



Arizona Administrative REGISTER

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

Vol. 26, Issue 31

~ Administrative Register Contents ~

July 31, 2020

Information 1498

Rulemaking Guide 1499

RULES AND RULEMAKING

Final Rulemaking, Notices of

 4 A.A.C. 25 Board of Podiatry Examiners 1501

 4 A.A.C. 34 Board of Manufactured Housing 1509

 9 A.A.C. 8 Department of Health Services - Food, Recreational, and Institutional Sanitation 1516

Final Expedited Rulemaking, Notices of

 9 A.A.C. 19 Department of Health Services - Vital Records and Statistics 1534

GOVERNOR'S OFFICE

Governor's Executive Order 2020-02

 Moratorium on Rulemaking to Promote Job Creation and Economic Development; Implementation of Licensing Reform Policies 1559

INDEXES

 Register Index Ledger 1561

 Rulemaking Action, Cumulative Index for 2020 1562

 Other Notices and Public Records, Cumulative Index for 2020 1568

CALENDAR/DEADLINES

 Rules Effective Dates Calendar 1570

 Register Publishing Deadlines 1572

GOVERNOR'S REGULATORY REVIEW COUNCIL

 Governor's Regulatory Review Council Deadlines 1573

DIRECTOR
Administrative Rules Division
Scott Cancelosi

PUBLISHER
Secretary of State
KATIE HOBBS

RULES MANAGING EDITOR
Arizona Administrative Register
Rhonda Paschal

From the Publisher

ABOUT THIS PUBLICATION

The authenticated pdf of the *Administrative Register* (A.A.R.) posted on the Arizona Secretary of State's website is the official published version for rulemaking activity in the state of Arizona.

Rulemaking is defined in Arizona Revised Statutes known as the Arizona Administrative Procedure Act (APA), A.R.S. Title 41, Chapter 6, Articles 1 through 10.

The *Register* is cited by volume and page number. Volumes are published by calendar year with issues published weekly. Page numbering continues in each weekly issue.

In addition, the *Register* contains notices of rules terminated by the agency and rules that have expired.

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number). Rulemaking activity published in the *Register* includes: proposed, final, emergency, expedited, and exempt rules as defined in the APA, and other state statutes.

New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

WHERE IS A "CLEAN" COPY OF THE FINAL OR EXEMPT RULE PUBLISHED IN THE REGISTER?

The *Arizona Administrative Code* (A.A.C.) contains the codified text of rules. The A.A.C. contains rules promulgated and filed by state agencies that have been approved by the Attorney General or the Governor's Regulatory Review Council. The *Code* also contains rules exempt from the rulemaking process.

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

LEGAL CITATIONS AND FILING NUMBERS

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

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

Arizona Administrative REGISTER

Vol. 26

Issue 31

PUBLISHER
SECRETARY OF STATE
Katie Hobbs

ADMINISTRATIVE RULES STAFF

DIRECTOR
Scott Cancelosi

RULES MANAGING EDITOR
Rhonda Paschal

ADMINISTRATIVE REGISTER
This publication is available online for free at www.azsos.gov.

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

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

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

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



Participate in the Process

Look for the Agency Notice

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

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

Attend a public hearing/meeting

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

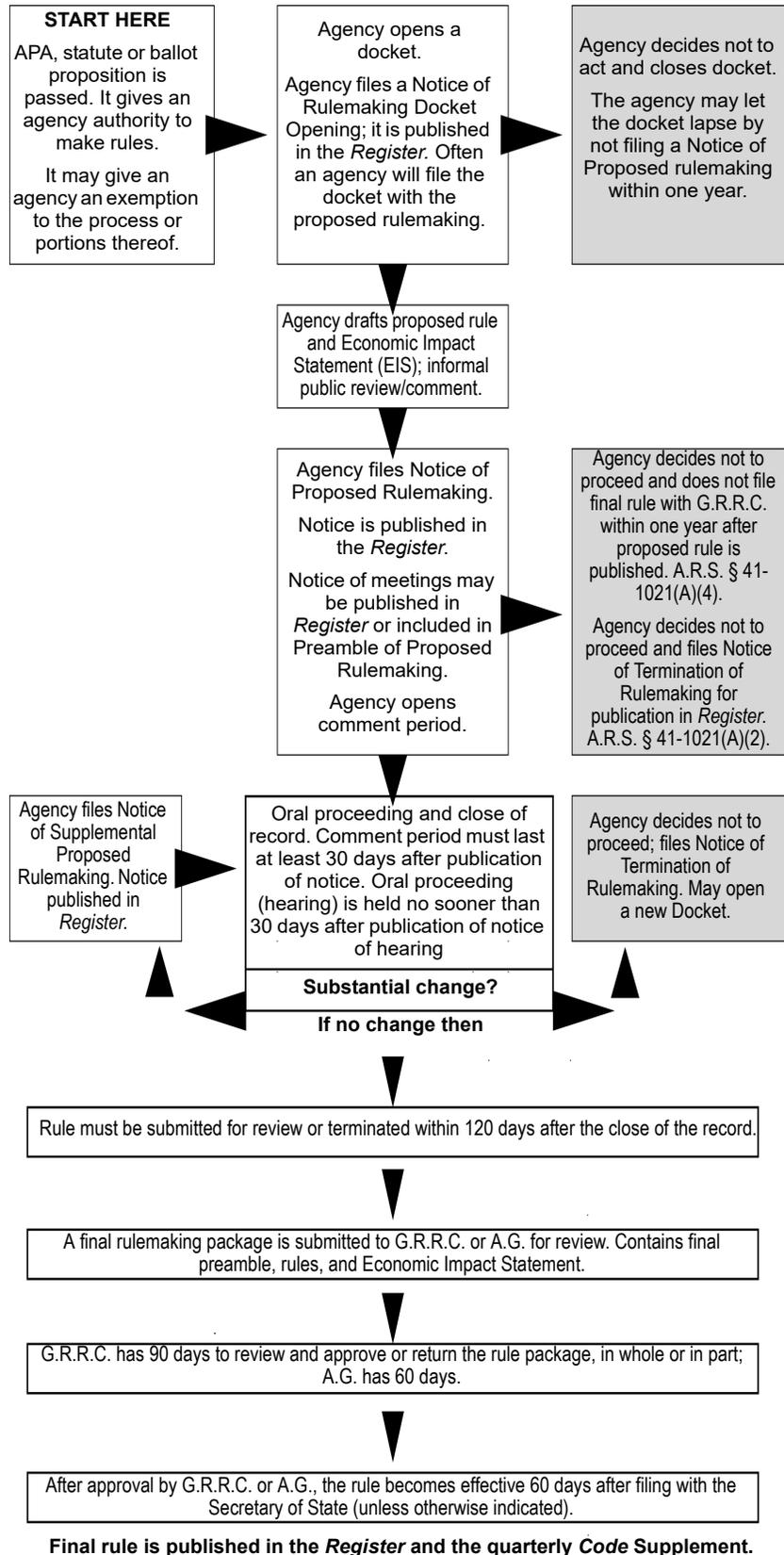
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

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

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

Arizona Regular Rulemaking Process



Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Acronyms

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

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

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

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

FR – *Federal Register*

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

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 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.

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.

The final published notice includes a preamble and

**NOTICE OF FINAL RULEMAKING
TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 25. BOARD OF PODIATRY EXAMINERS**

[R20-121]

PREAMBLE

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

Rulemaking Action

R4-25-101	Amend
R4-25-102	Amend
R4-25-103	Amend
R4-25-104	Amend
Table 1	Amend
R4-25-201	Amend
R4-25-203	Repeal
R4-25-301	Amend
R4-25-302	Amend
R4-25-501	Amend
R4-25-502	Amend
R4-25-603	Amend
R4-25-604	Amend

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

Authorizing statute: A.R.S. § 32-801
Implementing statute: A.R.S. §§ 32-801 et seq.

3. The effective date of the rule:

September 6, 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):

Not applicable

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

Not applicable

4. Citations to all related 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. 658, April 10, 2020
Notice of Proposed Rulemaking: 26 A.A.C. 645, April 10, 2020

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

Name: Heather Broaddus, Executive Director
Address: Board of Podiatry Examiners
1740 W. Adams St., Suite 3004
Phoenix, AZ 85007
Telephone: (602) 542-8151
Fax: (602) 926-8102
E-mail: heather.broaddus@podiatry.az.gov
Website: <https://podiatry.az.gov>



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

The Board is updating its rules to make them more clear, concise and consistent with statute and current agency and industry practice. Law changes were implemented in 2018 and 2019 for which there is currently no rule to support the changes. There is, in the new Law (A.R.S. §32-3248.02), a new requirement for Continuing Medical Education that must be addressed through Rule, terms are used in law that are not defined in Rule or elsewhere; without definition or clarification in rule, there may be no support or successful enforcement of the new Law. The profession may not be able to comply with the change to Law pertaining to continuing education and the public may not be as well protected as a result. The Fifty-third Legislature in its Second Regular Session passed HB2256 repealing A.R.S. §§ 32-824 and 32-825 which required a state examination; language deletion in rule is necessary to maintain consistency with State law. There is, in the new Law (A.R.S. §32-3124), a new requirement for temporary licensure. The proposed rules address the implementation of a fee for the temporary application/license which is necessary to offset added administrative costs such as processing an application, correspondence with the applicant, license issuance and other various administrative tasks that may arise during the process. More importantly, the fee also covers the additional cost of upgrading the current online licensing system to allow for the fees to be collected and the application for temporary license to be added to the online system and implemented pursuant to the Governor's initiative of licensure and payment by electronic means. The added nominal fee would support the function and operating expenses of the agency and the purpose of the temporary license as set forth by the Governor in the new law as it allows individuals to practice in Arizona on a short term basis at a cost that is lower than applying for a permanent license. The proposed rules also allows licensees to obtain all of the required continuing medical education via electronic means.

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

None

8. A showing of good cause why the 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 rulemaking makes no substantive changes. It will have minimal, if any, economic impact to current licensees only. There is no economic impact to the public.

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

No substantive changes have been made to the rules.

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

No comments were received by the public.

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

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

The rule does not require a permit.

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

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:

None

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 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 25. BOARD OF PODIATRY EXAMINERS
ARTICLE 1. GENERAL PROVISIONS**

Section
R4-25-101. Definitions



R4-25-102.	Postdoctoral, Internship, and Residency Training Program Approval
R4-25-103.	Fees
R4-25-104.	Time-frames for Approvals
Table 1.	Time-frames (in days)

ARTICLE 2. EXAMINATIONS

Section	
R4-25-201.	Examination of Applicants
R4-25-203.	Oral Examination Procedures <u>Repealed</u>

ARTICLE 3. LICENSES

Section	
R4-25-301.	Application for a Regular Podiatry License
R4-25-302.	Application for a Podiatrist's License by Comity

ARTICLE 5. CONTINUING EDUCATION

Section	
R4-25-501.	Continuing Educaion Hours Required
R4-25-502.	Approval of Continuing Education

ARTICLE 6. DISPENSING DRUGS AND DEVICES

Section	
R4-25-603.	Prescribing and Dispensing Requirements
R4-25-604.	Recordkeeping and Reporting Shortages

ARTICLE 1. GENERAL PROVISIONS

R4-25-101. Definitions

The following definitions apply in this Chapter unless otherwise specified:

1. "Administer" has the same meaning as in A.R.S. § 32-1901.
2. "Administrative completeness review" means the Board's process for determining that an applicant has:
 - a. Provided all the information and documents required by Board statute or rule for an application, and
 - b. Taken a written examination or oral examination required by the Board.
3. "Applicant" means an individual requesting an approval from the Board.
4. "Application packet" means all forms, documents, and additional information required by the Board to be submitted with an application by an applicant or on the applicant's behalf.
5. "Comity" means the procedure for granting an Arizona license to an applicant who is licensed as a podiatrist in another state of the United States.
6. "Contested case" has the same meaning as in A.R.S. § 41-1001.
7. "Continuing education" means a workshop, seminar, lecture, conference, class, or instruction related to the practice of podiatry.
8. "Controlled substance" has the same meaning as in A.R.S. § 32-1901.
9. "Council" means the Council of Podiatric Medical Education, an organization approved by the American Podiatry Association to govern podiatric education.
10. "Credit hour" means 60 minutes of participation in continuing education.
11. "Day" means calendar day.
12. "DEA" means The Drug Enforcement Administration in the Department of Justice.
13. "DEA Registration" means the DEA Controlled Substance Registration required and permitted by 21 U.S.C. 823 of the Controlled Substances Act.
- ~~12-14.~~ "Device" has the same meaning as in A.R.S. § 32-1901 and includes a prescription-only device defined in A.R.S. § 32-1901.
- ~~13-15.~~ "Directly supervise" has the same meaning as "direct supervision" in A.R.S. § 32-871(D).
- ~~14-16.~~ "Dispense" has the same meaning as in A.R.S. § 32-871(F).
- ~~15-17.~~ "Distributor" has the same meaning as in A.R.S. § 32-1901.
- ~~16-18.~~ "Drug" has the same meaning as in A.R.S. § 32-1901 and includes a controlled substance, a narcotic drug defined in A.R.S. § 32-1901, a prescription medication, and a prescription-only drug.
- ~~17-19.~~ "Fiscal year" means the period beginning on July 1 and ending on the following June 30.
- ~~18-20.~~ "Hospital" means a classification of health care institution that meets the requirements in A.R.S. Title 36, Chapter 4 and 9 A.A.C. 10, Article 2.
- ~~19-21.~~ "Informed consent" means a document signed by a patient or patient's representative that authorizes treatment to the patient after the treating podiatrist informs the patient or the patient's representative of the following:
 - a. A description of the treatment;



- b. A description of the expected benefits of the treatment;
- c. Alternatives to the treatment;
- d. Associated risks of the treatment, including potential side effects and complications; and
- e. The patient’s right to withdraw authorization for the treatment at any time.

~~20-22.~~ “Label” has the same meaning as in A.R.S. § 32-1901.

~~21-23.~~ “Manufacturer” has the same meaning as in A.R.S. § 32-1901.

~~22-24.~~ “Medical record” has the same meaning as in A.R.S. § 12-2291(4).

~~23.~~ “One year internship program” means the successful completion of either of the following:

- ~~a. American Podiatric Medical Association approved one year program, or~~
- ~~b. First year post graduate approved residency or preceptorship program in either a medical or surgical clinical science dealing directly with patients.~~

~~24-25.~~ “Packaging” means the act or process of a person placing a drug item in a container for the purpose of dispensing or distributing the item to another person.

~~25-26.~~ “Party” has the same meaning as in A.R.S. § 41-1001.

~~26-27.~~ “Patient” means an individual receiving treatment from a podiatrist.

~~27.~~ “PMLexis examination” means the test required by A.R.S. § 32-825(C)(2).

28. “Prescription medication” has the same meaning as in A.R.S. § 32-1901.

29. “Prescription-only device” has the same meaning as in A.R.S. § 32-1901.

30. “Prescription-only drug” has the same meaning as in A.R.S. § 32-1901.

31. “Prescription order” has the same meaning as in A.R.S. § 32-1901.

~~32.~~ “Provisional licensee” means an individual licensed under A.R.S. § 32-826(B).

~~33-32.~~ “Regular podiatry license” means a license issued pursuant to the provisions of A.R.S. § 32-826(A).

~~34-33.~~ “Representative” means a legal guardian, an individual acting on behalf of another individual under written authorization from the individual, or a surrogate according to A.R.S. § 36-3201.

~~35-34.~~ “Substantive review” means the Board’s process for determining that an applicant meets the requirements of A.R.S. §§ 32-801 through 32-871 and this Article.

~~36-35.~~ “Treatment” means podiatric medical, surgical, mechanical, manipulative, or electrical treatment according to A.R.S. § 32-801.

~~37-36.~~ “Visit” means to seek diagnosis or treatment of an ailment of the foot or leg from a podiatrist and be physically present for the diagnosis or treatment.

R4-25-102. Postdoctoral, Internship, and or Residency Training Program Approval

- A. For purposes of satisfying the requirements of A.R.S. § 32-826(A), a postdoctoral, ~~internship,~~ or residency ~~training~~ program approved by the Council is approved by the Board.
- B. A postdoctoral, ~~internship,~~ or residency ~~training~~ program provisionally approved or placed on probation by the Council is approved by the Board until the Council makes a final adverse determination of the status of the postdoctoral, ~~internship,~~ or residency ~~training~~ program.

R4-25-103. Fees

The Board shall charge the following fees, which are not refundable unless A.R.S. § 41-1077 applies:

- 1. Application for ~~examination~~ license according to A.R.S. §§ 32-822(A) and 32-825, \$450.00.
- 2. Application for ~~examination~~ license according to A.R.S. § 32-827, \$450.00.
- 3. License issuance, \$225.00.
- 4. Annual renewal, \$275.00.
- 5. Penalty fee for late renewal after July 30, \$150.00 in addition to the regular renewal fee.
- 6. Certification of a licensee to authorities of another state or country, \$10.00.
- 7. For initial registration to dispense drugs and devices, \$200.00.
- 8. For annual renewal of registration to dispense drugs and devices, \$100.00.
- 9. Application for temporary license and issuance of license, \$100.00

R4-25-104. Time-frames for Approvals

- A. The overall time-frame described in A.R.S. § 41-1072(2) for each type of approval granted by the Board is set forth in Table 1. The applicant and the Executive Director of the Board may agree in writing to extend the overall time-frame. The substantive review time-frame may not be extended by more than 25% of the overall time-frame.
- B. The administrative completeness review time-frame described in A.R.S. § 41-1072 for each type of approval granted by the Board is set forth in Table 1.
 - 1. The administrative completeness review time-frame begins:
 - ~~a. For approval to take both a written and an oral podiatry examination or only an oral podiatry examination, when the Board receives an application packet required in R4-25-301 or R4-24-302;~~
 - ~~b.a.~~ For approval of a podiatry license ~~provisional license,~~ when the Board receives the application packet required in R4-25-303;



- e.b. For approval of a registration to dispense drugs, when the Board receives the application packet required in R4-25-602;
 - ~~d. For approval of a regular podiatry license, when the applicant sits for both a written and an oral podiatry examination or only an oral examination;~~
 - e.c. For approval of an application for renewal of a license or dispensing registration, when a licensee submits an application packet to the Board; or
 - ~~f.d. For approval of continuing education, when the Board receives a request for approval.~~
2. If the application packet is incomplete, the Board shall send to the applicant a written notice specifying the missing document or incomplete information. The administrative completeness review time-frame and the overall time-frame are suspended from the postmark date of the notice until the date the Board receives a complete application packet from the applicant.
 3. If an application packet is complete, the Board shall send a written notice of administrative completeness to the applicant.
 4. If the Board grants a license or approval during the time provided to assess administrative completeness, the Board shall not issue a separate written notice of administrative completeness.
- C. The substantive review time-frame described in A.R.S. § 41-1072(3) is set forth in Table 1 and begins on the postmark date of the notice of administrative completeness.
1. During the substantive review time-frame, the Board may make one comprehensive written request for additional information or documentation. The time-frame for the Board to complete the substantive review is suspended from the postmark date of the comprehensive written request for additional information or documentation until the Board receives the additional information or documentation.
 2. The Board shall send a written notice of approval to an applicant who meets the qualifications and requirements in A.R.S. Title 4, Chapter 7 and this Chapter.
 3. The Board shall send a written notice of denial to an applicant who fails to meet the qualifications and requirements in A.R.S. Title 4, Chapter 7 and this Chapter.
- D. The Board shall consider an application withdrawn if, within ~~360~~ 365 days from the application submission date, the applicant fails to ~~1. Supply~~ supply the missing information under subsection (B)(2) or (C)(1). ~~or~~
2. ~~Take both a written and an oral podiatry examination or only an oral podiatry examination.~~
- E. An applicant who does not wish an application withdrawn may request a denial in writing within ~~360~~ 365 days from the application submission date.
- F. If a time-frame's last day falls on a Saturday, Sunday, or an official state holiday, the Board considers the next business day the time-frame's last day.

Table 1. Time-frames (in days)

Type of Approval	Statutory Authority	Overall Time-frame	Administrative Completeness Time-frame	Substantive Review Time-frame
Approval to Take a Written and Oral Examination or Oral Examination Only (R4-25-301)	A.R.S. § 32-822 A.R.S. § 32-823 A.R.S. § 32-824	90	30	60
Regular Podiatry License (R4-25-301)	A.R.S. § 32-826	60	30	30
License by Comity (R4-25-302)	A.R.S. § 32-827	60	30	30
Provisional License (R4-25-304)	A.R.S. § 32-826	60	30	30
Dispensing Registration (R4-25-602)	A.R.S. § 32-871	60	30	30



License Renewal (R4-25-306)	A.R.S. § 32-829	60	15	45
Registration Renewal (R4-25-605)	A.R.S. § 32-871	60	30	30
Continuing Education Approval (R4-25-502)	A.R.S. § 32-829	60	15	45

ARTICLE 2. EXAMINATIONS

R4-25-201. Examination of Applicants

- ~~A.~~ The Board administers the state oral examination each year in June and December.
- ~~B.~~ An applicant who meets the requirements in A.R.S. § 32-827 for licensure by comity shall pass the state oral examination with a grade of 75% or more.
- ~~C.~~ A. An applicant who does not meet the requirements in A.R.S. § 32-827 for licensure by comity shall pass the National Board Written Examinations PMLexis examination and state oral examination with a grade of 75% or more.
- ~~D.~~ B. An applicant licensed to practice podiatry in a state other than Arizona who is applying to the Board for a license by comity and who:
 - ~~1.~~ Passed the PMLexis examination passed The National Board Written Examinations in a state other than Arizona with a score of 75% or more within five years of the application submission date meets the examination requirements of A.R.S. § ~~32-825, or 32-823.~~
 - ~~2.~~ Did not pass the PMLexis examination in any state with a score of 75% or more does not meet the examination requirements of A.R.S. § 32-825 and shall pass the PMLexis examination with a score of 75% or more to be licensed in this state.

