~
6. If a physician or other medical staff member performs a medical history and physical examination on a patient before admission, the physician or the medical staff member enters an interval note into the patient's medical record at the time of admission~~.~~; and
7. A patient or the patient's representative is given an opportunity to:
   a. Designate an individual who is willing to participate in discharge planning and act as the patient's aftercare provider;
   b. Provide contact information for the patient's aftercare provider; and
   c. Change the patient's designated aftercare provider before discharge.

R9-10-209. Discharge Planning; Discharge

A. For an inpatient, an administrator shall ensure that discharge planning:
1. Is completed before discharge occurs;
~~1.~~2. Identifies the specific needs of the patient after discharge, if applicable;
~~2.~~3. Includes the participation of the patient or ~~the~~ patient's representative and, if applicable, the patient's aftercare provider;
~~3. Is completed before discharge occurs;~~
4. If the patient is being discharged to the patient's residence, which is not part of a health care institution:
   a. Includes at least one attempt, which is documented in the patient's medical record, to notify the patient's aftercare provider before the patient's discharge; and
   b. Prepares the patient, the patient's representative, or the patient's aftercare provider, as applicable, to carry out the discharge instructions required in subsection (B)(3)(a), including:
      i. Answering questions about the discharge instructions and aftercare; and
      ii. Providing a demonstration of the aftercare tasks to the patient, the patient's representative, or the patient's aftercare provider, as applicable;
~~4.~~5. Except as provided in subsection (C), ~~Provides~~ provides the patient or the patient's representative with written information identifying classes or subclasses of health care institutions and the level of care that the health care institutions provide that may meet the patient's assessed and anticipated needs after discharge, if applicable; and
~~5.~~6. Is documented in the patient's medical record.

B. For an inpatient discharge or a transfer of an inpatient, an administrator shall ensure that:
1. There is a discharge summary that includes:
   a. A description of the patient's medical condition and the medical services provided to the patient~~;~~, ~~and~~
   b. A list of the medications administered to the patient, and
   ~~b.~~c. The signature of the medical practitioner coordinating the patient's medical services;
2. There is a documented discharge order for the patient by a medical practitioner coordinating the patient's medical services before discharge unless the patient leaves the hospital against a medical staff member's advice; ~~and~~
3. If the patient is not being transferred:
   a. There are documented discharge instructions that include recommendations for additional medical services, nursing services, rehabilitation services, personal care services, or directed care services, as applicable, to meet the patient's assessed and anticipated needs after discharge; and
   b. The patient or ~~the~~ patient's representative and the patient's aftercare provider, if designated, is provided with a copy of the discharge instructions~~.~~; and
4. If the patient is being transferred, the transfer complies with R9-10-211.

C. For a patient transferred to a hospital from another health care institution, an administrator shall ensure that the level of care provided by the health care institution from which the patient had been transferred is considered, as part of discharge planning, to determine whether:
1. The level of care may meet the patient's assessed and anticipated needs after discharge, and
2. The patient may return to the health care institution.

~~**C.**~~**D.** Except as provided in subsection ~~(D)~~ (E), an administrator shall ensure that an outpatient is discharged according to policies and procedures.

~~**D.**~~**E.** For a discharge of an outpatient receiving emergency services, an administrator shall ensure that:
1. A discharge order is documented by a medical practitioner who provided medical services to the patient before the patient is discharged, unless the patient leaves against a medical staff member's advice, and includes the following information~~;~~: ~~and~~
   a. Medications administered to the patient,
   b. Any new medications prescribed for the patient, and
   c. Any changes to the medications the patient had been taking before admission; and

2. Discharge instructions:
   a. ~~are~~ Are documented and provided to the patient or ~~the~~ patient's representative and the patient's aftercare provider, if designated before the patient is discharged, unless the patient leaves the hospital against a medical staff member's advice; and
   b. Include recommendations for additional medical services, nursing services, rehabilitation services, personal care services, or directed care services, as applicable, to meet the patient's assessed and anticipated needs after discharge.

R9-10-210. Transport

A. For a transport of a patient, the administrator of a sending hospital shall ensure that:
1. Policies and procedures are established, documented, and implemented that:
   a. Specify the process by which the sending hospital personnel members coordinate the transport and the medical services provided to a patient to protect the health and safety of the patient;
   b. Require an assessment of the patient by a registered nurse or a medical staff member before transporting the patient and after the patient's return;
   c. Specify the information in the sending hospital's patient medical record that is required to accompany the patient, which ~~shall~~ include ~~the~~ information related to the medical services, nursing services, rehabilitation services, personal care services, or directed care services ~~to be provided to~~ needed by the patient at the receiving health care institution;
   d. Specify how the sending hospital personnel members communicate patient medical record information that the sending hospital does not provide at the time of transport but is requested by the receiving health care institution, including the name and contact information for a personnel member of the sending hospital who can answer questions from the receiving health care institution; and
   e. Specify how a medical staff member explains the risks and benefits of a transport to the patient or the patient's representative based on the:
      i. Patient's medical condition, and
      ii. Mode of transport; and
2. Documentation in the patient's medical record includes:
   a. Consent for transport by the patient or the patient's representative or why consent could not be obtained;
   b. The acceptance of the patient by and communication with an individual at the receiving health care institution;
   c. The date and the time of the transport to the receiving health care institution;
   d. The date and time of the patient's return to the sending hospital, if applicable;
   e. The mode of transportation; and
   f. The type of personnel member or medical staff member assisting in the transport if an order requires that a patient be assisted during transport.

B. For a transport of a patient to a receiving hospital, the administrator of the receiving hospital shall ensure that:
1. Policies and procedures are established, documented, and implemented that:
   a. Specify the process by which the receiving hospital personnel members coordinate the transport and the medical services provided to a patient to protect the health and safety of the patient;
   b. Require an assessment of the patient by a registered nurse or a medical staff member upon arrival of the patient and before the patient is returned to the sending health care institution unless the receiving facility is a satellite facility, as established in A.R.S. § 36-422, and does not have a registered nurse or a medical staff member at the satellite facility;
   c. Specify the information in the receiving hospital's patient medical record required to accompany the patient when the patient is returned to the sending health care institution, if applicable~~:~~, ~~and~~ including:
      i. Medications administered to the patient,
      ii. Any new medications prescribed for the patient, and
      iii. Any changes to the medications the patient had been taking before admission; and
   d. Specify how the receiving hospital personnel members communicate patient medical record information to the sending health care institution that is not provided at the time of the patient's return, including the name and contact information for a personnel member of the receiving hospital who can answer questions from the sending health care institution; and
2. Documentation in the patient's medical record includes:
   a. The date and time the patient arrived at the receiving hospital;
   b. The medical services provided to the patient at the receiving hospital;
   c. Any adverse reaction or negative outcome the patient experienced at the receiving hospital, if applicable;
   d. The date and time the receiving hospital returned the patient to the sending health care institution, if applicable;
   e. The mode of transportation to return the patient to the sending health care institution, if applicable; and
   f. The type of personnel member or medical staff member assisting in the transport if an order requires that a patient be assisted during transport.

R9-10-211. Transfer

For a transfer of a patient, the administrator of a sending hospital shall ensure that:
1. Policies and procedures are established, documented, and implemented that:
   a. Specify the process by which the sending hospital personnel members coordinate the transfer and the medical services provided to a patient to protect the health and safety of the patient during the transfer, including, if applicable, discharge orders in R9-10-209(B)(2) or R9-10-209(E)(1) required for the patient by the receiving health care institution;
   b. Require an assessment of the patient by a registered nurse or a medical staff member of the sending hospital before the patient is transferred;
   c. Specify how the sending hospital personnel members communicate medical record information that is not provided at the time of the transfer, including the name and contact information for a personnel member of the sending hospital who can answer questions from the receiving health care institution; and

d. Specify how a medical staff member explains the risks and benefits of a transfer to the patient or the patient's representative based on the:
   i. Patient's medical condition, and
   ii. Mode of transfer;

2. One of the following accompanies the patient during transfer:
   a. A copy of the patient's medical record for the current inpatient admission; or
   b. All of the following for the current inpatient admission:
      i. A medical staff member's summary of medical services provided to the patient~~,~~;
      ii. A care plan containing up-to-date information, including, as applicable, the patient's need for:
         (1) Programs and services for a patient who is incapable of recognizing danger, summoning assistance, expressing need, or making basic care decisions;
         (2) Assistance with activities of daily living that can be performed by persons without professional skills or professional training;
         (3) The coordination or provision of intermittent nursing services; and
         (4) The administration of medication;
      iii. Consultation reports~~,~~;
      iv. Laboratory and radiology reports~~,~~;
      v. A record of medications administered to the patient for the seven calendar days before the date of transfer~~,~~;
      vi. Any new medication prescribed for the patient;
      vii. Any change to the medications the patient had been taking before admission;
      ~~vi.~~viii.Medical staff member's orders in effect at the time of transfer~~,~~; and
      ~~vii.~~ix.Any known allergy; and

3. Documentation in the patient's medical record includes:
   a. Consent for transfer by the patient or the patient's representative, except in an emergency;
   b. The acceptance of the patient by and communication with an individual at the receiving health care institution;
   c. The date and the time of the transfer to the receiving health care institution;
   d. The mode of transportation; and
   e. The type of personnel member or medical staff member assisting in the transfer if an order requires that a patient be assisted during transfer.

NOTICES OF FINAL RULEMAKING

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

The final published notice includes a preamble and text of the rules as filed by the agency. Economic Impact Statements are not published.

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

NOTICE OF FINAL RULEMAKING

TITLE 2. ADMINISTRATION

CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

[R20-68]

PREAMBLE

1. Article, Part, or Section Affected (as applicable) — **Rulemaking Action**
R2-20-701 — Amend

2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):
Authorizing statute: A.R.S. § 16-956(A)(6), *Id.* § 16-956(A)(7)
Implementing statute: A.R.S. § 16-948(C)

3. The effective date of the rule:
February 27, 2020

a. If the agency selected a date earlier than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):
The Citizens Clean Elections Commission voted unanimously to give these amendments immediate affect under A.R.S. §§ 16-956(C), 16-956(D) because the election cycle is well underway.

b. If the agency selected a date later than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):
Not applicable

4. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:
Notice of Rulemaking Docket Opening: 26 A.A.R. 115, January 17, 2020
Notice of Proposed Rulemaking: 26 A.A.C. 101, January 17, 2020

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

Name:	Thomas M. Collins
Address:	Citizens Clean Elections Commission 1616 W. Adams, Suite 110 Phoenix, AZ 85007
Telephone:	Include area code, (602) 364-3477
E-mail:	ccec@azcleanelections.gov
Website:	azcleanelections.gov

6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:
The proposed amendment, authored by Governor's Regulatory Review Council Member John Sundt, is intended to smooth the Commission's rules regarding participating candidate expenditures as provided by A.R.S. § 16-948(C).

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

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

9. A summary of the economic, small business, and consumer impact:
The Commission believes there is little consumer, economic, or small business impact. The amendment only concerns participat-

ing candidates.

10. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:
Not applicable

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:
None received

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:
No

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:
No

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

13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:
None

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

15. The full text of the rules follows:

TITLE 2. ADMINISTRATION

CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

ARTICLE 7. USE OF FUNDS AND REPAYMENT

Section
R2-20-701. Purpose and Scope

ARTICLE 7. USE OF FUNDS AND REPAYMENT

R2-20-701. Purpose and Scope
Notwithstanding any other provision of the rules to the contrary, a participating candidate shall not make any payment to a private organization that is exempt under section 501(a) of the internal revenue code and that is eligible to engage in activities to influence the outcome of a candidate election, nor make any payment directly or indirectly to a political party; and subject to the foregoing, may spend clean elections monies only for reasonable and necessary expenses that are directly related to the campaign of that participating candidate.

NOTICE OF FINAL RULEMAKING

TITLE 2. ADMINISTRATION

CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

[R20-69]

PREAMBLE

1. Article, Part, or Section Affected (as applicable) **Rulemaking Action**
R2-20-702.01 Amend

2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):
Authorizing statute: A.R.S. § 16-956(A)(6), *Id.* § 16-956(A)(7)
Implementing statute: A.R.S. § 16-948(C)

3. The effective date of the rule:
March 9, 2020

a. If the agency selected a date earlier than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):
The Citizens Clean Elections Commission voted unanimously to give these amendments immediate affect under A.R.S.

§§ 16-956(C), 16-956(D) because the election cycle is well underway.

b. If the agency selected a date later than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):

Not applicable

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

Notice of Rulemaking Docket Opening: 26 A.A.R. 115, January 17, 2020

Notice of Proposed Rulemaking: 26 A.A.R. 102, January 17, 2020

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

Name:	Thomas M. Collins
Address:	Citizens Clean Elections Commission 1616 W. Adams, Suite 110 Phoenix, AZ 85007
Telephone:	Include area code, (602) 364-3477
E-mail:	ccec@azcleanelections.gov
Website:	azcleanelections.gov

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

The proposed amendment, drafted by Clean Elections staff based on a comment by Governor's Regulatory Review Council Member John Sundt, is intended to smooth the Commission's rules regarding participating candidate expenditures as provided by A.R.S. § 16-948(C).

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

Not applicable

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

Not applicable

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

Because the rule amendment does not substantively change the underlying Commission investigative process, there is not economic, small business, or consumer impact cost. The clarification will have an economic, small business and consumer benefit because a clearer rule lowers compliance costs.

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

Not applicable

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

None received

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:

No

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:

No

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

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

None

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

Not applicable

15. The full text of the rules follows:

TITLE 2. ADMINISTRATION
CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

ARTICLE 7. USE OF FUNDS AND REPAYMENT

Section
R2-20-702.01. Use of Assets

ARTICLE 7. USE OF FUNDS AND REPAYMENT

R2-20-702.01. Use of Assets
A participating candidate may use assets such as signs, pamphlets, and office equipment from a prior election cycle only after the candidate's current campaign pays for the assets in an amount equal to the fair market value of the assets, which amount shall in no event be less than one-fifth (1/5) the original purchase price of such assets. If the candidate was a participating candidate during the prior election cycle, the cash payment shall be made to the Fund. If the candidate was not a participating candidate during the prior election cycle, the cash payment shall be made to the prior campaign. If the prior campaign account of a nonparticipating candidate is closed, the payment shall be made to the candidate. Notwithstanding any other provision of the rules to the contrary, a participating candidate shall not make any payment to a private organization that is exempt under section 501(a) of the internal revenue code and that is eligible to engage in activities to influence the outcome of a candidate election, nor make any payment directly or indirectly to a political party.

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

[R20-70]

PREAMBLE

1. Article, Part, or Section Affected (as applicable) — **Rulemaking Action**
R2-20-703.01 — Amend

2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):
Authorizing statute: A.R.S. § 16-956(A)(6), *Id.* § 16-956(A)(7)
Implementing statute: A.R.S. § 16-948(C)

3. The effective date of the rule:
March 16, 2020

a. If the agency selected a date earlier than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):
The Citizens Clean Elections Commission voted unanimously to give these amendments immediate affect under A.R.S. §§ 16-956(C), 16-956(D) because the election cycle is well underway.

b. If the agency selected a date later than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):
Not applicable

4. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:
Notice of Rulemaking Docket Opening: 26 A.A.R. 116, January 17, 2020
Notice of Proposed Rulemaking: 26 A.A.R. 104, January 17, 2020

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

Name:	Thomas M. Collins
Address:	Citizens Clean Elections Commission 1616 W. Adams, Suite 110 Phoenix, AZ 85007
Telephone:	Include area code, (602) 364-3477
E-mail:	ccec@azcleanelections.gov
Website:	azcleanelections.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:
R2-20-703.01: This amendment is designed to clarify and reemphasize the terms of Proposition 306 which bars candidates from making expenditures to political parties and certain federal tax-exempt organizations.

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

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

9. A summary of the economic, small business, and consumer impact:
The rule amendment may have some impact on individuals who would otherwise have run for office or have purchased certain goods and services in the past, as well as small business that may have made such purchases.

10. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:
Not applicable

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:
None received

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:
No

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:
No

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

13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:
None

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

15. The full text of the rules follows:

TITLE 2. ADMINISTRATION

CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

ARTICLE 7. USE OF FUNDS AND REPAYMENT

Section
R2-20-703.01. Campaign Consultants

ARTICLE 7. USE OF FUNDS AND REPAYMENT

R2-20-703.01. Campaign Consultants

A. No change
B. No change
C. No change
1. No change
2. No change
3. No change

D. No change
E. Notwithstanding any other provision of the rules to the contrary, a participating candidate shall not make any payment to a private organization that is exempt under section 501(a) of the internal revenue code and that is eligible to engage in activities to influence the outcome of a candidate election, nor make any payment directly or indirectly to a political party.

NOTICES OF PROPOSED EXPEDITED RULEMAKING

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

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

NOTICE OF PROPOSED EXPEDITED RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 19. DEPARTMENT OF HEALTH SERVICES VITAL RECORDS AND STATISTICS

[R20-71]

PREAMBLE

1. Article, Part, or Section Affected (as applicable)

Article, Part, or Section Affected (as applicable)	Rulemaking Action
R9-19-101	Amend
R9-19-104	Amend
R9-19-201	Amend
R9-19-202	Amend
R9-19-204	Amend
R9-19-208	Amend
R9-19-210	Amend
R9-19-301	Amend
R9-19-304	Amend
R9-19-305	Amend
R9-19-306	Amend
R9-19-309	Amend
R9-19-314	Amend
R9-19-315	Amend

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

Authorizing statutes: A.R.S. §§ 36-136(A)(7) and 36-136(G)

Implementing statutes: A.R.S. § 36-136(I)(3), A.R.S. Title 9, Chapter 3, and Laws 2019, Ch. 172

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 expedited rulemaking:

Notice of Rulemaking Docket Opening: 26 A.A.R. 659, April 10, 2020

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

Name: Krystal Colburn, Bureau Chief
Address: Department of Health Services
Division of Public Health Licensing Services
Bureau of Vital Records
1818 W. Adams St.
Phoenix, AZ 85007
Telephone: (602) 364-1225
Fax: (602) 364-1257
E-mail: Krystal.Colburn@azdhs.gov

or

Name: Stephanie Elzenga, Acting 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: Stephanie.Elzenga@azdhs.gov

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

Arizona Revised Statutes (A.R.S.) § 36-136(I)(3) requires the Arizona Department of Health Services (Department) to define and prescribe reasonably necessary procedures for the use and accessibility of the different types of birth and death certificates and the

completion, change, and amendment of vital records. A.R.S. Title 9, Chapter 3, specifies requirements for vital records and public health statistics, including birth and death registration and certificates. The Department has adopted rules for vital records and statistics in Arizona Administrative Code (A.A.C.) Title 9, Chapter 19. These rules are inconsistent with A.R.S. § 36-324(A), as amended by Laws 2019, Ch. 172, because the rules do not include the designee of a funeral director as being eligible to request or receive a certified copy of a deceased individual's certificate of death registration. The rules also need to be revised to clarify the rules and to address issues identified in a five-year-review report approved by the Governor's Regulatory Review Council on November 5, 2019. After receiving an exception from the rulemaking moratorium pursuant to Executive Order 2020-02, the Department is revising the rules in 9 A.A.C. 19 by expedited rulemaking to improve the rules related to vital records and statistics to reduce a regulatory burden while achieving the same regulatory objective, comply with statutory requirements, and help eliminate confusion on the part of those affected by the rules. The proposed amendments will conform to rulemaking format and style requirements of the Governor's Regulatory Review Council and the Office of the Secretary of State.

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

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

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

Not applicable

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

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

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

Not applicable

10. Where, when, and how persons may provide written comment to the agency on the proposed expedited rule under A.R.S. § 41-1027(C):

Close of record: May 18, 2020 at 10:00 a.m.

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

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

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

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

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

Federal laws do not apply to the rule.

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.

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 rule follows:

TITLE 9. HEALTH SERVICES

CHAPTER 19. DEPARTMENT OF HEALTH SERVICES
VITAL RECORDS AND STATISTICS

ARTICLE 1. ADMINISTRATION

Section
R9-19-101. Definitions
R9-19-104. Duties of Local Registrars

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ARTICLE 1. ADMINISTRATION

R9-19-101. Definitions

In addition to the definitions in A.R.S. § 36-301, the following definitions apply in this Chapter unless otherwise stated:

1. "Administrator" means an individual designated by the governing authority of a health care institution to have the authority and responsibility for managing the health care institution.
2. "Affidavit" means a document that is signed by an individual:
   a. Who attests to the validity of the facts on the document, and
   b. Whose signature is notarized.
3. "Anatomical gift" has the same meaning as in A.R.S. § 36-841.
4. "Birth record" means the information specified in R9-19-201 that is maintained by the Department:
   a. As a written registered certificate, or
   b. In a database.
5. "Congenital anomaly" means an abnormality of body structure, function, or chemistry, or of chromosomal structure or composition that is present at or before birth.
6. "Custody" has the same meaning as "legal decision-making" in A.R.S. § 25-401.

~~5.~~7. "Death record" means the information specified in R9-19-302 that is maintained by the Department:
   a. As a written registered certificate, or
   b. In a database.

~~6.~~8. "Delivery" means the complete expulsion or extraction of a product of human conception from its mother.
~~7.~~9. "Document" or "documented" means in written, photographic, electronic, or other permanent form.
~~8.~~10. "Electronic signature" has the same meaning as in A.R.S. § 44-7002.
~~9.~~11. "Facility" has the same meaning as "facilities" in A.R.S. § 36-401.
~~10.~~12. "Fetal death record" means the information specified in R9-19-305(B) that is maintained by the Department:
   a. As a written registered certificate, or
   b. In a database.

