



# Arizona Administrative REGISTER

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# From the Publisher

## ABOUT THIS PUBLICATION

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

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

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

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

## ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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

New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

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

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

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

## LEGAL CITATIONS AND FILING NUMBERS

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

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

# Arizona Administrative REGISTER

Vol. 26

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

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

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

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# Participate in the Process

## Look for the Agency Notice

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

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

## Attend a public hearing/meeting

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

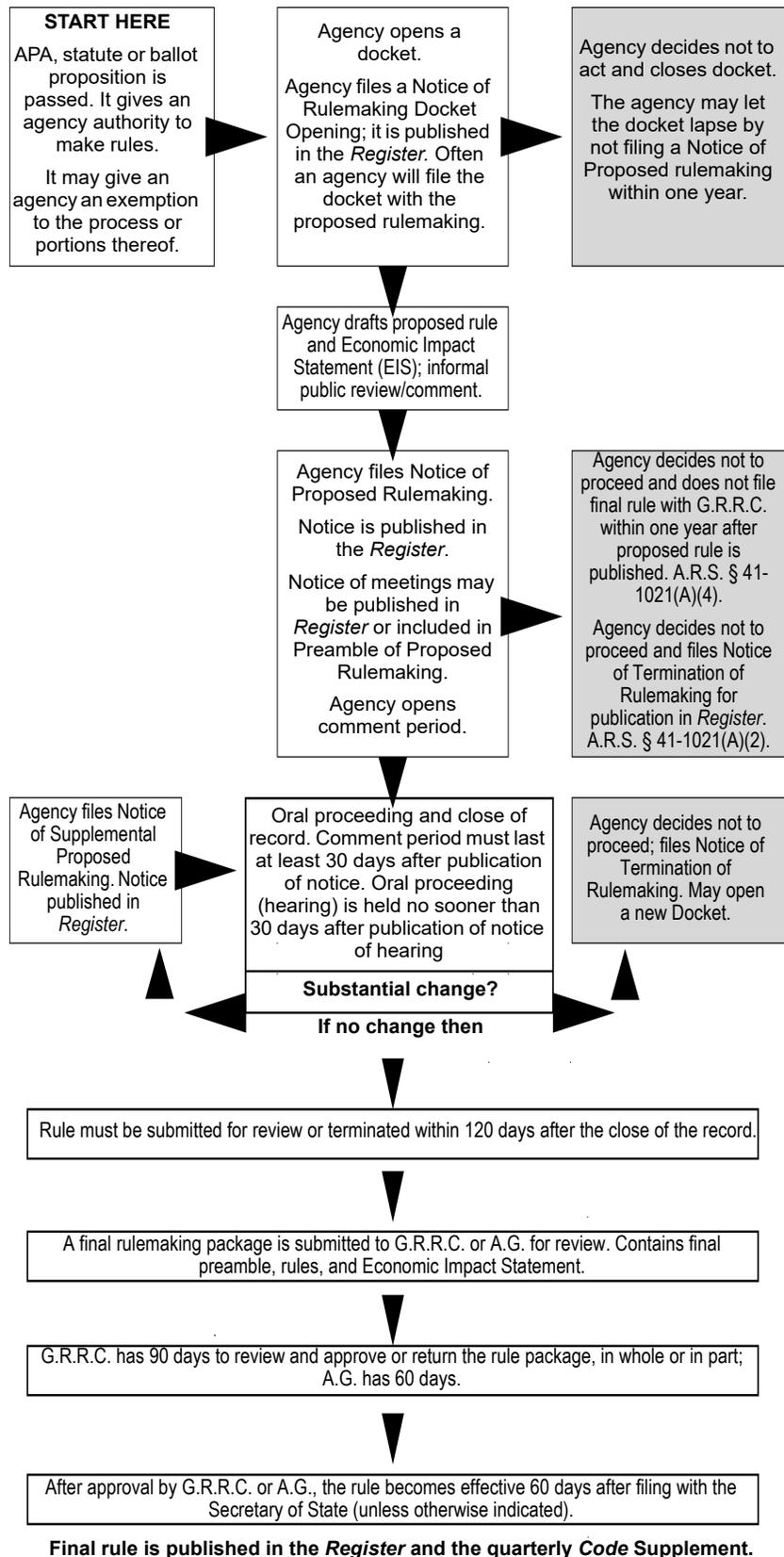
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

## Write the agency

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

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

# Arizona Regular Rulemaking Process



## Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Acronyms

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

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

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

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

FR – *Federal Register*

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

U.S.C. – *United States Code*

## About Preambles

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

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

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



**NOTICES OF EXEMPT RULEMAKING**

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

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

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

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

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

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

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

[R20-152]

**PREAMBLE**

<b><u>1. Article, Part or Section Affected (as applicable)</u></b>	<b><u>Rulemaking Action</u></b>
R9-17-107	Amend
R9-17-108	Amend
R9-17-202	Amend
R9-17-203	Amend
R9-17-204	Amend
R9-17-307	Amend
R9-17-309	Amend
R9-17-311	Amend
R9-17-312	Amend
R9-17-314	Amend
R9-17-315	Amend
R9-17-316	Amend
R9-17-317.01	Amend
Table 3.1	Amend
R9-17-318	Amend
R9-17-320	Amend
R9-17-321	Amend
R9-17-322	Amend
R9-17-323	Amend
R9-17-402	Amend
R9-17-402.01	Amend
R9-17-403	Amend
R9-17-404	Amend
R9-17-404.02	Amend
R9-17-404.03	Amend
R9-17-404.05	Amend
R9-17-404.06	Amend
R9-17-404.07	Amend
R9-17-407	Amend

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

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

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

August 28, 2020

This is the date of filing with the Office of the Secretary of State, giving dispensaries and laboratories as much time as possible to



implement the requirements of the rules before November 1, 2020, when testing will be required according to A.R.S. § 36-2803.

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

- Notice of Public Information: 25 A.A.R. 2057, August 9, 2019
- Notice of Exempt Rulemaking: 25 A.A.R. 2421, September 20, 2019
- Notice of Exempt Rulemaking: 26 A.A.R. 734, April 24, 2020
- Notice of Exempt Rulemaking: 26 A.A.R. 968, May 15, 2020

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

- Name: Thomas Salow, Branch Chief
- Address: Department of Health Services  
Public Health Licensing Services  
150 N. 18th Ave., Suite 400  
Phoenix, AZ 85007
- Telephone: (602) 364-1935
- Fax: (602) 364-3808
- E-mail: Thomas.Salow@azdhs.gov
- or
- Name: Robert Lane, Office Chief
- Address: Department of Health Services  
Office of Administrative Counsel and Rules  
150 N. 18th Ave., Suite 200  
Phoenix, AZ 85007
- Telephone: (602) 542-1020
- Fax: (602) 364-1150
- E-mail: Robert.Lane@azdhs.gov

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

Arizona Revised Statutes (A.R.S.) Chapter 28.1, as amended by Laws 2019, Ch. 318, requires the Arizona Department of Health Services (Department) to adopt rules to certify and regulate independent third-party laboratories (laboratories) and independent third-party laboratory agents (laboratory agents) that analyze cultivated marijuana. The rules in A.A.C. Title 9, Chapter 17, specify the requirements for the Medical Marijuana Program, and the Department is revising these rules to comply with Laws 2019, Ch. 318. The Department began this rulemaking by establishing requirements for the certification and regulation of laboratories and laboratory agents and changing the time period for the validity of registration identification cards and registration certificates, in rules effective as of August 27, 2019. The Department continued the rulemaking by establishing requirements, effective April 2, 2020, related to laboratory testing to enable dispensaries to test marijuana and marijuana product before dispensing by November 1, 2020, as required by A.R.S. § 36-2803(E). The Department made additional changes to provide clarity, improve implementation, and reduce the burden on dispensaries and laboratories in a rulemaking effective April 22, 2020. After receiving input from stakeholders, the Department is now further revising the rules to make them as effective but less burdensome, as well as making technical changes to clarify requirements.

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

The Department did not rely on any study in making these changes to the rules.

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

Not applicable

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

Not applicable

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

Not applicable

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

Not applicable

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

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

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



agent is a general permit.

**b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than the federal law and if so, citation to the statutory authority to exceed the requirements of the federal law:**  
Not applicable

**c. Whether a person submitted an analysis to the agency that compares the rule’s impact on the competitiveness of business in this state to the impact on business in other states:**  
Not applicable

**13. A list of any incorporated by reference material and its location in the rules:**  
No incorporations by reference are included in this rulemaking.

**14. Whether this rule previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:**  
The rule was not previously made, amended, repealed, or renumbered as an emergency rule.