R4-25-203. Oral Examination Procedures Repealed

- ~~A.~~ An applicant taking an oral examination shall:
 - ~~1.~~ Be present to take the examination at the date, time, and place scheduled by the Board;
 - ~~2.~~ During the examination, not communicate with another applicant except with the permission of the examiner; and
 - ~~3.~~ Except for a writing instrument, not bring examination assistance, such as books or equipment, into the examination room unless given permission by the Board.
- ~~B.~~ An applicant may submit written comments to the Board about an oral examination after the examination concludes.
- ~~C.~~ An applicant who does not meet the requirements in subsection (A):
 - ~~1.~~ Shall not be permitted by the Board to complete an oral examination;
 - ~~2.~~ Forfeits the examination fee; and
 - ~~3.~~ May submit a new application to take an examination and the examination fee.

ARTICLE 3. LICENSES

R4-25-301. Application for a Regular Podiatry License

- ~~A.~~ No later than 90 days before a written or oral examination date, an An applicant for a regular license shall submit:
 1. An application form provided by the Board, signed and dated by the applicant and notarized that contains:
 - a. The applicant's name, address, social security number, telephone number, and date of birth;
 - b. The name and address of the applicant's employer at the time of application;
 - c. The name, address, and type of facility at which the applicant served as an intern or resident in podiatric medicine;
 - d. The name and address of each university or college from which the applicant graduated, dates of attendance, date of graduation, and degree received;
 - e. The name and address of the podiatric medical school from which the applicant graduated, dates of attendance, and date of graduation;
 - f. The name of each state or jurisdiction in which the applicant is currently or has been licensed as a podiatrist and address of the licensing agency;
 - g. A statement of whether the applicant has taken and passed a national podiatric examination in any state and date of passage, if applicable;
 - h. A statement of whether the applicant has ever been convicted of a felony or misdemeanor involving moral turpitude;
 - i. A statement of whether the applicant has ever had an application for a license, certification, or registration, other than a driver's license, denied or rejected by any state or jurisdiction;
 - j. A statement of whether the applicant has ever had a license, certification, or registration, other than a driver's license, suspended or revoked by any state or jurisdiction;
 - k. A statement of whether the applicant has ever entered into a consent agreement or stipulation with any state or jurisdiction;
 - l. A statement of whether the applicant has ever been named as a defendant in any medical malpractice matter that resulted in a settlement or judgment against the applicant;
 - m. A statement of whether the applicant has any medical condition that in anyway impairs or limits the applicant's ability to practice podiatric medicine; and
 - n. A statement, verified under oath by the applicant, that the information on the application pertains to the applicant, is true and correct, and was not procured through fraud or misrepresentation.



- o. A statement of whether the applicant has taken at least three hours of opioid-related clinical education if applicant was enrolled in a public or private medical program in Arizona.
 - 2. Two passport-type photographs of the applicant no larger than 1 1/2 x 2 inches taken not more than six months before the date of application;
 - 3. A photocopy of the diploma issued to the applicant upon completion of podiatric school;
 - 4. A photocopy of the residency certificate issued to the applicant upon completion of residency; and
 - 5. The fee required in R4-25-103.
- B.** An applicant shall arrange to have a transcript of examination scores of a national board examination in podiatry sent directly to the Board office by the professional examination service preparing the examination. ~~The transcript shall be received by the Board no less than 30 days before the date of an oral examination.~~

R4-25-302. Application for a Podiatrist's License by Comity

- A.** Under A.R.S. § 32-827, an applicant for a podiatrist's license by comity shall submit to the Board, ~~a minimum of 90 days before an oral examination date,~~ an application form provided by the Board, signed and dated by the applicant and notarized that contains the information in R4-25-301(A)(1) and the following:
- 1. A photocopy of a current podiatric license in good standing issued in another state or jurisdiction;
 - 2. Written documentation of having been engaged in the practice of podiatric medicine for five of seven years immediately preceding the application;
 - 3. Two passport-type photographs of the applicant no larger than 1 1/2 x 2 inches taken not more than six months before the date of application;
 - 4. The fee required in R4-25-103.
- B.** An applicant shall arrange to have a transcript of examination scores of a national board examination in podiatry sent directly to the Board office by the professional examination service preparing the examination. ~~The transcript shall be received by the Board no less than 30 days before the date of an oral examination.~~

ARTICLE 5. CONTINUING EDUCATION

R4-25-501. Continuing Education Hours Required

- A.** Unless a licensee obtains a waiver according to R4-25-505, the licensee shall complete 25 hours or more of continuing education credit hours every fiscal year.
- B.** A licensee who has been licensed for less than 12 months before license renewal shall complete two continuing education credit hours for each month of licensure.
- C.** For a licensee authorized to prescribe schedule II controlled substances and who has a valid DEA registration, at least three hours of the 25 hours required in subsection (A) shall be obtained in the area of opioid-related, substance use disorder-related or addiction-related continuing education.

R4-25-502. Approval of Continuing Education

- A.** A licensee may submit a written request to the Board for approval of continuing education before submission of a renewal application.
- B.** A request under subsection (A) shall contain:
- 1. A brief summary of the continuing education;
 - 2. The educational objectives of the continuing education;
 - 3. The date, time, and place of the provision of the continuing education;
 - 4. The name of the individual providing the continuing education, if available; and
 - 5. The name of the organization providing the continuing education, if applicable.
- C.** In determining whether to approve continuing education, the Board shall consider whether the continuing education:
- 1. Is designed to provide current developments, skills, procedures, or treatments related to the practice of podiatry;
 - 2. Is developed and provided by an individual with knowledge and experience in the subject area; and
 - 3. Contributes directly to the professional competence of a licensee.
- D.** ~~A licensee may request approval~~ The Board may accept a maximum of 10 continuing education credit hours or less of continuing education if provided in any of the following ways for the following:
- 1. ~~On the internet;~~ Teaching a graduate level course approved by the American Podiatry Medical Association.
 - 2. ~~On a CD-ROM, or~~ Self-study which can include the following:
 - a. Reading educational literature that relates to the practice of podiatry.
 - b. A work or study group that relates to the practice of podiatry.
 - c. Having authored or co-authored a book, book chapter, or article in a peer-reviewed journal that was published within the last year and that relates to the practice of podiatry.
 - 3. ~~In podiatric medical literature, such as a journal;~~ Serving as a Board member or Complaint consultant for the Board.
- E.** The Board shall approve or deny a request for approval according to the time-frames set forth in R4-25-104 and Table 1.
- F.** According to A.R.S. § 32-829(E), if approval of a continuing education request is denied, a licensee has 60 days from the date of the denial to meet the continuing education requirements.
- G.** Any opioid-related course that is approved by the Arizona State Board of Podiatry Examiners, Arizona State Board of Pharmacy, Arizona Board of Osteopathic Examiners, Arizona Medical Board or the Arizona State Board of Nursing is approved by the Board.

R4-25-603. Prescribing and Dispensing Requirements

A podiatrist shall:

- 1. Not dispense schedule II controlled substances that are opioids.
- ~~2.~~ Not dispense a drug unless the drug is obtained from a manufacturer or distributor licensed in any state or jurisdiction;
- ~~2.~~ 3. Ensure that a drug or device is dispensed only to a patient being treated by the podiatrist;



- ~~3-4.~~ Before dispensing a drug, provide a patient with a written prescription order that:
 - a. Contains the following statement in bold type: “This prescription may be filled by the prescribing podiatrist or by a pharmacy of your choice,” and
 - b. Is signed by the podiatrist;
- ~~4-5.~~ Directly supervise each individual involved in preparing a drug that is dispensed;
- ~~5-6.~~ Ensure that a drug is:
 - a. Dispensed in a prepackaged container or in a light resistant container with a consumer safety cap; and
 - b. Labeled with the following information:
 - i. The podiatrist’s name, address, and telephone number;
 - ii. The date the drug is dispensed;
 - iii. The patient’s name; and
 - iv. The name, strength of the drug, and directions for the drug’s use;
- ~~6-7.~~ Ensure that the original prescription order for a drug is countersigned and dated by the individual who prepared the drug for dispensing;
- ~~7-8.~~ Before a drug or device is dispensed to a patient:
 - a. Review the drug or device to ensure compliance with the prescription order;
 - b. Ensure the patient is informed of the following:
 - i. The name of the drug or device,
 - ii. Directions for taking the drug or using the device,
 - iii. Precautions for the drug or device, and
 - iv. Directions for storing the drug or device;
- ~~8-9.~~ Document in the medical record the following for each patient:
 - a. Name of the drug or device dispensed,
 - b. Strength of the drug dispensed,
 - c. Date the drug or device is dispensed, and
 - d. Therapeutic reasons for dispensing the drug or device;
- ~~9-10.~~ Maintain an inventory record for each drug that contains:
 - a. Name of the drug,
 - b. Strength of the drug,
 - c. Date the drug was received by the podiatrist,
 - d. Amount of the drug received by the podiatrist,
 - e. Name of the manufacturer and distributor of the drug, and
 - f. A unique identifying number provided by the manufacturer or distributor of the drug;
- ~~10-11.~~ Store a drug in a locked cabinet or room and:
 - a. Establish a written policy for access to the locked cabinet or room, and
 - b. Make the written policy available to the Board or its authorized agent with within 72 hours of a Board request;
- ~~11-12.~~ Ensure that a drug is stored at temperatures recommended by the manufacturer of the drug; and
- ~~12-13.~~ Maintain a dispensing log, separate from the inventory record for each drug dispensed that includes the:
 - a. Name of the drug,
 - b. Strength of the drug,
 - c. Amount of the drug,
 - d. Patient’s name,
 - e. Date the drug was dispensed, and
 - f. The name and signature of the podiatrist who dispensed the drug.

R4-25-604. Recordkeeping and Reporting Shortages

- A. A prescription order written by a podiatrist for a drug shall:
 - 1. Contain the:
 - a. Name of the patient,
 - b. Date the prescription order is written, and
 - c. Name and signature of the podiatrist;
 - 2. Be numbered consecutively; and
 - 3. Be maintained separately from a medical record.
- B. A podiatrist shall maintain an invoice of a drug purchased from a manufacturer or distributor for three years from the date purchased.
- C. A podiatrist shall maintain the inventory record in R4-25-603(9) and the dispensing log in R4-25-603(12) for seven years from the date of entry.
- D. A podiatrist who discovers that a drug identified in the podiatrist’s inventory record cannot be accounted for shall:
 - 1. Within 48 hours of discovery or the next business day if a weekend or holiday, whichever is later, notify the appropriate law enforcement agency and the federal Drug Enforcement Administration; and
 - 2. Provide written notification to the Board within seven days from the date of the discovery, including the name of the law enforcement agency notified.
- E. A podiatrist shall report controlled substances dispensing as required per A.R.S. § 36-2608.



**NOTICE OF FINAL RULEMAKING
TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 34. BOARD OF MANUFACTURED HOUSING**

[R20-122]

PREAMBLE

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

R4-34-101	Amend
R4-34-203	Amend
R4-34-204	Amend
R4-34-603	Amend
R4-34-606	Amend
R4-34-607	Amend
R4-34-701	Amend
R4-34-702	Amend
R4-34-703	Amend
R4-34-704	Amend
R4-34-705	Amend
R4-34-706	Amend
R4-34-801	Amend
R4-34-802	Amend
R4-34-805	Amend

2. **Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statute: A.R.S. § 41-4010(A)(13)
 Implementing statute: A.R.S. § 41-4001(7) and (17)

3. **The effective date for the rules:**
 September 6, 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):**
 Not applicable

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

4. **Citation 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. 568, March 27, 2020
 Notice of Proposed Rulemaking: 26 A.A.R. 529, March 27, 2020

5. **The agency's contact person who can answer questions about the rulemaking:**
 Name: Tara Brunetti, Assistant Deputy Director
 Address: Office of Manufactured Housing
 Arizona Department of Housing
 1110 W. Washington St., Suite 280
 Phoenix, AZ 85007
 Telephone: (602) 771-1000
 Fax: (602) 771-1002
 E-mail: tara.brunetti@azhousing.gov
 Website: www.housing.az.gov

6. **An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**
 Under Laws 2019, Chapter 272, the legislature amended A.R.S. § 41-4001 by adding definitions of “closed construction” and “open construction” and incorporating both terms into the definition of “factory-built building.” This statutory change gives the Office of Manufactured Housing regulatory authority over FBBs, components, assemblies, and systems manufactured using closed construction. This rulemaking makes changes required to include this authority. An exemption from Executive Order 2019-01 was provided for this rulemaking by Kaitlin Harrier, of the Governor’s Office, by e-mail dated August 21, 2019.

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



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

Not applicable

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

Authorizing closed construction of FBBs, components, assemblies, and systems potentially will have important economic impact for licensees and consumers of these products. However, this economic impact results from the 2019 statutory change. The Department currently has no licensee producing, selling, or installing closed panel products. Indeed, no closed panel product has ever been produced, sold, or installed in Arizona. It is not certain whether closed panel products will ever be produced, sold, or installed in Arizona. If a manufacturer, retailer, installer, or salesperson was to want to do business involving closed panel products in Arizona, the person would incur the cost of complying with the Board's current rules while having the benefit of being involved in a new line of work.

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

The following non-substantive changes were made between the proposed and final rulemaking:

- R4-34-102 was amended in the Notice of Proposed Rulemaking but was removed from the Notice of Final Rulemaking to provide time for the Board to reconsider the applicable building standards. The Board will amend R4-34-102 before the end of 2020.
- R4-34-101(23), R4-34-606(B)(4), R4-34-701(D)(5), R4-34-802(D), and R4-34-805: Language was changed to indicate building standards are referenced in R4-34-102.
- R4-34-502 and R4-34-504: These Sections were amended in the Notice of Proposed Rulemaking. In response to concerns raised by members of the Council, the Department removed the Sections from the Notice of Final Rulemaking to provide time for the Department to assess options for moving forward.

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

Two individuals attended the oral proceeding held on May 1, 2020. Both Joe and Joshua Hart are from Modular Solutions, which is a manufacturer licensed by the Department. Mr. Hart asked about the use of insignia on panelized structures. The Department indicated each manufacturer would be responsible for establishing a method to track and label panels during the construction process. However, an insignia is not required on each panel. The manufacturer would identify the labeling-and-tracking method in the design plan submitted to the Department for approval. This approach allows flexibility and customization among manufacturers. No changes were made to the rules in response to the questions.

12. All agencies shall list any 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:

None

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

The Department does not issue general permits. Rather, the Board issues individual licenses, as follows, to each person that is qualified by statute and rule:

- Manufacturers: A.R.S. § 41-4010(A)(6)
- Installers: A.R.S. § 41-4010(A)(8)
- Retailers/dealers/brokers: A.R.S. § 41-4010(A)(7)
- Salesperson: A.R.S. § 41-4010(A)(9)
- Installation permits: A.R.S. § 41-4010(A)(16)

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:

None of the rules is more stringent than federal law. Federal law applies to the subject of these rules (See 24 CFR 3280, 3282, 3284, 3285, 3286, and 3288). Under a contract with HUD, the Department enforces the federal law.

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

No analysis was submitted.

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:

None of the rules was previously made, amended, or repealed as an emergency rule.

15. The full text of the rules follows:

**TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 34. BOARD OF MANUFACTURED HOUSING**



ARTICLE 1. GENERAL

Section
R4-34-101. Definitions

ARTICLE 2. LICENSING

Section
R4-34-203. Retailers
R4-34-204. Installers

ARTICLE 6. MANUFACTURING, CONSTRUCTION, AND INSPECTION

Section
R4-34-603. FBBs
R4-34-606. Rehabilitation of Mobile Homes
R4-34-607. Manufacturing Inspection and Certification

ARTICLE 7. PLAN APPROVALS

Section
R4-34-701. General
R4-34-702. Compliance Assurance Manuals
R4-34-703. Drawings and Specifications
R4-34-704. Reconstruction Plans
R4-34-705. Accessory Structures
R4-34-706. FBB Installation

ARTICLE 8. PERMITS AND INSTALLATION

Section
R4-34-801. Permits
R4-34-802. General Installation
R4-34-805. Accessory Structures

ARTICLE 1. GENERAL

R4-34-101. Definitions

The definitions in A.R.S. §§ 41-4001, and 41-4008 apply to this Chapter. Additionally, in this Chapter:

1. "Act" means the Manufactured Housing Improvement Act of 2000, which is Title VI of the American Homeownership and Economic Opportunity Act of 2000.
2. "Agency" means the seller or purchaser of a used home has given a licensed salesperson written legal authority to act on behalf of the seller or purchaser when dealing with a third party. The written legal authority is also binding on the salesperson's licensed and employing retailer.
3. "Agency disclosure" means a document that specifies the person a licensed salesperson or licensed retailer represents in a brokered transaction.
4. "Agent" means a licensed retailer authorized to act on behalf of a seller, purchaser, or both the seller and purchaser of a used home.
5. "Attached" means an accessory is fastened or affixed to a regulated structure in a manner that imposes a load on the structure.
- ~~5-6.~~ "Branch location" means a satellite office, in addition to the principal office, where business may be transacted.
- ~~6-7.~~ "Brokered transaction" means a transaction in which a licensed broker acts as an agent for the seller, purchaser, or both.
- ~~7-8.~~ "Certificate" means an Arizona Insignia of Approval, with which a licensee certifies all work performed complies with applicable law, including this Chapter, is required for relating to modular manufacture and reconstruction, installation of modular, manufactured, and mobile homes, reconstruction, or rehabilitation work and construction.
- ~~8-9.~~ "Co-brokered transaction" means a transaction in which the listing retailer and the selling retailer are not the same person.
9. ~~"Commercial" means an FBB with a use occupancy classification other than single family dwelling.~~
10. "Consummation of sale, as defined at A.R.S. § 41-1001, includes filing an Affidavit of Affixture, if applicable.
11. "FBB" means factory-built building.
12. "Field installed" means components, equipment, and/or construction that is to be completed or installed at the site. Field installed does not include reconstruction.
13. "HVAC" means heating, ventilation, and air conditioning.
14. "Modular" means ~~an a type of FBB built in a factory and transported in three-dimensional sections to an installation site.~~
15. "New" means a unit or subassembly not previously sold, bargained, exchanged, or given away to a purchaser.
16. "Panelized" means a type of commercial FBB built in a factory using closed construction, including partly or fully finished walls, floors, or roof panels, and transported in two-dimensional condition to an assembly site.
- ~~16-17.~~ "Permanent foundation" means a system of support and perimeter enclosure, ~~of with or without~~ crawl space, that is:
 - a. Constructed of durable materials ~~(e.g., concrete, masonry, steel, or treated wood);~~
 - b. Developed in accordance with the manufacturer's installation instructions or designed by an Arizona registered engineer;
 - c. Attached in a manner that effectively transfers all vertical and horizontal design loads that could be imposed on the structure by wind, snow, frost, seismic, or flood conditions, as applicable, to the underlying soil or rock; and
 - d. Designed to exclude unwanted elements and varmints, ensure sufficient ventilation, and provide adequate access to the building; ~~and.~~



- e. ~~Not affixed with anchoring straps or cable to ground anchors other than footings.~~
- ~~17-18.~~ "Purchase contract in a brokered transaction" means a written agreement between a purchaser and seller of a used home that indicates the sales price and terms of the sale.
- ~~18-19.~~ "Repair" means work performed on a manufactured home, mobile home, or FBB to restore the building to a habitable condition but does not impact the original structure, electrical, plumbing, HVAC, mechanical, use occupancy, or energy design.
- ~~19.~~ "Residential" means a building with a use occupancy classification of single family dwelling or as governed by the International Residential Code.
- 20. "Retailer" means a broker or dealer as prescribed at A.R.S. § 41-4001(5) and (10).
- 21. "Site" means a parcel of land bounded by a property line or a designated portion of a public right-of-way.
- 22. "Site work" means soil preparation including soil analysis, grading, drainage, utility trenches, and foundation systems preparation, and field-installed work including terminal and connections, on-site utility connections, accessibility structures, egress paths, parking, lighting, landscaping, and similar work.
- 23. "Standards" means the materials ~~incorporated by reference~~ referenced in R4-34-102.
- 24. "Supplement" means a submittal noting change of ~~not more than two sheets of paper that indicates a floor plan design, dimensional sizes, does not change more than 25% of a system, component,~~ or configuration, and is incorporated as part of an originally approved plan.
- ~~25.~~ "Technical service" means ~~engineering assistance and interpretative application or clarification of compliance and enforcement of A.R.S. Title 41, Chapter 16, Articles 1, 2, and 4 and this Chapter.~~
- ~~26-25.~~ "Used home" means a previously titled manufactured home, mobile home, or FBB designed for use as a residential dwelling.