~~11.~~13. "Funeral director" has the same meaning as in A.R.S. § 32-1301.
~~12.~~14. "Guardian" has the same meaning as in A.R.S. § 14-10103.
~~13.~~15. "Health professional license number" means a standard unique identifier for a health care provider assigned by the state governmental agency that regulates the health care provider.
~~14.~~16. "Hospice inpatient facility" has the same meaning as in A.A.C. R9-10-101.
~~15.~~17. "Hospital" has the same meaning as in A.A.C. R9-10-101.
~~16.~~18. "Independent source" means a person who is not:
   a. The individual submitting an evidentiary document; or
   b. Related by consanguinity, adoption, or marriage to the individual submitting an evidentiary document.

~~17.~~19. "Injury" means damage to a human body caused by an external source as determined by a medical examiner or tribal law enforcement authority.
~~18.~~20. "Inpatient" means an individual who is receiving services in a facility as an inpatient, as determined by the facility.
~~19.~~21. "Medical certifier" means a health care provider, medical examiner, or tribal law enforcement authority authorized to sign a medical certification of death as prescribed in A.R.S. § 36-325.
~~20.~~22. "Medical record" has the same meaning as "medical records" in A.R.S. § 12-2291.
~~21.~~23. "Medical record number" means a standard unique identifier, assigned by a licensed health care institution or a health care provider, for documentation concerning the diagnosis or treatment of a patient.
~~22.~~24. "National Provider Identifier" means a standard unique number for a health care provider assigned by the Centers for Medicare and Medicaid Services.
~~23.~~25. "Nursing care institution" has the same meaning as in A.R.S. § 36-401.
~~24.~~26. "Organ procurement organization" has the same meaning as in A.R.S. § 36-841.
~~25.~~27. "Outpatient" means an individual who is receiving services from a facility but is not an inpatient as determined by the facility.
~~26.~~28. "Part" has the same meaning as in A.R.S. § 36-841.
~~27.~~29. "Passport" means an official document issued by the government of a specific country that confirms the identity and citizenship of an individual and allows the individual to travel to and from the specific country.
~~28.~~30. "Person" has the same meaning as in A.R.S. § 1-215 and includes a governmental agency.
~~29.~~31. "Personal knowledge" means having observed an individual's mother:
   a. In an apparent pregnant state within two months before the individual's date of birth and in a non-pregnant state after the individual's date of birth, or

b. Giving birth to the individual.

32. "Plurality" means the number of fetuses carried in a mother's womb during a pregnancy.

~~30.~~33. "Registered nurse practitioner" has the same meaning as "nurse practitioner" in A.R.S. § 32-1601.

~~31.~~34. "Residence" means an address or location at which an individual lives.

~~32.~~35. "Signature" means:

a. The first and last name of an individual written with his or her own hand as a form of identification or authorization;

b. An electronic signature; or

c. A mark or symbol made by an individual, representing the individual's identification or authorization, and, if not notarized, the first and last name of another individual, written with his or her own hand, who witnessed the individual make the mark or symbol.

~~33.~~36. "State file number" means the official state number that is assigned to a vital record by the State Registrar or a local registrar or deputy local registrar when registering a birth, death, or fetal death.

~~34.~~37. "Transfer" has the same meaning as in A.A.C. R9-10-101.

~~35.~~38. "Transportation" means the use of an animal or vehicle for conveyance or travel from one place to another.

~~36.~~39. "Tribal community" means a tract of land held by an Indian tribe recognized by the Federal Bureau of Indian Affair's Office of Federal Acknowledgement under 25 CFR Part 83.

~~37.~~40. "WIC" means a federally funded program established by the Child Nutrition Act of 1966 that provides eligible women, infants, and children with food, nutrition education, breastfeeding support, and referrals.

R9-19-104. Duties of Local Registrars

A. A local registrar shall:

1. Only use paper approved by the Department when issuing:
   a. A certified copy of an individual's certificate of birth registration according to R9-19-211,
   b. A certified copy of a deceased individual's certificate of death registration according to R9-19-315,
   c. A certified copy of a certificate of fetal death registration according to R9-19-317, or
   d. A certified copy of a certificate of birth resulting in stillbirth according to R9-19-317; and
2. Ensure that, before a document in subsection ~~(1)(a)~~ (A)(1)(a) through (d) is issued, the document contains:
   a. The state seal,
   b. The signature of the State Registrar or an individual designated by the State Registrar, and
   c. The raised seal of local registrar's registration district.

B. Except as directed by the State Registrar, a local registrar shall use the electronic data systems provided by the Department for all functions designated by the State Registrar or this Chapter to be performed by the local registrar.

ARTICLE 2. VITAL RECORDS FOR BIRTH

R9-19-201. Information for a Birth Record

A. Except as provided in subsection (B) or R9-19-204(F) or (I), the information submitted for an individual's birth record includes the following:

1. Information for the individual's certificate of birth registration provided by the individual's mother or, if applicable, the individual's father or another family member who is of legal age:
   a. The individual's name;
   b. The following information about the individual's mother:
      i. Name before first marriage;
      ii. Date of birth;
      iii. State, territory, or foreign country where the individual's mother was born; and
      iv. Street address, apartment number if applicable, city or town, state, zip code, and county of the individual's mother's residence; and
   c. If applicable according to A.R.S. § 36-334, the following information about the individual's father:
      i. Name;
      ii. Date of birth; and
      iii. State, territory, or foreign country where the father was born;
2. Other information for the individual's birth record provided by the individual's mother or, if applicable, the individual's father or another family member who is of legal age:
   a. The individual's mother's:
      i. Current last name,
      ii. Social Security Number,
      iii. Race,
      iv. Height, and
      v. Pre-pregnancy weight;
   b. Whether the individual's mother:
      i. Is of Hispanic origin and, if so, the type of Hispanic origin;
      ii. Received food from WIC for herself during the pregnancy;
      iii. Was ever married; or
      iv. Was married at any time in the ten months immediately preceding the individual's birth;
   c. Whether the individual's mother's residence is:
      i. Inside a city's limits, or
      ii. In a tribal community;
   d. The following information about the individual's mother:

i. The highest degree or level of education completed by the individual's mother at the time of the individual's birth;
ii. If the individual's mother's mailing address is different from the address in subsection ~~(1)(b)(iv)~~ (A)(1)(b)(iv), the individual's mother's mailing address; and
iii. Date the last normal menses began;

e. The individual's mother's history of:
i. Smoking before or during the pregnancy,
ii. Prenatal care for this pregnancy, and
iii. Previous pregnancies and pregnancy outcomes;

f. If applicable according to A.R.S. § 36-334, the following information about the individual's father:
i. Social Security Number;
ii. Race;
iii. Whether the father is of Hispanic origin and, if so, the type of Hispanic origin; and
iv. Highest degree or level of education completed by the father at the time of the individual's birth;

g. If the birth occurred at a residence and was not attended by a physician, registered nurse practitioner, nurse midwife, or midwife who is willing and able to request the registration of the individual's birth, the name of the person who assisted the birth and the person's relationship to the individual's mother; and

h. Whether a Social Security number has been requested for the individual;

3. Information for the individual's certificate of birth registration provided by the hospital where the individual was born or, if the individual was not born in a hospital, by the physician, registered nurse practitioner, nurse midwife, or midwife who attended the birth and is willing and able to provide the information:
a. The individual's sex;
b. The individual's date and time of birth;
c. The individual's plurality of delivery;
d. If the plurality of delivery involves more than one, the individual's order of birth;
e. If the individual was born in a hospital:
i. ~~Name~~ The name, type, and, if applicable, National Provider Identifier of the hospital where the birth occurred; and
ii. The city or town and county where the hospital is located;
f. If the birth occurred at a residence and was attended by a physician, registered nurse practitioner, nurse midwife, or midwife who is willing and able to provide the information:
i. The street address, city or town, and county where the residence is located; and
ii. Whether the birth was planned to occur at the residence; and
g. If the birth occurred at a facility other than a hospital or residence and was attended by a physician, registered nurse practitioner, nurse midwife, or midwife who is willing and able to provide the information:
i. ~~Name~~ The name, type, and, if applicable, National Provider Identifier of the facility where the birth occurred; and
ii. The city or town and county where the facility is located; and

4. Other information for the individual's birth record provided by the hospital where the individual was born or, if the individual was not born in a hospital, by the physician, registered nurse practitioner, nurse midwife, or midwife who attended the birth and is willing and able to provide the information:
a. The principal source of payment for the individual's birth;
b. The name of the person who assisted the individual's birth and the person's health care provider license type;
c. If the person specified according to subsection (A)(4)(b):
i. Has a National Provider Identifier, the person's National Provider Identifier; or
ii. Does not have a National Provider Identifier, the person's health professional license number;
d. The individual's mother's medical record number, assigned by the hospital, physician, registered nurse practitioner, nurse midwife, or midwife to document the diagnosis or treatment of the individual's mother;
e. If the individual's mother was not married at the time of the birth or at any time during the ten months preceding the birth, whether a voluntary acknowledgement of paternity was completed by the individual's father;
f. The individual's mother's:
i. Weight at the time of delivery, and
ii. History of cesarean deliveries;
g. The following information about the individual's mother:
i. Medical risk factors during this pregnancy,
ii. Characteristics of the labor and delivery, and
iii. Medical complications during labor or delivery;
h. Whether the individual's mother was transferred from a residence or other facility to another facility for a maternal medical condition or fetal medical condition before the birth;
i. If the individual's mother was transferred from one facility to another facility before the birth, the name or location of the facility from which the individual's mother was transferred;
j. The following information about the individual:
i. The fetal presentation at delivery;
ii. The individual's birth weight and length;
iii. An estimate of gestation by the person who performed the delivery;
iv. Characteristics of the individual's medical condition after delivery;
v. Whether the individual has any congenital anomalies and, if so, the type of congenital anomalies; and
vi. Information about immunizations received by the individual after delivery;
k. Whether the individual was transferred within 24 hours after the individual's delivery;

l. If the individual was transferred within 24 hours after the individual's delivery, the name of the facility to which the individual was transferred;
m. Whether the individual was alive at the time the information in this subsection was submitted; and
n. Whether the individual was being breastfed at the time the information in this subsection was submitted.

B. If the birth of an individual did not occur in a hospital and was either not attended by a physician, registered nurse practitioner, nurse midwife, or midwife, or was attended by a physician, registered nurse practitioner, nurse midwife, or midwife who is not willing or not able to provide the information specified in subsections (A)(3) and (4), the information submitted for an individual's birth record includes the following:
1. Information for the individual's certificate of birth registration that includes:
a. The information in subsection (A)(1);
b. The information in subsections (A)(3)(a) through (d);
c. Whether the birth occurred at a residence and, if so, whether the birth was planned to occur at the residence;
d. If the birth did not occur at a residence, a description of where the birth occurred; and
e. The street address, city or town, and county where the birth occurred; and
2. Other information for the individual's birth record that includes:
a. The information in subsection (A)(2);
b. The information in subsections (A)(4)(e) through (g), (j)(i) and (ii), and (k) through (n);
c. The name of the person who assisted the individual's birth and the person's relationship to the individual's mother; and
d. Whether the individual's mother's temperature was 38° C or higher during labor.

R9-19-202. Requests from Hospitals for Birth Registration

A. Before requesting the registration of the birth of an individual born in a hospital, the administrator or person in charge of the medical records for the hospital where the individual was born shall obtain, in a written format:
1. The information in R9-19-201(A); and
2. A statement attesting to the validity of the information in:
a. R9-19-201(A)(1) and (2), signed and dated by the person providing the information; and
b. R9-19-201(A)(3) and (4), signed and dated by the person providing the information.

B. To request the registration of the birth of an individual born in a hospital, within seven days after the date of the individual's birth, the administrator or person in charge of the medical records for the hospital where the individual was born shall:
1. Enter into the state electronic birth registration system the information in R9-19-201(A); and
2. If applicable, submit to the State Registrar or a local registrar or deputy local registrar the documentation in ~~subsections~~ subsection (E) or (F).

C. To request the registration of the birth of an individual born in a hospital, more than seven days but less than one year after the individual's birth, the administrator or person in charge of the medical records for the hospital where the individual was born shall submit, in a Department-provided format, to the State Registrar or a local registrar or deputy local registrar:
1. The information required in R9-19-201(A);
2. If the information required in R9-19-201(A) is not submitted electronically, a written statement attesting to the validity of the submitted information, signed and dated by the administrator or person in charge of the medical records; and
3. If applicable, the documentation in subsection (E) or (F).

D. If an individual was born in a hospital and the individual's birth has not been registered more than one year after the individual's birth, the administrator or person in charge of the medical records for the hospital where the individual was born may submit to the State Registrar to request the registration of the individual's birth:
1. The information required in R9-19-201(A);
2. If applicable, the documentation in subsection (E) or (F);
3. A copy of supportive medical records; and
4. A written statement attesting to the validity of the submitted information, signed and dated by the administrator or person in charge of the hospital's medical records.

E. If the name of an individual's mother in R9-19-201(A)(1)(b)(i) is based on a court order establishing maternity, the person submitting the information for a birth record shall submit a copy of the court order establishing maternity, certified by the issuing entity.

F. If the name of an individual's father in R9-19-201(A)(1)(c)(i) is based on:
1. A voluntary acknowledgement of paternity, the person submitting the information for a birth record shall submit a copy of the voluntary acknowledgement of paternity that meets the requirements in A.R.S. § 25-812; or
2. An administrative order or a court order establishing paternity, the person submitting the information for a birth record shall submit a copy of the administrative order or court order establishing paternity, certified by the issuing entity.

R9-19-204. Requests for Birth Registration from Persons Other than Hospitals or Health Care Providers

A. To request the registration of the birth of an individual not born in a hospital whose birth was either not attended by a physician, registered nurse practitioner, nurse midwife, or midwife, or was attended by a physician, registered nurse practitioner, nurse midwife, or midwife who is not willing or not able to comply with requirements in R9-19-203, within seven days after the date of the individual's birth, the individual's parent, guardian, or person who has custody of the individual shall submit the following to the State Registrar or a local registrar or deputy local registrar:
1. The information required in R9-19-201(B);
2. If the name of the individual's mother in R9-19-201(A)(1)(b)(i) is based on a court order establishing maternity, a copy of the court order establishing maternity, certified by the issuing entity;
3. If the name of the individual's father in R9-19-201(A)(1)(c)(i) is based on:
a. A voluntary acknowledgement of paternity, a copy of the voluntary acknowledgement of paternity that meets the requirements in A.R.S. § 25-812; or

b. An administrative order or a court order establishing paternity, a copy of the administrative order or court order establishing paternity, certified by the issuing entity;

4. A written statement attesting to the validity of the submitted information, signed and dated by the person submitting the request;
5. One evidentiary document establishing the individual's mother's presence in Arizona at the time of the individual's birth that:
   a. Contains the individual's mother's first and last name, the individual's mother's street address or the location where the individual's mother was present in Arizona, and the date the evidentiary document was created; and
   b. Was created no more than 30 days before the date of the individual's birth or seven days after the date of the individual's birth;
6. One evidentiary document supporting the facts of the individual's birth, ~~including~~ such as:
   a. A copy of the part of the individual's mother's medical record showing services received by the individual's mother during:
      i. The three months before the individual's birth, or
      ii. After the individual's birth and before the submission of the request to register the individual's birth;
   b. A copy of the individual's medical record, if seen by a physician, registered nurse practitioner, nurse midwife, or midwife before the submission of the request to register the individual's birth;
   c. The laboratory results of a newborn screening test, conducted under A.R.S. § 36-694;
   d. An affidavit from an independent source, attesting to personal knowledge of the individual's birth;
   e. A certified blessing or baptismal certificate for the individual with either a raised seal of the church or accompanied by a written statement signed by the church minister or other church official; or
   f. Another document from an independent source containing information that supports the facts of the individual's birth; and
7. If the request for registration of the individual's birth is submitted by:
   a. The individual's guardian, a copy of the court order establishing guardianship, certified by the issuing court; or
   b. A person who has custody of the individual, a copy of the court order establishing custody, certified by the issuing court.

B. To request the registration of the birth of an individual not born in a hospital whose birth was either not attended by a physician, registered nurse practitioner, nurse midwife, or midwife, or was attended by a physician, registered nurse practitioner, nurse midwife, or midwife who is not willing or not able to comply with requirements in ~~R9-19-203(A)~~ R9-19-203, more than seven days but less than one year after the individual's birth, the individual's parent, guardian, or person who has custody of the individual shall submit the following to the State Registrar or a local registrar or deputy local registrar:

1. The information required in R9-19-201(B);
2. If the name of the individual's mother in R9-19-201(A)(1)(b)(i) is based on a court order establishing maternity, a copy of the court order establishing maternity, certified by the issuing entity;
3. If the name of the individual's father in R9-19-201(A)(1)(c)(i) is based on:
   a. A voluntary acknowledgement of paternity, a copy of the voluntary acknowledgement of paternity that meets the requirements in A.R.S. § 25-812; or
   b. An administrative order or a court order establishing paternity, a copy of the administrative order or court order establishing paternity, certified by the issuing entity.
4. A written statement attesting to the validity of the submitted information, signed and dated by the person submitting the request;
5. One evidentiary document establishing the individual's mother's presence in Arizona at the time of the individual's birth that:
   a. Contains the individual's mother's first and last name, the individual's mother's street address or the location where the individual's mother was present in Arizona, and the date the evidentiary document was created; and
   b. Was created no more than 30 days before the date of the individual's birth or no more than 30 days after the date of the individual's birth;
6. One evidentiary document supporting the facts of the individual's birth, including:
   a. A copy of the part of the individual's mother's medical record showing services received by the individual's mother during the three months before or six weeks after the individual's birth;
   b. A copy of the individual's medical record, if seen by a physician, registered nurse practitioner, nurse midwife, or midwife less than six weeks after the individual's birth;
   c. The laboratory results of a newborn screening test, conducted under A.R.S. § 36-694;
   d. An affidavit from an independent source, attesting to personal knowledge of the individual's birth;
   e. A certified blessing or baptismal certificate for the individual with either a raised seal of the church or accompanied by a written statement signed by the church minister or other church official; or
   f. Another document from an independent source containing information that supports the facts of the individual's birth; and
7. If the request for registration of the individual's birth is submitted by:
   a. The individual's guardian, a copy of the court order establishing guardianship, certified by the issuing court; or
   b. A person who has custody of the individual, a copy of the court order establishing custody, certified by the issuing court.

C. If the State Registrar or a local registrar or deputy local registrar determines that a request for registration of an individual's birth submitted according to subsection (A) or (B) and the evidentiary documents submitted as part of the request:

1. Contain the required information, meet the requirements in subsection (A) or (B), as applicable, and are true and valid, the State Registrar, local registrar, or deputy local registrar shall establish a birth record for the individual and register the individual's birth; or
2. Do not contain the required information, do not meet the requirements in subsection (A) or (B), as applicable, or may not be true or valid, the State Registrar, local registrar, or deputy registrar shall:
   a. Not establish a birth record for the individual or register the individual's birth; and
   b. Provide written notification to the person who submitted the request according to R9-19-103(C):
      i. Specifying the missing, incomplete, false, or invalid information or evidentiary documents; and

ii. Informing the person that the person has until one year after the individual's birth or 30 days after the date of the written notification in subsection (C)(2)(b), whichever is later, to provide the required information or evidentiary documents.

D. Except as provided in R9-19-202(D), a request for registration of an individual's birth, which occurred in Arizona, more than one year after the individual's birth, may be submitted by:
1. The individual, if the individual is of legal age or is married;
2. The individual's parent, if the individual is not of legal age and is not married;
3. The individual's guardian; or
4. A person who has custody of the individual.

E. Before a person in subsection (D) may request the registration of an individual's birth more than one year after the individual's birth, the person shall request a certified copy of the individual's certificate of birth registration, according to the requirements in R9-19-211, and receive a "Certificate of No Record."