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

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

**ARTICLE 1. GENERAL**

- Section
- R9-17-107. Time-frames
- R9-17-108. Expiration of a Registry Identification Card, Dispensary Registration Certificate, or Laboratory Registration Certificate

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

- Section
- R9-17-202. Applying for a Registry Identification Card for a Qualifying Patient or a Designated Caregiver
- R9-17-203. Amending a Qualifying Patient’s or Designated Caregiver’s Registry Identification Card
- R9-17-204. Renewing a Qualifying Patient’s or Designated Caregiver’s Registry Identification Card

**ARTICLE 3. DISPENSARIES AND DISPENSARY AGENTS**

- Section
- R9-17-307. Applying to Change a Dispensary’s Location or Change or Add a Dispensary’s Cultivation Site
- R9-17-309. Inspections
- R9-17-311. Submitting an Application for a Dispensary Agent Registry Identification Card
- R9-17-312. Submitting an Application to Renew a Dispensary Agent’s Registry Identification Card
- R9-17-314. Dispensing Medical Marijuana
- R9-17-315. Qualifying Patient Records
- R9-17-316. Inventory Control System
- R9-17-317.01. Analysis of Medical Marijuana or a Marijuana Product
  - Table 3.1. Analytes
- R9-17-318. Security
- R9-17-320. Cleaning and Sanitation
- R9-17-321. Physical Plant
- R9-17-322. Denial or Revocation of a Dispensary Registration Certificate
- R9-17-323. Denial or Revocation of a Dispensary Agent’s Registry Identification Card

**ARTICLE 4. LABORATORIES AND LABORATORY AGENTS**

- Section
- R9-17-402. Applying for a Laboratory Registration Certificate
  - R9-17-402.01. Applying for Approval for Testing
- R9-17-403. Renewing a Laboratory Registration Certificate
- R9-17-404. Administration
  - R9-17-404.02. Proficiency Testing; Accuracy Testing
  - R9-17-404.03. Method Criteria and References for Chemical Analyses
  - R9-17-404.05. Quality Assurance
  - R9-17-404.06. Operations
  - R9-17-404.07. Adding or Removing Parameters for Testing
- R9-17-407. Inventory Control System

**ARTICLE 1. GENERAL**

- R9-17-107. Time-frames**
- A. Within the administrative completeness review time-frame for each type of approval in Table 1.1, the Department shall:



1. Issue a registry identification card, a dispensary registration certificate, an approval to operate a dispensary, a laboratory registration certificate, an approval for testing, or an approval to add a parameter;
  2. Provide a notice of administrative completeness to an applicant; or
  3. Provide a notice of deficiencies to an applicant, including a list of the information or documents needed to complete the application.
- B.** An application for approval to operate a dispensary is not complete until the date the applicant states on a written notice provided to the Department according to R9-17-305 that the dispensary is ready for an inspection by the Department.
- C.** A laboratory’s application for approval for testing is not complete until the date the applicant states on a written notice provided to the Department according to R9-17-402.01 that the laboratory is ready for an inspection by the Department.
- D.** If the Department provides a notice of deficiencies to an applicant:
1. The administrative completeness review time-frame and the overall time-frame are suspended from the date of the notice of deficiencies until the date the Department receives the missing information or documents from the applicant; ~~and~~
  2. The Department shall consider the application withdrawn if the applicant does not submit the missing information or documents to the Department within the time-frame in Table 1.1; ~~and~~
  3. ~~If the applicant submits the missing information or documents to the Department within the time frame in Table 1.1, the substantive review time frame begins on the date the Department receives the missing information or documents.~~
- E.** Within the substantive review time-frame for each type of approval in Table 1.1, the Department:
1. According to subsection (H), shall issue or deny:
    - a. A registry identification card, dispensary registration certificate, or laboratory registration certificate; or
    - b. Approval to operate a dispensary, approval for testing, or approval to add a parameter;
  2. May complete an inspection that may require more than one visit to a dispensary and, if applicable, the dispensary’s cultivation site;
  3. May complete an inspection that may require more than one visit to a laboratory; and
  4. May make one written comprehensive request for more information, unless the Department and the applicant agree in writing to allow the Department to submit supplemental requests for information.
- F.** If the Department issues a written comprehensive request or a supplemental request for information:
1. The substantive review time-frame and the overall time-frame are suspended from the date of the written comprehensive request or the supplemental request for information until the date the Department receives all of the information requested, and
  2. The applicant shall submit to the Department all of the information and documents listed in the written comprehensive request or supplemental request for information within 10 working days after the date of the comprehensive written request or supplemental request for information.
- G.** If an applicant for an initial dispensary registration certificate is allocated a dispensary registration certificate as provided in R9-17-303, the Department shall provide a written notice to the applicant of the allocation of the dispensary registration certificate that contains the dispensary’s registry identification number.
1. After the applicant receives the written notice of the allocation, the applicant shall submit to the Department for each principal officer or board member for whom fingerprints were submitted according to R9-17-304(C)(3)(b):
    - a. An application for a dispensary agent registry identification card that includes:
      - i. The principal officer’s or board member’s first name; middle initial, if applicable; last name; and suffix, if applicable;
      - ii. The principal officer’s or board member’s residence address and mailing address;
      - iii. The county where the principal officer or board member resides;
      - iv. The principal officer’s or board member’s date of birth;
      - v. The identifying number on the applicable card or document in subsection (G)(1)(b)(i) through (v);
      - vi. The name and registry identification number of the dispensary;
      - vii. One of the following:
        - (1) A statement that the principal officer or board member does not currently hold a valid registry identification card, or
        - (2) The assigned registry identification number for each valid registry identification card currently held by the principal officer or board member;
      - viii. A statement signed by the principal officer or board member pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
      - ix. An attestation that the information provided in and with the application is true and correct; and
      - x. The signature of the principal officer or board member and the date the principal officer or board member signed;
    - b. A copy the principal officer’s or board member’s:
      - i. Arizona driver’s license issued on or after October 1, 1996;
      - ii. Arizona identification card issued on or after October 1, 1996;
      - iii. Arizona registry identification card;
      - iv. Photograph page in the principal officer’s or board member’s U.S. passport; or
      - v. Arizona driver’s license or identification card issued before October 1, 1996 and one of the following for the principal officer or board member:
        - (1) Birth certificate verifying U.S. citizenship,
        - (2) U. S. Certificate of Naturalization, or
        - (3) U. S. Certificate of Citizenship;
    - c. A current photograph of the principal officer or board member; and
    - d. The applicable fee in R9-17-102 for applying for a dispensary agent registry identification card.
  2. After receipt of the information and documents in subsection (G)(1), the Department shall review the information and documents.