ARTICLE 2. LICENSING

R4-34-203. Retailers

Retailers' license applications fall into one of the following license classes:

- 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
- 2. No change
 - a. No change
 - b. No change
- 3. No change
 - a. No change
 - b. No change
 - c. No change
 - d. Contracts with licensed installers or contractors holding an appropriate license issued by the Registrar of Contractors for the installation of FBBs including any existing or new accessory structures included in a sales agreement.
- 4. No change

R4-34-204. Installers

- A. No change
 - 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - 2. No change
 - 3. I-10G Master installer of manufactured homes, mobile homes, or residential single-family FBBs, ~~or commercial single-story FBBs built on a chassis with an electrical system no greater than 400 amperes~~ is qualified-permitted to perform the work described under subsections (A)(1) and (2) and installs HVAC systems including electrical wiring, gas connections, and ductwork. An I-10G Master installer does not provide service, maintenance, repair, or discharging, adding, or reclaiming refrigerants or any other work requiring certification. An I-10G Master installer may subcontract to a properly licensed entity for installation of any item under this subsection.
- B. No change
 - 1. No change
 - 2. No change
 - 3. No change

ARTICLE 6. MANUFACTURING, CONSTRUCTION, AND INSPECTION

R4-34-603. FBBs

- A. No change
 - 1. No change



2. Affix a permanent serial or identification number to each ~~unit~~ module or panel during the first stage of manufacturing. If an FBB has multiple sections (~~modules~~), the manufacturer shall ensure each module or panel is separately identified. The serial or identification number location and application method shall be shown in the plans required under R4-34-703; and
 3. Affix a Modular Manufacturer's Certificate to each completed module of each modular building where indicated in the plan required under R4-34-703(B)(5). A Modular Manufacturer's Certificate is not required for a panelized building.
- B.** No change
1. No change
 2. No change
 3. No change

R4-34-606. Rehabilitation of Mobile Homes

- A.** No change
- B.** No change
1. No change
 2. The walls, ceilings, and doors of each gas-fired furnace and water-heater compartment shall be lined with ~~5/16-inch~~ gypsum board that is a minimum of 5/16 inches except a door to ~~a~~ the compartment that opens to the exterior of the mobile home, ~~in which case the door may be and is of~~ all metal construction. All exterior compartments shall seal to the interior of the mobile home;
 3. Each room designated expressly for sleeping purposes shall have at least one outside egress window or an approved exit device. The window or exit shall have a minimum clear width dimension of 22 inches, a minimum clear opening of five square feet, and the bottom of the exit is not more than 36 inches above the floor;
 4. The electrical system is tested for continuity to ensure metallic parts are properly bonded, tested for operation to demonstrate all equipment is connected and in working order, and given a polarity check to determine connections are proper. The electrical system ~~is properly protected for~~ shall have proper overcurrent protection for the required amperage load. If aluminum conductors are used, all receptacles and switches rated 20 amperes or less and directly connected to the aluminum conductors ~~are~~ shall be marked CO/ALR. ~~Exterior receptacles other than heat tape receptacles are of the ground fault circuit interrupter (GFI) type. Conductors of dissimilar metals (Copper/Aluminum/or Copper Clad Aluminum) are~~ shall be connected in accordance with ~~Section 410-14 of the National Electrical Code incorporated~~ referenced at R4-36-102. Ground Fault Circuit Interrupter protection shall be provided in compliance with the National Electrical Code referenced in R4-36-102; and
 5. No change
- C.** No change
- D.** No change
- E.** No change
- F.** No change

R4-34-607. Manufacturing Inspection and Certification

- A.** No change
- B.** No change
- C.** No change
- D.** No change
1. No change
 2. No change
- E.** The Department ~~shall~~ may decertify a manufacturing facility if:
1. No change
 2. No change
 3. No change
 4. No change
- F.** Before resuming production, a decertified manufacturing facility shall be recertified by the Department.
1. ~~The Department shall evaluate the production process at the decertified manufacturing facility to ensure the manufacturer's procedures are consistent with the approved plans, standards, and compliance assurance manual at every stage of production.~~
 2. When the manufacturer successfully completes the recertification process, the Department shall issue Certificates or Labels to the manufacturer.
- G.** No change

ARTICLE 7. PLAN APPROVALS

R4-34-701. General

- A.** No change
1. No change
 2. No change
- B.** No change
1. No change
 2. No change
 3. No change
 4. No change
- C.** No change
- D.** A person that submits a plan under subsection (B) shall ensure the plan conforms ~~with~~ to the following standards:
1. Each page is at least 8 1/2 X 11 inches and printed to the scale referenced on the drawing;



- 2. No change
- 3. No change
- 4. No change
- 5. The plan is consistent with all applicable standards ~~incorporated~~ referenced at R4-34-102.

R4-34-702. Compliance Assurance Manuals

A manufacturer of FBBs shall prepare a compliance assurance manual that has all of the following:

- 1. No change
- 2. No change
- 3. No change
- 4. No change
- 5. No change
- 6. No change
- 7. A description of the FBB-identification system including a unique identifier, such as a serial or identification number, that is permanently affixed to each module or panel of the FBB at the beginning of manufacturing and where the unique identifier is located on the FBB;
- 8. No change
- 9. No change
- 10. No change
- 11. No change
- 12. No change
- 13. No change

R4-34-703. Drawings and Specifications

- A. No change
- B. A manufacturer of FBBs ~~or FBB subassemblies~~ shall submit to the Department plans that comply with the applicable standards in R4-34-102. The manufacturer shall ensure the plans provide or have the following information or format attributes:
 - 1. No change
 - 2. A traceable identification for each closed panel component ~~and subassembly~~ listed;
 - 3. Design analysis calculations for all loads and systems;
 - 4. The location and process for stamping the permanent serial or identification number on the FBB ~~or subassembly~~;
 - 5. The location of the Modular Manufacturer Certificate; and
 - 6. Dimensional plans and details identifying all components and construction to be field installed.

R4-34-704. Reconstruction Plans

- A. A manufacturer shall comply with the standards in R4-34-102 when preparing a reconstruction plan.
- B. A manufacturer preparing a reconstruction plan shall ensure the plan contains the following: ~~a detailed set of dimensioned drawings and specifications that depict all aspects of the reconstruction, including a plan depicting the original configuration, and contains the serial or identification number of the unit.~~
 - 1. A depiction of the configuration before reconstruction;
 - 2. The serial or identification number of the unit;
 - 3. Dimensioned drawings and details identifying all components and specification lists affected by the reconstruction. Electrical, plumbing, gas, and HVAC systems, as applicable, shall be addressed; and
 - 4. Design-analysis calculations for all loads and systems affected by the reconstruction.
- C. No change

R4-34-705. Accessory Structures

- A. For ~~commercial manufactured homes, mobile homes, and~~ FBBs, a properly licensed entity or person shall comply with ~~the International Building Code R4-34-102~~ when preparing attached accessory structure plans. ~~For manufactured homes, mobile homes, and residential FBBs, a properly licensed entity or person shall comply with the International Residential Code when preparing attached accessory structure plans. The plans shall include the following:~~
 - 1. Dimensioned drawings and details identifying all applicable components and specification lists. Electrical, plumbing, gas, and HVAC systems, as applicable, shall be addressed;
 - 2. Design-analysis calculations for all loads and systems; and
 - 3. Method of attachment to the manufactured home, mobile home, or FBB.
- B. No change
- C. No change

R4-34-706. FBB Installation

A properly licensed entity or person shall include the following in installation plans submitted to the Department:

- 1. No change
- 2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
- 3. No change
 - a. Size and type of conductors, conduit materials for feeder wires, length of feeders, and all amperage;



- b. No change
- c. Complete details of panelboards, switchboards, ~~and~~ distribution centers with calculated loads, and fault current calculations; and
- d. No change
- 4. No change
 - a. No change
 - b. No change
 - c. Location of all cleanouts and grade of sewer line; and
 - d. Fixture unit calculations for plumbing and gas fixtures; and
 - e. ~~Fastening and closure details for connection of multiple modules; and~~
 - f. ~~Dimensional plans and details for all components and construction to be field installed.~~
- 5. Fastening and closure details for connection of multiple modules or panels.
- 6. Dimensional plans and details for all components and construction to be field installed.

ARTICLE 8. PERMITS AND INSTALLATION

R4-34-801. Permits

- A. No change
- B. No change
- C. A properly licensed entity or person shall obtain all required permits, such as zoning, flood plain, and installation, from the Department or local jurisdiction before beginning any ~~installation site work~~ except the assessment required under R4-34-802(E). All permits shall be posted in a conspicuous location onsite. The properly licensed entity or person who contracts to perform the installation and a licensed installer who subcontracts to perform the installation shall verify that all required permits have been obtained from the Department and local jurisdiction before beginning the installation.
- D. No change
- E. The Department or a local jurisdiction participating in the installation inspection program shall charge the permit fee expressly authorized under A.R.S. § ~~41-2144(A)(4)~~ 41-4010(A)(4). The fee charged by the local jurisdiction shall not exceed the amount established by the Board.
- F. Every permit, except a special-use permit, expires six months after the permit is issued. The Department may extend the permit for good cause if a written request is made to the Department before the permit expires and the fee established by the Board under A.R.S. § ~~41-2144(A)(4)~~ 41-4010(A)(4) is paid again.
- G. No change
- H. The permit holder, owner, ~~or~~ contractor, or designated responsible party identified on the permit shall request all required inspections.
- I. At the time of a scheduled inspection, the permit holder, owner, ~~or~~ contractor, or designated responsible party identified on the permit shall ensure all work to be inspected is accessible (opened) and no work is performed beyond the point indicated for each successive inspection without first obtaining approval from the Department.
- J. The permit holder, owner, ~~or~~ contractor, or designated responsible party identified on the permit shall ensure approved plans and all applicable manuals are available onsite.
- K. No change

R4-34-802. General Installation

- A. No change
- B. No change
- C. No change
- D. A properly licensed entity shall install all new manufactured homes, used manufactured homes, and mobile homes according to the materials ~~incorporated by reference~~ referenced in R4-34-102.
- E. Before ~~making an installation~~ installing a unit, a properly licensed entity shall perform or contract with a qualified ~~professional party~~ to assess the site and soil, ensure required permits are obtained, and make site preparations necessary to ensure the site is compatible with the manufactured home, mobile home, or ~~residential single-family FBB~~ to be installed. The entity that actually ~~assesses and~~ prepares the site has primary responsibility for the work performed. The entity that contracts to have the site ~~assessment and~~ preparation done, if different, has secondary responsibility for the work performed.
- F. No change

R4-34-805. Accessory Structures

- ~~A.~~ "Attached," as used in A.R.S. § 41-2142(1), means fastened by any means to a manufactured home, mobile home, or residential single-family FBB at the time of installation.
- ~~B.~~ An installer or contractor shall install, assemble, or construct each accessory structure in compliance with applicable standards referenced in R4-34-102.



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

[R20-123]

PREAMBLE

- 1. Article, Part or Section Affected (as applicable) Rulemaking Action
Article 1 Amend
R9-8-101 Repeal
R9-8-101 New Section
R9-8-102 Renumber
R9-8-102 New Section
R9-8-103 Repeal
R9-8-103 New Section
R9-8-104 Repeal
R9-8-104 New Section
Table 1 Repeal
R9-8-105 Repeal
R9-8-105 New Section
R9-8-106 Repeal
R9-8-106 New Section
R9-8-107 Repeal
R9-8-107 New Section
R9-8-108 Repeal
R9-8-108 New Section
Table 1.1 New Section
R9-8-109 Repeal
R9-8-110 New Section
R9-8-111 New Section
R9-8-112 New Section
R9-8-113 New Section
R9-8-114 New Section
R9-8-115 New Section
R9-8-116 New Section
R9-8-117 New Section
R9-8-118 New Section
R9-8-118 Renumber
R9-8-118 Amend
R9-8-119 New Section
2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):
Authorizing statute: A.R.S. § 36-136(A)(7) and (G)
Implementing statute: A.R.S. §§ 36-136(I)(4), 36-136(I)(5), 36-136(I)(7), and 36-1761
3. The effective date of the rules:
July 8, 2020
The Arizona Department of Health Services (Department) requests an immediate effective date for the new rules under A.R.S. § 41-1032(A)(4) and (5).
4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:
Notice of Rulemaking Docket Opening: 25 A.A.R. 374, February 15, 2019
Notice of Rulemaking Docket Opening: 25 A.A.R. 724, March 22, 2019
Notice of Proposed Rulemaking: 26 A.A.R. 410, March 13, 2020
5. The agency's contact person who can answer questions about the rulemaking:
Name: Eric Thomas, Chief
Address: Department of Health Services
Division of Public Health Services, Public Health Preparedness,



Office of Environmental Health
150 N. 18th Ave., Suite 140
Phoenix, AZ 85007-3248

Telephone: (602) 364-3142

Fax: (602) 364-3146

E-mail: Eric.Thomas@azdhs.gov

or

Name: Stephanie Elzenga

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: Stephanic.Elzenga@azdhs.gov

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

9 A.A.C. 8, Article 1 rules prescribe reasonably necessary measures to ensure that all food or drink sold at the retail level are fit for human consumption. The Department of Health Services (Department) plans to amend the rules to make consistent with the current (2017) United States *Food and Drug Administration Food Code (FDA Food Code)*, address matters described in the rules recent five-year-review report, and improve the effectiveness of the rules. The Department received an exception from the rulemaking moratorium established by Executive Order 2019-01 on January 23, 2019 and plans to amend the rules through a regular rulemaking. Additionally, the Department plans to promulgate new rules to make consistent with new statutory law. Laws 2018, Ch. 286 requires the Department to adopt rules to establish statewide health and safety licensing standards for mobile food vendors and mobile food units. The rules will also include requirements for statewide inspection standards. The Department received an exception from the rulemaking moratorium established by Executive Order 2019-01 on March 5, 2019 and plans to draft new rules through a regular rulemaking. The amended and new rules will conform to rulemaking format and style requirements of the Governor's Regulatory Review Council and the Office of the Secretary of State.

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

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

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

Not applicable

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

As used in the 2020 Economic, Small Business, and Consumer Impact Statement, annual cost/revenue associated with this rulemaking are designated as minimal when \$1,000 or less, moderate when between \$1,000 and \$10,000, and substantial when greater than \$10,000. Costs are listed as significant when meaningful or important, but not readily subject to quantification.

The Department identifies affected persons as the Department, counties, food establishments, consumers, and the public. The Department expects that the proposed rules may provide a significant benefit to the Department and counties by improving the ability of the Department and counties to effectively implement A.R.S. § 36-136(I)(4) by updating the United States Food and Drug Administration (FDA) 1999 Food Code to the 2017 Food Code used for licensing and inspecting food establishments. The Department and counties may also receive a significant benefit for the new requirements that allow mobile food units to obtain a state-license for serving food in multiple counties rather than just the county where a licensee of a mobile food unit resides. The Department expects that food establishments may receive a significant benefit for having all counties complying with one version of the Food Code (2017), particularly, those licensees who have multiple food establishments located in multiple counties and are currently required to follow different versions of the food code depending on the county where the food establishment is located. Additionally, with licensed food establishments following the 2017 Food Code, consumers are expected to receive a significant benefit for having food that is prepared, packaged, and served according to standards designed to protect their health and safety. The Department has determined that the benefits outweigh any potential costs associated with this rulemaking.

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

The Department made two changes between the proposed rulemaking and the final rulemaking. The Department added in Paragraph 2 a citation for implementing statutes A.R.S. § 36-1761, and in R9-8-118, the Department added a new subsection (E) specifying that "Food establishments shall have until January 31, 2022 to comply with the certified food protection manager requirement specified in this Article."

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

During the formal 30-day public comment period, the Department did not receive any comments.



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

There are no 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:

A.R.S. § 36-136(I)(4) provides for the licensing of food establishments. While some counties may issue permits rather than licenses to food establishments, these permits are issued under a delegation agreement between the Department and the county in lieu of a license from the Department. The Department believes that under A.R.S. § 41-1037(A)(3) that 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:

No federal law is applicable to the subject of the rule. The U.S. Department of Health and Human Services, Food and Drug Administration periodically publish editions of the "Food Code," which is a model for safeguarding public health and ensuring food is safe for human consumption. Further, the Food Code provides a uniform system of provisions that address the safety and protection of food offered at retail and in food service. The authority to regulate food establishments comes from state statutes, and state regulatory agencies may adopt all or portions of specific editions of the Food Code, as well as other requirements not contained in the Food Code, to achieve state public health goals. This rulemaking updates the incorporation by reference from the 1999 Food Code to the 2017 Food Code according to A.R.S. § 41-1028.

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

No analysis comparing competitiveness was received by the Department.

13. Incorporated by reference and their location in the rules:

The United States Food and Drug Administration publication, Food Code: 2017 Recommendations of the United States Public Health Service, Food and Drug Administration as specified in this Article. This incorporation by reference contains no future editions or amendments. The incorporated material is on file with the Department and is available for order at: <https://www.fda.gov/Food/ResourcesForYou/Consumers/ucm239035.htm>, refer to publication number IFS17.

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

The rule was not previously made as an emergency rule.

15. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

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

ARTICLE 1. ~~FOOD AND DRINK~~ FOOD ESTABLISHMENTS

Section	
R9-8-101.	Definitions <u>Purpose and Definitions</u>
R9-8-102.	Management and Personnel
R9-8-103.	Food Establishment License Application <u>Food</u>
R9-8-104.	Time frame <u>Equipment, Utensils, and Linens</u>
Table 1.	Time frames (in days) <u>Repealed</u>
R9-8-105.	Issuance of License <u>Water, Plumbing, and Waste</u>
R9-8-106.	License Suspension or Revocation <u>Physical Facilities</u>
R9-8-107.	Food Safety Requirements <u>Poisonous or Toxic Materials</u>
R9-8-108.	Inspection Standardization and Documentation <u>Compliance and Enforcement</u>
Table 1.1.	Time frames (in calendar days)
R9-8-109.	Cease and Desist and Abatement <u>Repealed</u>
R9-8-110.	<u>Mobile Food Units</u>
R9-8-111.	<u>Compliance and Enforcement, Annex 1</u>
R9-8-112.	<u>References, Annex 2</u>
R9-8-113.	<u>Public Health Reasons and Administrative Guidelines, Annex 3</u>
R9-8-114.	<u>Management of Food Safety Practices, Annex 4</u>
R9-8-115.	<u>Conducting Risk-based Inspections, Annex 5</u>
R9-8-116.	<u>Food Processing Criteria, Annex 6</u>
R9-8-117.	<u>Model Forms, Guides, and Other Aids, Annex 7</u>
R9-8-102, R9-8-118.	Applicability <u>Exempt from Requirements and Inspections</u>
R9-8-119.	<u>Manufactured Food Plants</u>



ARTICLE 1. FOOD AND DRINK FOOD ESTABLISHMENTS

R9-8-101. **Definition Purpose and Definitions**

In addition to the terms defined in the material incorporated by reference in R9-8-107, which are designated by all capital letters, the following definitions apply in this Article, unless otherwise specified:

1. "Agency" means any board, commission, department, office, or other administrative unit of the federal government, the state, or a political subdivision of the state.
 2. "Applicant" means the following PERSON requesting a LICENSE:
 - a. If an individual, the individual who owns the FOOD ESTABLISHMENT;
 - b. If a corporation, any officer of the corporation;
 - c. If a limited liability company, the designated manager or, if no manager is designated, any member of the limited liability company;
 - d. If a partnership, any two of the partners;
 - e. If a joint venture, any two individuals who signed the joint venture agreement;
 - f. If a trust, the trustee of the trust;
 - g. If a religious or nonprofit organization, the individual in the senior leadership position within the organization;
 - h. If a school district, the superintendent of the district;
 - i. If an agency, the individual in the senior leadership position within the agency; or
 - j. If a county, municipality, or other political subdivision of the state, the individual in the senior leadership position within the county, municipality, or political subdivision.
 3. "Department" means the Arizona Department of Health Services.
 4. "Developmental disability" means the same as in A.R.S. § 36-551.
 5. "FC" means the United States Food and Drug Administration publication, Food Code: 1999 Recommendations of the United States Public Health Service, Food and Drug Administration (1999), as modified and incorporated by reference in R9-8-107.
 6. "Incongruous" means inconsistent with the inspection reports of other inspectors or the REGULATORY AUTHORITY as a whole because significantly more or fewer violations of individual CRITICAL ITEMS are documented.
 7. "Prepare" means to process commercially for human consumption by manufacturing, packaging, labeling, cooking, or assembling.
 8. "Public health control" means a method to prevent transmission of foodborne illness to the CONSUMER.
 9. "Remodel" means to change the PHYSICAL FACILITIES or PLUMBING FIXTURES in a FOOD ESTABLISHMENT'S FOOD preparation, storage, or cleaning areas through construction, replacement, or relocation, but does not include the replacement of old EQUIPMENT with new EQUIPMENT of the same type.
 10. "Requester" means a PERSON who requests an approval from the REGULATORY AUTHORITY, but who is not an applicant or a LICENSE HOLDER.
- A.** The Department incorporates by reference the United States Food and Drug Administration publication, Food Code: 2017 Recommendations of the United States Public Health Service, Food and Drug Administration and shall comply with the 2017 Food Code (FC) as specified in this Article. This incorporation by reference contains no future editions or amendments. The incorporated material is on file with the Department and is available for order at: <https://www.fda.gov/Food/ResourcesForYou/Consumers/ucm239035.htm>, refer to publication number IFS17.
- B.** The Department incorporates FC Chapter 1 in whole, unless otherwise specified:
1. Part 1-1 Title, Intent, Scope; and
 2. Part 1-2 Definitions in part.
- C.** In FC Part 1-2, Section 1-201.10(B), the Department:
1. Uses the word "License" in place of the word "Permit."
 2. Uses the word "License holder" in place of the word "Permit holder."
 3. Modifies the following:
 - a. "Additive" means:
 - i. "Food additive" means the same as in A.R.S. § 36-901(7); and
 - ii. "Color additive" means the same as in A.R.S. § 36-901(2).
 - b. "Adulterated" means possessing one or more of the conditions enumerated in A.R.S. § 36-904(A).
 - c. "Approved" means acceptable to the REGULATORY AUTHORITY or to the FOOD regulatory agency that has jurisdiction based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.
 - d. "Consumer" means a PERSON who is a member of the public, takes possession of FOOD, is not functioning in the capacity of an operator of a FOOD ESTABLISHMENT and does not offer the FOOD for resale.
 - e. "Food Establishment" does not include:
 - i. An establishment that offers only prePACKAGED FOOD that are not TIME/TEMPERATURE CONTROL FOR SAFETY FOOD;
 - ii. A produce stand that only offers whole, uncut fresh fruits and vegetables;
 - iii. A kitchen in a private home if only FOOD that is not TIME/TEMPERATURE CONTROL FOR SAFETY FOOD, is prepared for sale or service at a function such as a religious or charitable (organization's bake sale if allowed by LAW and if the CONSUMER is informed by a clearly visible placard at the sales or service location that the FOOD is prepared in a kitchen that is not subject to regulation and inspection by the REGULATORY AUTHORITY;



- iv. An area where FOOD that is prepared as specified in Subparagraph (iii) of this definition is sold or offered for human consumption;
- v. A kitchen in a private home, such as a small family day-care provider; or a bed-and-breakfast operation that prepares and offers FOOD to guests if the home is owner occupied, the number of available guest bedrooms does not exceed 6, breakfast is the only meal offered, the number of guests served does not exceed 18, and the CONSUMER is informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the FOOD is prepared in a kitchen that is not regulated and inspected by the REGULATORY AUTHORITY; or
- vi. A private home that receives catered or home-delivered FOOD.
- f. “Packaged” means bottled, canned, cartoned, securely bagged, or securely wrapped compliant with LAW.
- g. “Person in charge” means the individual present at a FOOD ESTABLISHMENT who is responsible for the management of the operation of the FOOD ESTABLISHMENT at the time of inspection.
- h. “Regulatory authority” means the Department or a public health services district, local health department, department of environmental services, or department of environmental quality carrying out delegated functions, powers, and duties on behalf of the Department.