F. Except as provided in subsection (I), to request the registration of an individual's birth, which occurred in Arizona, more than one year after the individual's birth, a person in subsection (D) shall submit to the State Registrar:
1. A "Certificate of No Record" for the individual issued by the State Registrar, dated not more than five years before the date the request in this subsection is submitted;
2. The following information, in a Department-provided format:
   a. Whether the individual has a registered birth record in another state or country;
   b. If the individual has a registered birth record in another state or country, the state or country that registered the individual's birth;
   c. The following information about the individual:
      i. Current name;
      ii. Name before first marriage;
      iii. Sex;
      iv. Date of birth;
      v. Town, city, or county where the individual's birth occurred; and
      vi. Race;
   d. The following information about the individual's mother:
      i. Name at the time of the individual's birth;
      ii. Name before first marriage;
      iii. Date of birth;
      iv. City or town, county, and state of the individual's mother's usual residence at the time of the individual's birth;
      v. State, territory, or foreign country where the individual's mother was born;
      vi. Social Security Number;
      vii. Race;
      viii. Whether the individual's mother is of Hispanic origin and, if so, the type of Hispanic origin;
      ~~viii.~~ix. Whether the individual's mother's usual residence at the time of the individual's birth was in a tribal community; and
      ~~ix.~~xi. If the individual's mother's usual residence at the time of the individual's birth was in a tribal community, the name of the tribal community;
   e. If applicable according to A.R.S. § 36-334, the following information about the individual's father:
      i. Name;
      ii. Date of birth;
      iii. State, territory, or foreign country where the individual's father was born;
      iv. Social Security Number;
      v. Race; and
      vi. Whether the individual's father is of Hispanic origin and, if so, the type of Hispanic origin;
   f. If the individual is not of legal age and is not married, a written statement attesting to the validity of the information required in subsections (F)(2)(a) through (e), signed by:
      i. The individual's parent; or
      ii. If applicable, the individual's guardian or the person who has custody of the individual; and
   g. If the individual is of legal age or married, a written statement attesting to the validity of the information required in subsections (F)(2)(a) through (e), signed by:
      i. The individual; or
      ii. If applicable, the individual's guardian or the person who has custody of the individual;
3. If the information is submitted by:
   a. The individual's guardian, a copy of the court order establishing guardianship, certified by the issuing court; or
   b. A person who has custody of the individual, a copy of the court order establishing custody, certified by the issuing court;
4. The following documents:
   a. If the individual is 14 years of age or younger:
      i. Except as provided in subsection (F)(5)(a), an affidavit attesting to the facts of birth signed by the individual's father, the individual's mother, or other adult family member of the individual who has personal knowledge of the individual's birth;
      ii. At least one evidentiary document containing the facts of the individual's birth, established before the individual was five years of age; and
      iii. At least one evidentiary document establishing the individual's mother's presence in Arizona at the time of the individual's birth; or

b. If the individual is over 14 years of age:
i. Except as provided in subsection (F)(5)(b), an affidavit attesting to the facts of birth signed by the individual's father, the individual's mother, or other adult family member of the individual, who is at least ten years older than the individual and who has personal knowledge of the individual's birth;
ii. At least one evidentiary document containing the facts of the individual's birth, established in the first ten years of the individual's life;
iii. At least one evidentiary document containing the facts of the individual's birth, established at least five years before the date of submission; and
iv. At least one evidentiary document establishing the individual's mother's presence in Arizona at the time of the individual's birth;

5. If an affidavit attesting to the facts of birth from the individual's father, the individual's mother, or other adult family member of the individual at least ten years older than the individual, who has personal knowledge of the individual's birth, is not available and:
a. The individual is 14 years of age or younger, an additional evidentiary document containing the facts of the individual's birth, established before the individual was five years of age; or
b. The individual is over 14 years of age, an additional evidentiary document containing the facts of the individual's birth, established at least five years before the date of submission; and

6. The fee in R9-19-105 for a request to establish a delayed birth record and register the individual's birth.

G. A person submitting a request for the registration of an individual's birth according to subsection (F) shall ensure that an evidentiary document required in:
1. Subsection (F)(4)(a)(ii) or subsections (F)(4)(b)(ii) and (F)(4)(b)(iii), as applicable, contains, in addition to the individual's first and last name:
a. The individual's date of birth;
b. The town, city, or county where the individual's birth occurred;
c. The first and last name of the individual's mother, submitted as required in subsection (F)(2)(d)(i); or
d. If applicable, the first and last name of the individual's father, submitted as required in subsection (F)(2)(e)(i); and

2. Subsection (F)(4)(a)(iii) or (F)(4)(b)(iv), as applicable:
a. Contains the individual's mother's first and last name and street address, and
b. Was created no more than six months before the date of the individual's birth or six months after the date of the individual's birth.

H. If a request for the registration of an individual's birth is submitted according to subsection (F) and the individual's birth occurred in Arizona before 1970, the State Registrar may:
1. Waive one of the evidentiary documents required in subsection (F)(4)(b) as long as at least two other evidentiary documents verify each of the pieces of the individual's birth information required in subsection (G)(1);
2. Accept as an evidentiary document an affidavit from an independent source, attesting to personal knowledge of the individual's birth; or
3. Consider all evidentiary documents submitted to determine whether the information contained in the evidentiary documents supports the registration of the individual's birth.

I. If an individual's birth occurred in Arizona before 1970, the individual is a member of a tribe recognized by the Federal Bureau of Indian Affair's Office of Federal Acknowledgement under 25 CFR Part 83, and the individual's birth is not registered, the individual or the individual's guardian may request the registration of the individual's birth by submitting to the State Registrar:
1. A "Certificate of No Record" for the individual issued by the State Registrar, dated not more than five years before the date the request in this subsection is submitted;
2. The following information, in a Department-provided format:
a. Whether the individual has a registered birth record from another state or country;
b. If the individual has a registered birth record from another state or country, the state or country that issued the individual's registered birth certificate;
c. The individual's:
i. Current name;
ii. Name before first marriage;
iii. Sex;
iv. Date of birth; and
v. Town, city, or county where the individual's birth occurred;
d. The individual's mother's:
i. Name before first marriage;
ii. Current last name; and
iii. Date of birth, if known;
e. If applicable according to A.R.S. § 36-334, the name and, if known, date of birth of the individual's father; and
f. A written statement attesting to the validity of the information required in subsections (I)(2)(a) through (e), signed by:
i. The individual; or
ii. If applicable, the individual's guardian or the person who has custody of the individual;

3. If the information is submitted by the individual's guardian, a copy of the court order establishing guardianship, certified by the issuing court;
4. An evidentiary document verifying the individual's official tribal enrollment, issued by the Tribal Authority of the federally recognized tribe and certified by the Tribal Authority, containing:
a. The individual's:

i. Name before first marriage;
ii. Date of birth; and
iii. Town, city, or county where the individual's birth occurred;
b. The individual's mother's name; and
c. If applicable according to A.R.S. § 36-334, the individual's father's name;
5. One or more other evidentiary documents that:
a. Support the information provided according to subsection (I)(2)(c) through (e); and
b. May include an affidavit from an independent source, attesting to personal knowledge of the individual's birth; and
6. The fee in R9-19-105 for a request to establish a delayed birth record and register the individual's birth.

J. If the State Registrar determines that a request for registration of an individual's birth submitted according to subsection (F) or (I) and the evidentiary documents submitted as part of the request:
1. Contain the required information, meet the requirements in this Section, and are true and valid, the State Registrar shall:
a. Establish a delayed birth record for the individual that includes a summary statement that lists the evidentiary documents the State Registrar accepted as support for the registration of the individual's birth and register the individual's birth; and
b. Issue a certified copy of a certificate of delayed birth registration to the person who submitted the request to register the individual's birth; or
2. Do not contain the required information, do not meet the requirements in this Section, or may not be true or valid, the State Registrar shall:
a. Not establish a delayed birth record for the individual or register the individual's birth; and
b. Provide written notification to the person who submitted the request according to R9-19-103(C):
i. Specifying the missing, incomplete, false, or invalid information or evidentiary documents; and
ii. Informing the person that the person has 180 days after the date of the written notification in subsection (J)(2)(b) to provide the required information or evidentiary documents.

K. If a person who received the notification in subsection (J)(2)(b):
1. Submits all the required information or evidentiary documents to the State Registrar within the 180-day time period, the State Registrar shall establish a delayed birth record for the individual and issue a certified copy of a certificate of delayed birth registration to the person who submitted the request to register the individual's birth; or
2. Does not submit all the required information or evidentiary documents to the State Registrar within the 180-day time period, the State Registrar shall:
a. Comply with the requirements in R9-19-103(D) and (E); and
b. If denying the delayed registration of the individual's birth, in addition to the written notice required in R9-19-103(E)(2)(c), advise the person of the person's right to:
i. Appeal the State Registrar's determination, as prescribed in A.R.S. Title 41, Chapter 6, Article 6;
ii. If the individual has obtained the required information or evidentiary documents, apply to register the individual's birth as prescribed in subsection (F) or (I), as applicable; or
iii. Petition for a court order to register the individual's birth, as prescribed in A.R.S. § 36-333.03.

L. If the Department receives a court order, issued under A.R.S. § 36-333.03, for the registration of a delayed birth record for an individual, the Department shall establish a delayed birth record for the individual that includes a summary statement that lists the evidentiary documents the court accepted as support for the registration of the individual's birth and register the individual's birth.

M. After reviewing for completeness and compliance with R9-19-102, R9-19-201, and this Section, the State Registrar or a local registrar or deputy local registrar shall return an evidentiary document submitted to support a request to register an individual's birth to the person who submitted the request to register the individual's birth.

R9-19-208. Amending Information in a Registered Birth Record

A. A person requesting an amendment to an individual's registered birth record shall include in a written request to amend:
1. The individual's name currently in the individual's registered birth record;
2. The individual's date of birth;
3. The name before first marriage of the individual's mother;
4. If known, the:
a. Individual's sex;
b. State file number;
c. Town or city of the individual's birth;
d. County of the individual's birth;
e. Hospital where the individual was born, if applicable;
f. Name of the individual's father; and
g. Dates of birth of the individual's parents; and
5. The specific information in the individual's registered birth record to be amended, including, as applicable or as further specified in subsections of this Section, the specific information to be deleted and the specific information to be added.

B. Except for an amendment specified in another subsection of this Section, to request an amendment to an individual's registered birth record, a person requesting the amendment shall submit to the State Registrar:
1. A written request, in a Department-provided format, that includes:
a. The information in subsection (A);
b. The name and mailing address of the person requesting the amendment;
c. The relationship between the individual and the person requesting the amendment; and
d. An affidavit attesting to the validity of the submitted amendment, signed by the person requesting the amendment;
2. A copy of a court order to amend the individual's registered birth record, certified by the issuing court and including the information to be amended, as specified according to subsection (A)(5);

3. If the person submitting the request for the amendment to the individual's registered birth record is the individual's guardian, a copy of the court order establishing guardianship, certified by the issuing court; and
4. The fee in R9-19-105 for a request to amend information in a registered birth record.

C. An administrator of a hospital or the person in charge of the medical records for the hospital where an individual was born, who is requesting an amendment of information specified in R9-19-201(A)(3) or (4) in the individual's registered birth record because of a hospital error, shall submit to the State Registrar or a local registrar:
1. A written request, in a Department-provided format, that includes:
   a. The information in subsection (A);
   b. The name of the hospital administrator or the person in charge of the hospital's medical records who is requesting the amendment; and
   c. A written statement attesting to the validity of the submitted amendment, signed and dated by the hospital administrator or the person in charge of the hospital's medical records; and
2. A copy of the part of the individual's or the individual's mother's medical record containing the specific information to be amended.

D. A physician, registered nurse practitioner, nurse midwife, or midwife who attended an individual's birth, submitted a request for the individual's birth registration according to R9-19-203, and requests an amendment of information specified in R9-19-201(A)(3) or (4) in the individual's registered birth record because of the physician's, registered nurse practitioner's, nurse midwife's, or midwife's error shall submit to the State Registrar or a local registrar:
1. A written request, in a Department-provided format, that includes:
   a. The information in subsection (A);
   b. The name of the physician, registered nurse practitioner, nurse midwife, or midwife who attended an individual's birth; and
   c. A written statement attesting to the validity of the submitted amendment, signed and dated by the physician, registered nurse practitioner, nurse midwife, or midwife who attended the individual's birth; and
2. A copy of the part of the individual's or the individual's mother's medical record containing the specific information to be amended.

E. To add an individual's first name, middle name, or suffix to the individual's registered birth record 90 days or less after the individual's birth, the individual's parent or guardian shall submit to the State Registrar or a local registrar:
1. A written request, in a Department-provided format, that includes:
   a. The information in subsection (A), including the first name, middle name, or suffix to be added;
   b. The name and mailing address of the individual's parent or guardian requesting the amendment; and
   c. An affidavit attesting to the validity of the submitted amendment, signed, as applicable, by:
      i. Each parent whose name is included in the individual's birth record, or
      ii. The individual's guardian;
2. If the person submitting the request for the amendment to the individual's registered birth record is the individual's guardian, a copy of the court order establishing guardianship, certified by the issuing court; and
3. The fee in R9-19-105 for a request to amend information in a registered birth record.

F. To add an individual's first name, middle name, or suffix to the individual's registered birth record more than 90 days but less than seven years after the individual's birth, the individual's parent or guardian shall submit to the State Registrar or a local registrar:
1. A written request, in a Department-provided format, that includes:
   a. The information in subsection (A), including the first name, middle name, or suffix to be added;
   b. The name and mailing address of the individual's parent or guardian requesting the amendment; and
   c. An affidavit attesting to the validity of the submitted amendment, signed, as applicable, by:
      i. Each parent whose name is included in the individual's birth record, or
      ii. The individual's guardian;
2. An evidentiary document that:
   a. Includes the first name, middle name, or suffix to be added; and
   b. Was created within one year after the date of the individual's birth;
3. If the person submitting the request for the amendment to the individual's registered birth record is the individual's guardian, a copy of the court order establishing guardianship, certified by the issuing court; and
4. The fee in R9-19-105 for a request to amend information in a registered birth record.

G. To request the amendment of an individual's name in the individual's registered birth record 90 days or less after the individual's birth, the individual's parent or guardian shall submit to the State Registrar or a local registrar:
1. A written request, in a Department-provided format, that includes:
   a. The information in subsection (A), including the specific name to be deleted and the specific name to be added;
   b. The name and mailing address of the individual's parent or guardian requesting the amendment; and
   c. An affidavit attesting to the validity of the submitted amendment, signed, as applicable, by:
      i. Each parent whose name is included in the individual's birth record, or
      ii. The individual's guardian;
2. If the person submitting the request for the amendment to the individual's registered birth record is the individual's guardian, a copy of the court order establishing guardianship, certified by the issuing court; and
3. The fee in R9-19-105 for a request to amend information in a registered birth record.

H. To request the amendment of an individual's name in the individual's registered birth record more than 90 days but less than one year after the individual's birth, the individual's parent or guardian shall submit to the State Registrar or a local registrar:
1. A written request, in a Department-provided format, that includes:
   a. The information in subsection (A), including the specific name to be deleted and the specific name to be added;
   b. The name and mailing address of the individual's parent or guardian requesting the amendment; and

c. An affidavit attesting to the validity of the submitted amendment, signed, as applicable, by:
i. Each parent whose name is included in the individual's birth record, or
ii. The individual's guardian;
2. An evidentiary document that:
a. Includes the name to be added, and
b. Was created within one year after the date of the individual's birth;
3. If the person submitting the request for the amendment to the individual's registered birth record is the individual's guardian, a copy of the court order establishing guardianship, certified by the issuing court; and
4. The fee in R9-19-105 for a request to amend information in a registered birth record.

I. To amend the month or day of an individual's birth in the individual's registered birth record, the individual, if the individual is of legal age or is married, or the individual's parent or guardian shall submit to the State Registrar or a local registrar:
1. A written request, in a Department-provided format, that includes:
a. The information in subsection (A), including the month or day to be deleted and the month or day to be added;
b. The name and mailing address of the individual or the individual's parent or guardian requesting the amendment; and
c. An affidavit attesting to the validity of the submitted amendment, signed, as applicable, by:
i. The individual;
ii. The individual's parent requesting the amendment, whose name is included in the individual's birth record; or
iii. The individual's guardian;
2. An evidentiary document that includes the requested month or day;
3. If the person submitting the request for the amendment to the individual's registered birth record is the individual's guardian, a copy of the court order establishing guardianship, certified by the issuing court; and
4. The fee in R9-19-105 for a request to amend information in a registered birth record.

J. To amend the date of birth or place of birth of an individual's parent in the individual's registered birth record, ~~or~~ to change the individual's mother's last name in the individual's registered birth record to the individual's mother's last name before the individual's mother's first marriage, or to change the last name of the individual's father in the individual's registered birth record, the individual, if the individual is of legal age or is married, or the individual's parent or guardian shall submit to the State Registrar or a local registrar:
1. A written request, in a Department-provided format, that includes:
a. The information in subsection (A), including the specific information in the individual's registered birth record to be amended, including the date of birth, place of birth, or name to be deleted and the date of birth, place of birth, or name to be added;
b. The name and mailing address of the individual or the individual's parent or guardian requesting the amendment; and
c. An affidavit attesting to the validity of the submitted amendment, signed, as applicable, by:
i. The individual;
ii. The individual's parent requesting the amendment, whose name is included in the individual's birth record; or
iii. The individual's guardian;
2. One of the following evidentiary documents containing the specific information for the individual's parent to be amended in the individual's registered birth record:
a. A certified copy of the individual's parent's registered birth certificate;
b. A copy of the individual's parent's passport; or
c. A copy of an administrative order or court order establishing paternity, certified by the issuing entity;
3. If the person submitting the request for the amendment to the individual's registered birth record is the individual's guardian, a copy of the court order establishing guardianship, certified by the issuing court; and
4. The fee in R9-19-105 for a request to amend information in a registered birth record.

K. To request the amendment of an individual's registered birth record based on the individual's biological father's voluntary acknowledgement of paternity, the individual's mother and biological father shall submit to the State Registrar:
1. A voluntary acknowledgement of paternity form that complies with A.R.S. § 25-812;
2. The following information, which may be submitted as part of the voluntary acknowledgement of paternity or in a Department-provided format:
a. The information in subsection (A);
b. The names and mailing address of the individual's mother and biological father requesting the amendment;
c. The following information about the individual's biological father:
i. Name;
ii. Date of birth;
iii. State, territory, or foreign country where the individual's biological father was born;
iv. Social Security Number;
v. Race;
vi. Whether the individual's father is of Hispanic origin and, if so, the type of Hispanic origin; and
vii. Highest degree or level of education completed by the individual's father at the time of the individual's birth;
d. If the request is submitted 90 days or less after the date of the individual's birth, the name requested for the individual; and
e. If the request is submitted more than 90 days after the date of the individual's birth, the last name requested for the individual;
3. If an individual has a presumed father as described in A.R.S. § 25-814(A)(1), a written document that contains:
a. The individual's name;
b. The individual's presumed father's name;
c. The individual's mother's name; and

d. A jurat, as defined in A.R.S. § 41-311, signed by the individual's presumed father:
i. Attesting to the fact that, although the individual's presumed father was married to the individual's mother, the individual's presumed father is not the biological father of the individual; and
ii. Relinquishing and waiving all legal rights to the individual; and
4. The fee in R9-19-105 for a request to amend information in a registered birth record.

L. To request the amendment of an individual's registered birth record based on an administrative order or court order establishing paternity, a person shall submit to the State Registrar:
1. A copy of the administrative order or a court order establishing paternity, certified by the issuing entity;
2. The following information, which may be submitted as part of the administrative order or a court order establishing paternity or in a Department-provided format:
a. The information in subsection (A);
b. The name and mailing address of the person requesting the amendment; and
c. The following information about the father to be added to the individual's registered birth record:
i. Name;
ii. Date of birth;
iii. State, territory, or foreign country where the father was born; and
iv. If the person requesting the amendment is not the issuing entity:
(1) Social Security Number;
(2) Race;
(3) Whether the father is of Hispanic origin and, if so, the type of Hispanic origin; and
(4) Highest degree or level of education completed by the father at the time of the individual's birth; and
3. The fee in R9-19-105 for a request to amend information in a registered birth record.

M. To request the amendment of the registered birth record of an individual born in Arizona based on the individual's adoption, a state court, the adopted individual's adoptive parent, the married adopted individual, or the adopted individual of legal age shall submit to the State Registrar:
1. A copy of the court order of adoption, certified by the issuing court, or a certificate of adoption with a court seal, after the individual's adoption is final;
2. If the document required in subsection (M)(1) does not contain the following, the person who submitted the request to amend the adopted individual's registered birth record shall submit to the State Registrar:
a. The information in subsection (A);
b. The name and mailing address of the adopted individual's adoptive parent or the adopted individual requesting the amendment;
c. The individual's name established by the court order;
d. Whether the individual's adoptive parents want the information about the individual's parents currently in the individual's registered birth record to be retained;
e. If the individual's adoptive parents do not want the information about the individual's parents in the individual's registered birth record before the adoption to be retained in the individual's registered birth record after the adoption, the following information:
i. The name and date of birth of the individual's adoptive father;
ii. The state, territory, or foreign country where the individual's adoptive father was born;
iii. The individual's adoptive father's Social Security Number;
iv. The name and date of birth of the individual's adoptive mother;
v. The individual's adoptive mother's last name before first marriage;
vi. The state, territory, or foreign country where the individual's adoptive mother was born;
vii. The individual's adoptive mother's Social Security Number;
viii. Street address, city or town, county, and state of the individual's adoptive mother's residence at the time of the individual's birth; and
ix. Street address, city or town, county, and state of the individual's adoptive mother's current residence;
f. If the individual's adoptive parents want the information about the individual's parents in the individual's registered birth record before the adoption to be retained in the individual's registered birth record after the adoption, the name and date of birth of each of the individual's adoptive parents;
g. Whether the individual's adoptive parents want the name of the hospital, facility, or street address where the individual's birth occurred to be omitted in the amended birth record;
h. The signature of each of the individual's adoptive parents and the date signed;
i. The name of the court issuing the document required in subsection ~~(K)(1)~~ (M)(1); and
j. The date the final order of adoption was granted;
3. If the individual's adoptive parents want the information about the individual's parents in the individual's registered birth record before the adoption to be retained in the individual's registered birth record after the adoption:
a. A written request signed and dated by the adoptive parent or a copy of a court order, certified by the issuing court, containing a request to retain the information in the individual's registered birth record;
b. Either:
i. A written statement with the notarized signature of the individual's mother, agreeing to retain the mother's name in the individual's registered birth record; or
ii. If the individual's mother is deceased, a certified copy of a registered death certificate for the individual's mother; and
c. If a father's name is included in the individual's registered birth record, either:

i. A written statement with the notarized signature of the individual's father, agreeing to retain the father's name in the individual's registered birth record; or
ii. If the individual's father is deceased, a certified copy of a registered death certificate for the individual's father; and
4. The fee in R9-19-105 for a request to amend information in a registered birth record.

N. If the State Registrar receives a court order or a certificate of adoption with a court seal for an individual, submitted as required in subsection (M), that names two persons of the same sex as the individual's parents or the individual's mother and father, the State Registrar shall enter the name of each person as the individual's parent in the individual's birth record.