- a. If the information and documents for at least one of the principal officers or board members complies with the A.R.S. Title 36, Chapter 28.1 and this Chapter, the Department shall issue:
    - i. A dispensary agent registry identification card to any principal officer or board member whose dispensary agent registry identification card application complies with A.R.S. Title 36, Chapter 28.1 and this Chapter; and
    - ii. The dispensary registration certificate.
  - b. If the information and documents for a dispensary agent registry identification card application for any principal officer or board member does not comply with A.R.S. Title 36, Chapter 28.1 and this Chapter, the Department shall deny the dispensary agent registry identification card application and provide notice to the principal officer or board member and to the dispensary that includes:
    - i. The specific reasons for the denial; and
    - ii. The process for requesting a judicial review of the Department's decision pursuant to A.R.S. Title 12, Chapter 7, Article 6.
- H.** If an application for an initial laboratory registration certificate is approved, the Department shall review the information and documents submitted according to R9-17-402(A)(4) and:
1. If the information and documents for at least one of the owners comply with the A.R.S. Title 36, Chapter 28.1 and this Chapter, the Department shall issue:
    - a. A laboratory agent registry identification card to any owner who complies with A.R.S. Title 36, Chapter 28.1 and this Chapter; and
    - b. The laboratory registration certificate; and
  2. If the information and documents submitted according to R9-17-402(A)(4) for an owner do not comply with A.R.S. Title 36, Chapter 28.1 and this Chapter, the Department shall deny the owner a laboratory agent registry identification card and provide notice to the owner and to the laboratory that includes:
    - a. The specific reasons for the denial; and
    - b. The process for requesting a judicial review of the Department's decision pursuant to A.R.S. Title 12, Chapter 7, Article 6.
- H.I.** The Department shall issue:
1. A registry identification card, renewal of a dispensary registration certificate, an approval to operate a dispensary, renewal of a laboratory registration certificate, an approval for testing, or an approval to add a parameter, as applicable, if the Department determines that the applicant complies with A.R.S. Title 36, Chapter 28.1 and this Chapter;
  2. For an applicant for a registry identification card, a denial that includes the reason for the denial and the process for requesting judicial review if:
    - a. The Department determines that the applicant does not comply with A.R.S. Title 36, Chapter 28.1 and this Chapter; or
    - b. The applicant does not submit all of the information and documents listed in the written comprehensive request or supplemental request for information within 10 working days after the date of the comprehensive written request or supplemental request for information;
  3. For an applicant for an initial dispensary registration certificate, if the Department determines that the dispensary registration certificate application complies with A.R.S. Title 36, Chapter 28.1 and this Chapter:
    - a. A dispensary registration certificate, if not all available dispensary registration certificates have been allocated according to the criteria and processes in R9-17-303; or
    - b. Written notice that:
      - i. The dispensary registration certificate application complies with A.R.S. Title 36, Chapter 28.1 and this Chapter;
      - ii. The applicant was not allocated a dispensary registration certificate according to the criteria and processes in R9-17-303 because all available dispensary registration certificates have been allocated according to the criteria and processes in R9-17-303; and
      - iii. The written notice is not a denial and is not considered a final decision of the Department subject to administrative review; or
  4. For an applicant for a dispensary registration certificate, an approval to operate, a laboratory registration certificate, an approval for testing, or an approval to add a parameter, a denial that includes the reason for the denial and the process for administrative review if:
    - a. The Department determines that the applicant does not comply with A.R.S. Title 36, Chapter 28.1 or this Chapter; or
    - b. The applicant does not submit all of the information and documents listed in the written comprehensive request or supplemental request for information within 10 working days after the date of the comprehensive written request or supplemental request for information.
- R9-17-108. Expiration of a Registry Identification Card, Dispensary Registration Certificate, or Laboratory Registration Certificate**
- A. Except as provided in subsection (B), a registry identification card issued to a qualifying patient, designated caregiver, dispensary agent, or laboratory agent is valid for two years after the date of issuance.
  - B. If the Department issues a registry identification card to a qualifying patient, designated caregiver, dispensary agent, or laboratory agent based on a request for a replacement registry identification card or an application to change or amend a registry identification card, the replacement, changed, or amended registry identification card shall have the same expiration date as the registry identification card being replaced, changed, or amended.
  - C. Except as provided in subsection (D), a dispensary registration certificate is valid for two years after the date of issuance.
  - D. If the Department issues an amended dispensary registration certificate based on a change of location or an addition of a cultivation site, the dispensary registration certificate shall have the same expiration date as the dispensary registration certificate previously held by the dispensary.
  - E. An approval to operate a dispensary shall have the same expiration date as the dispensary registration certificate associated with the approval to operate the dispensary.



- F. A laboratory registration certificate is valid for two years after the original date of issuance.
- G. A laboratory’s approval for testing shall have the same expiration date as the laboratory registration certificate associated with the laboratory’s approval to test.

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

**R9-17-202. Applying for a Registry Identification Card for a Qualifying Patient or a Designated Caregiver**

- A. Except for a qualifying patient who is under 18 years of age, a qualifying patient is not required to have a designated caregiver.
- B. A qualifying patient may have only one designated caregiver at any given time.
- C. Except for a qualifying patient who is under 18 years of age, if the information submitted for a qualifying patient complies with A.R.S. Title 36, Chapter 28.1 and this Chapter but the information for the qualifying patient’s designated caregiver does not comply with A.R.S. Title 36, Chapter 28.1 and this Chapter, the Department shall issue the registry identification card for the qualifying patient separate from issuing a registry identification card for the qualifying patient’s designated caregiver.
- D. If the Department issues a registry identification card to a qualifying patient under subsection (C), the Department shall continue the process for issuing or denying the qualifying patient’s designated caregiver’s registry identification card.
- E. The Department shall not issue a designated caregiver’s registry identification card before the Department issues the designated caregiver’s qualifying patient’s registry identification card.
- F. Except as provided in subsection (G), to apply for a registry identification card, a qualifying patient shall submit to the Department the following:
  - 1. An application in a Department-provided format that includes:
    - a. The qualifying patient’s:
      - i. First name; middle initial, if applicable; last name; and suffix, if applicable;
      - ii. Date of birth; and
      - iii. Gender;
    - b. Except as provided in subsection (F)(1)(i), the qualifying patient’s residence address and mailing address;
    - c. The county where the qualifying patient resides;
    - d. The qualifying patient’s e-mail address;
    - e. The identifying number on the applicable card or document in subsection (F)(2)(a) through (e);
    - f. The name, address, and telephone number of the physician providing the written certification for medical marijuana for the qualifying patient;
    - g. Whether the qualifying patient is requesting authorization for cultivating marijuana plants for the qualifying patient’s medical use because the qualifying patient believes that the qualifying patient resides at least 25 miles from the nearest operating dispensary;
    - h. If the qualifying patient is requesting authorization for cultivating marijuana plants, whether the qualifying patient is designating the qualifying patient’s designated caregiver to cultivate marijuana plants for the qualifying patient’s medical use;
    - i. If the qualifying patient is homeless, an address where the qualifying patient can receive mail;
    - j. Whether the qualifying patient would like notification of any clinical studies needing human subjects for research on the medical use of marijuana;
    - k. An attestation that the information provided in the application is true and correct; and
    - l. The signature of the qualifying patient and date the qualifying patient signed;
  - 2. A copy of the qualifying patient’s:
    - a. Arizona driver’s license issued on or after October 1, 1996;
    - b. Arizona identification card issued on or after October 1, 1996;
    - c. Arizona registry identification card;
    - d. Photograph page in the qualifying patient’s U.S. passport; or
    - e. Arizona driver’s license or identification card issued before October 1, 1996 and one of the following for the qualifying patient:
      - i. Birth certificate verifying U.S. citizenship,
      - ii. U.S. Certificate of Naturalization, or
      - iii. U.S. Certificate of Citizenship;
  - 3. A current photograph of the qualifying patient;
  - 4. A statement in a Department-provided format signed by the qualifying patient pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
  - 5. A physician’s written certification in a Department-provided format dated within 90 calendar days before the submission of the qualifying patient’s application that includes:
    - a. The physician’s:
      - i. Name,
      - ii. License number including an identification of the physician license type,
      - iii. Office address on file with the physician’s licensing board,
      - iv. Telephone number on file with the physician’s licensing board, and
      - v. E-mail address;
    - b. The qualifying patient’s name and date of birth;
    - c. A statement that the physician has made or confirmed a diagnosis of a debilitating medical condition as defined in A.R.S. § 36-2801 for the qualifying patient;
    - d. An identification, initialed by the physician, of one or more of the debilitating medical conditions in R9-17-201 as the qualifying patient’s specific debilitating medical condition;
    - e. If the debilitating medical condition identified in subsection (F)(5)(d) is a condition in:



- i. R9-17-201(9) through (13), the underlying chronic or debilitating disease or medical condition; or
    - ii. R9-17-201(14), the debilitating medical condition;
  - f. A statement, initialed by the physician, that the physician:
    - i. Has established a medical record for the qualifying patient, and
    - ii. Is maintaining the qualifying patient's medical record as required in A.R.S. § 12-2297;
  - g. A statement, initialed by the physician, that the physician has conducted an in-person physical examination of the qualifying patient within the previous 90 calendar days appropriate to the qualifying patient's presenting symptoms and the qualifying patient's debilitating medical condition diagnosed or confirmed by the physician;
  - h. The date the physician conducted the in-person physical examination of the qualifying patient;
  - i. A statement, initialed by the physician, that the physician reviewed the qualifying patient's:
    - i. Medical records including medical records from other treating physicians from the previous 12 months,
    - ii. Response to conventional medications and medical therapies, and
    - iii. Profile on the Arizona Board of Pharmacy Controlled Substances Prescription Monitoring Program database;
  - j. A statement, initialed by the physician, that the physician has explained the potential risks and benefits of the medical use of marijuana to the qualifying patient;
  - k. A statement, initialed by the physician, that, in the physician's professional opinion, the qualifying patient is likely to receive therapeutic or palliative benefit from the qualifying patient's medical use of marijuana to treat or alleviate the qualifying patient's debilitating medical condition;
  - l. A statement, initialed by the physician, that, if the physician has referred the qualifying patient to a dispensary, the physician has disclosed to the qualifying patient any personal or professional relationship the physician has with the dispensary;
  - m. A statement, initialed by the physician, that the physician has provided information to the qualifying patient, if the qualifying patient is female, that warns about:
    - i. The potential dangers to a fetus caused by smoking or ingesting marijuana while pregnant or to an infant while breast-feeding, and
    - ii. The risk of being reported to the Department of Child Safety during pregnancy or at the birth of the child by persons who are required to report;
  - n. An attestation that the information provided in the written certification is true and correct; and
  - o. The physician's signature and the date the physician signed;
6. If the qualifying patient is designating a caregiver, the following in a Department-provided format:
  - a. The designated caregiver's first name; middle initial, if applicable; last name; and suffix, if applicable;
  - b. The designated caregiver's date of birth;
  - c. The designated caregiver's residence address and mailing address;
  - d. The county where the designated caregiver resides;
  - e. The identifying number on the applicable card or document in subsection (F)(6)(i)(i) through (v);
  - f. One of the following:
    - i. A statement that the designated caregiver does not currently hold a valid registry identification card, or
    - ii. The assigned registry identification number for the designated caregiver for each valid registry identification card currently held by the designated caregiver;
  - g. An attestation signed and dated by the designated caregiver that the designated caregiver has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801;
  - h. A statement signed by the designated caregiver:
    - i. Agreeing to assist the qualifying patient with the medical use of marijuana; and
    - ii. Pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
  - i. A copy of the designated caregiver's:
    - i. Arizona driver's license issued on or after October 1, 1996;
    - ii. Arizona identification card issued on or after October 1, 1996;
    - iii. Arizona registry identification card;
    - iv. Photograph page in the designated caregiver's U.S. passport; or
    - v. Arizona driver's license or identification card issued before October 1, 1996 and one of the following for the designated caregiver:
      - (1) Birth certificate verifying U.S. citizenship,
      - (2) U.S. Certificate of Naturalization, or
      - (3) U.S. Certificate of Citizenship;
  - j. A current photograph of the designated caregiver; and
  - k. For the Department's criminal records check authorized in A.R.S. § 36-2804.05:
    - i. The designated caregiver's fingerprints on a fingerprint card that includes:
      - (1) The designated caregiver's first name; middle initial, if applicable; and last name;
      - (2) The designated caregiver's signature;
      - (3) If different from the designated caregiver, the signature of the individual physically rolling the designated caregiver's fingerprints;
      - (4) The designated caregiver's address;
      - (5) If applicable, the designated caregiver's surname before marriage and any names previously used by the designated caregiver;
      - (6) The designated caregiver's date of birth;
      - (7) The designated caregiver's Social Security number;



- (8) The designated caregiver’s citizenship status;
  - (9) The designated caregiver’s gender;
  - (10) The designated caregiver’s race;
  - (11) The designated caregiver’s height;
  - (12) The designated caregiver’s weight;
  - (13) The designated caregiver’s hair color;
  - (14) The designated caregiver’s eye color; and
  - (15) The designated caregiver’s place of birth; or
  - ii. If the designated caregiver’s fingerprints and information required in subsection (F)(6)(k)(i) were submitted to the Department as part of an application for a designated caregiver registry identification card, ~~or a~~ dispensary agent registry identification card, or laboratory agent registry identification card within the previous six months, the registry identification number on the registry identification card issued to the designated caregiver as a result of the application; and
7. The applicable fees in R9-17-102 for applying for:
- a. A qualifying patient registry identification card; and
  - b. If applicable, a designated caregiver registry identification card.
- G.** To apply for a registry identification card for a qualifying patient who is under 18 years of age, the qualifying patient’s custodial parent or legal guardian responsible for health care decisions for the qualifying patient shall submit to the Department the following:
1. An application in a Department-provided format that includes:
    - a. The qualifying patient’s:
      - i. First name; middle initial, if applicable; last name; and suffix, if applicable;
      - ii. Date of birth; and
      - iii. Gender;
    - b. The qualifying patient’s residence address and mailing address;
    - c. The county where the qualifying patient resides;
    - d. The qualifying patient’s custodial parent’s or legal guardian’s first name; middle initial, if applicable; last name; and suffix, if applicable;
    - e. The identifying number on the applicable card or document in subsection (G)(5)(a) through (e);
    - f. The qualifying patient’s custodial parent’s or legal guardian’s residence address and mailing address;
    - g. The county where the qualifying patient’s custodial parent or legal guardian resides;
    - h. The qualifying patient’s custodial parent’s or legal guardian’s e-mail address;
    - i. The name, address, and telephone number of a physician who has a physician-patient relationship with the qualifying patient and is providing the written certification for medical marijuana for the qualifying patient;
    - j. The name, address, and telephone number of a second physician who has conducted a comprehensive review of the patient’s medical record, maintained by other treating physicians, and is providing a written certification for medical marijuana for the qualifying patient;
    - k. The qualifying patient’s custodial parent’s or legal guardian’s date of birth;
    - l. Whether the qualifying patient’s custodial parent or legal guardian is requesting authorization for cultivating medical marijuana plants for the qualifying patient’s medical use because the qualifying patient’s custodial parent or legal guardian believes that the qualifying patient resides at least 25 miles from the nearest operating dispensary;
    - m. Whether the qualifying patient’s custodial parent or legal guardian would like notification of any clinical studies needing human subjects for research on the medical use of marijuana;
    - n. Whether the individual submitting the application on behalf of the qualifying patient under 18 years of age is the qualifying patient’s custodial parent or legal guardian;
    - o. One of the following:
      - i. A statement that the qualifying patient’s custodial parent or legal guardian does not currently hold a valid registry identification card, or
      - ii. The assigned registry identification number for the qualifying patient’s custodial parent or legal guardian for each valid registry identification card currently held by the qualifying patient’s custodial parent or legal guardian;
    - p. An attestation that the information provided in the application is true and correct; and
    - q. The signature of the qualifying patient’s custodial parent or legal guardian and the date the qualifying patient’s custodial parent or legal guardian signed;
  2. A current photograph of the:
    - a. Qualifying patient, and
    - b. Qualifying patient’s custodial parent or legal guardian serving as the qualifying patient’s designated caregiver;
  3. An attestation in a Department-provided format signed and dated by the qualifying patient’s custodial parent or legal guardian that the qualifying patient’s custodial parent or legal guardian has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801;
  4. A statement in a Department-provided format signed by the qualifying patient’s custodial parent or legal guardian who is serving as the qualifying patient’s designated caregiver:
    - a. Allowing the qualifying patient’s medical use of marijuana;
    - b. Agreeing to assist the qualifying patient with the medical use of marijuana; and
    - c. Pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
  5. A copy of one of the following for the qualifying patient’s custodial parent or legal guardian:
    - a. Arizona driver’s license issued on or after October 1, 1996;



- b. Arizona identification card issued on or after October 1, 1996;
  - c. Arizona registry identification card;
  - d. Photograph page in the qualifying patient's custodial parent or legal guardian U.S. passport; or
  - e. Arizona driver's license or identification card issued before October 1, 1996 and one of the following for the qualifying patient's custodial parent or legal guardian:
    - i. Birth certificate verifying U.S. citizenship,
    - ii. U. S. Certificate of Naturalization, or
    - iii. U. S. Certificate of Citizenship;
6. If the individual submitting the application on behalf of a qualifying patient is the qualifying patient's legal guardian, a copy of documentation establishing the individual as the qualifying patient's legal guardian;
7. For the Department's criminal records check authorized in A.R.S. § 36-2804.05:
- a. The qualifying patient's custodial parent or legal guardian's fingerprints on a fingerprint card that includes:
    - i. The qualifying patient's custodial parent or legal guardian's first name; middle initial, if applicable; and last name;
    - ii. The qualifying patient's custodial parent or legal guardian's signature;
    - iii. If different from the qualifying patient's custodial parent or legal guardian, the signature of the individual physically rolling the qualifying patient's custodial parent's or legal guardian's fingerprints;
    - iv. The qualifying patient's custodial parent's or legal guardian's address;
    - v. If applicable, the qualifying patient's custodial parent's or legal guardian's surname before marriage and any names previously used by the qualifying patient's custodial parent or legal guardian;
    - vi. The qualifying patient's custodial parent's or legal guardian's date of birth;
    - vii. The qualifying patient's custodial parent's or legal guardian's Social Security number;
    - viii. The qualifying patient's custodial parent's or legal guardian's citizenship status;
    - ix. The qualifying patient's custodial parent's or legal guardian's gender;
    - x. The qualifying patient's custodial parent's or legal guardian's race;
    - xi. The qualifying patient's custodial parent's or legal guardian's height;
    - xii. The qualifying patient's custodial parent's or legal guardian's weight;
    - xiii. The qualifying patient's custodial parent's or legal guardian's hair color;
    - xiv. The qualifying patient's custodial parent's or legal guardian's eye color; and
    - xv. The qualifying patient's custodial parent's or legal guardian's place of birth; or
  - b. If the qualifying patient's custodial parent's or legal guardian's fingerprints and information required in subsection (G)(7)(a) were submitted to the Department as part of an application for a designated caregiver registry identification card, ~~or a~~ dispensary agent registry identification card, or laboratory agent registry identification card within the previous six months, the registry identification number on the registry identification card issued to the qualifying patient's custodial parent or legal guardian as a result of the application;
8. A written certification from the physician in subsection (G)(1)(i) and a separate written certification from the physician in (G)(1)(j) in a Department-provided format dated within 90 calendar days before the submission of the qualifying patient's application that includes:
- a. The physician's:
    - i. Name,
    - ii. License number including an identification of the physician license type,
    - iii. Office address on file with the physician's licensing board,
    - iv. Telephone number on file with the physician's licensing board, and
    - v. E-mail address;
  - b. The qualifying patient's name and date of birth;
  - c. An identification of one or more of the debilitating medical conditions in R9-17-201 as the qualifying patient's specific debilitating medical condition;
  - d. If the debilitating medical condition identified in subsection (G)(9)(c) is a condition in:
    - i. R9-17-201(9) through (13), the underlying chronic or debilitating disease or medical condition; or
    - ii. R9-17-201(14), the debilitating medical condition;
  - e. For the physician listed in subsection (G)(1)(i):
    - i. A statement that the physician has made or confirmed a diagnosis of a debilitating medical condition as defined in A.R.S. § 36-2801 for the qualifying patient;
    - ii. A statement, initialed by the physician, that the physician:
      - (1) Has established a medical record for the qualifying patient, and
      - (2) Is maintaining the qualifying patient's medical record as required in A.R.S. § 12-2297;
    - iii. A statement, initialed by the physician, that the physician has conducted an in-person physical examination of the qualifying patient within the previous 90 calendar days appropriate to the qualifying patient's presenting symptoms and the qualifying patient's debilitating medical condition diagnosed or confirmed by the physician;
    - iv. The date the physician conducted the in-person physical examination of the qualifying patient;
    - v. A statement, initialed by the physician, that the physician reviewed the qualifying patient's:
      - (1) Medical records, including medical records from other treating physicians from the previous 12 months,
      - (2) Response to conventional medications and medical therapies, and
      - (3) Profile on the Arizona Board of Pharmacy Controlled Substances Prescription Monitoring Program database;
    - vi. A statement, initialed by the physician, that the physician has explained the potential risks and benefits of the use of medical marijuana to the qualifying patient's custodial parent or legal guardian responsible for health care decisions for the qualifying patient; and