D. In addition to the requirements in FC Part 1-2, Section 1-201.10(B), the Department requires definitions for:

- 1. “Administrative completeness review time-frame” means the same as in A.R.S. § 41-1072.
- 2. “Agency” means any board, commission, department, office, or other administrative unit of the federal government, the state, or a political subdivision of the state.
- 3. “Applicant” means an individual requesting a FOOD ESTABLISHMENT license.
- 4. “Calendar day” means each day, not including the day of the act, event, or default from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday.
- 5. “Department” means the Arizona Department of Health Services.
- 6. “Developmental disability” means the same as in A.R.S. § 36-551.
- 7. “FC” means the United States Food and Drug Administration publication, Food Code: 2017 Recommendations of the United States Public Health Service, Food and Drug Administration incorporated by reference in subsection (A).
- 8. “Inspection report” means a document used to record the compliance status of a FOOD ESTABLISHMENT and conveys compliance information to the license holder or PERSON IN CHARGE at the conclusion of an inspection.
- 9. “License” means the same as “permit” as in the FC.
- 10. “License holder” means the same as “permit holder” as in the FC.
- 11. “Overall time-frame” means the same as in A.R.S. § 41-1072.
- 12. “Public health nuisance” means an act, condition, or thing, specified in A.R.S. § 36-601, or any practice contrary to the health laws of this state that is harmful to the health of the public.
- 13. “Substantive review time-frame” means the same as in A.R.S. § 41-1072.

R9-8-102. Management and Personnel

A. The Department incorporates FC Chapter 2 in whole unless otherwise specified:

- 1. Part 2-1 Supervision;
- 2. Part 2-2 Employee Health in part;
- 3. Part 2-3 Personal Cleanliness;
- 4. Part 2-4 Hygienic Practices; and
- 5. Part 2-5 Responding to Contamination Events.

B. In addition to the requirements in FC Part 2-2, the Department in:

- 1. Section 2-201.12(B)(3), adds hepatitis A virus requirements specified in A.A.C. R9-6-343(B)(1) through (3);
- 2. Section 2-201.13(C)(2),
 - a. Deletes “The FOOD EMPLOYEE provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER that states the FOOD EMPLOYEE is free from Typhoid fever.¹²” and
 - b. Adds Typhoid fever requirements in A.A.C. R9-6-388(A)(4)(a) and (b).

R9-8-103. Food Establishment License Application Food

A. To obtain a FOOD ESTABLISHMENT LICENSE, an applicant shall complete and submit to the REGULATORY AUTHORITY a FOOD ESTABLISHMENT LICENSE application form supplied by the REGULATORY AUTHORITY that indicates all of the following:

- 1. The full name, telephone number, and mailing address of the applicant;
- 2. The name, telephone number, and street address of the FOOD ESTABLISHMENT;
- 3. Whether the FOOD ESTABLISHMENT is mobile or stationary;
- 4. Whether the FOOD ESTABLISHMENT is temporary or permanent;
- 5. Whether the FOOD ESTABLISHMENT facility is one of the following:
 - a. A new construction that is not yet completed;
 - b. An existing structure that is being converted for use as a FOOD ESTABLISHMENT; or
 - e. An existing FOOD ESTABLISHMENT facility that is being remodeled;
- 6. Whether the FOOD ESTABLISHMENT prepares, offers for sale, or serves POTENTIALLY HAZARDOUS FOOD;
- 7. Whether the FOOD ESTABLISHMENT does any of the following:
 - a. Prepares, offers for sale, or serves POTENTIALLY HAZARDOUS FOOD only to order upon CONSUMER request;



- b. Prepares, offers for sale, or serves ~~POTENTIALLY HAZARDOUS FOOD~~ in advance, in quantities based on projected ~~CONSUMER~~ demand;
 - e. Prepares, offers for sale, or serves ~~POTENTIALLY HAZARDOUS FOOD~~ using time alone, rather than time and temperature, as the public health control as described in FC § 3-501.19;
 - d. Prepares ~~POTENTIALLY HAZARDOUS FOOD~~ in advance using a multiple stage ~~FOOD~~ preparation method that may include the following:
 - i. Combining ~~POTENTIALLY HAZARDOUS FOOD~~ ingredients;
 - ii. Cooking;
 - iii. Cooling;
 - iv. Reheating;
 - v. Hot or cold holding;
 - vi. Freezing, or
 - vii. Thawing;
 - e. Prepares ~~FOOD~~ as specified under subsection (A)(7)(d) for delivery to and consumption at a location off of the ~~PREMISES~~ where prepared;
 - f. Prepares ~~FOOD~~ as specified under subsection (A)(7)(d) for service to a ~~HIGHLY SUSCEPTIBLE POPULATION~~; or
 - g. Does not prepare ~~FOOD~~, but offers for sale only pre-~~PACKAGED FOOD~~ that is not ~~POTENTIALLY HAZARDOUS FOOD~~; and
8. The applicant's signature and the date signed.
- B.** An applicant who operates ~~FOOD ESTABLISHMENTS~~ at multiple locations shall submit a completed ~~LICENSE~~ application for each location.
- A.** The Department incorporates FC Chapter 3 in whole, unless otherwise specified:
1. Part 3-1 Characteristics;
 2. Part 3-2 Sources, Specifications, and Original Containers and Records;
 3. Part 3-3 Protection From Contamination After Receiving in part;
 4. Part 3-4 Destruction of Organisms of Public Health Concern;
 5. Part 3-5 Limitation of Growth of Organisms of Public Health Concern;
 6. Part 3-6 Food Identity, Presentation, and On-Premises Labeling;
 7. Part 3-7 Contaminated Food; and
 8. Part 3-8 Special Requirements for Highly Susceptible Populations.
- B.** In FC Part 3-3, the Department:
1. In paragraph 3-301.11(B), requires employees to use "non-latex SINGLE-USE gloves."
 2. In paragraph 3-304.15(E), requires "Latex gloves may not be used in direct contact with FOOD."
- R9-8-104. Time-frame Equipment, Utensils, and Linens**
- A.** This Section applies to the Department and to a local health department or public health services district to which the duty to comply with A.R.S. Title 41, Chapter 6, Article 7.1 has been delegated by the Department.
- B.** The overall time frame described in A.R.S. § 41-1072 for each type of approval granted by the ~~REGULATORY AUTHORITY~~ is provided in Table 1. The applicant, ~~LICENSE HOLDER~~, or requester and the ~~REGULATORY AUTHORITY~~ may agree in writing to extend the substantive review time frame and the overall time frame. An extension of the substantive review time frame and the overall time frame may not exceed 25% of the overall time frame.
- C.** The administrative completeness review time frame described in A.R.S. § 41-1072 for each type of approval granted by the ~~REGULATORY AUTHORITY~~ is provided in Table 1 and begins on the date that the ~~REGULATORY AUTHORITY~~ receives an application or request for approval.
1. The ~~REGULATORY AUTHORITY~~ shall mail a notice of administrative completeness or deficiencies to the applicant, ~~LICENSE HOLDER~~, or requester within the administrative completeness review time frame.
 - a. A notice of deficiencies shall list each deficiency and the information and documentation needed to complete the application or request for approval.
 - b. If the ~~REGULATORY AUTHORITY~~ issues a notice of deficiencies within the administrative completeness review time frame, the administrative completeness review time frame and the overall time frame are suspended from the date that the notice is issued until the date that the ~~REGULATORY AUTHORITY~~ receives the missing information from the applicant, ~~LICENSE HOLDER~~, or requester.
 - c. If the applicant, ~~LICENSE HOLDER~~, or requester fails to submit to the ~~REGULATORY AUTHORITY~~ all of the information and documents listed in the notice of deficiencies within 180 days from the date that the ~~REGULATORY AUTHORITY~~ mailed the notice of deficiencies, the ~~REGULATORY AUTHORITY~~ shall consider the application or request for approval withdrawn.
 2. If the ~~REGULATORY AUTHORITY~~ issues a ~~LICENSE~~ or other approval to the applicant, ~~LICENSE HOLDER~~, or requester during the administrative completeness review time frame, the ~~REGULATORY AUTHORITY~~ shall not issue a separate written notice of administrative completeness.
- D.** The substantive review time frame described in A.R.S. § 41-1072 is provided in Table 1 and begins as of the date on the notice of administrative completeness.
1. The ~~REGULATORY AUTHORITY~~ shall mail written notification of approval or denial of the application or other request for approval to the applicant, ~~LICENSE HOLDER~~, or requester within the substantive review time frame.
 2. As part of the substantive review for a ~~FOOD ESTABLISHMENT LICENSE~~, the ~~REGULATORY AUTHORITY~~ may complete an inspection that may require more than one visit to the ~~FOOD ESTABLISHMENT~~.



- 3. During the substantive review time frame, the REGULATORY AUTHORITY may make one comprehensive written request for additional information, unless the REGULATORY AUTHORITY and the applicant, LICENSE HOLDER, or requester have agreed in writing to allow the REGULATORY AUTHORITY to submit supplemental requests for information:
 - a. The comprehensive written request regarding a FOOD ESTABLISHMENT LICENSE application may include a request for submission of plans and specifications, as described in FC § 8 201.11.
 - b. The comprehensive written request regarding a request for a VARIANCE under FC § 8-103.10 may include a request for a HACCP PLAN, as described in FC § 8 201.13(A), if the REGULATORY AUTHORITY determines that a HACCP PLAN is required.
 - c. If the REGULATORY AUTHORITY issues a comprehensive written request or a supplemental request for information, the substantive review time frame and the overall time frame are suspended from the date that the REGULATORY AUTHORITY issues the request until the date that the REGULATORY AUTHORITY receives all of the information requested.
 - 4. The REGULATORY AUTHORITY shall issue a license or an approval unless:
 - a. For a FOOD ESTABLISHMENT LICENSE application, the REGULATORY AUTHORITY determines that the application for a FOOD ESTABLISHMENT LICENSE or the FOOD ESTABLISHMENT does not satisfy all of the requirements of this Article;
 - b. For a VARIANCE, the REGULATORY AUTHORITY determines that the request for a VARIANCE fails to demonstrate that the VARIANCE will not result in a health HAZARD or nuisance;
 - c. For approval of plans and specifications, the REGULATORY AUTHORITY determines that the plans and specifications do not satisfy all of the requirements of this Article;
 - d. For approval of a HACCP PLAN, the REGULATORY AUTHORITY determines that the HACCP PLAN does not satisfy all of the requirements of this Article;
 - e. For approval of an inspection form, the Department determines that the inspection form does not satisfy all of the requirements of R9-8-108(B)-(C); or
 - f. For approval of a quality assurance program, the Department determines that the quality assurance program does not satisfy all of the requirements of R9-8-108(E)(1).
 - 5. If the REGULATORY AUTHORITY denies an application or request for approval, the REGULATORY AUTHORITY shall send to the applicant, LICENSE HOLDER, or requester a written notice of denial setting forth the reasons for the denial and all other information required by A.R.S. § 41-1076.
- E.** For the purpose of computing time frames in this Section, the day of the act, event, or default from which the designated period of time begins to run is not included. Intermediate Saturdays, Sundays, and legal holidays are included in the computation. The last day of the period so computed is included unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day that is not a Saturday, a Sunday, or a legal holiday.

The Department incorporates FC Chapter 4 in whole:

- 1. Part 4-1 Materials for Construction and Repair;
- 2. Part 4-2 Design and Construction;
- 3. Part 4-3 Numbers and Capacities;
- 4. Part 4-4 Location and Installation;
- 5. Part 4-5 Maintenance and Operation;
- 6. Part 4-6 Cleaning of Equipment;
- 7. Part 4-7 Sanitization of Equipment and Utensils;
- 8. Part 4-8 Laundering; and
- 9. Part 4-9 Protection of Clean Items.

Table 1. Time frames (in days) Repealed

Type of Approval	Statutory Authority	Overall Time-frame	Administrative Completeness Review-Time frame	Substantive Review Time-frame
FOOD ESTABLISHMENT LICENSE	A.R.S. § 36-136(H)(4)	60	30	30
Approval of VARIANCE under FC § 8-103.10	A.R.S. § 36-136(H)(4)	90	30	60
Approval of Plans and Specifications under FC § 8-201.11	A.R.S. § 36-136(H)(4)	90	30	60
Approval of HACCP PLAN under FC § 8-201.13	A.R.S. § 36-136(H)(4)	90	30	60
Approval of Inspection Form	A.R.S. § 36-136(H)(4)	90	30	60
Approval of Quality Assurance Program	A.R.S. § 36-136(H)(4)	90	30	60

**R9-8-105. Issuance of License Water, Plumbing, and Waste**

A FOOD ESTABLISHMENT LICENSE issued by the REGULATORY AUTHORITY shall bear the following information:

1. The name of the FOOD ESTABLISHMENT;
2. The street address of the FOOD ESTABLISHMENT;
3. The full name of the LICENSE HOLDER;
4. The mailing address of the LICENSE HOLDER; and
5. A unique identification number assigned by the REGULATORY AUTHORITY.

A. The Department incorporates FC Chapter 5 in whole, unless otherwise specified:

1. Part 5-1 Water in part;
2. Part 5-2 Plumbing System;
3. Part 5-3 Mobile Water Tank and Mobile Food Establishment Water Tank;
4. Part 5-4 Sewage, Other Liquid Waste, and Rainwater; and
5. Part 5-5 Refuse, Recyclables, and Returnable.

B. In FC Part 5-1, the Department in Section 5-101.13 requires “BOTTLED DRINKING WATER used or sold in a FOOD ESTABLISHMENT shall be obtained from APPROVED sources in accordance with LAW.”

R9-8-106. License Suspension or Revocation Physical Facilities

A. The REGULATORY AUTHORITY may suspend or revoke a FOOD ESTABLISHMENT LICENSE if the LICENSE HOLDER:

1. Violates this Article or A.R.S. § 36-601, or
2. Provides false information on a LICENSE application.

B. A LICENSE revocation or suspension hearing shall be conducted as follows:

1. If the REGULATORY AUTHORITY is the Department, the hearing shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and any rules promulgated by the Office of Administrative Hearings;
2. If the REGULATORY AUTHORITY is a local health department or public health services district to which the duty to comply with A.R.S. Title 41, Chapter 6, Article 10 has been delegated, the hearing shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and any rules promulgated by the Office of Administrative Hearings; and
3. For all other REGULATORY AUTHORITIES, a LICENSE revocation or suspension hearing shall be conducted in accordance with the procedures adopted by a county board of supervisors as required by A.R.S. § 36-183.04(E).

A. The Department incorporates FC Chapter 6 in whole:

1. Part 6-1 Materials for Construction and Repair;
2. Part 6-2 Design, Construction, and Installation;
3. Part 6-3 Numbers and Capacities;
4. Part 6-4 Location and Placement; and
5. Part 6-5 Maintenance and Operation.

B. In addition to the requirements in FC Part 6-5, the Department requires:

1. A license holder for a VENDING MACHINE to affix to a VENDING MACHINE a permanent sign that includes:
 - a. A unique identifier for the VENDING MACHINE, and
 - b. A telephone number for CONSUMERS to contact the license holder.
2. A license holder operating a water vending machine shall comply with A.A.C. R18-4-216 and other applicable LAW.

R9-8-107. Food Safety Requirements Poisonous or Toxic Materials

A. A LICENSE HOLDER shall comply with the United States Food and Drug Administration publication, Food Code: 1999 Recommendations of the United States Public Health Service, Food and Drug Administration (1999), as modified, which is incorporated by reference. This incorporation by reference contains no future editions or amendments. The incorporated material is on file with the Department and is available for purchase from the United States Department of Commerce, Technology Administration, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, as report number PB99-115925, or from the United States Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328, as ISBN 0-16-050028-1; and is available on the Internet at <http://www.fda.gov>.

B. The material incorporated by reference in subsection (A) is modified as follows:

1. Where the term “permit” appears, it is replaced with “license”;
2. Subparagraph 1-201.10(B)(2)(a) is modified to read: “‘Food additive’ has the meaning stated in A.R.S. § 36-901(7).”;
3. Subparagraph 1-201.10(B)(2)(b) is modified to read: “‘Color additive’ has the meaning stated in A.R.S. § 36-901(2).”;
4. Subparagraph 1-201.10(B)(3) is modified to read: “‘Adulterated’ means possessing one or more of the conditions enumerated in A.R.S. § 36-904(A).”;
5. Subparagraph 1-201.10(B)(4) is modified to read: “‘Approved’ means acceptable to the REGULATORY AUTHORITY or to the FOOD regulatory agency that has jurisdiction based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.”;
6. Subparagraph 1-201.10(B)(14) is modified by deleting “or FOOD PROCESSING PLANT”;
7. Subparagraph 1-201.10(B)(31)(c)(iii) is deleted;
8. Subparagraph 1-201.10(B)(32) is modified to read: “‘Food processing plant’ means a FOOD ESTABLISHMENT that manufactures, packages, labels, or stores FOOD for human consumption and does not provide FOOD directly to a CONSUMER.”;
9. Subparagraph 1-201.10(B)(50)(a) is modified to read: “‘Packaged’ means bottled, canned, cartoned, securely bagged, or securely wrapped.”;
10. Subparagraph 1-201.10(B)(54) is modified to read: “‘Person in charge’ means the individual present at a FOOD ESTABLISHMENT who is responsible for the management of the operation at the time of inspection.”;
11. Subparagraph 1-201.10(B)(69) is modified to read: “‘Regulatory authority’ means the Department or a local health department or public health services district operating under a delegation of authority from the Department.”;



- 12. Paragraph 3-202.11(C) is modified to read: “POTENTIALLY HAZARDOUS FOOD that is cooked to a temperature and for a time specified under §§ 3-401.11–3-401.13 and received hot shall be at a temperature of 54° C (130° F) or above.”;
- 13. Paragraph 3-202.14(B) is modified to read: “All milk and milk products sold at the retail level in Arizona shall comply with the requirements in A.A.C. Title 3, Chapter 2, Article 8.”;
- 14. Paragraph 3-202.17(B) is deleted;
- 15. Paragraph 3-202.18(B) is deleted;
- 16. Paragraph 3-203.11(A) is modified to read: “Except as specified in (B) and (C) of this Section, MOLLUSCAN SHELLFISH may not be removed from the container in which they are received other than immediately before sale, preparation for service, or preparation in a FOOD PROCESSING PLANT licensed by the REGULATORY AUTHORITY.”;
- 17. Paragraph 3-203.12(B) is modified to read:
 “(B) The identity of the source of SHELLSTOCK that are prepared by a FOOD PROCESSING PLANT licensed by the REGULATORY AUTHORITY, sold, or served shall be maintained by retaining SHELLSTOCK tags or labels for 90 calendar days from the date the container is emptied by:
 (1) Using an APPROVED record keeping system that keeps the tags or labels in chronological order correlated to the date when, or dates during which, the SHELLSTOCK are prepared by a FOOD PROCESSING PLANT licensed by the REGULATORY AUTHORITY, sold, or served; and
 (2) If SHELLSTOCK are removed from their tagged or labeled container:
 (a) Using only one tagged or labeled container at a time, or
 (b) Using more than one tagged or labeled container at a time and obtaining a VARIANCE from the REGULATORY AUTHORITY as specified in § 8-103.10 based on a HACCP PLAN that:
 (i) Is submitted by the LICENSE HOLDER and APPROVED as specified under § 8-103.11;
 (ii) Preserves source identification by using a record keeping system as specified under Subparagraph (B)(1) of this Section, and
 (iii) Ensures that SHELLSTOCK from one tagged or labeled container are not commingled with SHELLSTOCK from another container before being ordered by the CONSUMER or prepared by a FOOD PROCESSING PLANT licensed by the REGULATORY AUTHORITY.”;
- 18. Paragraph 3-301.11(B) is modified by replacing “SINGLE USE gloves” with “non-latex SINGLE USE gloves”;
- 19. Paragraph 3-304.12(F) is modified to read: “In a container of water if the water is maintained at a temperature of at least 54° C (130° F) and the container is cleaned at a frequency specified under Subparagraph 4-602.11(D)(7).”;
- 20. Section 3-304.15 is modified by adding a new Paragraph (E):
 “(E) Latex gloves may not be used in direct contact with FOOD.”;
- 21. Section 3-401.13 is modified to read: “Fruits and vegetables that are cooked for hot holding shall be cooked to a temperature of 54° C (130° F).”;
- 22. Paragraph 3-403.11(C) is modified to read: “READY TO EAT FOOD taken from a commercially processed, HERMETICALLY SEALED CONTAINER, or from an intact package from a FOOD PROCESSING PLANT that is inspected by the FOOD regulatory agency that has jurisdiction over the plant, shall be heated to a temperature of at least 54° C (130° F) for hot holding.”;
- 23. Subparagraph 3-501.14(A)(1) is modified to read: “Within 2 hours, from 54° C (130° F) to 21° C (70° F); and”;
- 24. Paragraph 3-501.16(A) is modified to read: “At 54° C (130° F) or above; or”;
- 25. Subparagraph 3-501.16(C)(2) is modified to read: “Within 10 years of the adoption of this Code, the EQUIPMENT is upgraded or replaced to maintain FOOD at a temperature of 5° C (41° F) or less.”;
- 26. Section 3-502.11 is modified by deleting “custom processing animals that are for personal use as FOOD and not for sale or service in a FOOD ESTABLISHMENT.”;
- 27. Paragraph 3-701.11(C) is modified by replacing “who has been restricted or excluded as specified under § 2-201.12” with “who has any of the conditions that require reporting to the PERSON IN CHARGE under § 2-201.11 or who has been excluded by the REGULATORY AUTHORITY under the communicable disease rules at 9 A.A.C. 6”;
- 28. Subparagraph 4-602.11(D)(7) is modified by replacing “60° C (140° F)” with “54° C (130° F)”;
- 29. Section 5-101.13 is modified to read: “BOTTLED DRINKING WATER used or sold in a FOOD ESTABLISHMENT shall be obtained from APPROVED sources, in accordance with LAW.”;
- 30. Paragraph 5-501.116(A) is modified by replacing “§ 5-402.14” with “§§ 5-402.13 and 5-403.11”;
- 31. Section 6-501.116 is added to read:
 “6-501.116 Vending Machine Signs.
 The LICENSE HOLDER for a VENDING MACHINE shall affix to the VENDING MACHINE a permanent sign that includes:
 1. A unique identifier for the VENDING MACHINE, and
 2. A telephone number for CONSUMERS to contact the LICENSE HOLDER.”;
- 32. Paragraph 8-101.10(A) is modified by deleting “, as specified in § 1-102.10.”;
- 33. Paragraph 8-201.11(C) is modified by replacing “as specified under 8-302.14(C)” with “as described in R9-8-103(A)(6)-(7)”;
- 34. Paragraph 8-304.11(D) is modified to read: “Require FOOD EMPLOYEE applicants to whom a conditional offer of employment is made and FOOD EMPLOYEES to report to the PERSON IN CHARGE the information required under § 2-201.11”;
- 35. Paragraph 8-304.11(H) is modified by replacing “5 years” with “10 years”;
- 36. Section 8-304.20 is modified by replacing “as specified under 8-302.14(C)” with “as described in R9-8-103(A)(6)-(7)”;
- 37. Section 8-402.11 is modified by adding the following at the end of the Section: “The Department or a local health department or public health services district to which the duty to comply with A.R.S. § 41-1009 has been delegated by the Department shall comply with A.R.S. § 41-1009 when performing inspections.”;
- 38. Section 8-403.50 is modified by deleting “Except as specified in § 8-202.10,” and capitalizing “the”;