O. To request an amendment to an individual's registered birth record when the individual has undergone a sex change operation or has had a chromosomal count that establishes the sex of the individual as different than in the individual's registered birth record, an individual, if the individual is of legal age or is married, or the individual's parent or guardian shall submit to the State Registrar or a local registrar:
1. A written request, in a Department-provided format, that includes:
a. The information in subsection (A), including:
i. The individual's sex currently in the individual's registered birth record, and
ii. The requested change for the individual's sex to be included in the individual's registered birth record;
b. The name and mailing address of the individual or the individual's parent or guardian requesting the amendment; and
c. An affidavit attesting to the validity of the submitted amendment, signed, as applicable, by:
i. The individual;
ii. The individual's parent requesting the amendment, whose name is included in the individual's birth record; or
iii. The individual's guardian;
2. A written statement on a physician's letterhead paper, signed and dated by the physician, that the individual has:
a. Undergone a sex change operation, or
b. Had a chromosomal count that establishes the sex of the individual as different from that in the individual's registered birth record;
3. If the person submitting the request for the amendment to the individual's registered birth record is the individual's guardian, a copy of the court order establishing guardianship, certified by the issuing court; and
4. The fee in R9-19-105 for a request to amend information in a registered birth record.

P. The State Registrar or a local registrar shall amend an individual's registered birth record based on:
1. A request for an amendment, if the State Registrar or local registrar determines, according to R9-19-103, that the information and evidentiary documents in the request for amendment supports the amendment of the individual's registered birth record; or
2. Except as provided in subsection (Q), a court order.

Q. The State Registrar or a local registrar shall not amend the date of birth in an individual's registered birth record to a year later than the year in the date currently stated in the individual's registered birth record if any of the information in R9-19-201, required for registering the individual's birth, was received by the State Registrar or local registrar before the later date.

R. When the State Registrar or a local registrar amends a registered birth record, the State Registrar or local registrar shall seal the:
1. Registered birth record that existed before the amendment, and
2. Evidentiary documents submitted to support the amendment.

R9-19-210. Eligibility for a Certified Copy of a Certificate of Birth Registration

A. A certified copy of a certificate of birth registration contains, as available, the information specified in:
1. R9-19-201(A)(1) and ~~(4)~~ (3) for a birth registered according to R9-19-202 or R9-19-203;
2. R9-19-201(B)(1) for a birth registered according to R9-19-204(A) or (B);
3. R9-19-204(F)(2)(c)(ii) through (v), (d)(ii) through (v), and (e)(i) through (iii) for a birth registered according to R9-19-204(F);
4. R9-19-204(I)(2)(c)(ii) through (v), (d), and (e) for a birth registered according to R9-19-204(I);
5. R9-19-205(A)(1)(a) and (b)(i) through (iii) for a foundling's birth record registration according to R9-19-205; and
6. R9-19-206(B)(1)(a) through (d), (2)(a) through (d), and (3)(a) through (c) for registering a foreign birth according to R9-19-206.

B. The following are eligible to receive a certified copy of an individual's certificate of birth registration:
1. The individual, if the individual is of legal age or married;
2. A parent of the individual;
3. The individual's spouse;
4. The individual's grandparent, adult child, adult grandchild, or adult brother or sister;
5. The individual's guardian;
6. A person designated in a power of attorney, established by the individual's parent or guardian according to A.R.S. § 14-5104 or 14-5107;
7. A person appointed as the individual's conservator according to A.R.S. Title 14, Chapter 5, Article 4;
8. A person designated in a court order to receive a certified copy of the individual's certificate of birth registration;
9. An attorney representing:
a. The individual, if the individual is of legal age or married;
b. The individual's parent; or
c. The individual's guardian while acting on the individual's behalf;
10. An adoption agency, licensed according to A.R.S. § 8-126, or a private attorney if:
a. An adoption of the individual is pending, and
b. The adoption agency or private attorney represents the individual's biological parents or prospective adoptive parents; and
11. A governmental agency processing an adoption, a financial claim, a governmental benefit application, or another form of compensation on behalf of an individual, or having another official purpose for the certified copy of the individual's certificate of birth registration.

ARTICLE 3. VITAL RECORDS FOR DEATH

R9-19-301. Human Remains Release Form

A. Except as provided in subsection (B), the form required by A.R.S. § 36-326(B) to accompany a deceased individual's human remains ~~moved~~ removed from a hospital, nursing care institution, or hospice inpatient facility is in a Department-provided format and shall include:

1. The name and street address of the hospital, nursing care institution, or hospice inpatient facility;
2. The deceased individual's:
   a. Name;
   b. Date of birth;
   c. Sex; and
   d. Social Security number or, if the deceased individual's Social Security number is not available, the deceased individual's medical record number;
3. The date and time of the death;
4. The name, ~~and~~ telephone number, and e-mail address of the health care provider expected to sign the medical certification of death;
5. The name, telephone number, and relationship to the deceased individual of the individual authorizing the hospital, nursing care institution, or hospice inpatient facility to release the human remains;
6. The most recent diagnosis in the deceased individual's medical record;
7. A list of the circumstances in A.R.S. § 11-593(A);
8. Whether a notification required in A.R.S. § 11-593 was made;
9. If the deceased individual's human remains are being released to a funeral establishment or a person authorized to receive the deceased individual's communicable disease related information under A.R.S. § 36-664, whether the deceased individual had been diagnosed with or was suspected of having, as stated in the deceased individual's medical record at the time of death:
   a. Infectious tuberculosis,
   b. Human immunodeficiency virus,
   c. Creutzfeldt-Jakob disease,
   d. Hepatitis B,
   e. Hepatitis C, or
   f. Rabies;
10. For a death that occurred in a hospital, if the deceased individual's human remains have been accepted for donation by an organ procurement organization under A.R.S. Title 36, Chapter 7, Article 3, and the person authorized in A.R.S. § 36-843 has not made or refused to make an anatomical gift, whether the organ procurement organization has been notified that the deceased individual's human remains are being removed from the hospital; and
11. The name and signature of the individual representing the hospital, nursing care institution, or hospice inpatient facility who is releasing the human remains.

B. The form required by A.R.S. § 36-326(B) to accompany human remains from a fetal death ~~moved~~ removed from a hospital, nursing care institution, or hospice inpatient facility is in a Department-provided format and shall include:

1. The name and street address of the hospital, nursing care institution, or hospice inpatient facility;
2. The name of the mother;
3. The date of delivery;
4. The estimated gestational age or, if the gestational age is unknown, the weight of the human remains;
5. The name and telephone number of the parent authorizing the hospital, nursing care institution, or hospice inpatient facility to release the human remains;
6. A list of the circumstances in A.R.S. § 11-593(A);
7. Whether a notification required in A.R.S. § 11-593 was made;
8. For a fetal death that occurred in a hospital, if the human remains have been accepted for donation by an organ procurement organization under A.R.S. Title 36, Chapter 7, Article 3, and the person authorized in A.R.S. § 36-843 has not made or refused to make an anatomical gift, whether the organ procurement organization has been notified that the human remains are being removed from the hospital; and
9. The name and signature of the individual representing the hospital, nursing care institution, or hospice inpatient facility who is releasing the human remains.

C. An individual who removes human remains from a hospital, nursing care institution, or hospice inpatient facility shall sign and date the applicable human remains release form required in subsection (A) or (B), and note the time of removal when the individual removes the human remains from the hospital, nursing care institution, or hospice inpatient facility.

D. The individual in subsection (C) who removes human remains shall submit a copy of the applicable human remains release form required in subsection (A) or (B) to the local registrar or deputy local registrar of the registration district where the death or fetal death occurred within 24 hours after removing the human remains from a hospital, nursing care institution, or hospice inpatient facility.

R9-19-304. Registration of a Death When a Medical Examiner is Notified According to A.R.S. § 11-593(B)

A. If a medical examiner of the registration district where a deceased individual's death occurred is notified according to A.R.S. § 11-593(B), the medical examiner shall determine whether the deceased individual died under any of the circumstances described in A.R.S. § 11-593(A) and:

1. If the medical examiner determines that the deceased individual did not die under any of the circumstances described in A.R.S. § 11-593(A):
   a. Document:

i. The medical examiner's determination that the medical examiner does not have jurisdiction according to A.R.S. § 11-593, and
ii. The name of a health care provider who had been providing current care to the deceased individual;
b. Provide, upon request, a copy of the documentation in subsection (A)(1)(a) to the State Registrar or a local registrar or deputy local registrar of the registration district where the deceased individual's death occurred; and
c. Notify the State Registrar or the local registrar or deputy local registrar of the registration district where the deceased individual's death occurred of the determination; and
2. If the medical examiner determines that the deceased individual died under any of the circumstances described in A.R.S. § 11-593(A), take charge of the deceased individual's human remains under A.R.S. § 11-594.

B. If the medical examiner of the registration district where a deceased individual's death occurred takes charge of the deceased individual's human remains under A.R.S. § 11-594, the medical examiner shall submit the medical certification of death in a Department-provided format:
1. To the State Registrar or a local registrar or deputy local registrar of the registration district where the deceased individual's death occurred according to A.R.S. § 36-325(C);
2. That includes:
a. The deceased individual's name, date of birth, and sex;
b. Any other names by which the deceased individual was known, including, if applicable, the deceased individual's last name before first marriage;
c. The date of the individual's death;
d. The place of death including:
i. Either:
(1) The name of the facility where the death occurred; or
(2) If the death did not occur in a facility, the street address at which the death occurred or, if the location at which the death occurred does not have a street address, another indicator of the location at which the death occurred;
ii. The county;
iii. The town or city; and
iv. Zip code;
e. The deceased individual's age;
f. Whether the cause or manner of death is pending investigation at the time the information is submitted;
g. If the cause and manner of death are not pending investigation, the information in R9-19-302(A)(3) and (4) and (B); and
h. If the cause or manner of death is pending investigation:
i. The word "pending" for the:
(1) Cause of death required in R9-19-302(A)(3)(c), or
(2) Manner of death required in R9-19-302(A)(3)(h);
ii. The remaining information in R9-19-302(A)(3) and (4); and
iii. The information required in R9-19-302(B); and
3. That is signed and dated by the medical examiner, attesting that, on the basis of examination or investigation, as applicable, death occurred at the time, date, and place, and due to the cause and manner stated.

C. When specifying the conditions leading to the immediate cause of death, including the underlying cause of death, a medical examiner shall use the applicable standards from the Medical Examiners' and Coroners' Handbook on Death Registration and Fetal Death Reporting, DHHS Publication No. (PHS) 2003-1110 published by the Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Health Statistics, incorporated by reference, on file with the Department, and including no future editions or amendments, available through http://www.cdc.gov/nchs/data/misc/hb_me.pdf or from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250-7954.

D. Upon determination of the cause or manner of death, a medical examiner who had indicated, according to subsection (B)(2)(h), that the cause or manner of death was pending investigation shall submit an amendment according to R9-19-310 that includes the cause or manner of death, using the standards in subsection (C).

E. Within seven days after receiving a deceased individual's human remains from a medical examiner, a responsible person or funeral director who is responsible for the final disposition of the deceased individual's human remains shall:
1. Comply with the requirements in R9-19-303(A); and
2. Submit to the State Registrar or a local registrar or deputy local registrar of the registration district where the death occurred, and in a Department-provided format, the information specified in R9-19-302(A)(1) and (2).

F. Upon receiving information submitted according to subsections (B), (E), and, if applicable (D), the State Registrar or the local registrar of the county where a death occurred shall:
1. Review the information received;
2. Enter into a deceased individual's death record any missing information provided according to subsection (B), (E), or, if applicable (D); and
3. Within 72 hours, either:
a. Register the deceased individual's death, or
b. Notify the person submitting the information according to ~~subsections (B) or (C)~~ subsection (B) or (E), as specified in R9-19-103(C).

G. To request the registration of a delayed death record for a deceased individual, a medical examiner or a tribal law enforcement authority shall submit, in a Department-provided format, to the State Registrar or a local registrar or deputy local registrar of the registration district where the death occurred the information required in R9-19-302.

R9-19-305. Fetal Death Registration

A. Before requesting the registration of a fetal death, a hospital, an abortion clinic, a physician, a nurse midwife, or a midwife shall:

1. Obtain, in a written format:
   a. The information in subsections (B)(1)(a) through (f), (v), and (w) and (2)(a) through (f) from a parent of the deceased or another family member who is of legal age; and
   b. A statement attesting to the validity of the information in subsections (B)(1)(a) through (f), (v), and (w) and (2)(a) through (f), signed and dated by the individual providing the information; and
2. Provide, in a Department-provided format, the information in:
   a. Subsections (B)(1)(g) through (o) and (2)(g) through (u); and
   b. Unless a funeral director is responsible for the final disposition of the human remains, subsections (B)(1)(p) through (u).

B. Except as provided in subsection (D) and R9-19-306, a hospital, an abortion clinic, a physician, a nurse midwife, or a midwife shall submit to the State Registrar or a local registrar, according to A.R.S. § 36-329 and in a Department-provided format:
1. Information for the deceased's certificate of fetal death registration:
   a. The name of the deceased, if applicable;
   b. Location where delivery occurred, including:
      i. The city or town, zip code, and county where the delivery occurred; and
      ii. Whether delivery occurred in a residence or another facility;
   c. If delivery occurred at a residence, the street address of the residence or, if the residence where the delivery occurred does not have a street address, another indicator of the location at which the delivery occurred;
   d. If delivery occurred in a facility, the:
      i. Name of the facility where delivery occurred, and
      ii. Type of facility where delivery occurred;
   e. The following information about the deceased's father:
      i. Name;
      ii. Date of birth; and
      iii. State, territory, or foreign country where the father was born;
   f. The following information about the deceased's mother:
      i. Current name;
      ii. Street address, apartment number if applicable, city or town, state, zip code, and county of the mother's usual residence;
      iii. If the mother's usual residence is not in the United States, the country of the mother's usual residence;
      iv. Date of birth;
      v. Name before first marriage; and
      vi. State, territory, or foreign country where the mother was born;
   g. The deceased's sex;
   h. Plurality of delivery;
   i. If plurality involves more than one, the deceased's order of birth;
   j. Date of delivery;
   k. Hour of delivery;
   l. Any cause or condition that contributed to the fetal death, specified according to the applicable standards incorporated by reference in R9-19-303(C)(3) or R9-19-304(C), as applicable;
   m. Any other significant causes or conditions related to the fetal death;
   n. If a medical examiner of the registration district where the fetal death occurred took charge of the human remains under A.R.S. § 11-594, the name and health professional license number of the medical examiner;
   o. The name and, if applicable, professional credential of the individual attending the delivery; and
   p. The anticipated final disposition of the human remains, including one or more of the following:
      i. Hospital or abortion clinic disposition;
      ii. Burial;
      iii. Entombment;
      iv. Cremation;
      v. Anatomical gift, except for an anatomical gift of a part;
      vi. Removal from the state; and
      vii. Other final disposition of the human remains;
   q. If an anticipated final disposition is anatomical gift, except for an anatomical gift of a part, another anticipated final disposition other than removal from the state;
   r. If an anticipated final disposition is removal from the state:
      i. Whether removal from the state includes removal from the United States; and
      ii. Another anticipated final disposition specified in subsection (B)(1)(p)(ii), (iii), (iv), or (vii);
   s. If an anticipated final disposition of the human remains is another means of final disposition, a description of the anticipated final disposition;
   t. The name and location where each final disposition of the human remains took place, and the date of each final disposition;
   u. If a funeral establishment is responsible for the final disposition of the human remains:
      i. The name and address of the funeral establishment, and
      ii. The name and license number of the funeral director;
   v. If a person is responsible for the final disposition of the human remains, the name and address of the responsible person; and
   w. The name and title of the individual providing the information;
2. Other information for the deceased's fetal death record:

a. If delivery occurred at a residence, whether the delivery was planned to occur at the residence;
b. The following information about the deceased's father:
   i. Race;
   ii. Whether the father is of Hispanic origin and, if so, the type of Hispanic origin; and
   iii. Highest degree or level of education completed by the father at the time of the deceased's delivery;
c. The following information about the deceased's mother:
   i. Race;
   ii. Highest degree or level of education completed by the mother at the time of the deceased's delivery;
   iii. Whether the mother's usual residence is inside city limits;
   iv. Whether the mother's usual residence is in a tribal community and, if so, the name of the tribal community; and
   v. Height;
d. Whether the deceased's mother:
   i. Is of Hispanic origin and, if so, the type of Hispanic origin;
   ii. Received food from WIC for herself during the pregnancy; or
   iii. Was married at the time of delivery;
e. The deceased's mother's history of:
   i. Smoking before or during the pregnancy,
   ii. Prenatal care for this pregnancy, and
   iii. Previous pregnancies and pregnancy outcomes;
f. The deceased's mother's:
   i. Pre-pregnancy weight;
   ii. Weight at delivery; and
   iii. Date the last normal menses began;
g. The principal source of payment for the delivery;
h. If applicable, the National Provider Identifier of the facility where delivery occurred;
i. Estimation of the deceased's gestational age;
j. Weight in grams of the deceased at delivery;
k. Whether:
   i. The deceased was dead at first assessment with no ongoing labor,
   ii. The deceased was dead at first assessment with ongoing labor,
   iii. The deceased died during labor after first assessment, or
   iv. It is unknown when the deceased died;
l. The following medical information about the deceased's mother:
   i. Medical risk factors during this pregnancy;
   ii. Characteristics of the labor and delivery; and
   iii. Medical complications during labor or delivery;
m. Whether the deceased's mother was transferred from one facility to another facility for a maternal medical condition or fetal medical condition before the delivery;
n. If the deceased's mother was transferred from one facility to another facility before the delivery, the name of the facility from which the deceased's mother was transferred;
o. Whether the prenatal record was available for completion of the fetal death report;
p. Any congenital anomalies of the deceased;
q. Whether an autopsy was planned or performed;
r. Whether a histological placental examination was performed;
s. Whether autopsy or histological placental examination results were used in determining the cause of the fetal death;
t. Whether the placenta appearance was normal or abnormal; and
u. A description of the fetal appearance at delivery; and

3. A written statement attesting to the validity of the submitted information, signed and dated by the designee of the person submitting the information.

C. To request the registration of a fetal death more than seven days after the fetal death, a hospital, an abortion clinic, a physician, a nurse midwife, or a midwife shall submit, in a Department-provided format, to the State Registrar:
1. The information required in subsections (A)(1) and (2);
2. A description of the circumstances causing the delay; and
3. A written statement attesting to the validity of the information required in subsections (B)(1) and (2), signed and dated by the person making the request.

D. Within seven days after receiving the human remains from a fetal death from a hospital, an abortion clinic, a physician, a nurse midwife, or a midwife, a responsible person or funeral director who is responsible for the final disposition of the human remains shall submit to the State Registrar or the local registrar of the registration district in which the fetal death occurred, in a Department-provided format, any information specified in ~~R9-19-305(B)(1)(a)~~ subsections (B)(1)(a) through (f) and (p) through (w) and (2)(a) through (e) that had not been submitted by the hospital, abortion clinic, physician, nurse midwife, or midwife, according to subsection (B).

E. If a fetal death occurs in this state and is not registered within one year after the date of the fetal death, the State Registrar or a local registrar shall establish and register a delayed fetal death record.

F. When the State Registrar or a local registrar or deputy local registrar of the registration district where a fetal death occurred receives a request to register the fetal death, the State Registrar, local registrar, or deputy local registrar shall review the request according to R9-19-103.

G. A hospital, an abortion clinic, a physician, a nurse midwife, or a midwife responsible for submitting the information in subsection (B) to the State Registrar or a local registrar or deputy local registrar shall:
1. Maintain a copy of the evidentiary document in subsection (A) for at least 10 years after the date on the evidentiary document, and
2. Provide a copy of the evidentiary document in subsection (A) to the State Registrar for review within 48 hours after the State Registrar's request.

R9-19-306. Registration of a Fetal Death When a Medical Examiner is Notified According to A.R.S. § 11-593(B)

A. If a medical examiner of the registration district where a fetal death occurred is notified according to A.R.S. § 11-593(B), the medical examiner shall determine whether the fetal death occurred under any of the circumstances described in A.R.S. § 11-593(A) and:
1. If the medical examiner determines that the fetal death did not occur under any of the circumstances described in A.R.S. § 11-593(A):
   a. Document:
      i. The medical examiner's determination that the medical examiner does not have jurisdiction according to A.R.S. § 11-593, and
      ii. The name of a health care provider who had been providing current care to the deceased's mother;
   b. Provide, upon request, a copy of the documentation in subsection (A)(1)(a) to the State Registrar or a local registrar or deputy local registrar of the registration district where the fetal death occurred; and
   c. Notify the State Registrar or the local registrar or deputy local registrar of the registration district where the fetal death occurred of the determination; and
2. If the medical examiner determines that the fetal death occurred under any of the circumstances described in A.R.S. § 11-593(A), take charge of the human remains under A.R.S. § 11-594.

B. If the medical examiner of the registration district where a fetal death, which requires registration under A.R.S. § 36-329, occurred takes charge of the human remains under A.R.S. § 11-594, the medical examiner shall submit to the State Registrar or the local registrar of the registration district where the fetal death occurred, according to A.R.S. § 36-325(C) and in a Department-provided format:
1. Whether the cause of fetal death is pending investigation at the time the information is submitted;
2. If the cause of fetal death is not pending investigation:
   a. The information in R9-19-305(B)(1)(a) through (o), (1)(w), and (2)(i) through (u); and
   b. If known, the information in ~~R9-19-305(B)(p)~~ R9-19-305(B)(1)(p) through (v) and (2)(a) through (h); and
3. If the cause of fetal death is pending investigation:
   a. The word "pending" for the cause of fetal death required in R9-19-305(B)(1)(l);
   b. The remaining information in subsection (B)(2)(a); and
   c. If known, the information in subsection (B)(2)(b).