- vii. A statement, initialed by the physician, that the physician has provided information to the qualifying patient’s custodial parent or legal guardian responsible for health care decisions for the qualifying patient, if the qualifying patient is female, that warns about:
  - (1) The potential dangers to a fetus caused by smoking or ingesting marijuana while pregnant or to an infant while breastfeeding, and
  - (2) The risk of being reported to the Department of Child Safety during pregnancy or at the birth of the child by persons who are required to report;
- f. For the physician listed in subsection (G)(1)(j), a statement, initialed by the physician, that the physician conducted a comprehensive review of the qualifying patient’s medical records from other treating physicians;
- g. A statement, initialed by the physician, that, in the physician’s professional opinion, the qualifying patient is likely to receive therapeutic or palliative benefit from the qualifying patient’s medical use of marijuana to treat or alleviate the qualifying patient’s debilitating medical condition;
- h. A statement, initialed by the physician, that, if the physician has referred the qualifying patient’s custodial parent or legal guardian to a dispensary, the physician has disclosed to the qualifying patient any personal or professional relationship the physician has with the dispensary;
- i. An attestation that the information provided in the written certification is true and correct; and
- j. The physician’s signature and the date the physician signed; and
- 9. The applicable fees in R9-17-102 for applying for a:
  - a. Qualifying patient registry identification card, and
  - b. Designated caregiver registry identification card.
- H. For purposes of this Article, “25 miles” includes the area contained within a circle that extends for 25 miles in all directions from a specific location.
- I. For purposes of this Article, “residence address” when used in conjunction with a qualifying patient means:
  - 1. The street address including town or city and zip code assigned by a local jurisdiction; or
  - 2. For property that does not have a street address assigned by a local jurisdiction, the legal description of the property on the title documents recorded by the assessor of the county in which the property is located.

**R9-17-203. Amending a Qualifying Patient’s or Designated Caregiver’s Registry Identification Card**

- A. To add a designated caregiver or to request a change of a qualifying patient’s designated caregiver, the qualifying patient shall submit to the Department, within 10 working days after the addition or the change, the following:
  - 1. An application in a Department-provided format that includes:
    - a. The qualifying patient’s name and the registry identification number on the qualifying patient’s current registry identification card;
    - b. If applicable, the name of the qualifying patient’s current designated caregiver and the date the designated caregiver last provided or will last provide assistance to the qualifying patient;
    - c. The name of the individual the qualifying patient is designating as caregiver; and
    - d. The signature of the qualifying patient and date the qualifying patient signed;
  - 2. For the caregiver the qualifying patient is designating:
    - a. The designated caregiver’s first name; middle initial, if applicable; last name; and suffix, if applicable;
    - b. The designated caregiver’s date of birth;
    - c. The designated caregiver’s residence address and mailing address;
    - d. The county where the designated caregiver resides;
    - e. The identifying number on the applicable card or document in subsection (A)(2)(i)(i) through (v);
    - f. One of the following:
      - i. A statement that the designated caregiver does not currently hold a valid registry identification card, or
      - ii. The assigned registry identification number for the designated caregiver for each valid registry identification card currently held by the designated caregiver;
    - g. An attestation in a Department-provided format signed and dated by the designated caregiver that the designated caregiver has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801;
    - h. A statement in a Department-provided format signed by the designated caregiver:
      - i. Agreeing to assist the qualifying patient with the medical use of marijuana; and
      - ii. Pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
    - i. A copy the designated caregiver’s:
      - i. Arizona driver’s license issued on or after October 1, 1996;
      - ii. Arizona identification card issued on or after October 1, 1996;
      - iii. Arizona registry identification card;
      - iv. Photograph page in the designated caregiver’s U.S. passport; or
      - v. Arizona driver’s license or identification card issued before October 1, 1996 and one of the following for the designated caregiver:
        - (1) Birth certificate verifying U.S. citizenship,
        - (2) U. S. Certificate of Naturalization, or
        - (3) U. S. Certificate of Citizenship;
    - j. A current photograph of the designated caregiver; and
    - k. For the Department’s criminal records check authorized in A.R.S. § 36-2804.05:
      - i. The designated caregiver’s fingerprints on a fingerprint card that includes:
        - (1) The designated caregiver’s first name; middle initial, if applicable; and last name;



- (2) The designated caregiver's signature;
  - (3) If different from the designated caregiver, the signature of the individual physically rolling the designated caregiver's fingerprints;
  - (4) The designated caregiver's address;
  - (5) If applicable, the designated caregiver's surname before marriage and any names previously used by the designated caregiver;
  - (6) The designated caregiver's date of birth;
  - (7) The designated caregiver's Social Security number;
  - (8) The designated caregiver's citizenship status;
  - (9) The designated caregiver's gender;
  - (10) The designated caregiver's race;
  - (11) The designated caregiver's height;
  - (12) The designated caregiver's weight;
  - (13) The designated caregiver's hair color;
  - (14) The designated caregiver's eye color; and
  - (15) The designated caregiver's place of birth; or
- ii. If the designated caregiver's fingerprints and information required in subsection (A)(2)(k)(i) were submitted to the Department as part of an application for a designated caregiver registry identification card, ~~or a~~ dispensary agent registry identification card, or laboratory agent registry identification card within the previous six months, the registry identification number on the registry identification card issued to the designated caregiver as a result of the application; and
3. The applicable fee in R9-17-102 for applying for a designated caregiver registry identification card.
- B.** To amend a qualifying patient's address on the qualifying patient's registry identification card when the qualifying patient or the qualifying patient's designated caregiver is authorized to cultivate marijuana, the qualifying patient shall submit to the Department, within 10 working days after the change in address, the following:
1. The qualifying patient's name and the registry identification number on the qualifying patient's current registry identification card;
  2. The qualifying patient's new address;
  3. The county where the new address is located;
  4. The name of the qualifying patient's designated caregiver, if applicable;
  5. Whether the qualifying patient is requesting authorization for cultivating marijuana plants for the qualifying patient's medical use because the qualifying patient believes that the qualifying patient resides at least 25 miles from the nearest operating dispensary;
  6. If the qualifying patient is requesting authorization for cultivating marijuana plants, whether the qualifying patient is designating the qualifying patient's designated caregiver to cultivate marijuana plants for the qualifying patient's medical use;
  7. The effective date of the qualifying patient's new address; and
  8. The applicable fee in R9-17-102 for applying to:
    - a. Amend a qualifying patient's registry identification card; and
    - b. If the qualifying patient is designating a designated caregiver for cultivation authorization, amend a designated caregiver's registry identification card.
- C.** To request authorization to cultivate marijuana based on a qualifying patient's current address or a new address, the qualifying patient shall submit to the Department, if applicable within 10 working days after the change in address, the following:
1. The qualifying patient's name and the registry identification number on the qualifying patient's current registry identification card;
  2. If the qualifying patient's address is a new address, the qualifying patient's:
    - a. Current address,
    - b. New address,
    - c. The county where the new address is located, and
    - d. The effective date of the qualifying patient's new address;
  3. The name of the qualifying patient's designated caregiver, if applicable;
  4. Whether the qualifying patient is requesting authorization for cultivating marijuana plants for the qualifying patient's medical use because the qualifying patient believes that the qualifying patient resides at least 25 miles from the nearest operating dispensary;
  5. If the qualifying patient is requesting authorization for cultivating marijuana plants, whether the qualifying patient is designating the qualifying patient's designated caregiver to cultivate marijuana plants for the qualifying patient's medical use; and
  6. The applicable fee in R9-17-102 for applying to:
    - a. Amend a qualifying patient's registry identification card; and
    - b. If the qualifying patient is designating a designated caregiver for cultivation authorization, amend a designated caregiver's registry identification card.