39. Section 8-404.12 is modified by adding the following at the end of the Section: “The REGULATORY AUTHORITY shall approve or deny resumption of operations within five days after receipt of the LICENSE HOLDER’S request to resume operations.”;
40. Section 8-405.11 is modified by adding the following at the end of the Section:
 “(C) The Department or a local health department or public health services district to which the duty to comply with A.R.S. § 41-1009 has been delegated by the Department shall not provide the LICENSE HOLDER an opportunity to correct critical Code violations or HACCP PLAN deviations after the date of inspection if the Department or the local health department or public health services district determines that the deficiencies are:
 (1) Committed intentionally;
 (2) Not correctable within a reasonable period of time;
 (3) Evidence of a pattern of noncompliance; or
 (4) A risk to any PERSON; the public health, safety, or welfare; or the environment.
 (D) If the Department or a local health department or public health services district to which the duty to comply with A.R.S. § 41-1009 has been delegated by the Department allows the LICENSE HOLDER an opportunity to correct violations or deviations after the date of inspection, the Department, local health department, or public health services district shall inspect the FOOD ESTABLISHMENT within 24 hours after the deadline for correction has expired. If the Department, local health department, or public health services district determines that the violations or deviations have not been corrected, the Department, local health department, or public health services district may take any enforcement action authorized by LAW, based upon those violations or deviations.
 (E) A decision made under subparagraph 8-405.11(C) or subparagraph 8-405.11(D) by the Department or a local health department or public health services district to which the duty to comply with A.R.S. § 41-1009 has been delegated by the Department is not an appealable agency action, as defined by A.R.S. § 41-1092.”;
41. The following FC Sections are deleted:
 a. Section 1-102.10;
 b. Section 1-103.10;
 c. Section 2-201.12;
 d. Section 2-201.13;
 e. Section 2-201.14;
 f. Section 2-201.15;
 g. Section 8-102.10;
 h. Section 8-202.10;
 i. Section 8-302.11;
 j. Section 8-302.12;
 k. Section 8-302.13;
 l. Section 8-302.14;
 m. Section 8-303.10;
 n. Section 8-303.20;
 o. Section 8-303.30;
 p. Section 8-402.20;
 q. Section 8-402.30;
 r. Section 8-402.40;
 s. Section 8-403.10;
 t. Section 8-501.10;
 u. Section 8-501.20;
 v. Section 8-501.30; and
 w. Section 8-501.40; and
42. The annexes are excluded.

The Department incorporates FC Chapter 7 in whole:

1. Part 7-1 Labeling and Identification;
2. Part 7-2 Operational Supplies and Applications; and
3. Part 7-3 Stock and Retail Sale.

R9-8-108. Inspection Standardization and Documentation Compliance and Enforcement

- A.** At each inspection, the REGULATORY AUTHORITY shall, at a minimum, inspect for compliance with each of the applicable CRITICAL ITEMS in the following categories:
1. Temperature control of POTENTIALLY HAZARDOUS FOODS, as required by FC §§ 3-401.11, 3-401.12, 3-403.11, 3-501.14, and 3-501.16;
 2. EMPLOYEE health and hygienic practices, as required by FC §§ 2-201.11, 2-301.11, 2-301.12, 2-301.14, 2-401.11, 2-401.12, 2-403.11, 3-301.11, 3-301.12, and 5-203.11;
 3. Time as a public health control, as required by FC § 3-501.19;
 4. FOOD condition and source, as required by FC §§ 3-101.11, 3-201.11, 3-201.12, 3-201.14, 3-201.15, 3-201.16, 3-201.17, 3-202.11, 3-202.13, 3-202.15, 3-202.16, 3-202.18, 3-203.12, 5-101.11, and 5-101.13;
 5. CONSUMER advisories, as required by FC § 3-603.11;
 6. Contamination prevention, as required by FC §§ 3-302.11, 3-302.13, 3-302.14, 3-304.11, 3-306.13, 3-306.14, 4-601.11, 4-602.11, 4-702.11, 4-703.11, 5-101.12, 5-201.11, and 5-202.11;
 7. Date marking and disposal of READY TO EAT FOODS, as required by FC §§ 3-501.17 and 3-501.18;
 8. Responsibility and knowledge of the PERSON IN CHARGE, as required by FC §§ 2-101.11 and 2-102.11; and



- 9. Compliance with a HACCP PLAN or VARIANCE, as required by FC § 8-103.12;
- B.** The REGULATORY AUTHORITY shall document its inspection results on an inspection report form provided or approved by the Department. The inspection report form shall include the following:
 - 1. The name and address of the FOOD ESTABLISHMENT inspected;
 - 2. The LICENSE number of the FOOD ESTABLISHMENT inspected;
 - 3. The date of inspection;
 - 4. The type of inspection;
 - 5. A rating for each of the observed CRITICAL ITEMS listed in subsection (A), using a rating scheme that indicates whether the CRITICAL ITEM is met;
 - 6. Space for comments, including observed violations of non-CRITICAL ITEMS;
 - 7. Signature and date lines for the PERSON IN CHARGE of the FOOD ESTABLISHMENT; and
 - 8. Signature and date lines for the inspector conducting the inspection.
- C.** The REGULATORY AUTHORITY shall also document on the inspection form the applicable CRITICAL ITEMS listed in subsection (A) that were not observed during the inspection, unless the REGULATORY AUTHORITY has a quality assurance program that has been approved by the Department under subsection (E).
- D.** If a REGULATORY AUTHORITY desires to create its own inspection form, the REGULATORY AUTHORITY may request approval of its inspection form by submitting a written request to the Department along with a copy of the inspection form for which approval is sought. The Department shall approve an inspection form if it determines that the inspection form satisfies all of the requirements of subsections (B) and (C).
- E.** A REGULATORY AUTHORITY may request approval of a quality assurance program by submitting a written request to the Department along with a description of the quality assurance program for which approval is sought.
 - 1. The quality assurance program shall include the following:
 - a. A system for monitoring the inspection reports completed by each inspector every six months and comparing them to the reports of other inspectors and the REGULATORY AUTHORITY as a whole with respect to the number and types of violations documented during the same period;
 - b. Identification of each inspector whose inspection reports are incongruous;
 - c. Reinspection of a representative sample of an inspector's FOOD ESTABLISHMENTS for which inspection reports are incongruous by a quality assurance inspector within 30 days of identification of an inspector under subsection (E)(1)(b) to determine whether the incongruous reports indicate a misapplication of the rules by the inspector;
 - d. Follow-up with each inspector determined by a quality assurance inspector to have misapplied the rules:
 - i. If the inspector has not previously required follow-up, additional training by a quality assurance inspector regarding any misapplication of the rules by the inspector;
 - ii. If the inspector has previously received additional training under subsection (E)(1)(d)(i), formal counseling by the inspector's direct supervisor and a quality assurance inspector; or
 - iii. If the inspector has previously been formally counseled under subsection (E)(1)(d)(ii), disciplinary action; and
 - e. Consideration by the REGULATORY AUTHORITY of any misapplication of the rules by the inspector when completing the inspector's performance evaluations.
 - 2. The Department shall approve a quality assurance program if it determines that the quality assurance program satisfies all of the requirements of subsection (E)(1).
- A.** The Department incorporates FC Chapter 8 in whole, unless otherwise specified:
 - 1. Part 8-1 Code Applicability;
 - 2. Part 8-2 Plans Submission and Approval;
 - 3. Part 8-3 Permit to Operate in part;
 - 4. Part 8-4 Inspection and Correction of Violations in part; and
 - 5. Part 8-5 Prevention of Foodborne Disease Transmission by Employees.
- B.** In FC Part 8-3, the Department does not accept requirement in Section 8-303.30, Denial of Application for Permit, Notice,
- C.** In addition to the requirements in FC Part 8-3, Section 8-302.14, the Department requires an applicant for a FOOD ESTABLISHMENT application include:
 - 1. The name, title, address, and telephone number of the owner's statutory agent or the individual designated by the owner to accept service of process and subpoenas;
 - 2. Whether the applicant agrees to allow the REGULATORY AUTHORITY to submit a supplemental request for additional information or documentation in Subsection (E);
 - 3. An attestation that the applicant authorizes the REGULATORY AUTHORITY to verify all information provided in the application packet; and
 - 4. An applicant who operates FOOD ESTABLISHMENTS at multiple locations shall submit an application for each location.
- D.** In addition to the requirements in FC Part 8-3, Section 8-303.20, the Department requires a licensee for a FOOD ESTABLISHMENT license renewal include:
 - 1. Except for a FOOD ESTABLISHMENT operated by a state prison or behavioral health facility licensed by the Department, a FOOD ESTABLISHMENT'S license number and expiration date;
 - 2. Whether the applicant agrees to allow the REGULATORY AUTHORITY to submit supplemental request for additional information or documentation in Subsection (E); and
 - 3. An attestation that the applicant authorizes the REGULATORY AUTHORITY to verify all information provided in the application packet.
- E.** In addition to FC Part 8-3, the Department adds application and license renewal time-frame requirements:
 - 1. The overall time-frame begins, for:
 - a. An application packet, on the date a REGULATORY AUTHORITY receives the applicant's application packet.



- b. A license renewal packet, on the date a REGULATORY AUTHORITY receives the applicant's license renewal packet.
 - 2. An applicant and a REGULATORY AUTHORITY may agree in writing to extend the substantive review time-frame and the overall time-frame. The substantive review time-frame and the overall time-frame may not be extended by more than 25% of the overall time-frame.
 - 3. Within the administrative completeness review time-frame specified in Table 1.1, a REGULATORY AUTHORITY shall:
 - a. Provide a notice of administrative completeness to an applicant; or
 - b. Provide a notice of deficiencies to an applicant, including a list of the missing information or documents.
 - 4. If the REGULATORY AUTHORITY provides a notice of deficiencies to an applicant:
 - a. The administrative completeness review time-frame and the overall time-frame are suspended from the date of the notice of deficiencies until the date the REGULATORY AUTHORITY receives the missing information or documents from the applicant;
 - b. If the applicant submits the missing information or documents to the REGULATORY AUTHORITY within the time-frame in Table 1.1, the substantive review time-frame resumes on the date the REGULATORY AUTHORITY receives the missing information or documents; and
 - c. If the applicant does not submit the missing information or documents to the regulatory authority within the time-frame in Table 1.1, the regulatory authority shall consider the application withdrawn.
 - 5. If a REGULATORY AUTHORITY issues a license or notice of approval during the administrative completeness review time-frame, the REGULATORY AUTHORITY may choose not to issue a separate written notice of administrative completeness.
 - 6. Within the substantive review time-frame specified in Table 1.1, a REGULATORY AUTHORITY:
 - a. Shall approve or deny:
 - i. An application, or
 - ii. A license renewal;
 - b. May make one written comprehensive request for additional information or documentation; and
 - c. May make supplemental requests for additional information and documentation if agreed to by the applicant or license holder.
 - 7. If a REGULATORY AUTHORITY provides a written comprehensive request for additional information or documentation or a supplemental request to an applicant or license holder:
 - a. The substantive review time-frame and overall time-frame are suspended from the date of the written comprehensive request or supplemental request until the date the REGULATORY AUTHORITY receives the information and documents requested; and
 - b. An applicant or license holder shall submit the information and documents listed in the written comprehensive request in a format provided by the REGULATORY AUTHORITY within 15 calendar days after the date of the written comprehensive request or supplemental request.
 - 8. The REGULATORY AUTHORITY shall issue to an applicant or license holder, as applicable:
 - a. An approval for:
 - i. An application, or
 - ii. A license renewal; or
 - b. A denial, including the reason for the denial and the appeal process in A.R.S. Title 41, Chapter 6, Article 10, if an applicant or license holder:
 - i. Does not submit all of the information and documentation listed in a written comprehensive request or supplemental request for additional information or documentation; or
 - ii. Does not comply with A.R.S. § 36-136 and this Article.
- F. In FC Part 8-4, the Department:**
- 1. In Section 8-402.11 requires “The REGULATORY AUTHORITY to comply with A.R.S. § 41-1009 when performing inspections.”
 - 2. Does not accept requirements in:
 - a. Section 8-402.20, Refusal, Notification of Right to Access, and Final Request for Access;
 - b. Section 8-402.30, Refusal, Reporting;
 - c. Section 8-402.40, Inspection Order to Gain Access; and
 - d. Section 8-403.10, Documenting Information and Observation.
 - 3. In Section 8-403.50 requires “A REGULATORY AUTHORITY treat the inspection report as a public document and shall make it available for disclosure to a PERSON who requests it as provided in LAW.”
 - 4. In Section 8-404.12 requires “A REGULATORY AUTHORITY approve or deny resumption of operations within five days after receipt of the license holder’s request to resume operations.”

Table 1.1. Time-frames (in calendar days)

Type of Approval	Statutory Authority	Overall Time-frame	Administrative Completeness Review	Respond to Deficiency Notice	Substantive Review
Application	A.R.S. § 36-136(I)(4)	90	45	180	45
License Renewal	A.R.S. § 36-136(I)(4)	90	45	180	45



R9-8-109. Cease and Desist and Abatement Repealed

- ~~A. Engaging in any practice in violation of this Article is a public nuisance.~~
- ~~B. If the REGULATORY AUTHORITY has reasonable cause to believe that any FOOD ESTABLISHMENT is creating or maintaining a nuisance, the REGULATORY AUTHORITY shall order the LICENSE HOLDER for the FOOD ESTABLISHMENT to cease and desist the activity and to abate the nuisance as follows:

 - ~~1. The REGULATORY AUTHORITY shall serve upon the LICENSE HOLDER for the FOOD ESTABLISHMENT a written cease and desist and abatement order requiring the LICENSE HOLDER to cease and desist the activity and to remove the nuisance at the LICENSE HOLDER's expense within 24 hours after service of the order. The order shall contain the following:

 - ~~a. A reference to the statute or rule that is alleged to have been violated or on which the order is based;~~
 - ~~b. A description of the LICENSE HOLDER's right to request a hearing; and~~
 - ~~c. A description of the LICENSE HOLDER's right to request an informal settlement conference.~~~~
 - ~~2. The REGULATORY AUTHORITY shall serve the order and any subsequent notices by personal delivery or certified mail, return receipt requested, to the LICENSE HOLDER's or other party's last address of record with the REGULATORY AUTHORITY or by any other method reasonably calculated to effect actual notice on the LICENSE HOLDER or other party.~~
 - ~~3. The LICENSE HOLDER or another party whose rights are determined by the order may obtain a hearing to appeal the order by filing a written notice of appeal with the REGULATORY AUTHORITY within 30 days after service of the order. The LICENSE HOLDER or other party appealing the order shall serve the notice of appeal upon the REGULATORY AUTHORITY by personal delivery or certified mail, return receipt requested, to the office of the REGULATORY AUTHORITY or by any other method reasonably calculated to effect actual notice on the REGULATORY AUTHORITY.~~
 - ~~4. If a notice of appeal is timely filed, the REGULATORY AUTHORITY shall do one of the following:

 - ~~a. If the REGULATORY AUTHORITY is the Department or a local health department or public health services district to which the duty to comply with A.R.S. Title 41, Chapter 6, Article 10 has been delegated, the notification and hearing shall comply with A.R.S. Title 41, Chapter 6, Article 10 and any rules promulgated by the Office of Administrative Hearings.~~
 - ~~b. For all other regulatory authorities, the notification and hearing shall comply with the procedures adopted by a county board of supervisors as required by A.R.S. § 36-183.04(E).~~~~
 - ~~5. If no written notice of appeal is timely filed, the order shall become final without further proceedings.~~~~
- ~~C. The REGULATORY AUTHORITY shall inspect the FOOD ESTABLISHMENT 24 hours after service of the order to determine whether the LICENSE HOLDER has complied with the order. If the REGULATORY AUTHORITY determines upon inspection that the LICENSE HOLDER has not ceased the activity and abated the nuisance, the REGULATORY AUTHORITY shall cause the nuisance to be removed, regardless of whether the LICENSE HOLDER is appealing the order.~~
- ~~D. If the LICENSE HOLDER fails or refuses to comply with the order after a hearing has upheld the order or after the time to appeal the order has expired, the REGULATORY AUTHORITY may file an action against the LICENSE HOLDER in the superior court of the county in which the violation occurred, requesting that a permanent injunction be issued to restrain the LICENSE HOLDER from engaging in further violations as described in the order.~~

R9-8-110. Mobile Food Units

- A. In addition to the definitions in A.R.S. § 36-1761 and in this Article, the following definitions apply to this Section, unless otherwise specified:

 - 1. "Commissary" means a facility that:

 - a. Is APPROVED by a REGULATORY AUTHORITY as safe and sanitary for FOOD preparation consistent with the FC and other state statutes and laws; and
 - b. Provides support and servicing activities to a mobile food unit that may include:

 - i. A cooking facility or commercial kitchen used to prepare FOOD for sale and consumption;
 - ii. A space for storing FOOD, including refrigeration, and supplies;
 - iii. A source for potable water and disposing of wastewater;
 - iv. A source for refuse disposal; and
 - v. An area for cleaning equipment or a mobile food unit.
 - 2. "Commercially processed" means FOOD prepared or packaged by a FOOD manufacturer or licensed-permanent FOOD ESTABLISHMENT compliant with LAW.
 - 3. "County" means a public health services district, local health department, department of environmental services, or department of environmental quality authorized to issue a mobile food unit state-license.
 - 4. "Individually packaged" means pre-packaged FOOD that are ready for consumption and are not re-packaged prior to sale to consumers.
 - 5. "Food manufacturer" means a business engaged in making FOOD from one or more ingredients, or synthesizing, preparing, treating, modifying or manipulating FOOD, including FOOD crops or ingredients.
 - 6. "Other servicing area" means a facility that may provide one or more services, such as:

 - a. Disposing of refuse,
 - b. Disposing of wastewater,
 - c. Recharging potable water tank,
 - d. Disposing of excreta, or
 - e. Cleaning mobile food unit.
 - 7. "Permit" means a document issued by a county authorizing a state-licensed mobile food unit, whose state-license was issued by a different county, to operate in the county issuing the permit according to A.R.S. § 36-1761(A)(3).
 - 8. "Pre-packaged foods" means edible products sealed in a box, bag, can, or other container and sold to retailers or consumers in the same packaged box, bag, can, or other container.
 - 9. "State-license" means a document:

 - a. Issued by the county where a mobile food unit's commissary is located according to A.R.S. 36-1761(A)(3)(c); and