C. Upon determination of the cause of fetal death, a medical examiner who had indicated, according to subsection (B)(3), that the cause of fetal death was pending investigation shall submit an amendment according to R9-19-310 that includes the cause of fetal death, using the applicable standards incorporated by reference in R9-19-304(C).

D. Within seven days after receiving the human remains from a fetal death from a medical examiner, a responsible person or funeral director who is responsible for the final disposition of the human remains shall submit to the State Registrar or the local registrar of the registration district in which the fetal death occurred, in a Department-provided format, any information specified in R9-19-305(B)(1)(a) through (f) and (p) through (w) and (2)(a) through (e) that had not been submitted by the medical examiner, according to subsection (B).

E. Upon receiving information submitted according to subsections (B)~~, (C),~~ and, if applicable, (C) and (D), the State Registrar or a local registrar shall:
1. Review the information received;
2. Enter into a fetal death record any missing information received according to subsection (B)~~, (C),~~ or, if applicable (C) or (D); and
3. Within 72 hours, either:
   a. Register the fetal death, or
   b. Notify the applicable person submitting the information according to ~~subsections~~ subsection (B), (C), or (D), as specified in R9-19-103(C).

F. To request the registration of a delayed fetal death record, a medical examiner or tribal law enforcement authority shall submit to the State Registrar, in a Department-provided format, the information required in R9-19-305(B).

R9-19-309. Correcting Information in a Registered Death Record or a Registered Fetal Death Record

A. To request the correction of information submitted by the funeral director or the funeral director's funeral establishment for registration of a deceased individual's death, according to R9-19-303(B) or R9-19-304(E), a funeral director shall submit to the State Registrar or the local registrar of the registration district where the death occurred:
1. A written request to correct the submitted information, on the letterhead paper of the funeral director's funeral establishment or in a Department-provided format, that includes:
   a. The name and license number of the funeral director submitting the request;
   b. Contact information for the funeral director submitting the request, which includes a telephone number or an e-mail address;
   c. The deceased individual's:
      i. Name in the deceased individual's registered death record;
      ii. Sex;
      iii. Date of birth;
      iv. Date of death; and
      v. If known, the state file number;

d. The specific information in the registered death record to be corrected; and
e. A written statement attesting to the validity of the submitted correction signed and dated by the funeral director submitting the request for correction; and
2. A copy of the document required in R9-19-303(A).

B. To request the correction of information specified in R9-19-302(A)(3) or (4) in a deceased individual's registered death record, a medical certifier, including a medical examiner or, if applicable, tribal law enforcement authority, who completed the medical certification of death for the deceased individual, according to R9-19-303(C)(2) or R9-19-304(B), shall submit to the State Registrar or the local registrar of the registration district where the death occurred:
1. A written request to correct the submitted information, on the letterhead paper of the medical certifier or in a Department-provided format, that includes:
a. The name and, as applicable, the health professional license number or the badge number of the medical certifier submitting the request;
b. Contact information for the medical certifier submitting the request, which includes a telephone number or an e-mail address;
c. The information in subsection (A)(1)(c);
d. The specific information in the registered death record to be corrected; and
e. A written statement attesting to the validity of the submitted correction signed and dated by the medical certifier submitting the request for correction; and
2. An evidentiary document, dated before the date the deceased individual's death was registered, that demonstrates the validity of the submitted correction.

C. In addition to a correction of information in a deceased individual's registered death record allowed under subsection (B), a medical examiner may request the correction of any other information that had been submitted by the medical examiner according to R9-19-304(B) for the deceased individual's death record by submitting to the State Registrar or the local registrar of the registration district where the death occurred:
1. The written request to correct the submitted information in subsection (B)(1), and
2. An evidentiary document required in subsection (B)(2).

D. To request the correction of information in a deceased individual's registered death record, a person who was responsible for the final disposition of the deceased individual's human remains, according to A.R.S. § 36-831, or who provided the information in R9-19-302(A)(1) and (2) to a funeral director, according to R9-19-303(A), shall submit to the State Registrar or the local registrar of the registration district where the death occurred:
1. A written request to correct, in a Department-provided format, that includes:
a. The following information:
i. The name of the person submitting the request;
ii. The person's relationship to the deceased individual;
iii. Contact information for the person submitting the request, which includes a telephone number or an e-mail address;
iv. The information required in subsection (A)(1)(c); and
v. The specific information in the registered death record to be corrected; and
b. An affidavit attesting to the validity of the submitted correction, signed by the person requesting the correction;
2. An evidentiary document that demonstrates the person's relationship to the deceased individual;
3. An evidentiary document, dated before the date the deceased individual's death was registered, that demonstrates the validity of the submitted correction; and
4. The fee in R9-19-105 for a request to correct the information in a registered death record.

E. To request the correction of information submitted by a hospital, an abortion clinic, a physician, a nurse midwife, or a midwife, according to R9-19-305(B); by a funeral director, according to R9-19-305(D) or R9-19-306(D); by a medical examiner, according to R9-19-306(B); or by a tribal law enforcement authority, as allowed by A.R.S. § 36-325(I), in a registered fetal death record, a designee of the hospital, abortion clinic, physician, nurse midwife, midwife, medical examiner, or tribal law enforcement authority, as applicable, or a funeral director shall submit to the State Registrar or the local registrar of the registration district where the fetal death occurred:
1. A written request to correct the submitted information, on the submitter's letterhead paper or in a Department-provided format, that includes:
a. The name and, as applicable:
i. The health care institution license number of the hospital or abortion clinic submitting the request;
ii. The health professional license number of the physician, nurse midwife, midwife, or medical examiner submitting the request;
iii. The funeral director's license number; or
iv. Badge number for the medical certifier for the tribal law enforcement authority submitting the request;
b. Contact information, which includes a telephone number or an e-mail address for the:
i. Designee of the hospital, abortion clinic, physician, nurse midwife, midwife, medical examiner, or tribal law enforcement authority submitting the request; or
ii. Funeral director submitting the request;
c. Name of the mother of the fetus;
d. Date of delivery; and
e. If known, the state file number;
f. The specific information in the registered fetal death record to be corrected; and

g. A written statement attesting to the validity of the submitted correction signed and dated by the designee of the hospital, abortion clinic, physician, nurse midwife, midwife, medical examiner, or tribal law enforcement authority, as applicable, or a funeral director submitting the request for correction; and

2. An evidentiary document that demonstrates the validity of the submitted correction.

F. To request the correction of information in a registered fetal death record, a parent of the fetus shall submit, to the State Registrar or the local registrar of the registration district where the fetal death occurred:

1. A written request to correct, in a Department-provided format, that includes:
   a. The following information:
      i. The name of the parent submitting the request;
      ii. Contact information for the parent submitting the request, which includes a telephone number or an e-mail address;
      iii. The information required in subsection (E)(1)(c) through (e); and
      iv. The specific information in the registered fetal death record to be corrected; and
   b. An affidavit attesting to the validity of the submitted correction, signed by the parent requesting the correction;
2. An evidentiary document, dated before the registration of the fetal death, that demonstrates the validity of the submitted correction; and
3. The fee in R9-19-105 for a request to correct the information in a registered fetal death record.

R9-19-314. Eligibility for a Certified Copy of a Certificate of Death Registration

A. A certified copy of a certificate of death registration contains, as available, the information specified in R9-19-302(A)(1) and (3).

B. The following are eligible to receive a certified copy of a deceased individual's certificate of death registration:

1. A funeral director representing one of the following in a final disposition of the deceased individual's human remains, within 12 months after the registration of the deceased individual's death:
   a. The deceased individual through a prearranged funeral agreement, as defined in A.R.S. § 32-1301;
   b. The deceased individual's spouse;
   c. The deceased individual's parent, grandparent, or adult child, grandchild, brother, or sister; or
   d. Another person who is responsible for the final disposition of the deceased individual's human remains according to A.R.S. § 36-831;

2. A designee of a funeral director in subsection (B)(1);

~~2.~~3. The surviving spouse of the deceased individual;

~~3.~~4. A parent or grandparent of the deceased individual;

~~4.~~5. An adult child, grandchild, brother, or sister of the deceased individual;

~~5.~~6. A person designated in a power of attorney, established by ~~the deceased individual's parent according to A.R.S. § 14-5104 or 14-5107~~ a person eligible according to subsection (B)(3), (4), or (5);

~~6.~~7. Another person who is responsible for the final disposition of the deceased individual's human remains according to A.R.S. § 36-831;

~~7.~~8. A person named in the deceased individual's last will and testament as the executor of the deceased individual's estate;

~~8.~~9. A person named in the deceased individual's last will and testament as a beneficiary of the deceased individual's estate;

~~9.~~10. A person named as a beneficiary of a life insurance policy on the deceased individual;

~~10.~~11. A person designated in a court order to receive a certified copy of the deceased individual's certificate of death registration;

~~11.~~12. A person authorized in writing to receive a certified copy of the deceased individual's certificate of death registration by a person who is eligible to receive a certified copy of the deceased individual's certificate of death registration according to subsection ~~(B)(2), (3),~~ (B)(3), (4), ~~or~~ (5), or (6);

~~12.~~13. An insurance company with which the deceased individual had a policy;

~~13.~~14. A bank, a credit union, a mortgage lender, or another financial institution with which the deceased individual had an account or other business relationship;

~~14.~~15. A hospital or other health care institution processing a claim against the deceased individual's estate;

~~15.~~16. Another person having a claim against the deceased individual's estate;

~~16.~~17. An attorney representing a person who is eligible to receive a certified copy of the deceased individual's certificate of death registration;

~~17.~~18. The consulate of a foreign government representing a person who:
   a. Is eligible to receive a certified copy of the deceased individual's certificate of death registration, according to subsection ~~(B)(2), (3),~~ (B)(3), (4), ~~or~~ (5), or (6);
   b. Is a citizen of the foreign country; and
   c. Resides in the foreign country; and

~~18.~~19. A governmental agency processing a financial claim, a governmental benefit application, or another form of compensation on behalf of the deceased individual or the deceased individual's estate or having another official purpose for a certified copy of the deceased individual's certificate of death registration.

R9-19-315. Requesting a Certified Copy of a Certificate of Death Registration

A. A funeral director eligible to receive a certified copy of a deceased individual's certificate of death registration according to R9-19-314(B)(1) or the funeral director's designee according to R9-19-314(B)(2) may request a certified copy of the deceased individual's certificate of death registration by submitting to the State Registrar or a local registrar:

1. A written request, on the letterhead of the funeral establishment or in a Department-provided format, that includes:
   a. The name and license number of the funeral director;
   b. Contact information for the funeral director, which includes a telephone number or an e-mail address;
   c. If applicable, the name and contact information for the funeral director's designee, which includes a telephone number or an e-mail address;

~~c.~~d. The name and address of the funeral director's funeral establishment;
~~d.~~e. The deceased individual's:
i. Name in the deceased individual's registered death record,
ii. Date of birth, and
iii. Date of death;
~~e.~~f. If known, the:
i. Sex of the deceased individual,
ii. State file number,
iii. Town or city of the deceased individual's death,
iv. County of the deceased individual's death,
v. Place of the deceased individual's death, and
vi. Deceased individual's Social Security Number;
~~f.~~g. The number of certified copies of the individual's certificate of death registration being requested; and
~~g.~~h. The dated signature of the funeral director submitting the request and, except as provided in subsection (B), either:
i. With the funeral director's signature notarized; or
ii. Accompanied by a copy of a valid, government-issued form of photo identification for the funeral director that contains the funeral director's name and signature;

2. Except when the name of the funeral establishment specified according to subsection ~~(A)(1)(e)~~ (A)(1)(d) is included in the deceased individual's registered death record, a copy of documentation demonstrating that the funeral director or the funeral director's funeral establishment has a valid contract to furnish funeral goods or services, as defined in A.R.S. § 32-1301, related to a final disposition of the deceased individual's human remains; and
3. The fee in R9-19-105 for each certified copy of the deceased individual's certificate of death registration being requested.

B. A funeral director or the funeral director's designee requesting a certified copy of a deceased individual's certificate of death registration according to subsection (A) may submit the written request in subsection (A)(1) with the funeral director's or the funeral director's designee's signature, if the funeral director or the funeral director's designee has submitted to the State Registrar or a local registrar:
1. A copy of ~~the funeral director's~~ a valid, government-issued form of photo identification of the funeral director or the funeral director's designee, as applicable; and
2. Documentation verifying current employment by the funeral establishment specified according to subsection ~~(A)(1)(e)~~ (A)(1)(d), dated within the 12 months before the deceased individual's death was registered.

C. A person eligible to receive a certified copy of a deceased individual's certificate of death registration according to ~~R9-19-314(B)(2) through (11)~~ R9-19-314(B)(3) through (12) may request a certified copy of the deceased individual's certificate of death registration by submitting to the State Registrar or a local registrar:
1. A written request, in a Department-provided format, that includes:
a. The name and mailing address of the person submitting the request;
b. Contact information for the person submitting the request, which includes a telephone number or an e-mail address;
c. The person's relationship with the deceased individual that makes the person eligible to receive a certified copy of the deceased individual's certificate of death registration;
d. The deceased individual's:
i. Name in the deceased individual's registered death record,
ii. Date of birth, and
iii. Date of death;
e. If known, the:
i. Sex of the deceased individual,
ii. State file number,
iii. Town or city of the deceased individual's death,
iv. County of the deceased individual's death,
v. Place of the deceased individual's death,
vi. Funeral establishment or person responsible for the final disposition of the deceased individual's human remains, and
vii. Deceased individual's Social Security Number;
f. Whether the certified copy of the deceased individual's certificate of death registration is to be used in a claim against the U.S. government for one of the following and, if so, which of the following:
i. Social Security or similar retirement benefits;
ii. Allotments to dependents of military personnel on active service;
iii. Pensions to veterans of the armed forces or their survivors;
iv. Payments of U.S. government or NSLI life insurance proceeds; or
v. Any other claim that, as determined by the State Registrar, meets the general requirements of A.R.S. § 39-122(A);
g. The number of certified copies of the deceased individual's certificate of death registration being requested; and
h. The dated signature of the person submitting the request, either:
i. With the person's signature notarized; or
ii. Accompanied by a copy of a valid, government-issued form of photo identification for the person that contains the person's name and signature;
2. One or more evidentiary documents demonstrating that the person is eligible to receive a certified copy of the deceased individual's certificate of death registration; and
3. Except as provided in A.R.S. § 39-122(A), the fee in R9-19-105 for each certified copy of the deceased individual's certificate of death registration being requested.

D. The following provides examples of documentation that meets the requirement in subsection (C)(2):
1. For the surviving spouse of the deceased individual whose name is included in the deceased individual's registered death record, a copy of the marriage certificate for the deceased individual and the spouse;
2. For a person who is the deceased individual's parent, grandparent, or adult child, grandchild, brother, or sister:
   a. Either:
      i. A copy of one or more certificates of birth registration or certificates of death registration that show the person's relationship to the deceased individual or, if a parent's name is included in the deceased individual's registered birth record or registered death record, the deceased individual's parent; or
      ii. For births or deaths registered in Arizona, information about the person or a related person whose birth or death was registered in Arizona, such as the person's name, date of birth, or parent's name and date of birth or date of death, that would enable the Department to locate the person's or related person's registered birth record or registered death record; and
   b. If applicable, a copy of a court order of adoption, certified by the issuing court, or a certificate of adoption with a court seal, for the deceased individual or the deceased individual's parent or adult child, grandchild, brother, or sister that shows the person's relationship to the deceased individual;
3. For a person designated in a power of attorney, established by ~~the deceased individual's parent according to A.R.S. § 14-5104 or 14-5107~~ a person eligible according to R9-19-314(B)(3), (4), or (5)~~,~~:
   a. ~~a~~ A copy of the power of attorney; and
   b. Documentation, as specified in subsection (D)(1) or (2), demonstrating that the person is eligible, according to R9-19-314(B)(3), (4), or (5), to receive a certified copy of the deceased individual's certificate of death registration;
4. For another responsible person, a copy of documentation demonstrating that the responsible person meets the definition of "responsible person" in A.R.S. § 36-301;
5. For a person named in the deceased individual's last will and testament as the executor of the deceased individual's estate or as a beneficiary of the deceased individual's estate, a copy of the deceased individual's last will and testament;
6. For a person named as a beneficiary of a life insurance policy on the deceased individual, a copy of the life insurance policy for the deceased individual or other documentation from the company that issued the life insurance policy specifying the person as a beneficiary;
7. For a person named in a court order to receive a certified copy of the deceased individual's certificate of death registration, a copy of the court order, certified by the issuing court; and
8. For a person authorized in writing to receive a certified copy of the deceased individual's certificate of death registration by a person who is eligible to receive a certified copy of the deceased individual's certificate of death registration according to ~~R9-19-314(B)(2), (3), (4), or (5)~~ R9-19-314(B)(3), (4), (5), or (6):
   a. A written statement from the person authorized in writing to receive a certified copy of the deceased individual's certificate of death registration, that includes:
      i. The deceased individual's name;
      ii. The name of and contact information for the person authorized to receive a certified copy of the deceased individual's certificate of death registration;
      iii. The name of and contact information for the person who is eligible to receive a certified copy of the deceased individual's certificate of death registration according to ~~R9-19-314(B)(2), (3), (4), or (5)~~ R9-19-313(B)(3), (4), (5), or (6) and who authorized the person in subsection (D)(8)(a)(ii) to receive a certified copy of the deceased individual's certificate of death registration; and
      iv. The signature of the person authorized to receive a certified copy of the deceased individual's certificate of death registration;
   b. The notarized signature of the person authorized to receive a certified copy of the deceased individual's certificate of death registration or the copy of a valid, government-issued form of photo identification that contains the name and signature of the person authorized to receive a certified copy of the deceased individual's certificate of death registration, as required in subsection (C)(1)(h);
   c. A copy of documentation demonstrating that the person specified according to subsection (D)(8)(a)(iii) is eligible to receive a certified copy of the deceased individual's certificate of death registration; and
   d. A copy of documentation demonstrating that the person specified according to subsection (D)(8)(a)(ii) is authorized by the person specified according to subsection (D)(8)(a)(iii) to receive a certified copy of the deceased individual's certificate of death registration.

E. An insurance company with which the deceased individual had a policy, or a bank, a credit union, a mortgage lender, or another financial institution with which the deceased individual had an account or other business relationship may request a certified copy of a deceased individual's certificate of death registration by submitting to the State Registrar or a local registrar:
1. A written request, on the letterhead paper of the insurance company, bank, credit union, mortgage lender, or other financial institution or in a Department-provided format, that includes:
   a. The name and address of the insurance company, bank, credit union, mortgage lender, or other financial institution;
   b. The name of and contact information for the insurance company's, bank's, credit union's, mortgage lender's, or other financial institution's designee for the request, which includes a telephone number or an e-mail address;
   c. The information in subsections (C)(1)(d) and (e);
   d. If applicable, a description of the policy the deceased individual had with the insurance company;
   e. If applicable, a description of the account or other business relationship the deceased individual had with the bank, credit union, mortgage lender, or other financial institution;
   f. The reason the insurance company, bank, credit union, mortgage lender, or other financial institution is requesting a certified copy of the deceased individual's certificate of death registration; and

g. The dated signature of the insurance company's, bank's, credit union's, mortgage lender's, or other financial institution's designee, either:
i. With the designee's signature notarized; or
ii. Accompanied by a copy of a valid, government-issued form of photo identification for the designee that contains the designee's name and signature;
2. A copy of documentation verifying that the designee is representing the insurance company, bank, credit union, mortgage lender, or other financial institution;
3. As applicable, a copy of documentation demonstrating that the deceased individual had a policy with the insurance company or an account or other business relationship with the bank, credit union, mortgage lender, or other financial institution; and
4. The fee in R9-19-105 for the certified copy of the deceased individual's certificate of death registration.

F. A hospital or other health care institution processing a claim against the deceased individual's estate may request a certified copy of a deceased individual's certificate of death registration by submitting to the State Registrar or a local registrar:
1. A written request, on the letterhead paper of the hospital or other health care institution or in a Department-provided format, that includes:
a. The name and address of the hospital or other health care institution;
b. The name of and contact information for the hospital's or other health care institution's designee for the request, which includes a telephone number or an e-mail address;
c. The information in subsections (C)(1)(d) and (e);
d. A description of the claim against the deceased individual's estate;
e. The reason the hospital or other health care institution is requesting a certified copy of the deceased individual's certificate of death registration; and
f. The dated signature of the hospital's or other health care institution's designee, either:
i. With the designee's signature notarized; or
ii. Accompanied by a copy of a valid, government-issued form of photo identification for the designee that contains the designee's name and signature;
2. A copy of documentation verifying that the designee is representing the hospital or other health care institution;
3. A copy of documentation demonstrating that the hospital or other health care institution has a claim against the deceased individual's estate; and
4. The fee in R9-19-105 for the certified copy of the deceased individual's certificate of death registration.

G. Another person having a court order demonstrating a claim against the deceased individual's estate may request a certified copy of a deceased individual's certificate of death registration by submitting to the State Registrar or a local registrar:
1. A written request from the person having a court order demonstrating a claim against the deceased individual's estate, on the person's letterhead paper or in a Department-provided format, that includes:
a. The name of and contact information for the person having a court order demonstrating a claim against the deceased individual's estate, which includes a telephone number or an e-mail address;
b. If the person is not an individual, the name of and contact information for the person's designee for the request, which includes a telephone number or an e-mail address;
c. The information in subsections (C)(1)(d) and (e);
d. A description of the claim against the deceased individual's estate;
e. The reason the person is requesting a certified copy of the deceased individual's certificate of death registration; and
f. The dated signature of the person submitting the request or, if applicable, the person's designee, either:
i. With the person's or designee's signature notarized; or
ii. Accompanied by a copy of a valid, government-issued form of photo identification for the person or designee, as applicable, that contains the person's or designee's name and signature;
2. If applicable, a copy of documentation verifying that the designee is representing the person;
3. A copy of the court order demonstrating that the person has a claim against the deceased individual's estate; and
4. The fee in R9-19-105 for the certified copy of the deceased individual's certificate of death registration.