**R9-17-204. Renewing a Qualifying Patient's or Designated Caregiver's Registry Identification Card**

- A.** Except for a qualifying patient who is under 18 years of age, to renew a qualifying patient's registry identification card, the qualifying patient shall submit the following to the Department at least 30 calendar days before the expiration date of the qualifying patient's registry identification card:
1. An application in a Department-provided format that includes:
    - a. The qualifying patient's first name; middle initial, if applicable; last name; and suffix, if applicable;
    - b. The qualifying patient's date of birth;



- c. Except as provided in subsection (A)(1)(j), the qualifying patient's residence address and mailing address;
  - d. The county where the qualifying patient resides;
  - e. The qualifying patient's e-mail address;
  - f. The registry identification number on the qualifying patient's current registry identification card;
  - g. The name, address, and telephone number of the physician providing the written certification for medical marijuana for the qualifying patient;
  - h. Whether the qualifying patient is requesting authorization for cultivating marijuana plants for the qualifying patient's medical use because the qualifying patient believes that the qualifying patient resides at least 25 miles from the nearest operating dispensary;
  - i. If the qualifying patient is requesting authorization for cultivating marijuana plants, whether the qualifying patient is designating the qualifying patient's designated caregiver to cultivate marijuana plants for the qualifying patient's medical use;
  - j. If the qualifying patient is homeless, an address where the qualifying patient can receive mail;
  - k. Whether the qualifying patient would like notification of any clinical studies needing human subjects for research on the medical use of marijuana;
  - l. An attestation that the information provided in the application is true and correct; and
  - m. The signature of the qualifying patient and the date the qualifying patient signed;
2. If the qualifying patient's name in subsection (A)(1)(a) is not the same name as on the qualifying patient's current registry identification card, one of the following with the qualifying patient's new name:
    - a. An Arizona driver's license,
    - b. An Arizona identification card, or
    - c. The photograph page in the qualifying patient's U.S. passport;
  3. A current photograph of the qualifying patient;
  4. A statement in a Department-provided format signed by the qualifying patient pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
  5. A physician's written certification in a Department-provided format dated within 90 calendar days before the submission of the qualifying patient's renewal application that includes:
    - a. The physician's:
      - i. Name,
      - ii. License number including an identification of the physician license type,
      - iii. Office address on file with the physician's licensing board,
      - iv. Telephone number on file with the physician's licensing board, and
      - v. E-mail address;
    - b. The qualifying patient's name and date of birth;
    - c. A statement that the physician has made or confirmed a diagnosis of a debilitating medical condition as defined in A.R.S. § 36-2801 for the qualifying patient;
    - d. An identification of one or more of the debilitating medical conditions in R9-17-201 as the qualifying patient's specific debilitating medical condition;
    - e. If the debilitating medical condition identified in subsection (A)(5)(d) is a condition in:
      - i. R9-17-201(9) through (13), the underlying chronic or debilitating disease or medical condition; or
      - ii. R9-17-201(14), the debilitating medical condition;
    - f. A statement, initialed by the physician, that the physician:
      - i. Has established a medical record for the qualifying patient, and
      - ii. Is maintaining the qualifying patient's medical record as required in A.R.S. § 12-2297;
    - g. A statement, initialed by the physician, that the physician has conducted an in-person physical examination of the qualifying patient within the previous 90 calendar days appropriate to the qualifying patient's presenting symptoms and the qualifying patient's debilitating medical condition diagnosed or confirmed by the physician;
    - h. The date the physician conducted the in-person physical examination of the qualifying patient;
    - i. A statement, initialed by the physician, that the physician reviewed the qualifying patient's:
      - i. Medical records including medical records from other treating physicians from the previous 12 months,
      - ii. Response to conventional medications and medical therapies, and
      - iii. Profile on the Arizona Board of Pharmacy Controlled Substances Prescription Monitoring Program database;
    - j. A statement, initialed by the physician, that the physician has explained the potential risks and benefits of the medical use of marijuana to the qualifying patient;
    - k. A statement, initialed by the physician, that, in the physician's professional opinion, the qualifying patient is likely to receive therapeutic or palliative benefit from the qualifying patient's medical use of marijuana to treat or alleviate the qualifying patient's debilitating medical condition;
    - l. A statement, initialed by the physician, that, if the physician has referred the qualifying patient to a dispensary, the physician has disclosed to the qualifying patient any personal or professional relationship the physician has with the dispensary;
    - m. A statement, initialed by the physician, that the physician has provided information to the qualifying patient, if the qualifying patient is female, that warns about:
      - i. The potential dangers to a fetus caused by smoking or ingesting marijuana while pregnant or to an infant while breastfeeding, and
      - ii. The risk of being reported to the Department of Child Safety during pregnancy or at the birth of the child by persons who are required to report;
    - n. An attestation that the information provided in the written certification is true and correct; and
    - o. The physician's signature and the date the physician signed;



6. If the qualifying patient is designating a caregiver or if the qualifying patient's designated caregiver's registry identification card has the same expiration date as the qualifying patient's registry identification card, the following in a Department-provided format:
  - a. The designated caregiver's first name; middle initial, if applicable; last name; and suffix, if applicable;
  - b. The designated caregiver's date of birth;
  - c. The designated caregiver's residence address and mailing address;
  - d. The county where the designated caregiver resides;
  - e. If the qualifying patient is renewing the designated caregiver's registry identification card, the registry identification number on the designated caregiver's registry identification card associated with the qualifying patient;
  - f. If the qualifying patient is designating an individual not previously designated as the qualifying patient's designated caregiver, the identification number on and a copy of the designated caregiver's:
    - i. Arizona driver's license issued on or after October 1, 1996;
    - ii. Arizona identification card issued on or after October 1, 1996;
    - iii. Arizona registry identification card;
    - iv. Photograph page in the designated caregiver's U. S. passport; or
    - v. Arizona driver's license or identification card issued before October 1, 1996 and one of the following for the designated caregiver:
      - (1) Birth certificate verifying U.S. citizenship,
      - (2) U. S. Certificate of Naturalization, or
      - (3) U. S. Certificate of Citizenship;
  - g. If the qualifying patient is designating an individual not previously designated as the qualifying patient's designated caregiver, one of the following:
    - i. A statement that the designated caregiver does not currently hold a valid registry identification card, or
    - ii. The assigned registry identification number for the designated caregiver for each valid registry identification card currently held by the designated caregiver;
  - h. A current photograph of the designated caregiver;
  - i. An attestation signed and dated by the designated caregiver that the designated caregiver has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801;
  - j. A statement in a Department-provided format signed by the designated caregiver:
    - i. Agreeing to assist the qualifying patient with the medical use of marijuana; and
    - ii. Pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1; and
  - k. For the Department's criminal records check authorized in A.R.S. § 36-2804.05:
    - i. The designated caregiver's fingerprints on a fingerprint card that includes:
      - (1) The designated caregiver's first name; middle initial, if applicable; and last name;
      - (2) The designated caregiver's signature;
      - (3) If different from the designated caregiver, the signature of the individual physically rolling the designated caregiver's fingerprints;
      - (4) The designated caregiver's address;
      - (5) If applicable, the designated caregiver's surname before marriage and any names previously used by the designated caregiver;
      - (6) The designated caregiver's date of birth;
      - (7) The designated caregiver's Social Security number;
      - (8) The designated caregiver's citizenship status;
      - (9) The designated caregiver's gender;
      - (10) The designated caregiver's race;
      - (11) The designated caregiver's height;
      - (12) The designated caregiver's weight;
      - (13) The designated caregiver's hair color;
      - (14) The designated caregiver's eye color; and
      - (15) The designated caregiver's place of birth; or
    - ii. If the designated caregiver's fingerprints and information required in subsection (A)(6)(k)(i) were submitted to the Department as part of an application for a designated caregiver registry identification card, ~~or a dispensary agent registry identification card, or laboratory agent registry identification card~~ registry identification card within the previous six months, the registry identification number on the registry identification card issued to the designated caregiver as a result of the application;
7. If the qualifying patient's designated caregiver's registry identifying card has the same expiration date as the qualifying patient's registry identification card and the designated caregiver's name in subsection (A)(6)(a) is not the same name as on the designated caregiver's current registry identification card, one of the following with the designated caregiver's new name:
  - a. An Arizona driver's license,
  - b. An Arizona identification card, or
  - c. The photograph page in the designated caregiver's U.S. passport; and
8. The applicable fees in R9-17-102 for applying to:
  - a. Renew a qualifying patient's registry identification card; and
  - b. If applicable, issue or renew a designated caregiver's registry identification card.