- b. Authorizes the mobile food unit to dispense FOOD for immediate service and human consumption.
10. “Statewide inspection” means a visual examination of a mobile food unit to ensure that the mobile food unit meets the standards specified A.R.S. § 36-1761 and in this Article.
- B.** A mobile food vendor shall not operate a mobile food unit:
- Without a state-license authorizing the mobile food unit to dispense FOOD for immediate service and human consumption;
 - Without a service agreement with an APPROVED commissary according to A.R.S. § 36-1761(A);
 - In another county, other than the county that issued the mobile food unit’s state-license, without a permit authorizing the mobile food unit to dispense FOOD for immediate service and human consumption; and
 - If the mobile food unit maintains or engages in a public health nuisance specified A.R.S. § 36-601.
- C.** A mobile food vendor shall for each mobile food unit:
- Obtain a state-license that includes a statewide inspection specified in subsection (H).
 - Obtain a renewal state-license annually that includes a statewide inspection specified in subsection (H).
 - Except for the county in which a mobile food unit has a state-license, obtain a permit annually for each county where the mobile food unit operates.
 - Ensure all employees have a valid food handler card or a certificate from an accredited food handler training-provider as specified in the FC.
 - Comply with random statewide inspections at no additional cost except as provided in A.R.S. § 11-269.24.
- D.** A mobile food unit:
- Shall display in a conspicuous location for public viewing the mobile food unit’s:
 - State-license, and
 - County permits, if applicable.
 - Shall clearly indicate on the sides or back of the exterior of the vehicle in permanent letters the name of the licensed FOOD ESTABLISHMENT.
 - Shall report to a commissary or other serving area, as applicable, at least every 96 hours following A.R.S. § 11-269.24 or as determined by the county in which the mobile food unit’s commissary is located for receiving necessary services during operations to ensure public health and safety.
 - May sell a cottage FOOD prepared for commercial purposes specified in R9-8-118(B)(13).
 - Is not required to operate a specific distance from the perimeter of an existing commercial establishment or restaurant.
 - Shall operate during hours determined by the mobile food vendor.
 - Shall ensure toilet facilities are accessible to employees at a location where the mobile food unit is proposed to stay during all hours of operation.
- E.** A mobile food unit’s state-license shall indicate the mobile food unit classification based on the type of FOOD dispensed and the amount of handling and preparation required:
- Type I mobile food unit is a FOOD ESTABLISHMENT that dispenses FOOD that are commercially processed, individually PACKAGED and frozen that requires time/temperature control for safety.
 - Type II mobile food unit is a FOOD ESTABLISHMENT that dispenses FOOD that requires limited handling and preparation and:
 - Includes assemble-serve, heat-serve, and hold-serve of commercially processed FOOD;
 - Except for bacon-wrapped hotdogs pre-wrapped at a mobile food unit’s commissary, shall not cook raw animal FOOD for service from the mobile food unit;
 - Shall only use produce that is commercially pre-washed or washed in advance at a commissary; and
 - All cooking, processing, preparing, grilling, assembling, storage, and service of any FOOD shall be conducted from the mobile food unit and commissary.
 - Type III mobile food unit is a FOOD ESTABLISHMENT that prepares, cooks, holds, and serves FOOD and:
 - Includes assemble-serve, heat-serve, cook-serve, and hold-serve of commercially processed FOOD;
 - May prepare raw animal FOOD for service from the mobile food unit; and
 - All cooking, processing, preparing, grilling, assembling, storage, and service of any FOOD shall be conducted inside the mobile food unit and commissary.
- F.** A mobile food vendor for each mobile food unit shall have a written agreement with a commissary or other servicing area, as applicable, located in the county that issues a mobile food unit’s state-license:
- Is APPROVED by a REGULATORY AUTHORITY as safe and sanitary for FOOD preparation consistent with the FC and other state statutes and laws;
 - Has a signed agreement with a commissary that includes:
 - The commissary’s name, address, and telephone number;
 - The commissary’s permit number issued by a REGULATORY AUTHORITY;
 - The mobile food vendor’s name, address, and telephone number;
 - The manager’s name, address, and telephone number, if applicable;
 - A list of services to be provided to the mobile food vendor; and
 - The expiration date of the agreement, if applicable; or
 - Has a signed agreement with an other servicing area that includes:
 - The other servicing area’s name, address, and telephone number;
 - The other servicing area’s permit number, if applicable, issued by a REGULATORY AUTHORITY or other jurisdiction having authority to regulate the other servicing area;
 - The mobile food vendor’s name, address, and telephone number;
 - The manager’s name, address, and telephone number, if applicable;
 - A list of services to be provided to the mobile food vendor; and



- f. The expiration date of the agreement, if applicable.
- G. A mobile food vendor for each mobile food unit shall maintain a service log in a Department-provided format that:
 - 1. Documents the type of services, specified in Subsection (E), and dates received;
 - 2. Is maintained in the mobile food unit for at least a period of 30 days; and
 - 3. Is made available to a REGULATORY AUTHORITY upon request.
- H. In addition to complying with the FC incorporated by reference in this Article, a mobile food unit is required to maintain general physical and operation requirements for:
 - 1. Installation of compressors, generators, and similar mechanical units that are not an integral part of the FOOD preparation or storage equipment;
 - 2. Waste disposal requirements during and after operation on public or private property, which may not include the size or dimensions of any required solid waste receptacle; and
 - 3. A mobile food unit and equipment used in the mobile food unit shall:
 - a. Be free of dirt, debris, insects, and vermins;
 - b. Be maintained in a clean and sanitary condition;
 - c. Be in good repair and maintained according to manufacturer's requirement, as applicable;
 - d. Be properly ventilated; and
 - e. Not maintain or engage a public health nuisance.
- I. A mobile food unit statewide inspection shall ensure:
 - 1. A Type I mobile food unit:
 - a. Has equipment, including compressors, generators, and similar mechanical units approved by the National Sanitation Foundation or American National Standards Institute;
 - b. If selling or dispensing open FOOD, has a handwashing station that:
 - i. Is at least a 5 gallon insulated container for potable water that ensures proper handwashing consistent with FC;
 - ii. Has a catch-bucket to retain waste water generated from handwashing that is 15% greater than the potable water tank; and
 - iii. Has adequate soap and paper towels for time in service; and
 - c. Does not cook, prepare, or assemble FOOD.
 - 2. A Type II mobile food unit:
 - a. Has equipment, including compressors, generators, and similar mechanical units are approved by the National Sanitation Foundation or American National Standards Institute;
 - b. Has a potable water tank that is at least five gallons;
 - c. Has a waste water tank that is 15% greater than the potable water tank and any other applicable hot water storage or water storage capacity;
 - d. Has a handwash sink;
 - e. Has a combination mixing faucet of hot and cold water at all sinks;
 - f. Has plumbing connections;
 - g. Has a waste water tank to drain at lowest point of tank;
 - h. Has a water tank with a fill connection located at the top;
 - i. Has a National Sanitation Foundation or American National Standards Institute approved FOOD grade water hose;
 - j. Has a water heater or other APPROVED hot water source; and
 - k. Has a quick-disconnect design for sewer and potable water.
 - 3. In addition to Subsection (2)(a) through (k), a Type III mobile food unit:
 - a. Has a three-compartment sink that includes:
 - i. A potable water system under pressure, supplying hot and cold water with a minimum capacity of 30 gallons permanently installed for warewashing, sanitization, and handwashing;
 - ii. A waste water capacity that is 15% greater than the potable water tank; and
 - iii. A minimum flow rate of one-half gallon per minute; and
 - b. May include a FOOD preparation sink for the purpose of washing product if an additional 20 gallons of potable water is available for use.
- J. Except for the Department, regulatory authorities through delegation in the county where a mobile food vendor's commissary is located shall issue state licensure and statewide inspection standards adopted pursuant to this section.

R9-8-111. Compliance and Enforcement, Annex 1

- A. The Department incorporates FC Annex 1 in whole, unless otherwise specified:
 - 1. Section 1, Purpose;
 - 2. Section 2, Explanation;
 - 3. Section 3, Principle;
 - 4. Section 4, Recommendation; and
 - 5. Section 5, Parts in part.
- B. In Annex 1, Section 5, the Department does not accept Part 8-911.10(B).
- C. In addition to Annex 1, Section 5, the Department adds licensure suspension or revocation requirements that:
 - 1. A REGULATORY AUTHORITY may suspend or revoke a FOOD ESTABLISHMENT license if the license holder:
 - a. Maintains or engages in a public health nuisance;
 - b. Falsifies records to interfere with or obstruct an investigation or regulatory process of the REGULATORY AUTHORITY;
or
 - c. Provides false or misleading information to a regulatory authority.
 - 2. A license revocation or suspension hearing shall be conducted as follows:



- a. If a REGULATORY AUTHORITY is the Department, a hearing shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10;
- b. If a REGULATORY AUTHORITY is a public health district, local health department, department of environmental services, or department of environmental quality, the hearing shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 6 or Article 10.

D. In addition to Annex 1, Section 5, the Department adds cease and desist requirements that:

1. If a REGULATORY AUTHORITY determines a FOOD ESTABLISHMENT is creating, maintaining, or engaging a public health nuisance the REGULATORY AUTHORITY shall serve the FOOD ESTABLISHMENT'S license holder a written cease and desist order pursuant to A.R.S. Title 36, Chapter 6, Article 1.
2. If a written notice of appeal is not provided as specified in A.R.S. § 36-601(B), the cease and desist order shall become final.

R9-8-112. References, Annex 2

The Department incorporates FC Annex 2 in whole:

1. Section 1, United States Code and Code of Federal Regulations;
2. Section 2, Bibliography;
3. Section 3, Principle; and
4. Section 4, Food Defense Guidance from Farm to Table.

R9-8-113. Public Health Reasons and Administrative Guidelines, Annex 3

The Department incorporates FC Annex 3 in whole:

1. Section 1, Purpose and Definitions;
2. Section 2, Management and Personnel;
3. Section 3, Food;
4. Section 4, Equipment, Utensils, and Linens;
5. Section 5, Water, Plumbing, and Waste;
6. Section 6, Physical Facilities;
7. Section 7, Poisonous or Toxic Materials; and
8. Section 8, Compliance and Enforcement.

R9-8-114. Management of Food Safety Practices, Annex 4

The Department incorporates FC Annex 4 in whole:

1. Section 1, Active Managerial Control;
2. Section 2, Introduction to HACCP;
3. Section 3, The HACCP Principles;
4. Section 4, The Process Approach - A Practical Application of HACCP;
5. Section 5, FDA Retail HACCP Manuals;
6. Section 6, Advantages of Using the Principles of HACCP;
7. Section 7, Summary;
8. Section 8, Acknowledgements; and
9. Section 9, Resources and References.

R9-8-115. Conducting Risk-based Inspections, Annex 5

The Department incorporates FC Annex 5 in whole:

1. Section 1, Purpose and Scope;
2. Section 2, Risk-Based Routine Inspections;
3. Section 3, What is Needed to Properly Conduct a Risk-Based Inspection;
4. Section 4, Risk-Based Inspection Methodology;
5. Section 5, Achieving On-Site and Long-Term Compliance;
6. Section 6, Inspection Form and Scoring;
7. Section 7, Closing Conference; and
8. Section 8, Summary.

R9-8-116. Food Processing Criteria, Annex 6

The Department incorporates FC Annex 6 in whole:

1. Section 1, Introduction;
2. Section 2, Reduced Oxygen Packaging; and
3. Section 3, Smoking and Curing.

R9-8-117. Model Forms, Guides, and Other Aids, Annex 7

The Department incorporates FC Annex in whole:

1. Section 1, Employee Health Information;
2. Section 2, Adoption Information; and
3. Section 3, Summary Information.

~~R9-8-102, R9-8-118, Applicability Exempt from Requirements and Inspections~~

- A. Except as provided in subsection (B), this Article applies to any FOOD ESTABLISHMENT.
- B. This Article does not apply to the following, which are not subject to routine inspection or other regulatory activities by a REGULATORY AUTHORITY:
 1. The beneficial use of wildlife meat authorized in A.R.S. § 17-240 and 12 A.A.C. 4, Article 1;



2. Group homes, as defined in A.R.S. § 36-551;
 3. Child care group homes, as defined in A.R.S. § 36-897 and licensed under 9 A.A.C. 3;
 4. Residential group care facilities, as defined in A.A.C. R6-5-7401 that have 20 or fewer clients;
 5. Assisted living homes, as defined in A.R.S. § 36-401(A) and licensed under 9 A.A.C. 10, Article 8;
 6. Adult day health care facilities, as defined in A.R.S. § 36-401(A) and licensed under 9 A.A.C. 10, Article 11, that are authorized by the Department to provide services to 15 or fewer participants;
 7. Behavioral health residential facilities, as defined in A.A.C. R9-10-101 and licensed under 9 A.A.C. 10, Article 7, that are authorized by the Department to provide services to 10 or fewer residents;
 8. Hospice inpatient facilities, as defined in A.A.C. R9-10-101 and licensed under 9 A.A.C. 10, Article 6, that are authorized by the Department to provide services for 20 or fewer patients;
 9. Substance abuse transitional facilities, as defined in A.A.C. R9-10-101 and licensed under 9 A.A.C. 10, Article 14, that are authorized by the Department to provide services to 10 or fewer participants;
 10. Behavioral health respite homes, as defined in A.A.C. R9-10-101 and licensed under 9 A.A.C. 10, Article 16;
 11. Adult behavioral health therapeutic homes, as defined in A.A.C. R9-10-101 and licensed under 9 A.A.C. 10, Article 18;
 12. ~~Food or drink~~ **FOOD** that is:
 - a. Served at a noncommercial social event, such as a potluck;
 - b. Prepared at a cooking school if:
 - i. The cooking school is conducted in the kitchen of an owner-occupied home,
 - ii. Only one meal per day is prepared and served by students of the cooking school,
 - iii. The meal prepared at the cooking school is served to not more than 15 students of the cooking school, and
 - iv. The students of the cooking school are provided with written notice that the ~~food~~ **FOOD** is prepared in a kitchen that is not regulated or inspected by a REGULATORY AUTHORITY;
 - c. Not potentially hazardous and prepared in a kitchen of a private home for occasional sale or distribution for noncommercial purposes;
 - d. Prepared or served at an employee-conducted function that lasts less than four hours and is not regularly scheduled, such as an employee recognition, an employee fund-raising, or an employee social event;
 - e. A demonstration of FOOD preparation or cooking class offered by:
 - i. A culinary school or educational institution and all FOOD prepared is consumed by attending students;
 - ii. A school or business and samples are not offered for human consumption; and
 - iii. A business where an individual provides, prepares, cooks, and consumes their own FOOD.
 - e-f. Offered at a child care facility and limited to commercially pre-packaged ~~food~~ **FOOD** that is not potentially hazardous and whole fruits and vegetables that are washed and cut onsite for immediate consumption; or
 - f-g. Offered at locations that sell only commercially pre-packaged ~~food or drink~~ **FOOD** that is not potentially hazardous;
 13. A cottage ~~food~~ **FOOD** product, as defined in A.R.S. § 36-136(Q), prepared for commercial purposes that:
 - a. Is not potentially hazardous as defined in A.R.S. § 36-136(I)(4)(g); or
 - b. Is not a ~~food~~ **FOOD** that requires time and temperature control for safety to limit pathogenic microorganism growth or toxin formation; and
 - c. Is prepared in the kitchen of a home by a food preparer or under the supervision of an individual who:
 - i. Has a certificate of completion from completing a food handler training course from an accredited program;
 - ii. Maintains an active certification of completion; and
 - iii. If a food preparer, is registered with the Department, as required in A.R.S. § 36-136(I)(4)(g) and specified in subsection (D); and
 - d. Is ~~packaged~~ **PACKAGED** at the home with an attached label that includes:
 - i. The name, and registration number of the food preparer registered with the Department as specified in subsection (D);
 - ii. A list of the ingredients in the cottage ~~food product~~ **FOOD**;
 - iii. The date the cottage ~~food product~~ **FOOD** was prepared; and
 - iv. The statement: This product was produced in a home kitchen that may process common ~~food~~ **FOOD** allergens and is not subject to public health inspection; and
 - v. If applicable, a statement that the cottage ~~food product~~ **FOOD** was prepared in the home kitchen of a facility for individuals with developmental disabilities.
 14. Fruits and vegetables grown in a garden at a public school, as defined in A.R.S. § 15-101, that are washed and cut on-site for immediate consumption.
- C.** A food preparer who meets the requirements in subsection (B)(13) is authorized to prepare cottage ~~food products~~ **FOOD** for commercial purpose.
- D.** To be exempt from the requirements in this Article, a food preparer identified in subsection (C) shall:
1. Complete a food handler training course from an accredited program;
 2. Register with the Department by submitting:
 - a. An application in a Department-provided format that includes:
 - i. The food preparer’s name, address, telephone number, and e-mail address;
 - ii. If the food preparer is supervised, the supervisor’s name, address, telephone number, and e-mail address;
 - iii. The address, including the county, of the home where the cottage ~~food product~~ **FOOD** is prepared;
 - iv. Whether the home where the cottage ~~food product~~ **FOOD** is prepared is a facility for developmentally disabled individuals; and
 - v. A description of each cottage ~~food product~~ **FOOD** prepared for commercial purposes;
 - b. A copy of the food preparer’s certificate of completion for the completed food handler training course;



- c. If the food preparer is supervised, the supervisor's certificate of completion for the completed food handler training course; and
 - d. An attestation in a Department-provided format that the food preparer:
 - i. Has reviewed Department-provided information on ~~food~~ FOOD safety and safe ~~food~~ FOOD handling practices;
 - ii. Based on the Department-provided information, believes that the cottage ~~food-product~~ FOOD prepared for commercial purposes is not potentially hazardous or is not a ~~food~~ FOOD that requires time or temperature control for safety to limit pathogenic microorganism growth or toxin formation; and
 - iii. Includes the food preparer's printed name and date.
 3. Maintain an active certification of completion for the completed food handler training course;
 4. Renew the registration in subsection (D)(2) every three years;
 5. Submit any change to the information or documents provided according to subsection (D)(2)(a) through (c) to the Department within 30 calendar days after the change; and
 6. Display the food preparer's certificate of registration when operating as a temporary ~~food establishment~~ FOOD ESTABLISHMENT and selling cottage ~~food-products~~ FOOD.
- E.** Food establishments shall have until January 31, 2022 to comply with the certified food protection manager requirement specified in this Article.

R9-8-119. Manufactured Food Plants

A. The following definitions apply to this Section, unless otherwise specified:

1. "Consumer" means a person who:

- a. Is a member of the public.
- b. Takes possession of FOOD.
- c. Is not functioning in the capacity of an operator of a manufacture food plant, and
- d. Does not offer the FOOD for resale.

2. "FOOD PROCESSING PLANT" means a commercial operation that:

- a. Manufactures, packages, labels, or stores FOOD for human consumption;
- b. Provides FOOD for sale or distribution to other business entities such as FOOD ESTABLISHMENTS and retailers; and
- c. Does not provide FOOD directly to a consumer.

B. In FC Part 3-2, Subpart 3-202, the Department:

1. In paragraph 3-203.11(A) requires "Except as specified in (B), (C), and (D) of this Section, MOLLUSCAN SHELLFISH may not be removed from the container in which they are received other than immediately before sale, preparation for service, or preparation in a FOOD PROCESSING PLANT licensed by the REGULATORY AUTHORITY."
2. In paragraph 3-203.12(C) requires "The identity of the source of SHELLSTOCK that are prepared by a FOOD PROCESSING PLANT licensed by the REGULATORY AUTHORITY, sold, or served shall be maintained by retaining SHELLSTOCK tags or labels for 90 calendar days from the date the container is emptied by:
 - a. Using an APPROVED record keeping system that keeps the tags or labels in chronological order correlated to the date when, or dates during which, the SHELLSTOCK are prepared by a FOOD PROCESSING PLANT licensed by the REGULATORY AUTHORITY, sold, or served; and
 - b. If SHELLSTOCK are removed from their tagged or labeled container:
 - i. Using only one tagged or labeled container at a time, or
 - ii. Using more than one tagged or labeled container at a time and obtaining a VARIANCE from the REGULATORY AUTHORITY as specified in § 8-103.10 based on a HACCP PLAN that:
 - (a) Is submitted by the license holder and APPROVED as specified under § 8-103.11.
 - (b) Preserves source identification by using a record keeping system as specified under Subparagraph (B)(1) of this Section, and
 - (c) Ensures that SHELLSTOCK from one tagged or labeled container are not commingled with SHELLSTOCK from another container before being ordered by the CONSUMER or prepared by a FOOD PROCESSING PLANT licensed by the REGULATORY AUTHORITY."



NOTICES OF FINAL EXPEDITED RULEMAKING

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

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

NOTICE OF FINAL EXPEDITED RULEMAKING
TITLE 9. HEALTH SERVICES
CHAPTER 19. DEPARTMENT OF HEALTH SERVICES
VITAL RECORDS AND STATISTICS

[R20-124]

PREAMBLE

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

- R9-19-101
R9-19-104
R9-19-201
R9-19-202
R9-19-204
R9-19-208
R9-19-210
R9-19-301
R9-19-304
R9-19-305
R9-19-306
R9-19-309
R9-19-314
R9-19-315

Rulemaking Action

- Amend

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

Authorizing statute: A.R.S. §§ 36-136(A)(7) and 36-136(G)
Implementing statute: A.R.S. §§ 36-132(A)(3) and 36-136(I)(3), A.R.S. Title 9, Chapter 3, and Laws 2019, Ch. 172

3. The effective date of the rules:

July 7, 2020

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

Notice of Rulemaking Docket Opening: 26 A.A.R. 659, April 10, 2020
Notice of Proposed Expedited Rulemaking: 26 A.A.R. 891, May 8, 2020

5. 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



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

Arizona Revised Statutes (A.R.S.) § 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 has revised 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 Department believes that these changes are consistent with the purpose for A.R.S. § 41-1027 in that this rulemaking does not increase the cost of regulatory compliance, does not increase a fee, or reduce a procedural right of regulated persons, and either amends rules made obsolete by statutory changes or adopts, without material change, a course of action proposed in a five-year-review report approved by the Governor's Regulatory Review Council on November 5, 2019.

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

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

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

Not applicable

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

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

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

Between the proposed expedited rulemaking and the final expedited rulemaking, the Department corrected a typographical error in the cross reference in R9-19-315(D)(8)(a)(iii) and changed the wording in R9-19-204(B)(6) from "including" to "such as" to be consistent with the change in R9-19-204(A)(6).

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

The Department received no comments about the proposed rules.

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

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

The 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.

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

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:

The rule was not previously made as an emergency rule.