H. An attorney representing a person who is eligible to receive a certified copy of the deceased individual's certificate of death registration may request a certified copy of a deceased individual's certificate of death registration by submitting to the State Registrar or a local registrar:
1. A written request, on the attorney's letterhead paper or in a Department-provided format, that includes:
a. The attorney's name and state bar number;
b. Contact information for the attorney, which includes a telephone number or an e-mail address;
c. The name of the person the attorney is representing;
d. The relationship of the person in subsection (H)(1)(c) to the deceased individual;
e. The information in subsections (C)(1)(d) and (e);
f. If the attorney is representing a person in ~~R9-19-314(B)(2) through (11)~~ R9-19-314(B)(3) through (12), the number of certified copies of the individual's certificate of death registration being requested; and
g. The dated signature of the attorney, either:
i. With the attorney's signature notarized; or
ii. Accompanied by a copy of a valid, government-issued form of photo identification for the attorney that contains the attorney name and signature;
2. A copy of the attorney's retainer agreement with the person who is eligible to receive a certified copy of the deceased individual's certificate of death registration;
3. The applicable documentation demonstrating the eligibility of the person specified according to subsection (H)(1)(c) to receive a certified copy of the deceased individual's certificate of death registration; and

4. The fee in R9-19-105 for each certified copy of the deceased individual's certificate of death registration being requested.

I. The consulate of a foreign government eligible to receive a certified copy of a deceased individual's certificate of death registration according to ~~R9-19-314(B)(17)~~ R9-19-314(B)(18) may request a certified copy of a deceased individual's certificate of death registration on behalf of one of the persons identified in ~~R9-19-314(B)(2), (3), (4) or (5)~~ R9-19-314(B)(3), (4), (5) or (6) by submitting to the State Registrar or a local registrar:

1. A written request, on the letterhead of the consulate, that includes:
   a. The name and address of the consulate;
   b. The name of and contact information for the consulate's designee for the request, which includes a telephone number or an e-mail address;
   c. The name of the person the consulate is representing;
   d. The relationship of the person in subsection (I)(1)(c) to the deceased individual;
   e. The information required in subsection (C)(1)(d) and (e);
   f. The reason the consulate is requesting a certified copy of the individual's certificate of death registration;
   g. The number of certified copies of the deceased individual's certificate of death registration being requested; and
   h. The dated signature of the consulate's designee;
2. Documentation verifying that the consulate's designee is representing the consulate;
3. A written statement, signed by the consulate's designee, attesting that the consulate has verified that the person identified according to subsection (I)(1)(c) is eligible under ~~R9-19-314(B)(2), (3), (4) or (5)~~ R9-19-314(B)(3), (4), (5) or (6) to receive a certified copy of the deceased individual's certificate of death registration; and
4. The fee in R9-19-105 for each certified copy of the deceased individual's certificate of death registration being requested.

J. A governmental agency processing a financial claim, a governmental benefit application, or another form of compensation on behalf of a deceased individual or the deceased individual's estate or having another official purpose for a certified copy of the deceased individual's certificate of death registration may request a certified copy of the deceased individual's certificate of death registration by submitting to the State Registrar or a local registrar:

1. A written request, on the governmental agency's letterhead paper or in a Department-provided format, that includes:
   a. The name and address of the governmental agency;
   b. The information required in subsection (C)(1)(d) and (e);
   c. The name of and contact information for the governmental agency's designee for the request, which includes a telephone number or an e-mail address;
   d. A description of the:
      i. Action the governmental agency is taking on behalf of the deceased individual or the deceased individual's estate, or
      ii. Official purpose for which the governmental agency needs a certificate of the individual's death registration;
   e. The reason the governmental agency is requesting a certified copy of the individual's certificate of death registration; and
   f. The dated signature of the governmental agency's designee, accompanied by a copy of the designee's identification badge from the governmental agency verifying that the designee is an employee of the governmental agency; and
2. Unless the governmental agency is an agency as defined in A.R.S. § 41-1001, the fee in R9-19-105 for the certified copy of the deceased individual's certificate of death registration.

NOTICES OF FINAL EXEMPT RULEMAKING

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

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

Questions about the interpretation of the final exempt rule should be addressed to the agency proposing them. Refer to Item #5 to contact the person charged with the rulemaking.

NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 3. AGRICULTURE

CHAPTER 2. DEPARTMENT OF AGRICULTURE
ANIMAL SERVICES DIVISION

[R20-66]

PREAMBLE

1. Article, Part or Section Affected (as applicable)

Article, Part or Section Affected (as applicable)	Rulemaking Action
R3-2-1101	New Section
R3-2-1102	New Section
R3-2-1103	New Section
R3-2-1104	New Section
R3-2-1105	New Section
R3-2-1106	New Section
R3-2-1107	New Section
R3-2-1108	New Section
R3-2-1109	New Section
R3-2-1110	New Section
R3-2-1111	New Section
R3-2-1112	New Section
R3-2-1113	New Section
R3-2-1114	New Section
R3-2-1115	New Section
R3-2-1116	New Section
R3-2-1117	New Section
R3-2-1118	New Section
R3-2-1119	New Section
R3-2-1120	New Section
R3-2-1121	New Section
R3-2-1122	New Section
R3-2-1123	New Section
R3-2-1124	New Section
R3-2-1125	New Section

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

Authorizing statute: A.R.S. §§ 3-710.

Statute or session law authorizing the exemption: Laws 2019, 1st Reg. Sess., Ch. 147, § 3.

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

April 9, 2020

This is the date of filing with the Office of the Secretary of State. These rules will allow Arizona's egg industry to take advantage of this new marketing program and reduce costs. It is essential to give the industry the opportunity to do so as soon as possible.

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

None

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

Name: Chris McCormack, Associate Director
Address: Department of Agriculture
1688 W. Adams
Phoenix, AZ 85007
Telephone: (602) 542-7186
Fax: (602) 542-4290

E-mail: cmccormack@azda.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:

This rulemaking establishes an egg promotion program to provide certification, inspection and grading services and prescribes, by rule, fees for those services according to A.R.S. § 3-710 L. 2.

Establishes rules to administer the egg promotion program, including participation guidelines, use requirements for department trademarks and certification marks and other rules the director deems necessary. Establishes inspections rules to ensure compliance with the trademark and certification mark rules adopted.

7. A reference to any study relevant to the rules that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rules, 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 rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

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

Laws 2019, 1st Reg. Sess., Ch. 147, § 3 authorizes an exemption from the rulemaking requirements of A.R.S. Title 41, Chapter 6 for one year after the effective date of the act. As a result, this rulemaking is exempt from the requirements of the Administrative Procedures Act and no economic, small business, and consumer impact statement is required.

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

Not applicable

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

The AZDA worked with industry to develop the rules and only received positive feedback.

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:

The Department of Agriculture Advisory Council voted on December 16, 2019 in favor of approving these rules.

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

A permit is not required by the rules.

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

No

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

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

AMS PY Instructions No 910 USDA Graders handbook 8/30/2016.
- R3-2-1102. Administration (b) ii. - R3-2-1119. Applicability of facility and operating requirements

AMS 56, United States Standards, Grades, and Weight Classes for Shell Eggs, revised as of July 20, 2000.
- R3-2-1112 Grading requirements of eggs identified with AZDA grademarks.

7 CFR, Part 57 Regulations Governing the Inspection of Eggs, revised as of April 12, 2006
- R3-2-1112 Grading requirements of eggs identified with AZDA grademarks.

21 Part 118 Production, Storage, and transportation of Shell Eggs, revised as of April 1, 2011
- R3-2-1112 Grading requirements of eggs identified with AZDA grademarks.

21, Part 117 of the U.S. Code of Federal Regulations "Current Good Manufacturing Practice, Hazard Analysis, and Risk-based Preventive Controls for Human Foods", revised as of April 1, 2018.
- R3-2-1120. Minimum facility and operating requirements for egg grading and packing plants.

14. Whether the rule was 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:

No

15. The full text of the rules follows:

TITLE 3. AGRICULTURE

CHAPTER 2. DEPARTMENT OF AGRICULTURE
ANIMAL SERVICES DIVISION

ARTICLE 11. ~~EXPIRED~~VOLUNTARY EGG GRADING PROGRAM

Section

R3-2-1101. ~~Expired~~Definitions
R3-2-1102. ~~Expired~~General Provisions
R3-2-1103. ~~Expired~~Equipment and Facilities for Graders
R3-2-1104. ~~Expired~~Schedule of Operation of Official Plants
R3-2-1105. ~~Expired~~Application for Grading Service
R3-2-1106. ~~Expired~~Authority of Applicant
R3-2-1107. ~~Expired~~Order of Service
R3-2-1108. ~~Expired~~Types of Grading Service
R3-2-1109. ~~Expired~~Suspension of Grading Service or Plant Approval for Correctable Cause
R3-2-1110. Authority to Use Official Insignia
R3-2-1111. Form of AZDA Grademark and Information Required
R3-4-1112. Lot marking of Officially Identified Eggs
R3-2-1113. Retention Directives
R3-2-1114. Prerequisites to Packaging Eggs Identified with Grademarks
R3-2-1115. Grading Requirements Of Eggs Identified with Azda Grademarks
R3-2-1116. Payment of Fees and Charges
R3-2-1117. Charges for Grading Service
R3-2-1118. Termination by Recipient
R3-2-1119. Mutual Termination
R3-2-1120. Appeals
R3-2-1121. AZDA Grading Certificates
R3-2-1122. Minimum Facility and Operating Requirements for Egg Grading and Packing Plants
R3-2-1123. Health and Hygiene of Personnel
R3-2-1124. Use of the "Produced From" Labeling
R3-2-1125. Specification Grading

ARTICLE 11. ~~EXPIRED~~VOLUNTARY EGG GRADING PROGRAM

R3-2-1101. ~~Expired~~Definitions

For the purpose of this Article, unless the context otherwise requires, the terms in this section shall have the following meaning:

"Acceptable" means suitable for the purpose intended.

"Administrator" means the supervisor as defined in A.R.S. § 3-701.

"Ambient temperature" means the air temperature maintained in an egg storage facility or transport vehicle.

"AMS" means Agricultural Marketing Service, United States Department of Agriculture.

"Applicant" means any person or entity who requests any grading service.

"Appeal grading" means a re-grading requested by a recipient who is dissatisfied with an initial grading decision.

"Associate Director" means the associate director of the animal service division.

"Auditing services" means the act of providing independent verification of written quality assurance and value added standards for production, processing and distribution of eggs. Auditing services are performed by graders authorized by the Administrator to perform such audits and the service provided will be in accordance with the provisions of this Article for grading services, as appropriate.

"Cage mark" means any stain-type mark caused by an egg coming in contact with a material that imparts a rusty or blackish appearance to the shell.

"Case" means, when referring to containers, an egg case, as used in commercial practice in the United States, holding 30 dozens of eggs.

"Class" means any subdivision of a product based on essential physical characteristics that differentiate between major groups of the same size, kind, species, or method of processing.

"Chick papers" means the papers in which chicks are delivered.

"Condition" means any condition (including, but not being limited to, the state of preservation, cleanliness, soundness, wholesomeness, or fitness for human food) of any product which affects its merchantability.

"Consumer grades" means U.S. Grade AA, A, and B.

"Controlling person" means a person at least 21 years of age legally accountable for operations and management of the egg production plant.

"Department" or "AZDA" means the Arizona Department of Agriculture.

"Director" means the Director of the Arizona Department of Agriculture.

"Egg grading service" means the personnel who are actively engaged in the administration, application, and direction of egg grading programs and services pursuant to this Article.

"Eggs" means eggs of domesticated chickens.

"Eggs of current production" means eggs that are no more than 21 days old.

"Grademark" means the official identification symbol used to identify eggs officially graded by AZDA in accordance with this article.

"Grader" means any employee assigned by AZDA to investigate and certify in accordance with this Article, the class, quality, quantity, or condition of products.

"Grading or grading service" means the determination by a grader that a product meets the standards of this Article regarding the class, quality, quantity, or condition of the product for the purpose of issuing a grade or grading certificate. Such determination may be performed by examining all product units or representative samples drawn by the grader; may be performed as a temporary, resident or non-resident grading service; and includes regrading performed in response to an appeal of a previous grading decision.

"Grading certificate" means a statement, either written or printed, issued by a grader pursuant to this Article, relative to the class, quantity, quality, or condition of products.

"Holiday or legal holiday" means the legal public holidays specified by State of Arizona Accounting Manual (SAAM).

"Identify" means to apply a grademark to products or the containers thereof.

"Interested party" means any person financially interested in a transaction involving any grading, appeal grading, or regrading of any product.

"Office of grading" means the office of any resident grader at the plant.

"Official AZDA certificate" means any form of certification, either written or printed, used under this Article to certify with respect to the sampling, class, grade, quality, size, quantity, or condition of products (including the compliance of products with applicable specifications).

"Official AZDA memorandum" means any initial record of findings made by an authorized person in the process of grading or sampling pursuant to this Article, any processing or plant-operation report made by an authorized person in connection with grading or sampling under this Article, and any report made by an authorized person of services performed pursuant to this Article.

"Official AZDA mark" means the grademark and any other mark, or any variations in such marks approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product, stating that the product was graded, or indicating the appropriate U.S. grade or condition of the product, or for the purpose of maintaining the identity of products graded under this Article, including but not limited to, those set forth in R3-2-1111.

"Official identification" means any AZDA standard designation of class, grade, quality, size, quantity, or condition specified in this Article or any symbol, stamp, label, logo, or seal indicating that the product has been officially AZDA graded and/or indicating the class, grade, quality, size, quantity, or condition of the product approved by the Supervisor and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product.

"Official plant" means the facilities used for a shell egg operation that has been approved by AZDA for grading purposes.

"Origin grading" means a grading made on a lot of eggs at a plant where the eggs are graded and packed.

"Packaging" means the primary or immediate container in which eggs are packaged and which serves to protect, preserve, and maintain the condition of the eggs.

"Packing" means the secondary container in which the primary or immediate container is placed to protect, preserve, and maintain the condition of the eggs during transit or storage.

"Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

"Plant" means the facilities used for a shell egg operation.

"Potable water" means water that has been approved by the State health authority or agency or laboratory acceptable to the Administrator as safe for drinking and suitable for food processing.

"Product or products" means eggs of the domesticated chicken.

"Quality" means the inherent properties of any product which determine its relative degree of excellence.

"Quality assurance inspector" means any designated company employee other than the plant owner, manager, foreman, or supervisor, authorized by the State supervisor to examine product and to supervise the labeling, dating, and lotting of officially graded eggs and to assure that such product is packaged under sanitary conditions, graded by authorized personnel, and maintained under proper inventory control until released by an employee of the Department.

"Recipient" means the individual or entity whose application for grading services has been approved by the Department.

"Resident grading service" means continuous supervision, in an official plant, of the handling or packaging of any product.

"Sampling" means the act of taking samples of any product for grading or certification.

"SE" means *Salmonella* Enteritidis.

"Shell protected" means eggs which have had a protective covering such as oil applied to the shell surface. The product used shall be acceptable to the Food and Drug Administration.

"Shipped for retail sale" means eggs that are forwarded from the processing facility for distribution to the ultimate consumer.

"State supervisor" means the immediate supervisor of a Grader.

"Washed ungraded eggs" means eggs which have been washed and that are either sized or unsized, but not segregated for quality.

R3-2-1102. ~~Expired~~General Provisions

A. Administration. The Administrator shall perform such duties as the Associate Director may require in the enforcement or administration of the provisions of this Article. The Administrator is authorized to waive for limited periods any particular provisions of this Article to permit experimentation so that new procedures, equipment, and processing techniques may be tested to facilitate definite

improvements and at the same time to determine full compliance with the spirit and intent of this Article. The AZDA and its officers and employees shall not be liable in damages through acts of commission or omission in the administration of this Article.

B. Basis of grading service.

1. Grading service with respect to the determination of the quality of products shall be on the basis of the United States Standards, Grades, and Weight Classes for shell eggs. However, grading service may be rendered with respect to products which are bought and sold on the basis of institutional contract specifications or specifications of the recipient; and such service, when approved by the Administrator, shall be rendered on the basis of such specifications. The supervision of packaging shall be in accordance with such instructions as may be approved or issued by the Administrator.
2. Whenever grading service is performed on a representative sample basis, such sample shall be drawn and consist of not less than the minimum number of cases as indicated in:
   a. R3-2-903 for stationary lots; or
   b. QAD 700 Shell Egg Graders Handbook Section 8 on-line sampling of Shell Eggs (8-30-2016).
3. Accessibility of product. Each product for which grading service is requested shall be so conditioned and placed as to permit a proper determination of the class, quality, quantity, or condition of such product.

C. Prerequisites to grading. Grading of products shall be rendered pursuant to this Article and under such conditions and in accordance with such methods as may be prescribed or approved by the Administrator.

D. Supervision. All plant grading service shall be subject to supervision at all times by an AZDA grader. Such service shall be rendered in accordance with instructions issued by the Administrator where the facilities and conditions are satisfactory for the conduct of the service and the requisite graders are available.

E. Other applicable regulations. Compliance with this Article shall not excuse failure to comply with any other applicable Federal, State, or local laws or regulations.

R3-2-1103. ~~Expired~~Equipment and Facilities for Graders

Equipment and facilities to be furnished by the recipient for use of graders in performing service on a resident basis shall include, but not be limited to, the following:

A. An accurate metal stem thermometer.

B. An accurate means to determine pH level of wash water.

C. Test kits for checking the concentration level of the solution used for sanitizing eggs and monitoring the concentration level of potable water treatment compounds in plants having chlorinators. The kit must be designed for testing the compound being used.

D. Protective equipment including, general purpose gloves and safety glasses to all egg graders who are monitoring the strength of potable water treatment compounds and egg sanitizing solutions, unless plant employees are trained to perform the testing under the direct supervision of the grader.

E. Electronic digital-display scales graduated in increments of 1/10-ounce or less for weighing individual eggs and test weights for calibrating such scales. Plants packing product based on metric weight must provide scales graduated in increments of one gram or less.

F. Electronic digital-display scales graduated in increments of 1/4-ounce or less for weighing the lightest and heaviest consumer packages packed in the plant and test weights for calibrating such scales.

G. Scales graduated in increments of 1/4-pound or less for weighing shipping containers and test weights for calibrating such scales.

H. Test weights sufficient in size to verify the accuracy of the lightest and heaviest unit of measurement weighed on any given scale located in the plant.

I. Two candling lights that provide a sufficient combined illumination through both the aperture and downward through the bottom to facilitate accurate interior and exterior quality determinations.

J. A candling booth adequately darkened and located in close proximity to the work area that is reasonably free of excessive noise. The booth must be sufficient in size to accommodate two graders, two candling lights, and other necessary grading equipment.

K. If deemed necessary by the supervisor, a cart or method of conveyance for the transportation of samples to and from the candling booth.

L. Furnished office space, suitable wireless internet connection, a desk and file or storage cabinets (equipped with a satisfactory locking device), suitable for the security and storage of official supplies, and other facilities and equipment as may otherwise be required. Such space and equipment must meet the approval of the Administrator.

R3-2-1104. ~~Expired~~Schedule of Operation of Official Plants

Grading operating schedules for services performed pursuant to this article shall be requested in writing and be approved by the Administrator. Normal operating schedules for a full week consist of a continuous eight-hour period per day (excluding not to exceed one hour for lunch), five consecutive days per week, within the administrative workweek, Saturday through Friday, for each shift required. Less than eight-hour schedules may be requested and will be approved if a grader is available. Clock hours of daily operations need not be specified in the request, although as a condition of continued approval, the hours of operation shall be reasonably uniform from day to day. Graders are to be notified by management one day in advance of any change in the hours grading service is requested.

R3-2-1105. ~~Expired~~Application for Grading Service

An application for AZDA grading service may be made by egg producer or a producer dealer with operations located in Arizona.

A. Form of application. Each application for grading or sampling a specified lot of any product shall include such information as may be required by the Administrator in regard to the product and the premises where such product is to be graded or sampled. The applicant shall designate the employees of the applicant who will authorized to provide information to the AZDA grader(s) as may be necessary for the performance of the grading service.

B. Application for grading service in official plants; approval. Any person desiring to process and pack products in a plant under grading service must receive approval of such plant and facilities as an official plant prior to the rendition of such service. When a signed application for service has been received, the State supervisor or the supervisor's assistant shall complete a plant survey pursuant to

this Article. An application for grading service shall be approved when the application has been filed for grading service; a successful plant survey is completed; and all required facility or equipment modifications are completed.

C. Denial of service. An application for grading service may be denied by the Administrator when:
1. The applicant fails to meet the requirements of this Article prescribing the conditions under which the service is made available.
2. The product is owned by or located on the premises of a person currently denied the benefits of this Article.
3. Any individual holding office or a responsible position with or having a substantial financial interest or share in the applicant is currently denied the benefits of the Act or was responsible in whole or in part for the current denial of the benefits of this Article to any person or entity.
4. The Administrator determines that the application is an attempt on the part of a person currently denied the benefits of this Article to obtain grading services.
5. The applicant, after an initial survey has been made in accordance with this Article, fails to bring the grading facilities and equipment into compliance with this Article within a reasonable period of time.
6. Notwithstanding any prior approval whenever, before initiation of service, the applicant fails to fulfill commitments concerning the initiation of the service.
7. It appears that performing the services specified in this Article would not be in the best interests of the public welfare or of the Government.
8. It appears to the Administrator, in his sole discretion, that prior commitments of the Department or lack of resources necessitate denial of service.

D. Debarment. An applicant may be permanently debarred for the following reasons:
1. The giving or offering, directly or indirectly, of a bribe, or any money, loan, gift, or anything of value to an employee of the Department to obtain any benefit or special treatment;
2. Taking any action that falsely brings the Department in disrepute or that creates the appearance of impropriety;
3. Knowingly making a false or misleading statement of a material fact to the Department;
4. Using any official identification, grademark, stamp, symbol, label, seal, or identification without authority from the Department;
5. Forging, counterfeiting, or falsely simulating any grading certificate, symbol, stamp, label, seal, or identification authorized pursuant to this Article;
6. Use of an official grademark, certificate, symbol, stamp, label, seal, or identification without authority;
7. Failure to make an official plant or product accessible for grading service;
8. Interference with the performance of duty of an AZDA grader, licensee, contractor, or employee.
9. Failure to pay a Department invoice within 30 days after issuance of the invoice; or
10. Any other violation of any provision of the statutes, rules and regulations of the Department that threatens the health, safety, or welfare of the public.

E. Notification. An applicant shall be promptly notified of the reasons for a denial of service. A written petition for reconsideration of such denial may be filed by the applicant with the Administrator if postmarked or delivered within 10 days after the receipt of notice of the denial. Such petition shall state specifically the errors alleged to have been made by the Administrator in denying the application. Within 20 days following the receipt of such a petition for reconsideration, the Administrator shall approve the application or notify the applicant of the reasons for the denial thereof. Service of notice may be accomplished by regular mail and/or email.

F. Withdrawal of application. An application for grading service may be withdrawn by the applicant at any time before the service is performed, provided that the applicant pays all expenses incurred by the AZDA in connection with such application.

R3-2-1106. ~~Expired~~Authority of Applicant

A. Proof that an authorized controlling person is applying for any grading service may be required at the discretion of the Administrator. Such proof may include, but is not limited to:
1. Documentation, as specified under A.R.S. § 41-1080(A), of the applicant's lawful presence in the U.S.
2. Proof of business entity structure of the plant.
3. Proof of ownership interest or position held in the plant.
4. Documentation of designated authority from the business entity under which the plant operates.

B. The approved recipient of grading services must notify the Department of a change of control or ownership of the official plant within 15 days after such change is effective.

R3-2-1107. ~~Expired~~Order of Service

AZDA grading service shall be performed, insofar as practicable and subject to the availability of qualified graders, on a first-come, first-served basis, except that precedence may be given to an application for an appeal grading.

R3-2-1108. ~~Expired~~Types of Grading Service

A. Scheduled continuous grading service on a resident basis and continuous grading service on a nonresident basis. Service on a resident basis has a scheduled tour of duty, while service on a nonresident basis has a nonscheduled tour of duty, but is of a reoccurring nature. Both of these services are performed when an applicant requests that an AZDA/inspector grader be stationed in the applicant's processing plant and grade eggs in accordance with U.S. Standards. The applicant agrees to comply with the facility, operating, and sanitary requirements of resident service. The charges for resident grading services are based on the hours of the regular tour of duty. Eggs graded under AZDA resident grading service are only eligible to be identified with the official grademarks shown in R3-2-1111when processed and graded under the supervision of a grader/inspector, or quality assurance inspector as provided in R3-2-1114.

B. Unscheduled temporary grading service. Temporary grading service is performed when an applicant requests resident grading on a fee basis. The applicant must meet all of the facility, operating, and sanitary requirements of resident service. Charges or fees are based on the time and expenses needed to perform the work. Eggs graded under temporary grading service are only eligible to be identified with the official AZDA grademarks when they are processed and graded under the supervision of a grader or quality assurance inspector as provided in R3-2-1114.

C. Auditing service. Auditing service is performed when an applicant requests independent verification of written quality assurance and value added standards for production, processing, and distribution of eggs. Charges or fees are based on time, travel, and expenses needed to perform the work.

D. The Department shall determine the number of graders needed to perform grading services. Recipients shall not ask AZDA graders to assume plant managerial responsibilities.

R3-2-1109. ~~Expired~~Suspension of Grading service or Plant approval for Correctable Cause

A. Provision of grading services is a privilege and not a right. Any plant approval of grading services given pursuant to this Article may be suspended by the Administrator for:

1. Failure to maintain grading facilities and equipment in a satisfactory state of repair, sanitation, or cleanliness.
2. The use of operating procedures which are not in accordance with this Article;
3. Alterations of grading facilities or equipment which have not been approved in accordance with this Article; or
4. Any reasons listed in the "Denial of Service" section of R3-2-1105, or required by any other need to protect public health, safety, or welfare.

B. Suspension may occur prior to the right to have a hearing in cases in which immediate suspension is required to protect public health, safety, or welfare. Whenever it is feasible to do so, written notice in advance of such suspension of plant approval shall be given to the person concerned and shall specify a reasonable period of time in which corrective action must be taken. If advance written notice is not given, the action shall be promptly confirmed in writing after the suspension and the reasons therefor shall be stated, except in instances where the person has already corrected the deficiency. During such period of suspension, grading service shall not be rendered. After appropriate corrective action is taken, grading service will be restored immediately, or as soon thereafter as a grader can be made available.

C. If the grading facilities or methods of operation are not brought into compliance within a reasonable period of time as specified by the Administrator, the Administrator shall send formal notice of the suspension pursuant to A.R.S. Title 41, Chapter 6, Article 10. Any suspension shall continue in effect pending the outcome of a hearing unless otherwise ordered by the Administrator.

D. Upon suspension of grading service, all grademarks (labels, seals, tags, or packaging material bearing other official identification), shall, under the supervision of a person designated by the AZDA, be destroyed, obliterated, or sequestered in a manner acceptable to the AZDA.

E. In any case where grading service is suspended under this section, the person concerned may thereafter apply for grading service once the conditions giving rise to the suspension or withdrawal have been remediated.

R3-2-1110. Authority to Use Official Insignia

A. Authority to use official AZDA grademarks. Authority to use an AZDA grademark on products is granted only to recipients who utilize the services of a grader or quality assurance inspector in accordance with this Article. Packaging materials bearing official identification marks shall be approved pursuant to R3-2-1110 to R3-2-1111, inclusive, and shall be used only for the purpose for which approved and prescribed by the Administrator. Any unauthorized use or disposition of approved labels or packaging materials which bear any official AZDA identification may result in cancellation of grading service, denial of the permission to use of labels or packaging materials bearing official identification, or denial of other benefits of the Act pursuant to the provisions of R3-2-1105 D.

B. Approval of official identification. No label, container, or packaging material which bears official identification may contain any statement that is false or misleading. No label, container, or packaging material bearing official identification may be printed or prepared for use until the printers' or other final proof has been approved by the Administrator in accordance with this Article. It is the recipient's responsibility to ensure label compliance with the Federal Food, Drug, and Cosmetic Act, the Fair Packaging and Labeling Act, and the regulations promulgated under this Article. The use of finished labels must be approved as prescribed by the Administrator. A grader may apply official identification stamps to shipping containers if they do not bear any statement that is false or misleading. If the label is printed or otherwise applied directly to the container, the principal display panels of such container shall for this purpose be considered as the label. The label shall contain the name, address, and ZIP Code of the packer or distributor of the product, the name of the product, a statement of the net contents of the container, and the AZDA grademark.

C. Nutritional labeling. Nutrition information must be included on the labeling of each unit container of consumer packaged eggs in accordance with the General Regulations for the Enforcement of the Federal Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act, located at 21 CFR §§ 101.1 to 101.108. The nutrition information included on labels is subject to review by the Food and Drug Administration prior to approval by the Department.

D. Refrigeration labeling. All containers bearing official AZDA "Grade AA" or "Grade A" identification shall be labeled to indicate that refrigeration is required, e.g., "Keep refrigerated," or words of similar meaning.

R3-2-1111. Form of AZDA Grademark and Information Required

A. Form of official identification symbol and grademark. The logo set forth in Figure 1 of this section shall be the official identification symbol for purposes of this Article and when used, imitated, or simulated in any manner in connection with eggs, shall be *prima facia* evidence that the product has been officially graded in compliance with this Article.

B. Eggs with consumer grades. Except as otherwise authorized, the AZDA grademark used to officially identify AZDA consumer-graded eggs shall be of the form and design indicated in Figures 2 through 4 of this section. The logo shall be of sufficient size so that the printing and other information contained therein is legible and in approximately the same proportion as shown in these figures. No variation may be used for the color scheme of Figure 4.

C. The "Produced From" AZDA grademark. The Figure 5 grademark may be used to identify products for which there are no official U.S. grade standards (e.g., pasteurized shell eggs, and/or hard boiled eggs), provided that these products are approved by the Department and are prepared from AZDA compliant Consumer Grade AA or A eggs. The Figure 5 grademark may utilize any one of the designs shown in Figures 2 through 4 of this section. The "Produced From" text outside the symbol shall be conspicuous, legible, and in approximately the same proportion and close proximity to the symbol as shown in Figure 5 of this section.

D. Information required on AZDA grademark. Except as otherwise authorized by the Administrator, each AZDA grademark shall include the letters "AZDA" and the U.S. grade of the product it identifies, such as "Grade AA," as shown in Figure 2 of this section. Such information shall be printed with the symbol and the wording within the symbol in contrasting colors in a manner such that the design is legible and conspicuous on the material upon which it is printed.

E. Product class. The size or weight class of the product, such as "Large," may appear within the grademark as shown in Figure 3 of this section. If the size or weight class is omitted from the grademark, it must appear prominently on the main panel of the carton.

F. Plant number. The plant number of the official plant preceded by the letter "P" must be shown on each carton or packaging material.

Figure 1

Figure 2

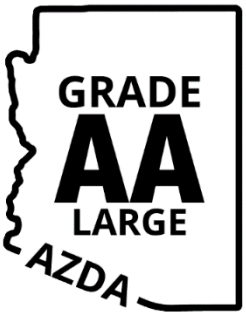

Figure 3

Figure 4

Figure 5

R3-4-1112. Lot marking of Officially Identified Eggs

Each carton identified with the AZDA grademarks shown in R3-2-1111 shall be legibly lot-numbered on the consumer package and the carton, and may also be shown on the individual egg. The lot number shall be the consecutive day of the year (Julian date) on which the eggs were packed (e.g., 132), except other lot-numbering systems may be used when submitted in writing and approved by the Administrator.

R3-2-1113. Retention Directives

A grader may use retention tags or other devices and methods as approved by the Administrator for the identification and control of eggs which are not in compliance with this Article or are held for further examination, and for any equipment, utensils, rooms or compartments which are found unclean or otherwise in violation of this Article. Any such item shall not be released until in compliance with this Article and retention identification shall not be removed by anyone other than a grader.

R3-2-1114. Prerequisites to Packaging eggs Identified with Grademarks

Quality assurance inspector required. The official grademark identification of any product as provided in this Article shall be done only under the supervision of a grader or quality assurance inspector. The grader or quality assurance inspector shall have supervision over the use and handling of all material bearing any official grademark identification.

R3-2-1115. Grading Requirements of Eggs identified with AZDA Grademarks

A. Eggs to be identified with the AZDA grademarks illustrated in R3-2-1111 must be individually graded by a grader.

B. In order to be officially identified with an AZDA consumer grademark, eggs shall:

1. Be of current production;
2. Be produced and processed within the borders of Arizona;
3. Not possess any undesirable odors or flavors;
4. Not have previously been shipped for retail sale;
5. Meet consumer Grade A or Grade AA, as prescribed in AMS 56, United States Standards, Grades, and Weight Classes for Shell Eggs, revised as of July 20, 2000, which is incorporated by reference, does not include any later amendments or editions of the

incorporated matter, is on file with the Department at 1688 W. Adams St., Phoenix, AZ 85007, and can be found online at https://www.ams.usda.gov/sites/default/files/media/Shell_Egg_Standard%5B1%5D.pdf;

6. Be produced and packaged in a facility in accordance with the Food and Drug Administration, Department of Health and Human Services' requirements for the Production, Storage, and transportation of Shell Eggs as specified in 21 CFR §§ 118.1 to 118.12, revised as of April 1, 2011, which is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Department at 1688 W. Adams St., Phoenix, AZ 85007;
7. Be produced and packaged in a facility that meets the Regulations Governing the Inspection of Eggs under the Egg Products Inspection Act (EPIA), as specified in 7 CFR §§ 57.1 to 57.970, revised as of April 12, 2006, which is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Department at 1688 W. Adams St., Phoenix, AZ 85007;
8. Be produced in a facility that has implemented a SE environmental monitoring program which includes testing for SE in chick papers and in the house environment when the pullets are 14-16 weeks of age, 40-45 weeks of age, four to six weeks post-molt, and pre-depopulation.
9. Be produced in a facility that has implemented and maintained a vaccination program to protect against SE infection, which includes a minimum of two attenuated live vaccinations and one killed or inactivated vaccination, or an alternative vaccination program that has been approved by the Department after having been demonstrated in the Department's estimation to be equally effective.

C. Management at an official plant is responsible for notifying the AZDA grader whenever contaminated or adulterated eggs are present in the official plant. Any eggs identified as contaminated or adulterated must be properly labeled and controlled by plant management. This includes eggs originating from a layer house with an SE-positive environment or eggs testing positive for the presence of SE. Failure to control, detain and/or notify the grader of the presence of contaminated or adulterated eggs in the official plant will constitute a violation of this Article. Department employees are authorized to inspect lay houses and review plant documents to determine compliance with this Article.

R3-2-1116. Payment of Fees and Charges

A. Fees and charges for any grading service shall be paid by the recipient by check, draft, or money order payable to the "Arizona Department of Agriculture Egg Program." AZDA may require that fees and charges shall be paid in advance, and shall include travel, per diem, or other expenses incurred by the Department in connection with providing grading services.

B. The cost of an appeal grading or review of a grader's decision shall be borne by the appellant on a unscheduled temporary basis at rates set forth in R3-2-1117, plus travel, per diem, or other expenses. If the appeal grading or review of a grader's decision discloses that a material error was made in the original determination, no fee or expenses will be charged for the regrading.

C. Invoices for services previously rendered will be issued no later than the 10th day following the end of the period in which the service was rendered and are payable in full upon receipt.

R3-2-1117. Charges for Grading Service

A. Scheduled continuous grading service. The following rates apply to continuous grading service on a resident basis and continuous grading service on a nonresident basis per grader:

1. Regular rate: $38.00/hour
2. Overtime rate: $57.00/hour
3. Holiday rate: $58.00/hour

B. Plant survey, unscheduled temporary, auditing and appeal grading services. The following rates apply to temporary and auditing service per grader:

1. Regular rate: $57.00/hour
2. Overtime rate: $85.00/hour
3. Holiday rate: $87.00/hour

C. Reapplication after termination of service by recipient. If a recipient causes termination under R3-2-1105(D), and reapplies within 12 months from the date of termination, there will be an additional re-application fee of $300 in addition to the above fees.

D. Extra charges. The following extra charges shall be assessed:

1. All hours worked by an assigned grader or another grader in excess of the approved tour of duty, worked on a nonscheduled workday, or worked on a State holiday outside of the approved tour of duty, will be considered as overtime, at the rate of time and one-half.
2. For all hours of work performed in a plant without an approved tour of duty, the charge will be the temporary grading service.

E. No charges. No charges will be assessed:

1. Solely because of a change in name or ownership of the official plant, unless the recipient of services fails to notify the Department within the time limit specified in R3-2-1105, in which case the above charges will apply.
2. When the assigned grader is temporarily reassigned by AZDA to perform grading service for another service recipient.

R3-2-1118. Termination by Recipient

Grading services under this Article shall be unilaterally terminated by the recipient of such service when:

A. Service is not installed within six months from the date the application is filed due to inaction by the applicant or recipient on Department requirements.

B. Service remains inactive for a period of more than six months due to a recipient's request for removal of a grader and the recipient does not accept reassignment of another grader by the Department.

C. The recipient is terminated for cause based on violations listed in R3-2-1105(D).

R3-2-1119. Mutual Termination

The Department and the recipient of service may mutually agree to termination of the service, under the following terms:

A. Previously paid fees will not be returned to the service recipient.
B. Pending charges will be paid in full for completed work of the Department.
C. A pending application will be considered terminated, but a new application may be filed at any time, without penalty.
D. Termination shall not take effect until the end of a 30-days' notice period, unless the parties agree otherwise.
E. The mutual decision to terminate and any related agreements are documented in writing.

R3-2-1120. Appeals

A. Appeal grading. An appeal grading may be requested by any recipient or authorized designee or other interested party (**"**appellant**"**) who is dissatisfied with the determination by a grader of the class, quality, quantity, or condition of any product as evidenced by the AZDA grademark and accompanying label, or as stated on a grading certificate.
1. The appeal shall be filed with the original grader's immediate supervisor.
2. Initial review of the appeal shall be made by the original grader's immediate supervisor, or by one or more licensed graders assigned by the immediate supervisor to review the appeal.
2. An appeal may be made orally or in writing. If made orally, written confirmation is required. The appellant shall clearly state the reasons for requesting the appeal grading and a description of the product, or the decision which is questioned. If such appeal request is based on the results stated on an official certificate, the original and all available copies of the certificate shall be provided to the grader assigned to perform the appeal grading.
3. The appellant's request for the appeal grading may be refused when it appears to the reviewer that the reasons given in the request are frivolous or not substantial, the quality or condition of the product has undergone a material change since the original grading, the original lot has changed in some manner, or the appellant has not materially complied with the requirements of this Article. In such case, the appellant shall be promptly notified of the reason or reasons for such refusal.
4. If an appeal grading is granted, it shall be performed by a grader other than the original grader. Whenever practical, an appeal grading shall be conducted jointly by two independent graders.
5. The following procedures shall be used for appeal grading:
   a. The appeal sample shall consist of product taken from the original sample container plus an equal number of samples selected at random.
   b. When the original samples are not available or have been altered, such as the removal of undergrades, the appeal sample size for the lot shall consist of double the samples required in R3-2-1102.
   c. Eggs shall not have been moved from the original place of grading and must have been maintained under adequate refrigeration.
6. Immediately after an appeal grading is completed, an appeal certificate shall be issued to show that the original grading was upheld, modified, or rejected. Such certificate shall supersede any previously issued certificate for the product involved and shall clearly identify the number and date of the superseded certificate. The issuance of the appeal certificate may be withheld until any previously issued certificate and all copies have been returned when such action is deemed necessary to protect the interest of the Department. When the appeal grader assigns a different grade to the lot, the existing AZDA grademark shall be changed or obliterated as necessary. When the appeal grader assigns a different class or quantity designation to the lot, the labeling shall be corrected.

B. Appeal for suspension, termination or denial of service or debarment. Any person whose grading service is suspended, terminated, denied service, or debarred, may request a hearing before an administrative law judge pursuant to A.R.S. Title 41, Chapter 6, Article 10. The decision of the administrative law judge is subject to review by the Director as provided by A.R.S. Title 41, Chapter 6, Article 10.

R3-2-1121. AZDA Grading Certificates

A. Forms. AZDA grading certificates and sampling report forms (including appeal grading certificates and regrading certificates) shall be issued on forms approved by the Administrator.

B. Issuance.
1. Resident grading basis. Certificates will be issued only upon request therefor by the applicant or AZDA. When requested, a grader shall issue a certificate covering product graded by such grader. In addition, a grader may issue a grading certificate covering product graded in whole or in part by another grader when the grader has knowledge that the product is eligible for certification based on personal examination of the product or official grading records.
2. Other than resident grading. Each grader shall, in person or by the grader's authorized agent, issue a grading certificate covering each product graded by such grader. A grader's name may be signed on a grading certificate by a person other than the grader, if such person has been designated as the authorized agent of such grader by the Administrator, provided that:
   a. The certificate is prepared from an official memorandum of grading signed by the grader; and
   b. A notarized power of attorney authorizing such signature has been issued to such person by the grader and is on file in the office of grading. In such case, the authorized agent shall sign both the agent's name and the grader's name, e.g., "John Doe by Mary Roe."

C. Disposition. The original and required or requested copies of the grading certificate, immediately upon issuance, shall be delivered, mailed, or electronically submitted to the recipient or the recipient's designee. One copy is required to be sent and the recipient may request additional copies. Other copies shall be filed and retained in accordance with the disposition schedule for grading program records.

R3-2-1122. Minimum Facility and Operating Requirements for Egg Grading and Packing Plants

For grading services that are provided on a resident or temporary basis, QAD 700 Shell Egg Graders Handbook Section 02 through Section 08, revised as of August 30, 2016. This material is incorporated by reference, does not include any later amendments or editions of the incorporate matter, and is on file with the Department at 1688 W. Adams St., Phoenix, AZ 85007. shall apply; and the following minimum facility and operating conditions will be required:

A. Applicants must comply with all applicable Federal, State and local government occupational safety and health regulations.

B. Processing facilities are required to have a documented and implemented Quality Management System that meets Title 21, Part 117 of the U.S. Code of Federal Regulations "Current Good Manufacturing Practice, Hazard Analysis, and Risk-based Preventive Controls for Human Foods", revised as of April 1, 2018. This material is incorporated by reference, does not include any later amendments or editions of the incorporate matter, and is on file with the Department at 1688 W. Adams St., Phoenix, AZ 85007.