15. 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

ARTICLE 2. VITAL RECORDS FOR BIRTH

- Section
- R9-19-201. Information for a Birth Record
- R9-19-202. Requests from Hospitals for Birth Registration
- R9-19-204. Requests for Birth Registration from Persons Other than Hospitals or Health Care Providers
- R9-19-208. Amending Information in a Registered Birth Record
- R9-19-210. Eligibility for a Certified Copy of a Certificate of Birth Registration

ARTICLE 3. VITAL RECORDS FOR DEATH

- Section
- R9-19-301. Human Remains Release Form
- R9-19-304. Registration of a Death When a Medical Examiner is Notified According to A.R.S. § 11-593(B)
- R9-19-305. Fetal Death Registration
- R9-19-306. Registration of a Fetal Death When a Medical Examiner is Notified According to A.R.S. § 11-593(B)
- R9-19-309. Correcting Information in a Registered Death Record or a Registered Fetal Death Record
- R9-19-314. Eligibility for a Certified Copy of a Certificate of Death Registration
- R9-19-315. Requesting a Certified Copy of a Certificate of Death Registration

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:
- 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
 - 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:
- The first and last name of an individual written with his or her own hand as a form of identification or authorization;
 - An electronic signature; or
 - 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 Affairs’ 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:
- Only use paper approved by the Department when issuing:
 - A certified copy of an individual’s certificate of birth registration according to R9-19-211,
 - A certified copy of a deceased individual’s certificate of death registration according to R9-19-315,
 - A certified copy of a certificate of fetal death registration according to R9-19-317, or
 - A certified copy of a certificate of birth resulting in stillbirth according to R9-19-317; and
 - Ensure that, before a document in subsection ~~(1)(a)~~ (A)(1)(a) through (d) is issued, the document contains:
 - The state seal,
 - The signature of the State Registrar or an individual designated by the State Registrar, and
 - 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:
- 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:
 - The individual’s name;
 - The following information about the individual’s mother:
 - Name before first marriage;
 - Date of birth;
 - State, territory, or foreign country where the individual’s mother was born; and
 - Street address, apartment number if applicable, city or town, state, zip code, and county of the individual’s mother’s residence; and
 - If applicable according to A.R.S. § 36-334, the following information about the individual’s father:
 - Name;
 - Date of birth; and
 - State, territory, or foreign country where the father was born;
 - 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:
 - The individual’s mother’s:
 - Current last name,
 - 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 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 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-x.~~ 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 Affairs’ 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 founding'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 14-5407 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;
 - ~~e-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)~~ R9-19-314(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.



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

SUMMARY RULEMAKING

PROPOSED SUMMARY

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

FINAL SUMMARY

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

EXPEDITED RULEMAKING

PROPOSED EXPEDITED

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

SUPPLEMENTAL EXPEDITED

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

FINAL EXPEDITED

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

EXEMPT RULEMAKING

EXEMPT

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

EXEMPT PROPOSED

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

EXEMPT SUPPLEMENTAL PROPOSED

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

FINAL EXEMPT RULEMAKING

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

EMERGENCY RULEMAKING

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

RECODIFICATION OF RULES

RC = Recodified

REJECTION OF RULES

RJ = Rejected by the Attorney General

TERMINATION OF RULES

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

RULE EXPIRATIONS

EXP = Rules have expired

See also “emergency expired” under emergency rulemaking

CORRECTIONS

C = Corrections to Published Rules

**2020 Arizona Administrative Register
Volume 26 Page Guide**

Issue 1, Jan. 3, 2020.....1-44	Issue 2, Jan. 10, 2020.....45-96	Issue 3, Jan. 17, 2020.....97-124
Issue 4, Jan. 24, 2020.....125-182	Issue 5, Jan. 31, 2020.....183-218	Issue 6, Feb. 7, 2020.....219-258
Issue 7, Feb. 14, 2020.....259-304	Issue 8, Feb. 21, 2020.....305-330	Issue 9, Feb. 28, 2020.....331-366
Issue 10, March 6, 2020.....367-396	Issue 11, March 13, 2020.....397-468	Issue 12, March 20, 2020.....469-524
Issue 13, March 27, 2020.....525-584	Issue 14, April 3, 2020.....585-640	Issue 15, April 10, 2020.....641-674
Issue 16, April 17, 2020.....675-718	Issue 17, April 24, 2020.....719-776	Issue 18, May 1, 2020.....777-874
Issue 19, May 8, 2020.....875-942	Issue 20, May 15, 2020.....943-992	Issue 21, May 22, 2020.....993-1042
Issue 22, May 29, 2020.....1043-1112	Issue 23, June 5, 2020.....1113-1152	Issue 24, June 12, 2020.....1153-1196
Issue 25, June 19, 2020.....1197-1254	Issue 26, June 26, 2020.....1255-1300	Issue 27, July 3, 2020.....1301-1338
Issue 28, July 10, 2020.....1339-1394	Issue 29, July 17, 2020.....1395-1446	Issue 30, July 24, 2020.....1447-1496

RULEMAKING ACTIVITY INDEX

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

THIS INDEX INCLUDES RULEMAKING ACTIVITY THROUGH ISSUE 30 OF VOLUME 26.

Accountancy, Board of

R4-1-101.	FM-339	R3-2-410.	FR-781;	R3-2-901.	FM-781
R4-1-104.	FM-339	R3-2-411.	FN-812	R3-2-902.	FM-781
R4-1-115.03.	FM-339	R3-2-412.	FR-781	R3-2-906.	FM-781
R4-1-226.01.	FM-339	R3-2-413.	FR-781	R3-2-907.	FM-781
R4-1-228.	FR-339;	R3-2-501.	FM-781	R3-2-908.	FM-781
	FN-339	R3-2-503.	FM-781	R3-2-1101.	FXN-916
R4-1-229.	FM-339	R3-2-504.	FM-781	R3-2-1102.	FXN-916
R4-1-341.	FM-339	R3-2-505.	FM-781	R3-2-1103.	FXN-916
R4-1-344.	FM-339	R3-2-601.	FR-781	R3-2-1104.	FXN-916
R4-1-345.	FM-339	R3-2-602.	FR-781	R3-2-1105.	FXN-916
R4-1-346.	FM-339	R3-2-603.	FR-781	R3-2-1106.	FXN-916
R4-1-453.	FM-339	R3-2-604.	FR-781	R3-2-1107.	FXN-916
R4-1-454.	FM-339	R3-2-605.	FR-781	R3-2-1108.	FXN-916
R4-1-455.	FM-339	R3-2-606.	FM-781	R3-2-1109.	FXN-916
R4-1-455.01.	FM-339	R3-2-607.	FM-781	R3-2-1110.	FXN-916
R4-1-456.	FM-339	R3-2-608.	FR-781	R3-2-1111.	FXN-916
		R3-2-609.	FR-781	R3-2-1112.	FXN-916
		R3-2-611.	FM-781	R3-2-1113.	FXN-916
		R3-2-612.	FM-781	R3-2-1114.	FXN-916
		R3-2-613.	FM-781	R3-2-1115.	FXN-916
		R3-2-614.	FM-781	R3-2-1116.	FXN-916
		R3-2-615.	FM-781	R3-2-1117.	FXN-916
		R3-2-616.	FM-781	R3-2-1118.	FXN-916
		R3-2-617.	FM-781	R3-2-1119.	FXN-916
		R3-2-618.	FM-781	R3-2-1120.	FXN-916
		R3-2-620.	FM-781	R3-2-1121.	FXN-916
		R3-2-701.	FM-781;	R3-2-1122.	FXN-916
			FXM-1471	R3-2-1123.	FXN-916
		R3-2-702.	FM-781	R3-2-1124.	FXN-916
		R3-2-703.	FM-781	R3-2-1125.	FXN-916
		R3-2-708.	FM-781		
		R3-2-801.	FM-781		
		R3-2-803.	FM-781		
		R3-2-804.	FM-781		
		R3-2-805.	FM-781		
		R3-2-807.	FM-781		
		R3-2-808.	FM-781		
		R3-2-810.	FXM-1471		

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

R2-11-501. FN-679

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

R3-2-101.	FM-781				
R3-2-102.	FM-781				
R3-2-203.	FXM-1471				
R3-2-208.	FM-781				
R3-2-301.	FR-781				
R3-2-302.	FM-781				
R3-2-401.	FM-781				
R3-2-402.	FM-781				
R3-2-403.	FN-781				
R3-2-404.	FM-781				
R3-2-405.	FM-781				
R3-2-406.	FM-781				
R3-2-407.	FM-781				
R3-2-408.	FM-781				
R3-2-409.	FM-781				

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

R3-10-101.	FXN-1477
R3-10-102.	FXN-1477
R3-10-201.	XN-681
R3-10-301.	XN-681
R3-10-302.	XN-681
R3-10-303.	XN-681

R3-10-304. XN-681
 R3-10-305. XN-681
 R3-10-401. XN-681
 R3-10-402. XN-681
 R3-10-403. XN-681
 R3-10-404. XN-681
 R3-10-405. XN-681
 R3-10-406. XN-681
 R3-10-407. XN-681
 R3-10-501. XN-681
 R3-10-502. XN-681
 R3-10-503. XN-681
 R3-10-504. XN-681
 R3-10-601. XN-681
 R3-10-602. XN-681
 R3-10-603. XN-681
 R3-10-701. XN-681
 R3-10-801. XN-681
 R3-10-802. XN-681
 R3-10-803. XN-681
 R3-10-804. XN-681
 R3-10-805. XN-681
 R3-10-806. XN-681
 R3-10-807. XN-681
 R3-10-901. XN-681
 R3-10-902. XN-681
 R3-10-903. XN-681
 R3-10-1001. XN-681
 R3-10-1002. XN-681
 R3-10-1003. XN-681
 R3-10-1004. XN-681
 R3-10-1005. XN-681
 R3-10-1101. XN-681
 R3-10-1102. XN-681
 R3-10-1103. XN-681
 R3-10-1104. XN-681
 R3-10-1105. XN-681
 R3-10-1106. XN-681
 R3-10-1107. XN-681
 R3-10-1108. XN-681
 R3-10-1109. XN-681
 R3-10-1110. XN-681
 R3-10-1111. XN-681
 R3-10-1112. XN-681
 R3-10-1112. XN-681
 R3-10-1113. XN-681
 R3-10-1114. XN-681
 R3-10-1115. XN-681
 R3-10-1201. XN-681
 R3-10-1301. XN-681
 R3-10-1401. XN-681
 R3-10-1402. XN-681
 R3-10-1403. XN-681
 R3-10-1404. XN-681
 R3-10-1405. XN-681
 R3-10-1406. XN-681
 R3-10-1407. XN-681
 R3-10-1408. XN-681
 R3-10-1501. XN-681
 R3-10-1601. XN-681
 R3-10-1602. XN-681
 R3-10-1603. XN-681
 R3-10-1604. XN-681
 R3-10-1605. XN-681
 R3-10-1606. XN-681
 R3-10-1607. XN-681

R3-10-1608. XN-681
 R3-10-1609. XN-681
 R3-10-1610. XN-681
 R3-10-1611. XN-681
 R3-10-1612. XN-681
 R3-10-1613. XN-681
 R3-10-1614. XN-681
 R3-10-1615. XN-681
 R3-10-1701. XN-681
 R3-10-1702. XN-681
 R3-10-1703. XN-681
 R3-10-1704. XN-681
 R3-10-1705. XN-681
 R3-10-1706. XN-681
 R3-10-1707. XN-681

Agriculture, Department of - Office of Commodity Development and Promotion

R3-6-102. FXM-1475

Agriculture, Department of - Pest Management Division

R3-8-103. PEM-379

Agriculture, Department of - Plant Services Division

R3-4-301. FXM-1473

Arizona Health Care Cost Containment System - Grievance System

R9-34-101. FM-548

Behavioral Health Examiners, Board of

R4-6-101. PM-997
 R4-6-211. PM-997
 R4-6-212. PM-997
 R4-6-212.01. PM-997
 R4-6-214. PM-997
 R4-6-215. PM-997
 R4-6-216. PM-997
 R4-6-304. PM-997
 R4-6-402. PM-997
 R4-6-501. PM-997
 R4-6-502. PM-997
 R4-6-504. PM-997
 R4-6-601. PM-997
 R4-6-602. PM-997
 R4-6-604. PM-997
 R4-6-701. PM-997
 R4-6-704. PM-997
 R4-6-706. PM-997
 R4-6-802. PM-997
 R4-6-1101. PM-997
 R4-6-1106. PM-997

Child Safety, Department of - Permanency and Support Services

R21-5-201. FM-241
 R21-5-205. FM-241
 R21-5-307. EXP-1322

Clean Elections Commission, Citizens

R2-20-104. TM-114

R2-20-113. FM-335
 R2-20-209. FM-111; FM-542
 R2-20-701. PM-101; FM-886; FM-1259
 R2-20-702. FM-309; FM-1132
 R2-20-702.01. PM-102; FM-887; FM-1261
 R2-20-703.01. PM-104; FM-889; FM-1263
 R2-20-704. FM-337

Corporation Commission - Fixed Utilities

R14-2-2601. FN-473
 R14-2-2602. FN-473
 R14-2-2603. FN-473
 R14-2-2604. FN-473
 R14-2-2605. FN-473
 R14-2-2606. FN-473
 R14-2-2607. FN-473
 R14-2-2608. FN-473
 R14-2-2609. FN-473
 R14-2-2610. FN-473
 R14-2-2611. FN-473
 R14-2-2612. FN-473
 R14-2-2613. FN-473
 R14-2-2614. FN-473
 R14-2-2615. FN-473
 R14-2-2616. FN-473
 R14-2-2617. FN-473
 R14-2-2618. FN-473
 R14-2-2619. FN-473
 R14-2-2620. FN-473
 R14-2-2621. FN-473
 R14-2-2622. FN-473
 R14-2-2623. FN-473
 R14-2-2624. FN-473
 R14-2-2625. FN-473
 R14-2-2626. FN-473
 R14-2-2627. FN-473
 R14-2-2628. FN-473

Corporation Commission - Transportation

R14-5-202. PM-11; FM-1024
 R14-5-204. PM-11; FM-1024

Dispensing Opticians, Board of

R4-20-120. FM-202

Economic Security, Department of - Child Support Enforcement

R6-7-103. FM-15

Economic Security, Department of - Developmental Disabilities

R6-6-401. P#-5; PN-5
 R6-6-402. P#-5; PM-5
 R6-6-403. PR-5; P#-5
 R6-6-404. PM-5

R6-6-405. P#-5; PM-5
**Economic Security, Department of -
 Food Stamps Program**

R6-14-301. FN-263
 R6-14-302. FN-263
 R6-14-303. FN-263
 R6-14-304. FN-263
 R6-14-305. FN-263
 R6-14-306. FN-263
 R6-14-307. FN-263
 R6-14-308. FN-263
 R6-14-309. FN-263
 R6-14-310. FN-263
 R6-14-311. FN-263
 R6-14-401. FN-263
 R6-14-402. FN-263
 R6-14-403. FN-263
 R6-14-404. FN-263
 R6-14-405. FN-263
 R6-14-406. FN-263
 R6-14-407. FN-263
 R6-14-408. FN-263
 R6-14-409. FN-263
 R6-14-410. FN-263
 R6-14-411. FN-263
 R6-14-412. FN-263
 R6-14-413. FN-263
 R6-14-414. FN-263
 R6-14-415. FN-263
 R6-14-416. FN-263
 R6-14-417. FN-263
 R6-14-501. FN-263
 R6-14-502. FN-263
 R6-14-503. FN-263
 R6-14-504. FN-263
 R6-14-505. FN-263
 R6-14-506. FN-263
 R6-14-507. FN-263

Education, State Board of

R7-2-302.11. FXM-966
 R7-2-306. FXM-66
 R7-2-604. FXM-66;
 FXM-1311
 R7-2-604.03. FXM-1311
 R7-2-604.05. FXM-1311
 R7-2-614. FXM-1311
 R7-2-615.01. FXN-595
 R7-2-616. FXM-1311
 R7-2-619. FXM-314
 R7-2-623. FXN-1311
 R7-2-1001. FXM-597
 R7-2-1002. FXM-597
 R7-2-1003. FXM-597
 R7-2-1008. FXM-597
 R7-2-1018. FXM-597
 R7-2-1022. FXM-597
 R7-2-1024. FXM-597
 R7-2-1028. FXM-597
 R7-2-1031. FXM-597
 R7-2-1042. FXM-597
 R7-2-1044. FXM-597
 R7-2-1050. FXM-597
 R7-2-1058. FXM-597
 R7-2-1068. FXM-597

R7-2-1069. FXM-597
 R7-2-1087. FXM-597
 R7-2-1101. FXM-597
 R7-2-1102. FXM-597
 R7-2-1105. FXM-597
 R7-2-1108. FXM-597
 R7-2-1117. FXM-597
 R7-2-1122. FXM-597
 R7-2-1131. FXM-597
 R7-2-1133. FXM-597
 R7-2-1142. FXM-597
 R7-2-1144. FXM-597
 R7-2-1145. FXM-597
 R7-2-1147. FXM-597
 R7-2-1149. FXM-597
 R7-2-1150. FXM-597
 R7-2-1155. FXM-597
 R7-2-1156. FXM-597
 R7-2-1157. FXM-597
 R7-2-1158. FXM-597
 R7-2-1181. FXM-597
 R7-2-1309. FXN-66

**Environmental Quality, Department
 of - Air Pollution Control**

R18-2-327. PM-653

**Environmental Quality, Department
 of - Hazardous Waste Management**

R18-8-260. PM-1451
 R18-8-261. PM-1451
 R18-8-262. PM-1451
 R18-8-263. PM-1451
 R18-8-264. PM-1451
 R18-8-265. PM-1451
 R18-8-266. PM-1451
 R18-8-268. PM-1451
 R18-8-270. PM-1451
 R18-8-271. PM-1451
 R18-8-273. PM-1451
 R18-8-280. PM-1451

**Financial Institutions, Department
 of**

R20-4-1102. EXP-382

Game and Fish Commission

R12-4-201. PM-1117
 R12-4-205. PM-1117
 R12-4-206. PM-1117
 R12-4-207. PM-1117
 R12-4-208. PM-1117
 R12-4-210. PM-1117
 R12-4-211. PM-1117
 R12-4-212. PR-1117
 R12-4-215. PM-1117
 R12-4-216. PM-1117
 R12-4-217. PM-1117

**Health Services, Department of -
 Administration**

R9-1-101. PEM-501;
 FEM-1224
 R9-1-102. PEM-501;
 FEM-1224

R9-1-103. PEM-501;
 FEM-1224
 R9-1-201. PEM-501;
 FEM-1224
 R9-1-202. PEM-501;
 FEM-1224
 R9-1-203. PEM-501;
 FEM-1224
 R9-1-301. PEM-501;
 FEM-1224
 R9-1-302. PEM-501;
 FEM-1224
 R9-1-303. PEM-501;
 FEM-1224

**Health Services, Department of -
 Arizona Medically Underserved
 Area Health Services**

R9-24-201. PEM-1274
 R9-24-202. PEM-1274
 R9-24-203. PEM-1274
 Table 1. PEM-1274
 R9-24-204. PEM-1274
 R9-24-205. PER-1274
 R9-24-301. PEM-1274
 R9-24-302. PEM-1274

**Health Services, Department of -
 Child Care Facilities**

R9-5-101. PM-401;
 FM-1265
 R9-5-502. PM-401;
 FM-1265
 R9-5-516. PM-401;
 FM-1265

**Health Services, Department of -
 Child Care Group Homes**

R9-3-101. PEM-1201
 R9-3-102. PEM-1201
 Table 1.1. PEM-1201
 R9-3-201. PEM-1201
 R9-3-202. PEM-1201
 R9-3-203. PEM-1201
 R9-3-205. PEM-1201
 R9-3-206. PEM-1201
 R9-3-301. PEM-1201
 R9-3-302. PEM-1201
 R9-3-303. PEM-1201
 R9-3-304. PEM-1201
 R9-3-306. PEM-1201
 R9-3-308. PEM-1201
 R9-3-309. PEM-1201
 R9-3-401. PEM-1201
 R9-3-402. PEM-1201
 R9-3-403. PEM-1201
 R9-3-404. PEM-1201
 Table 4.2. PEM-1201
 R9-3-407. PEM-1201
 R9-3-408. PEM-1201
 R9-3-504. PEM-1201
 R9-3-506. PEM-1201
 R9-3-507. PEM-1201

**Health Services, Department of -
 Communicable Diseases and Infes-
 tations**



R9-6-801.	PEM-429; FEM-1065	R9-10-712.	PEM-49; FEM-551	R9-16-208.	PEM-129; FEM-816
Health Services, Department of - Food, Recreational, and Institutional Sanitation		R9-10-716.	PEM-49; FEM-551	R9-16-209.	PER-129; PEN-129; FER-816; FEN-816
R9-8-101.	PR-410; PN-410	Health Services, Department of - Medical Marijuana Program		Table 2.1.	PER-129; FER-816
R9-8-102.	P#-410; PN-410	R9-17-101.	XM-734	R9-16-210.	PER-129; PEN-129; FER-816; FEN-816
R9-8-103.	PR-410; PN-410	R9-17-107.	XM-968		
R9-8-104.	PR-410; PN-410	Table 1.1.	XM-968	R9-16-211.	PER-129; PEN-129; FER-816; FEN-816
Table 1.	PR-410	R9-17-310.	XM-734		
R9-8-105.	PR-410; PN-410	R9-17-317.	XM-734; XM-968		
R9-8-106.	PR-410; PN-410	R9-17-317.01.	XN-734	R9-16-212.	PER-129; PEN-129; FER-816; FEN-816
R9-8-107.	PR-410; PN-410	Table 3.1.	XN-734		
R9-8-108.	PR-410; PN-410	R9-17-402.	XM-734; XM-968		
Table 1.1.	PN-410	R9-17-402.01.	XN-734; XM-968	R9-16-213.	PER-129; PEN-129; FER-816; FEN-816
R9-8-109.	PR-410				
R9-8-110.	PN-410	R9-17-403.	XM-734; XM-968		
R9-8-111.	PN-410			R9-16-214.	PER-129; PEN-129; FER-816; FEN-816
R9-8-112.	PN-410	R9-17-404.	XM-734		
R9-8-113.	PN-410	R9-17-404.01.	XN-734	Table 2.1.	PEN-129; FEN-816
R9-8-114.	PN-410	R9-17-404.02.	XN-734		
R9-8-115.	PN-410	R9-17-404.03.	XN-734	R9-16-215.	PER-129; FEM-816
R9-8-116.	PN-410	R9-17-404.04.	XN-734		
R9-8-117.	PN-410	R9-17-404.05.	XN-734	R9-16-216.	PER-129; FEN-816
R9-8-118.	PN-410	R9-17-404.06.	XN-734		
R9-8-119.	PN-410	R9-17-404.07.	XN-734; XM-968	R9-16-301.	PER-148; FEM-835
Health Services, Department of - Health Care Institutions: Licensing				R9-16-302.	PER-148; PEN-148; FER-835; FEN-835
R9-10-109.	PEM-49; FEM-551	R9-17-407.	XM-734		
R9-10-121.	EN-509; PN-1168	R9-17-408.	XM-734	R9-16-303.	PER-148; PEN-148; FER-835; FEN-835
R9-10-201.	PM-879; SPM-1357	R9-17-409.	XM-734		
R9-10-208.	PM-879; SPM-1357	R9-17-410.	XM-734	R9-16-304.	PER-148; PEN-148; FER-835; FEN-835
R9-10-209.	PM-879; SPM-1357	Health Services, Department of - Occupational Licensing		R9-16-305.	PER-148; PEN-148; FER-835; FEN-835
R9-10-210.	PM-879	R9-16-201.	PEM-129; FEM-816		
R9-10-211.	PM-879	R9-16-202.	PER-129; PEN-129; FER-816; FEN-816	R9-16-306.	PER-148; PEN-148; FER-835; FEN-835
R9-10-318.	PEM-49; FEM-551				
R9-10-501.	XM-72	R9-16-203.	PER-129; PEN-129; FER-816; FEN-816		
R9-10-502.	XM-72			R9-16-307.	PER-148; PEN-148; FER-835; FEN-835
R9-10-503.	XM-72	R9-16-204.	PER-129; PEN-129; FER-816; FEN-816		
R9-10-506.	XM-72			R9-16-308.	PER-148; PEN-148; FER-835; FEN-835
R9-10-508.	XM-72	R9-16-205.	PER-129; PEN-129; FER-816; FEN-816		
R9-10-510.	XM-72			R9-16-309.	PER-148; PEN-148;
R9-10-512.	XM-72	R9-16-206.	PER-129; PEN-129; FER-816; FEN-816		
R9-10-514.	XM-72				
R9-10-516.	XM-72	R9-16-207.	PER-129; PEN-129; FER-816; FEN-816		
R9-10-523.	XM-72				
R9-10-525.	XM-72				
R9-10-702.	PEM-49; FEM-551				
R9-10-703.	PEM-49; FEM-551				
R9-10-706.	PEM-49; FEM-551				
R9-10-707.	PEM-49; FEM-551				
R9-10-708.	PEM-49; FEM-551				

	FER-835;	R9-7-101.	PEM-431;	R12-5-106.	PM-1305	
	FEN-835		FEM-1067	R12-5-107.	PM-1305	
R9-16-310.	PER-148;	R9-7-102.	PEM-431;	R12-5-201.	PM-1305	
	FEM-835		FEM-1067	R12-5-210.	PM-1305	
R9-16-311.	PER-148;	R9-7-302.	PEM-431;	R12-5-211.	PM-1305	
	PEN-148;		FEM-1067	R12-5-212.	PM-1305	
	FER-835;	R9-7-305.	PEM-431;	R12-5-215.	PM-1305	
	FEN-835		FEM-1067	R12-5-2105.	EXP-290	
R9-16-312.	PER-148;	R9-7-313.	PEM-431;	R12-5-2106.	EXP-290	
	PEN-148;		FEM-1067			
	FER-835;	R9-7-318.	PEM-431;	Manufactured Housing, Board of		
	FEN-835		FEM-1067	R4-34-101.	PM-529	
R9-16-313.	PER-148;	R9-7-448.	PEM-431;	R4-34-102.	PM-529	
	PEN-148;		FEM-1067	R4-34-203.	PM-529	
	FER-835;	R9-7-1302.	PM-1157	R4-34-204.	PM-529	
	FEN-835	R9-7-1303.	PM-1157	R4-34-502.	PM-529	
R9-16-314.	PER-148;	R9-7-1304.	PM-1157	R4-34-504.	PM-529	
	PEN-148;	R9-7-1306.	PM-1157	R4-34-603.	PM-529	
	FER-835;	Table 13.1.	PN-1157	R4-34-606.	PM-529	
	FEN-835	R9-7-1307.	PR-1157	R4-34-607.	PM-529	
Table 3.1.	PEN-148;	Table 1.	PR-1157	R4-34-701.	PM-529	
	FEN-835	Table 13.2.	PN-1157	R4-34-702.	PM-529	
R9-16-315.	PER-148;	R9-7-1507.	PEM-431;	R4-34-703.	PM-529	
	PEN-148;		FEM-1067	R4-34-704.	PM-529	
	FER-835;	R9-7-1510.	PEM-431;	R4-34-705.	PM-529	
	FEN-835		FEM-1067	R4-34-706.	PM-529	
R9-16-316.	PER-148;	R9-7-1514.	PEM-431;	R4-34-801.	PM-529	
	PEN-148;		FEM-1067	R4-34-802.	PM-529	
	FER-835;	R9-7-1907.	PEM-431;	R4-34-805.	PM-529	
	FEN-835		FEM-1067			
Table 3.1.	PER-148;	R9-7-1923.	PEM-431;	Nursing, Board of		
	FER-835		FEM-1067	R4-19-101.	PM-1399	
R9-16-317.	PER-148;	R9-7-1927.	PEM-431;	R4-19-102.	PM-1399	
	FER-835		FEM-1067	R4-19-207.	PM-1399	
R9-16-401.	PM-1171	R9-7-1977.	PEM-431;	R4-19-208.	PM-1399	
R9-16-402.	PM-1171		FEM-1067	R4-19-209.	PM-1399	
R9-16-405.	PM-1171	Health Services, Department of - Vital Records and Statistics			R4-19-210.	PM-1399
R9-16-407.	PM-1171	R9-19-101.	PEM-891	R4-19-216.	PM-1399	
R9-16-501.	PEM-165;	R9-19-104.	PEM-891	R4-19-301.	PM-1399	
	FEM-852	R9-19-201.	PEM-891	R4-19-304.	PM-1399	
R9-16-502.	PEM-165;	R9-19-202.	PEM-891	R4-19-305.	PM-1399	
	FEM-852	R9-19-204.	PEM-891	R4-19-308.	PM-1399	
R9-16-503.	PEM-165;	R9-19-208.	PEM-891	R4-19-501.	PM-1399	
	FEM-852	R9-19-210.	PEM-891	R4-19-502.	PM-1399	
R9-16-504.	PEM-165;	R9-19-301.	PEM-891	R4-19-503.	PM-1399	
	FEM-852	R9-19-304.	PEM-891	R4-19-504.	PM-1399	
R9-16-505.	PER-165;	R9-19-305.	PEM-891	R4-19-505.	PM-1399	
	PEN-165;	R9-19-306.	PEM-891	R4-19-506.	PM-1399	
	FER-852;	R9-19-309.	PEM-891	R4-19-507.	PM-1399	
	FEN-852	R9-19-314.	PEM-891	R4-19-508.	PM-1399	
Table 5.1.	PER-165;	R9-19-315.	PEM-891	R4-19-511.	PM-1399	
	FER-852			R4-19-512.	PM-1399	
R9-16-506.	PER-165;	Industrial Commission of Arizona			R4-19-513.	PM-1399
	PEN-165;	R20-5-507.	FM-311	R4-19-514.	PM-1399	
	FER-852;	R20-5-601.	FM-373	R4-19-604.	PM-1399	
	FEN-852	R20-5-601.01.	EXP-290	R4-19-804.	PM-1399	
Table 5.1.	PEN-165;	R20-5-602.	FM-373	R4-19-806.	PM-1399	
	FEN-852	R20-5-629.	FM-373	R4-19-809.	PM-1399	
R9-16-507.	PEM-165;	Land Department, State			R4-19-815.	PM-1399
	FEM-852	R12-5-101.	PM-1305	Nursing Care Institution Adminis- trators and Assisted Living Facility Managers, Board of Examiners of		
R9-16-508.	PEN-165;	R12-5-103.	PM-1305	R4-33-702.	PM-589;	
	FEN-852	R12-5-104.	PM-1305		EM-1091;	
R9-16-614.	FM-351	R12-5-105.	PM-1305		FM-1465	
R9-16-623.	FM-351					

R4-33-703.1. PM-589;
EM-1091;
FM-1465

Peace Officer Standards and Training Board, Arizona

R13-4-101. PM-1343
R13-4-104. PM-1343
R13-4-105. PM-1343
R13-4-106. PM-1343
R13-4-108. PM-1343
R13-4-109. PM-1343
R13-4-110. PM-1343
R13-4-111. PM-1343
R13-4-114. PM-1343
R13-4-116. PM-1343

Pharmacy, Board of

R4-23-110. FM-223
R4-23-204. FM-223
R4-23-205. FM-223
R4-23-407. FM-223;
FM-544
R4-23-408. FM-223
R4-23-411. FM-223
R4-23-607. FM-223
R4-23-801. FR-223
R4-23-1103. FM-223
R4-23-1106. FM-223

Podiatry Examiners, Board of

R4-25-101. PM-645
R4-25-102. PM-645
R4-25-103. PM-645
R4-25-104. PM-645
Table 1. PM-645
R4-25-201. PM-645
R4-25-203. PR-645
R4-25-301. PM-645
R4-25-302. PM-645
R4-25-501. PM-645
R4-25-502. PM-645
R4-25-603. PM-645
R4-25-604. PM-645

Postsecondary Education, Commission for

R7-3-201. EXP-1322
R7-3-202. EXP-1322
R7-3-203. EXP-1322
R7-3-204. EXP-1322
R7-3-205. EXP-1322

Public Safety, Department of - Alcohol Testing

R13-10-101. FM-723
R13-10-103. FM-723
R13-10-104. FM-723
R13-10-107. FM-723
Exhibit A. FM-723
Exhibit B. FM-723
Exhibit C. FM-723
Exhibit D. FM-723
Exhibit I-1. FN-723
Exhibit I-2. FN-723

Public Safety, Department of -

Tow Trucks

R13-3-902. FM-963

Psychologist Examiners, Board of

R4-26-203. PM-187;
FM-1010
R4-26-203.01. PM-187;
FM-1010
R4-26-205. PM-187;
FM-1010
R4-26-207. PM-187;
FM-1010
Table 1. PM-187;
FM-1010
R4-26-401. PM-187;
FM-1017
R4-26-403. PM-187;
FM-1017
R4-26-404.1. PM-187;
FM-1017
R4-26-404.2. PM-187;
FM-1017
R4-26-406. PM-187;
FM-1017
R4-26-407. PR-187;
FR-1017
R4-26-408. PM-187;
FM-1017
R4-26-415. PM-187

Retirement System Board, State

R2-8-115. PM-947
R2-8-120. PR-947
R2-8-122. FM-371
R2-8-126. PM-947
R2-8-127. PN-947
R2-8-128. PN-947
R2-8-129. PN-947
R2-8-130. PN-947
R2-8-131. PN-947
R2-8-132. PN-947
R2-8-133. PN-947

School Facilities Board

R7-6-101. PEM-1363
R7-6-201. PEM-1363
R7-6-202. PEN-1363
R7-6-205. PEM-1363
R7-6-210. PEM-1363
R7-6-211. PEM-1363
R7-6-212. PEM-1363
R7-6-213. PEM-1363
R7-6-214. PEM-1363
R7-6-215. PEM-1363
R7-6-216. PER-1363;
PEN-1363
R7-6-220. PEM-1363
R7-6-221. PEM-1363
R7-6-225. PEM-1363
R7-6-226. PEM-1363
R7-6-227. PEM-1363
R7-6-230. PEM-1363
R7-6-235. PEM-1363
R7-6-240. PER-1363
R7-6-245. PEM-1363
R7-6-246. PEM-1363

R7-6-247. PEM-1363
R7-6-248. PER-1363
R7-6-249. PEM-1363
R7-6-250. PEM-1363
R7-6-251. PEM-1363
R7-6-255. PEM-1363
R7-6-256. PEM-1363
R7-6-258. PEM-1363
R7-6-260. PER-1363
R7-6-261. PEM-1363
R7-6-265. PEM-1363
R7-6-270. PEM-1363
R7-6-271. PEM-1363
R7-6-285. PEM-1363
R7-6-701. PEM-1363
R7-6-705. PER-1363
R7-6-710. PEM-1363
R7-6-711. PEM-1363
R7-6-712. PER-1363
R7-6-713. PER-1363
R7-6-714. PEM-1363
R7-6-715. PER-1363
R7-6-716. PER-1363
R7-6-719. PEM-1363
R7-6-720. PER-1363
R7-6-721. PEM-1363
R7-6-725. PER-1363
R7-6-726. PER-1363
R7-6-727. PER-1363
R7-6-730. PER-1363
R7-6-735. PER-1363
R7-6-740. PER-1363
R7-6-745. PER-1363
R7-6-746. PER-1363
R7-6-747. PER-1363
R7-6-748. PER-1363
R7-6-749. PER-1363
R7-6-750. PEM-1363
R7-6-751. PER-1363
R7-6-755. PER-1363
R7-6-756. PEM-1363
R7-6-757. PER-1363
R7-6-758. PEM-1363
R7-6-760. PER-1363
R7-6-761. PER-1363
R7-6-765. PER-1363
R7-6-770. PER-1363
R7-6-771. PER-1363
R7-6-780. PEM-1363
R7-6-781. PEM-1363
R7-6-782. PEM-1363
R7-6-783. PER-1363
R7-6-790. PER-1363

Secretary of State, Office of the

R2-12-1201. F#-106; FN-106
R2-12-1202. F#-106; FM-106
R2-12-1203. F#-106
R2-12-1204. F#-106; FM-106
R2-12-1205. F#-106; FM-106
R2-12-1206. F#-106; FM-106
R2-12-1207. F#-106; FM-106
R2-12-1208. FR-106; F#-106
R2-12-1209. FR-106
R2-12-1301. FN-537
R2-12-1302. FN-537

R2-12-1303.	FN-537	Commercial Programs	R17-5-601.	FM-1047	Transportation, Department of - Highways	R17-3-801.	EXP-382
R2-12-1304.	FN-537		R17-5-603.	FM-1047		R17-3-802.	EXP-382
R2-12-1305.	FN-537		R17-5-604.	FM-1047		R17-3-803.	EXP-382
R2-12-1306.	FN-537		R17-5-609.	FM-1047		R17-3-804.	EXP-382
R2-12-1307.	FN-537		R17-5-610.	FM-1047		R17-3-805.	EXP-382
R2-12-1308.	FN-537		R17-5-612.	FM-1047		R17-3-806.	EXP-382
Technical Registration, Board of			R17-5-614.	FR-1047; FN-1047		R17-3-808.	EXP-382
R4-30-106.	SPM-1428		R17-5-616.	FM-1047			
R4-30-247.	SPM-1428		R17-5-621.	FM-1047			

OTHER NOTICES AND PUBLIC RECORDS INDEX

Other legal notices required to be published under the Administrative Procedure Act, such as Rulemaking Docket Openings, are included in this Index by volume page number. Notices of Agency Ombudsman, Substantive Policy Statements, Proposed Delegation Agreements, and other applicable public records as required by law are also listed in this Index by volume page number.

THIS INDEX INCLUDES OTHER NOTICE ACTIVITY THROUGH ISSUE 30 OF VOLUME 26.

Agency Ombudsman, Notices of

- Arizona Health Care Cost Containment System (AHCCCS) - Administration; p. 1324
- Child Safety, Department of; p. 384
- Chiropractic Examiners, Board of; p. 173
- Dental Examiners, Board of; p. 384
- First Things First/Early Childhood Development and Health Board; p. 456
- Osteopathic Examiners in Medicine and Surgery, Board of; p. 21
- Public Safety, Department of; p. 21

Delegation Agreements, Notices of Proposed

- Environmental Quality, Department of; pp. 1234-1235

Docket Opening, Notices of Rulemaking

- Agriculture, Department of - Pest Management Division; 3 A.A.C. 8; p. 383
- Behavioral Health Examiners, Board of; 4 A.A.C. 6; p. 1028
- Child Safety, Department of - Foster Home and Child Welfare Agency Facility Safety; p. 1136
- Clean Elections Commission, Citizens; 2 A.A.C. 20; pp. 115-116
- Corporation Commission - Transportation; 14 A.A.C. 5; p. 19
- Economic Security, Department of - Developmental Disabilities; 6 A.A.C. 6; p. 17
- Environmental Quality, Department of - Hazardous Waste Management; 18 A.A.C. 8; p. 318
- Game and Fish Commission; 12 A.A.C. 4; p. 1135
- Health Services, Department of - Administration; 9 A.A.C. 1; pp. 206-207

- Health Services, Department of - Child Care Group Homes; 9 A.A.C. 3; pp. 1232-1233
- Health Services, Department of - Arizona Medically Underserved Areas; 9 A.A.C. 24; pp. 1180-1181
- Health Services, Department of - Communicable Diseases and Infestations; 9 A.A.C. 6; p. 291
- Health Services, Department of - Food, Recreational, and Institutional Sanitation; 9 A.A.C. 8; p. 356
- Health Services, Department of - Health Care Institution Facility Data; 9 A.A.C. 11; p. 569
- Health Services, Department of - Health Care Institutions: Licensing; 9 A.A.C. 10; pp. 317, 1179
- Health Services, Department of - Occupational Licensing; 9 A.A.C. 16; pp. 626-627
- Health Services, Department of - Radiation Control; 9 A.A.C. 7; pp. 355-356, 762
- Health Services, Department of - Vital Records and Statistics; 9 A.A.C. 19; p. 659-660
- Land Department, State; 12 A.A.C. 5; p. 1323
- Manufactured Housing, Board of; 4 A.A.C. 34; p. 568
- Nursing, Board of; 4 A.A.C. 19; p. 1432
- Nursing Care Institution Administrators and Assisted Living Facility Managers, Board of Examiners of; 4 A.A.C. 33; p. 17
- Peace Officer Standards and Training Board, Arizona; 13 A.A.C. 4; pp. 978
- Podiatry Examiners, Board of; 4 A.A.C. 25; p. 658

- Psychologist Examiners, Board of; 4 A.A.C. 26; pp. 205-206
- Public Safety, Department of - Tow Trucks; 13 A.A.C. 3; p. 18
- Public Safety, Department of - School Buses; 13 A.A.C. 13; p. 569
- Retirement System Board, State; 2 A.A.C. 8; p. 978

Governor's Office

Executive Order 2019-01: pp. 23-24

Executive Order 2020-02: pp. 174-175

Governor's Regulatory Review Council

Notices of Action Taken at Monthly Meetings: pp. 217, 257-258, 302-303, 581-582, 872-873, 1110-1111, 1252-1253, 1494-1495

Public Information, Notices of

- Environmental Quality, Department of - Pesticides and Water Pollution Control; pp. 1236-1238
- Environmental Quality, Department of - Safe Drinking Water; pp. 628-629, 661
- Environmental Quality, Department of - Water Pollution Control; p. 706
- Health Services, Department of; pp. 246-247
- Land Department, State; p. 1182

Substantive Policy Statement, Notices of

- Contractors, Registrar of; p. 319
- Finance Authority, Water Infrastructure; pp. 319-321
- Industrial Commission of Arizona; p. 1137
- Land Department, State; pp. 512-513

Real Estate Department; p. 662
State Lottery, Arizona; p. 117



RULES EFFECTIVE DATES CALENDAR

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

January		February		March		April		May		June	
Date Filed	Effective Date										
1/1	3/1	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										
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
<i>Tuesday</i> November 19, 2019	<i>Tuesday</i> December 24, 2019	<i>Tuesday</i> January 7, 2020	<i>Tuesday</i> January 14, 2020
<i>Tuesday</i> December 24, 2019	<i>Tuesday</i> January 21, 2020	<i>Tuesday</i> January 28, 2020	<i>Tuesday</i> February 4, 2020
<i>Tuesday</i> January 21, 2020	<i>Tuesday</i> February 18, 2020	<i>Tuesday</i> February 25, 2020	<i>Tuesday</i> March 3, 2020
<i>Tuesday</i> February 18, 2020	<i>Tuesday</i> March 24, 2020	<i>Tuesday</i> March 31, 2020	<i>Tuesday</i> April 7, 2020
<i>Tuesday</i> March 24, 2020	<i>Tuesday</i> April 21, 2020	<i>Tuesday</i> April 28, 2020	<i>Tuesday</i> May 5, 2020
<i>Tuesday</i> April 21, 2020	<i>Tuesday</i> May 19, 2020	Wednesday May 27, 2020	<i>Tuesday</i> June 2, 2020
<i>Tuesday</i> May 19, 2020	<i>Tuesday</i> June 23, 2020	<i>Tuesday</i> June 30, 2020	<i>Tuesday</i> July 7, 2020
<i>Tuesday</i> June 23, 2020	<i>Tuesday</i> July 21, 2020	<i>Tuesday</i> July 28, 2020	<i>Tuesday</i> August 4, 2020
<i>Tuesday</i> July 21, 2020	<i>Tuesday</i> August 18, 2020	<i>Tuesday</i> August 25, 2020	<i>Tuesday</i> September 1, 2020
<i>Tuesday</i> August 18, 2020	<i>Tuesday</i> September 22, 2020	<i>Tuesday</i> September 29, 2020	<i>Tuesday</i> October 6, 2020
<i>Tuesday</i> September 22, 2020	<i>Tuesday</i> October 20, 2020	<i>Tuesday</i> October 27, 2020	<i>Tuesday</i> November 3, 2020
<i>Tuesday</i> October 20, 2020	<i>Tuesday</i> November 17, 2020	<i>Tuesday</i> November 24, 2020	<i>Tuesday</i> December 1, 2020
<i>Tuesday</i> November 17, 2020	<i>Tuesday</i> December 22, 2020	<i>Tuesday</i> December 29, 2020	<i>Tuesday</i> January 5, 2021
<i>Tuesday</i> December 29, 2020	<i>Tuesday</i> January 19, 2021	<i>Tuesday</i> January 26, 2021	<i>Tuesday</i> 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.