C. General requirements for premises, buildings and plant facilities.

1. The outside premises shall be free from refuse, rubbish, waste, unused equipment, and other materials and conditions which constitute a source of odors or a harbor for insects, rodents, and other vermin.
2. The outside premises adjacent to grading, packing, cooler, and storage rooms must be constructed to provide proper drainage to prevent conditions that may constitute a source of odors or propagate insects or rodents.
3. Buildings shall be of sound construction so as to prevent, insofar as practicable, the entrance or harboring of vermin.
4. Grading and packing rooms shall be of sufficient size to permit installation of necessary equipment and conduct grading and packing in a sanitary manner. These rooms shall be kept reasonably clean during grading and packing operations and shall be thoroughly cleaned at the end of each operating day.
5. The floors, walls, ceilings, partitions, and other parts of the grading and packing rooms including benches and platforms shall be constructed of materials that are readily cleanable, maintained in a sanitary condition, and impervious to moisture in areas exposed to cleaning solutions or moist conditions. The floors shall be constructed as to provide proper drainage.
6. Adequate toilet accommodations that are conveniently located and separated from the grading and packing rooms are to be provided. Handwashing facilities shall be provided with hot and cold running water, an acceptable handwashing detergent, and a sanitary method for drying hands. Toilet rooms shall be ventilated to the outside of the building and be maintained in a clean and sanitary condition. Signs shall be posted in the toilet rooms instructing employees to wash their hands before returning to work. In new or remodeled construction, toilet rooms shall be located in areas that do not open directly into processing rooms.
7. A separate refuse room or a designated area for the accumulation of trash must be provided in plants which do not have a system for the daily removal or destruction of such trash.
8. Adequate packing and packaging storage areas are to be provided that protect packaging materials and are dry and maintained in a clean and sanitary condition.

D. Grading and packing room requirements.

1. The egg grading or candling area shall be capable of adequate darkening to make possible the accurate quality determination of the candled appearance of eggs. There shall be no light source or reflection of light that interferes with, or prohibits the accurate quality determination of eggs in the grading or candling areas.
2. The grading and candling equipment shall provide adequate light to facilitate quality determinations. When needed, other light sources and equipment or facilities shall be provided to permit the detection and removal of stained and dirty eggs or other undergrade eggs.
3. The grading and candling equipment must be sanitarily designed and constructed to facilitate cleaning. Such equipment shall be kept reasonably clean during grading and packing operations and be thoroughly cleaned at the end of each operating day.
4. Egg weighing equipment shall be constructed of materials to permit cleaning; operated in a clean, sanitary manner; and shall be capable of ready adjustment.
5. Adequate ventilation, heating, and cooling shall be provided where needed.

E. Cooler room requirements.

1. Cooler rooms holding eggs that are identified with a consumer grade shall be refrigerated and capable of maintaining an ambient temperature no greater than 45 °F (7.2 °C).
2. Accurate thermometers shall be provided for monitoring cooler room temperatures.
3. Cooler rooms shall be free from objectionable odors and from mold, and shall be maintained in a sanitary condition.

F. Egg protecting operations.

1. Egg protecting (oil application) operations shall be conducted in a manner to avoid contamination of the product and maximize conservation of its quality.
2. Component equipment within the egg protecting system, including holding tanks and containers, must be sanitarily designed and maintained in a clean and sanitary manner, and the application equipment must provide an adequate amount of oil for shell coverage of the volume of eggs processed.
3. Eggs with excess moisture on the shell shall not be shell protected.
4. Oil having any off odor, or that is obviously contaminated, shall not be used in egg protection operations. Oil is to be filtered prior to application.
5. The component equipment of the application system shall be washed, rinsed, and treated with a bactericidal agent each time the oil is removed.
6. Adequate coverage and protection against dust and dirt shall be provided when the equipment is not in use.

G. Egg cleaning operations.

1. Egg washing equipment must be sanitarily designed, maintained in a clean and sanitary manner, and thoroughly cleaned at the end of each operating day.
2. Egg drying equipment must be sanitarily designed and maintained in a clean and sanitary manner. Air used for drying purposes must be filtered. These filters shall be cleaned or replaced as needed to maintain a sanitary process.

3. The temperature of the wash water shall be maintained at 90 ºF (32.2 ºC) or higher, and shall be at least 20 ºF (6.7 ºC) warmer than the internal temperature of the eggs to be washed. These temperatures shall be maintained throughout the cleaning cycle. Accurate thermometers shall be provided for monitoring wash water temperatures.
4. Approved cleaning compounds shall be used in the wash water.
5. Wash water shall be maintained at a measurable pH level of 11 or higher. Accurate testing equipment shall be provided and accessible to the grader. If continuous monitoring of pH is not possible, the applicant should devise a monitoring system for documenting pH with a frequency that has been validated.
6. Wash water shall be changed approximately every four hours or more often if needed to maintain sanitary conditions, and at the end of each shift. Remedial measures shall be taken to prevent excess foaming during the egg washing operation.
7. Replacement water shall be added continuously to the wash water of washers. Chlorine or quaternary sanitizing rinse water may be used as part of the replacement water, provided, they are compatible with the washing compound. Iodine sanitizing rinse water may not be used as part of the replacement water.
8. Only potable water may be used to wash eggs. Each official plant shall submit certification to the office of grading stating that their water supply is potable. An analysis of the iron content of the water supply, stated in parts per million, is also required. When the iron content exceeds two parts per million, equipment shall be provided to reduce the iron content below the maximum allowed level. Frequency of testing for potability and iron content shall be determined by the Administrator. When the water source is changed, new tests are required.
9. Waste water from the egg washing operation shall be piped directly to drains.
10. The washing, rinsing, and drying operations shall be continuous and shall be completed as rapidly as possible to maximize conservation of the egg's quality and to prevent sweating of eggs. Eggs shall not be allowed to stand or soak in water. Immersion-type washers shall not be used.
11. Prewetting eggs prior to washing may be accomplished by spraying a continuous flow of water over the eggs in a manner which permits the water to drain away or other methods which may be approved by the Administrator. The temperature of the water shall be the same as prescribed in this section.
12. Washed eggs shall be spray-rinsed with water having a temperature equal to, or warmer than, the temperature of the wash water. The spray-rinse water shall contain a sanitizer that has been determined acceptable for the intended use by the supervisor and of not less than 100 PPM nor more than 200 PPM of available chlorine or its equivalent. Alternate procedures, in lieu of a sanitizer rinse, may be approved by the Administrator.
13. Test kits shall be provided and used to determine the strength of the sanitizing solution.
14. During non-processing periods, eggs shall be removed from the washing and rinsing area of the egg washer and from the scanning area whenever there is a buildup of heat that may diminish the quality of the egg.
15. Washed eggs shall be reasonably dry before packaging and packing.
16. Steam, vapors, or odors originating from the washing and rinsing operation shall be continuously and directly exhausted to the outside of the building.

H. Requirements for eggs officially identified with a grademark.
1. Eggs that are officially identified with an AZDA grademark shall be placed under refrigeration at an ambient temperature no greater than 45 °F (7.2 °C) promptly after packaging.
2. Eggs that are to be officially identified with the AZDA grademark shall be packed only in new packaging materials that are clean, free of mold, mustiness and off odors, or clean and sanitized packaging material designed to be reused, and must be of sufficient strength and durability to adequately protect the eggs during normal distribution. When packed in other than fiber packing material, the containers must be of sound construction and maintained in a reasonably clean manner.

I. Use of approved chemicals and compounds.
1. All egg washing and equipment cleaning compounds, defoamers, destainers, sanitizers, inks, oils, lubricants, or any other compound that comes into contact with the eggs shall be approved by the national supervisor for their specified use and handled in accordance with the manufacturer's instructions.
2. All pesticides, insecticides, and rodenticides shall be approved for their specified use and handled in accordance with the manufacturer's instructions.

J. Marking individual eggs. The marking of individual eggs may be requested by processors as part of a specification requirement or for other marketing purposes.
1. Stamping eggs. Recognizing the difficulty in clearly stamping the rounded surface of an egg, a lot average tolerance of 10-percent for individual eggs with partial, illegible, or no marks in any combination is permitted with no individual case exceeding 20-percent. These tolerances may be applied as a moving average when performing online sampling or as a lot average while performing stationary lot gradings. If more than 50% of the image or letter(s) is missing, the symbol is illegible. Stamped eggs are not classified as stains or dirty. They are to be graded without regard to marking. An official grade cannot be assigned to a mixed lot of eggs that contains individually marked and unmarked eggs. If requested, the lot may be graded for all factors except ink stains. Lot averages may be shown on the certificate. The section "Official Grade and Size" shall state "No AZDA Grade." The following statement shall also be placed in the "Remarks" section: "Lot contains marked and unmarked eggs. Eggs graded for all factors except ink stains." Individual eggs with ink blotches or smears from dating devices are to be classified as stains or dirty, depending on the intensity and/or area of the stain [guidance not clear]. Inks used in marking individual eggs which will be officially graded are to be approved by the Administrator prior to their use. The request for approval should be accompanied with a copy of the ink formula, the name of the product, and the name and address of the manufacturer.
2. Laser etching (marking eggs). The use of a laser etching system to mark information is subject to joint review by the Food and Drug Administration (food safety impact evaluation) and AZDA (quality impact evaluation). Only approved laser etching systems may be used to identify eggs to be officially graded and identified with an AZDA grademark. The amount of the shell surface available for laser etching and the information etched on the shell is subject to review by the resident grader and the

supervisor. The information etched on the shell must not interfere with the graders ability to evaluate the quality attributes of the egg.

3. When an individual egg is marked, whether an applied ink or laser etched, the information must be consistent with the information on the label, for example, any marketing claims, production code, or packer identity. If this information is not consistent throughout the lot, the eggs are not eligible to be identified with an AZDA grademark.

R3-2-1123. Health and Hygiene of Personnel

A. No person known to be affected by a communicable or infectious disease shall be permitted to come in contact with the product.

B. Plant personnel coming into contact with the product shall wear clean clothing.

R3-2-1124. Use of the "Produced From" Labeling

A. Use of the wording "Produced From" in conjunction with the AZDA grademark, is limited to products derived from AZDA Grade AA or Grade A eggs for which there are no U.S. grade standards (e.g., pasteurized eggs or hard-cooked eggs). The following guidelines are to be used when monitoring the official grade identification of these types of products.

1. Approval. Applicants interested in utilizing the "Produced From" labeling must submit a written proposal to the Administrator. The proposal is to include the type(s) of product to be labeled and the applicant's plan for controlling the use and labeling of officially identified product. After review by the supervisor, the supervisor is to forward the request to the Administrator for final review and approval. Upon approval, the supervisor is to reconfirm all of the requirements with the applicant prior to any actual grade identification.
2. Verification visits. To assure that only officially graded eggs are being used, the processing, packing, and packaging must be closely monitored. Each verification visit shall include a review of records, product inventory, processing procedures, packing, packaging, storage, and shipping practices to confirm that the applicant is following the protocol outlined in their approved plan. In plants with resident service, the supervisor or Administrator is to be present during the initial production period to monitor the process and verify compliance. The grader will conduct all subsequent monitoring and verification activities with oversight from the supervisor. In temporary or fee locations, plant management must notify the supervisor each time the "produced from" labeling will be used or, alternatively, provide the supervisor with a projected production schedule. At these locations, compliance will be based on the applicant's established history of compliance as outlined in the following schedule:
   a. Level 1 - The supervisor or administrator is to monitor and verify the process on the initial day of production. The supervisor or a grader will conduct subsequent visits. At least one additional verification visit is to be conducted during the next 10 production days. If no discrepancies are noted, one visit is to be conducted for each 30 days of production until three consecutive satisfactory visits have been completed. Once this verification period has ended without any noted program nonconformance, monitoring may proceed to Level 2.
   b. Level 2 - supervisor or a grader is to conduct quarterly verification visits provided the applicant continues to meet all program requirements. If any nonconformance is noted during these visits, monitoring reverts back to Level 1. Misuse of the labeling will result in cancellation of the approval.

B. Recordkeeping. Recipients shall maintain, and make available for review, all invoices or applicable Grading Certificates covering product received, produced, and shipped. At a minimum, these records must include the name and address of original packer, amount received, quantity produced, brand names, lot numbers, quantity shipped and name and address of receivers. Records must be maintained for two years.

C. Cost. There will be no additional charge to resident plants when graders monitor product labeling during their normal grading activities. When graded product is shipped from official plants to other processing locations for re-packaging that are not under continuous AZDA supervision, time and expenses associated in conducting the verification visits will be charged to the recipient at the current Temporary grading and auditing service rate.

R3-2-1125. Specification Grading

A. Applicants may request for additional specifications to be certified that exceed the standards of this chapter. The requested specifications must be submitted in writing to the administrator for approval. The approving official will review the information for approval or advise the applicant of the reason or reasons for disapproval. If the specification is approved, a letter enclosing a copy of the approved application and specification will be returned to the applicant with a request to provide copies of the specification to each supplier and applicable AZDA grader. Each page of the approved specification will have an approval stamp bearing the date of approval and the signature of the approving official. Additionally, each page will be sequentially numbered such as page 1 of 5, page 2 of 5, etc.

B. Plant management is responsible for advising graders when they are preparing to pack eggs in accordance with an approved specification. However, each grader must be familiar with the approved specification list and, to the extent practically possible, be aware when products with approved specifications are being packed at the duty location. When a plant packs product requiring compliance with an approved specification, the grader shall obtain a copy of the specification from plant management and assure that all provisions of the specification are met. As applicable, product that meets specification requirements will be identified in accordance with procedures outlined in the approved specification. When the specification requires the issuance of a grading certificate, the following statement is to be placed in the remarks section of the certificate: "Product covered by this certificate meets specification requirements for_____."

GOVERNOR EXECUTIVE ORDER

Executive Order 2020-02 is being reproduced in each issue of the *Administrative Register* as a notice to the public regarding state agencies' rulemaking activities.

This order has been reproduced in its entirety as submitted.

EXECUTIVE ORDER 2020-02

Moratorium on Rulemaking to Promote Job Creation and Economic Development; Implementation of Licensing Reform Policies

[M20-01]

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, 2018 and 2019; and

WHEREAS, the State of Arizona eliminated or improved 637 burdensome regulations in 2019 and a total of 2,289 needless regulations have been eliminated or improved since 2015; and

WHEREAS, estimates show these eliminations saved job creators $53.9 million in operating costs in 2019 and a total of over $134.3 million in savings since 2015; and

WHEREAS, in 2019, for every one new necessary rule added to the Administrative Code, five have been repealed or improved; and

WHEREAS, approximately 354,000 private sector jobs have been added to Arizona since January 2015; and

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

WHEREAS, each State agency shall continue 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 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 that submits a rulemaking request pursuant to this Order shall recommend for consideration by the Office of the Governor at least ***three*** existing rules to eliminate for every ***one*** additional rule requested by the agency.

3. A State agency that submits a rulemaking exemption request pursuant to this Order shall include with their request an analysis of how small businesses may be impacted by any newly proposed rules or rule modifications.
4. 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 the Arizona Revised Statutes or Arizona Administrative Code. Any material that is not specifically authorized must be removed immediately.
5. A State agency that issues occupational or professional licenses shall prominently post on the agency's website landing page all current state policies that ease licensing burdens and the exact steps applicants must complete to receive their license using these policies. State agencies should provide information that applies to all applicants, but have a designated area on such landing page that includes licensing information specifically for military spouses, active duty service members and veterans and all policies that make it easier for these applicant groups to receive their license. Examples of reduced licensing burdens include universal recognition of out-of-state licenses, availability of temporary licenses, fee waivers, exam exemptions and/or allowing an applicant to substitute military education or experience for licensing requirements. A landing page feature may link to an internal agency web page with more information, if necessary. All information must be easy to locate and written in clear and concise language.
6. All state agencies that are required to issue occupational or professional licenses by universal recognition (established by section 32-4302, Arizona Revised Statutes) must track all applications received for this license type. Before any agency denies a professional or occupational license applied for under section 32-4302, Arizona Revised Statutes, the agency shall submit the application and justification for denial to the Office of the Governor for review before any official action is taken by the agency. The Office of the Governor should be notified of any required timeframes, whether in statute or rule, for approval or denial of the license by the agency.
7. For the purposes of this Order, the term "State agencies" includes, without limitation, all executive departments, agencies, offices, and all state boards and commissions, except for: (a) any State agency that is headed by a single elected State official; (b) the Corporation Commission; and (c) any board or commission established by ballot measure during or after the November 1998 general election. Those state agencies, boards and commissions excluded from this Order are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.
8. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a State agency. For the purposes of this Order, "person," "rule" and "rulemaking" have the same meanings prescribed in 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 13th day of January in the Year Two Thousand and Twenty and of the Independence of the United States of America the Year Two Hundred and Forty-Fourth.

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

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FSMR = Final Summary repealed Section
FSM# = Final Summary renumbered Section

EXPEDITED RULEMAKING
PROPOSED EXPEDITED
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PEM = Proposed Expedited amended Section
PER = Proposed Expedited repealed Section
PE# = Proposed Expedited renumbered Section
SUPPLEMENTAL EXPEDITED
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
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FXM = Final Exempt amended Section
FXR = Final Exempt repealed Section
FX# = Final Exempt renumbered Section

EMERGENCY RULEMAKING
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EM = Emergency amended Section
ER = Emergency repealed Section
E# = Emergency renumbered Section
EEXP = Emergency expired

RECODIFICATION OF RULES
RC = Recodified

REJECTION OF RULES
RJ = Rejected by the Attorney General

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

RULE EXPIRATIONS
EXP = Rules have expired
See also "emergency expired" under emergency rulemaking

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

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

REGISTER PUBLISHING DEADLINES

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

Deadline Date (paper only) Friday, 5:00 p.m.	*Register* Publication Date	Oral Proceeding may be scheduled on or after
February 7, 2020	February 28, 2020	March 30, 2020
February 14, 2020	March 6, 2020	April 6, 2020
February 21, 2020	March 13, 2020	April 13, 2020
February 28, 2020	March 20, 2020	April 20, 2020
March 6, 2020	March 27, 2020	April 27, 2020
March 13, 2020	April 3, 2020	May 4, 2020
March 20, 2020	April 10, 2020	May 11, 2020
March 27, 2020	April 17, 2020	May 18, 2020
April 3, 2020	April 24, 2020	May 26, 2020
April 10, 2020	May 1, 2020	June 2, 2020
April 17, 2020	May 8, 2020	June 8, 2020
April 24, 2020	May 15, 2020	June 15, 2020
May 1, 2020	May 22, 2020	June 22, 2020
May 8, 2020	May 29, 2020	June 29, 2020
May 15, 2020	June 5, 2020	July 6, 2020
May 22, 2020	June 12, 2020	July 13, 2020
May 29, 2020	June 19, 2020	July 20, 2020
June 5, 2020	June 26, 2020	July 27, 2020
June 12, 2020	July 3, 2020	August 3, 2020
June 19, 2020	July 10, 2020	August 10, 2020
June 26, 2020	July 17, 2020	August 17, 2020
July 3, 2020	July 24, 2020	August 24, 2020
July 10, 2020	July 31, 2020	August 31, 2020
July 17, 2020	August 7, 2020	September 8, 2020
July 24, 2020	August 14, 2020	September 14, 2020
July 31, 2020	August 21, 2020	September 21, 2020
August 7, 2020	August 28, 2020	September 28, 2020
August 14, 2020	September 4, 2020	October 5, 2020
August 21, 2020	September 11, 2020	October 13, 2020
August 28, 2020	September 18, 2020	October 19, 2020

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 under A.R.S. § 41-1013(B)(15).

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 305, Phoenix, AZ 85007. For more information, call (602) 542-2058 or visit http://grrc.az.gov.

GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES FOR 2019/2020

(MEETING DATES ARE SUBJECT TO CHANGE)

[M19-118]

DEADLINE FOR PLACEMENT ON AGENDA*	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
Tuesday November 19, 2019	*Tuesday* December 24, 2019	*Tuesday* January 7, 2020	*Tuesday* January 14, 2020
Tuesday December 24, 2019	*Tuesday* January 21, 2020	*Tuesday* January 28, 2020	*Tuesday* February 4, 2020
Tuesday January 21, 2020	*Tuesday* February 18, 2020	*Tuesday* February 25, 2020	*Tuesday* March 3, 2020
Tuesday February 18, 2020	*Tuesday* March 24, 2020	*Tuesday* March 31, 2020	*Tuesday* April 7, 2020
Tuesday March 24, 2020	*Tuesday* April 21, 2020	*Tuesday* April 28, 2020	*Tuesday* May 5, 2020
Tuesday April 21, 2020	*Tuesday* May 19, 2020	***Wednesday*** May 27, 2020	*Tuesday* June 2, 2020
Tuesday May 19, 2020	*Tuesday* June 23, 2020	*Tuesday* June 30, 2020	*Tuesday* July 7, 2020
Tuesday June 23, 2020	*Tuesday* July 21, 2020	*Tuesday* July 28, 2020	*Tuesday* August 4, 2020
Tuesday July 21, 2020	*Tuesday* August 18, 2020	*Tuesday* August 25, 2020	*Tuesday* September 1, 2020
Tuesday August 18, 2020	*Tuesday* September 22, 2020	*Tuesday* September 29, 2020	*Tuesday* October 6, 2020
Tuesday September 22, 2020	*Tuesday* October 20, 2020	*Tuesday* October 27, 2020	*Tuesday* November 3, 2020
Tuesday October 20, 2020	*Tuesday* November 17, 2020	*Tuesday* November 24, 2020	*Tuesday* December 1, 2020
Tuesday November 17, 2020	*Tuesday* December 22, 2020	*Tuesday* December 29, 2020	*Tuesday* January 5, 2021
Tuesday December 29, 2020	*Tuesday* January 19, 2021	*Tuesday* January 26, 2021	*Tuesday* February 2, 2021

* 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.