- B. To renew a registry identification card for a qualifying patient who is under 18 years of age, the qualifying patient’s custodial parent or legal guardian responsible for health care decisions for the qualifying patient shall submit to the Department the following:
  - 1. An application in a Department-provided format that includes:
    - a. The qualifying patient’s:
      - i. First name; middle initial, if applicable; last name; and suffix, if applicable; and
      - ii. Date of birth;
    - b. The qualifying patient’s residence address and mailing address;
    - c. The county where the qualifying patient resides;
    - d. The registry identification number on the qualifying patient’s current registry identification card;
    - e. The qualifying patient’s custodial parent’s or legal guardian’s first name; middle initial, if applicable; last name; and suffix, if applicable;
    - f. The qualifying patient’s custodial parent’s or legal guardian’s residence address and mailing address;
    - g. The county where the qualifying patient’s custodial parent or legal guardian resides;
    - h. The qualifying patient’s custodial parent’s or legal guardian’s e-mail address;
    - i. The registry identification number on the qualifying patient’s custodial parent’s or legal guardian’s current registry identification card;
    - j. The name, address, and telephone number of a physician who has a physician-patient relationship with the qualifying patient and is providing the written certification for medical marijuana for the qualifying patient;
    - k. The name, address, and telephone number of a second physician who has conducted a comprehensive review of the qualifying patient’s medical record maintained by other treating physicians, and is providing a written certification for medical marijuana for the qualifying patient;
    - l. Whether the qualifying patient’s custodial parent or legal guardian is requesting approval for cultivating marijuana plants for the qualifying patient’s medical use because the qualifying patient’s custodial parent or legal guardian believes that the qualifying patient resides at least 25 miles from the nearest operating dispensary;
    - m. Whether the qualifying patient’s custodial parent or legal guardian would like notification of any clinical studies needing human subjects for research on the medical use of marijuana;
    - n. A statement in a Department-provided format signed by the qualifying patient’s custodial parent or legal guardian who is serving as the qualifying patient’s designated caregiver:
      - i. Allowing the qualifying patient’s medical use of marijuana;
      - ii. Agreeing to assist the qualifying patient with the medical use of marijuana; and
      - iii. Pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
    - o. An attestation that the information provided in the application is true and correct; and
    - p. The signature of the qualifying patient’s custodial parent or legal guardian and the date the qualifying patient’s custodial parent or legal guardian signed;
  - 2. If the qualifying patient’s custodial parent’s or legal guardian’s name in subsection (B)(1)(e) is not the same name as on the qualifying patient’s custodial parent’s or legal guardian’s current registry identification card, one of the following with the custodial parent’s or legal guardian’s new name:
    - a. An Arizona driver’s license,
    - b. An Arizona identification card, or
    - c. The photograph page in the qualifying patient’s custodial parent’s or legal guardian’s U.S. passport;
  - 3. A current photograph of the qualifying patient;
  - 4. A written certification from the physician in subsection (B)(1)(j) and a separate written certification from the physician in subsection (B)(1)(k) in a Department-provided format dated within 90 calendar days before the submission of the qualifying patient’s renewal application that includes:
    - a. The physician’s:
      - i. Name,
      - ii. License number including an identification of the physician license type,
      - iii. Office address on file with the physician’s licensing board,
      - iv. Telephone number on file with the physician’s licensing board, and
      - v. E-mail address;
    - b. The qualifying patient’s name and date of birth;
    - c. An identification of one or more of the debilitating medical conditions in R9-17-201 as the qualifying patient’s specific debilitating medical condition;
    - d. If the debilitating medical condition identified in subsection (B)(4)(c) is a condition in:
      - i. R9-17-201(9) through (13), the underlying chronic or debilitating disease or medical condition; or
      - ii. R9-17-201(14), the debilitating medical condition;
    - e. For the physician listed in subsection (B)(1)(j):
      - i. A statement that the physician has made or confirmed a diagnosis of a debilitating medical condition as defined in A.R.S. § 36-2801 for the qualifying patient;
      - ii. A statement, initialed by the physician, that the physician:
        - (1) Has established a medical record for the qualifying patient, and
        - (2) Is maintaining the qualifying patient’s medical record as required in A.R.S. § 12-2297;
      - iii. A statement, initialed by the physician, that the physician has conducted an in-person physical examination of the qualifying patient within the previous 90 calendar days appropriate to the qualifying patient’s presenting symptoms and the qualifying patient’s debilitating medical condition diagnosed or confirmed by the physician;



- iv. The date the physician conducted the in-person physical examination of the qualifying patient;
  - v. A statement, initialed by the physician, that the physician reviewed the qualifying patient's:
    - (1) Medical records including medical records from other treating physicians from the previous 12 months,
    - (2) Response to conventional medications and medical therapies, and
    - (3) Profile on the Arizona Board of Pharmacy Controlled Substances Prescription Monitoring Program database;
  - vi. A statement, initialed by the physician, that the physician has explained the potential risks and benefits of the use of medical marijuana to the qualifying patient's custodial parent or legal guardian responsible for health care decisions for the qualifying patient; and
  - vii. A statement, initialed by the physician, that the physician has provided information to the qualifying patient's custodial parent or legal guardian responsible for health care decisions for the qualifying patient, if the qualifying patient is female, that warns about:
    - (1) The potential dangers to a fetus caused by smoking or ingesting marijuana while pregnant or to an infant while breastfeeding, and
    - (2) The risk of being reported to the Department of Child Safety during pregnancy or at the birth of the child by persons who are required to report;
  - f. For the physician listed in subsection (B)(1)(k), a statement, initialed by the physician, that the physician conducted a comprehensive review of the qualifying patient's medical records from other treating physicians;
  - g. A statement, initialed by the physician, that, in the physician's professional opinion, the qualifying patient is likely to receive therapeutic or palliative benefit from the qualifying patient's medical use of marijuana to treat or alleviate the qualifying patient's debilitating medical condition;
  - h. A statement, initialed by the physician, that, if the physician has referred the qualifying patient's custodial parent or legal guardian to a dispensary, the physician has disclosed to the qualifying patient's custodial parent or legal guardian any personal or professional relationship the physician has with the dispensary;
  - i. An attestation that the information provided in the written certification is true and correct; and
  - j. The physician's signature and the date the physician signed; and
5. A current photograph of the qualifying patient's custodial parent or legal guardian;
6. For the Department's criminal records check authorized in A.R.S. § 36-2804.05:
- a. The qualifying patient's custodial parent's or legal guardian's fingerprints on a fingerprint card that includes:
    - i. The qualifying patient's custodial parent's or legal guardian's first name; middle initial, if applicable; and last name;
    - ii. The qualifying patient's custodial parent's or legal guardian's signature;
    - iii. If different from the qualifying patient's custodial parent or legal guardian, the signature of the individual physically rolling the qualifying patient's custodial parent's or legal guardian's fingerprints;
    - iv. The qualifying patient's custodial parent's or legal guardian's address;
    - v. If applicable, the qualifying patient's custodial parent's or legal guardian's surname before marriage and any names previously used by the qualifying patient's custodial parent or legal guardian;
    - vi. The qualifying patient's custodial parent's or legal guardian's date of birth;
    - vii. The qualifying patient's custodial parent's or legal guardian's Social Security number;
    - viii. The qualifying patient's custodial parent's or legal guardian's citizenship status;
    - ix. The qualifying patient's custodial parent's or legal guardian's gender;
    - x. The qualifying patient's custodial parent's or legal guardian's race;
    - xi. The qualifying patient's custodial parent's or legal guardian's height;
    - xii. The qualifying patient's custodial parent's or legal guardian's weight;
    - xiii. The qualifying patient's custodial parent's or legal guardian's hair color;
    - xiv. The qualifying patient's custodial parent's or legal guardian's eye color; and
    - xv. The qualifying patient's custodial parent's or legal guardian's place of birth; or
  - b. If the qualifying patient's custodial parent's or legal guardian's fingerprints and information required in subsection (B)(6)(a) were submitted to the Department as part of an application for a designated caregiver registry identification card, ~~or a dispensary agent registry identification card, or laboratory agent registry identification card to the Department~~ within the previous six months, the registry identification number on the registry identification card issued to the patient's custodial parent or legal guardian serving as the qualifying patient's designated caregiver as a result of the application; and
7. The applicable fees in R9-17-102 for applying to renew a:
- a. Qualifying patient's registry identification card, and
  - b. Designated caregiver's registry identification card.
- C. Except as provided in subsection (A)(6), to renew a qualifying patient's designated caregiver's registry identification card, the qualifying patient shall submit to the Department, at least 30 calendar days before the expiration date of the designated caregiver's registry identification card, the following:
1. An application in a Department-provided format that includes:
    - a. The qualifying patient's first name; middle initial, if applicable; last name; and suffix, if applicable;
    - b. The registry identification number on the qualifying patient's current registry identification card;
    - c. The designated caregiver's first name; middle initial, if applicable; last name; and suffix, if applicable;
    - d. The designated caregiver's date of birth;
    - e. The designated caregiver's residence address and mailing address;
    - f. The county where the designated caregiver resides;
    - g. The registry identification number on the designated caregiver's current registry identification card;
  2. If the designated caregiver's name in subsection (C)(1)(a) is not the same name as on the designated caregiver's current registry identification card, one of the following with the designated caregiver's new name:



- a. An Arizona driver’s license,
- b. An Arizona identification card, or
- c. The photograph page in the designated caregiver’s U.S. passport;
- 3. A current photograph of the designated caregiver;
- 4. A statement in a Department-provided format signed by the designated caregiver:
  - a. Agreeing to assist the qualifying patient with the medical use of marijuana; and
  - b. Pledging not to divert marijuana to any individual or person who is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1; and
- 5. For the Department’s criminal records check authorized in A.R.S. § 36-2804.05:
  - a. The designated caregiver’s fingerprints on a fingerprint card that includes:
    - i. The designated caregiver’s first name; middle initial, if applicable; and last name;
    - ii. The designated caregiver’s signature;
    - iii. If different from the designated caregiver, the signature of the individual physically rolling the designated caregiver’s fingerprints;
    - iv. The designated caregiver’s address;
    - v. If applicable, the designated caregiver’s surname before marriage and any names previously used by the designated caregiver;
    - vi. The designated caregiver’s date of birth;
    - vii. The designated caregiver’s Social Security number;
    - viii. The designated caregiver’s citizenship status;
    - ix. The designated caregiver’s gender;
    - x. The designated caregiver’s race;
    - xi. The designated caregiver’s height;
    - xii. The designated caregiver’s weight;
    - xiii. The designated caregiver’s hair color;
    - xiv. The designated caregiver’s eye color; and
    - xv. The designated caregiver’s place of birth; or
  - b. If the designated caregiver’s fingerprints and information required in subsection (C)(1)(j)(i) were submitted to the Department as part of an application for a designated caregiver registry identification card, or a dispensary agent registry identification card, or laboratory agent registry identification card to the Department within the previous six months, the registry identification number on the registry identification card issued to the designated caregiver as a result of the application; and
- 6. The applicable fee in R9-17-102 for renewing a designated caregiver’s registry identification card.

**ARTICLE 3. DISPENSARIES AND DISPENSARY AGENTS**

**R9-17-307. Applying to Change a Dispensary’s Location or Change or Add a Dispensary’s Cultivation Site**

- A. To change the location of a dispensary or the dispensary’s cultivation site or to add a cultivation site, the dispensary shall submit an application to the Department that includes:
  - 1. The following information in a Department-provided format:
    - a. The legal name of the dispensary;
    - b. The registry identification number for the dispensary;
    - c. Whether the request is for:
      - i. A change of location for the dispensary,
      - ii. A change of location for the dispensary’s cultivation site, or
      - iii. An addition of a cultivation site;
    - d. The current physical address of the dispensary or the dispensary’s cultivation site;
    - e. The physical address of the proposed location for the dispensary or the dispensary’s cultivation site;
    - f. The distance to the closest public school or private school from:
      - i. The proposed location for the dispensary, or
      - ii. The proposed location for the dispensary’s cultivation site;
    - g. The name of the entity applying;
    - h. If applicable, the anticipated date of the change of location;
    - i. Whether the proposed dispensary or the dispensary’s proposed cultivation site is ready for an inspection by the Department;
    - j. If the proposed dispensary or the dispensary’s proposed cultivation site is not ready for an inspection by the Department, the date the dispensary or the dispensary’s cultivation site will be ready for an inspection by the Department;
    - k. An attestation that the information provided to the Department to apply for a change in location is true and correct; and
    - l. The signature of the individual or individuals in R9-17-301(A) and the date the individual or individuals signed;
  - 2. A copy of documentation issued by the local jurisdiction to the dispensary authorizing occupancy of the proposed building as a dispensary or location as the dispensary’s cultivation site, such as a certificate of occupancy, a special use permit, or a conditional use permit;
  - 3. A sworn statement signed by the individual or individuals in R9-17-301(A) certifying that the building where location of the proposed dispensary building or of the dispensary’s proposed cultivation site will be located is in compliance with local zoning restrictions;
  - 4. If the change in location is for the dispensary:
    - a. A site plan drawn to scale of the proposed dispensary location showing streets, property lines, buildings, parking areas, outdoor areas if applicable, fences, security features, fire hydrants if applicable, and access to water mains; and
    - b. A floor plan drawn to scale of the building where the proposed dispensary is located showing the:



- i. Layout and dimensions of each room,
  - ii. Name and function of each room,
  - iii. Location of each hand washing sink,
  - iv. Location of each toilet room,
  - v. Means of egress,
  - vi. Location of each video camera,
  - vii. Location of each panic button, and
  - viii. Location of natural and artificial lighting sources;
5. If the change in location is for the dispensary's cultivation site or if adding a cultivation site:
    - a. A site plan drawn to scale of the dispensary's proposed cultivation site showing streets, property lines, buildings, parking areas, outdoor areas if applicable, fences, security features, fire hydrants if applicable, and access to water mains; and
    - b. If applicable, a floor plan drawn to scale of each building used by the dispensary's proposed cultivation site showing the:
      - i. Layout and dimensions of each room,
      - ii. Name and function of each room,
      - iii. Location of each hand washing sink,
      - iv. Location of each toilet room,
      - v. Means of egress,
      - vi. Location of each video camera,
      - vii. Location of each panic button, and
      - viii. Location of natural and artificial lighting sources; and
  6. The applicable fee in R9-17-102 for applying for a change in location or ~~adding~~ the addition of a cultivation site.
- B.** If the information and documents submitted by the dispensary comply with A.R.S. Title 36, Chapter 28.1 and this Chapter, the Department shall issue an amended dispensary registration certificate that includes the new address of the new location and retains the expiration date of the previously issued dispensary registration certificate.
- C.** An application for a change in location of a dispensary or a dispensary's cultivation site or the addition of a cultivation site may not be combined with an application for renewing a dispensary registration certificate. The Department shall process each application separately according to the applicable time-frame established in R9-17-107.
- D.** A dispensary shall submit written notification to the Department when the dispensary no longer uses a previously approved cultivation site.

#### **R9-17-309. Inspections**

- A.** Submission of an application for a dispensary registration certificate constitutes permission for entry to and inspection of the dispensary and, if applicable, the dispensary's cultivation site.
- B.** Except as provided in subsection (D), an onsite inspection of a dispensary or the dispensary's cultivation site shall occur at a date and time agreed to by the dispensary and the Department that is no later than five working days after the date the Department submits a written request to the dispensary to schedule the certification or compliance inspection, unless the Department agrees to a later date and time.
- C.** The Department shall not accept allegations of a dispensary's or a dispensary's cultivation site's noncompliance with A.R.S. Title 36, Chapter 28.1 or this Chapter from an anonymous source.
- D.** If the Department receives an allegation of a dispensary's or a dispensary's cultivation site's noncompliance with A.R.S. Title 36, Chapter 28.1 or this Chapter, the Department may conduct an unannounced inspection of the dispensary or the dispensary's cultivation site.
- E.** If the Department identifies a violation of A.R.S. Title 36, Chapter 28.1 or this Chapter during an inspection of a dispensary or the dispensary's cultivation site:
  1. The Department shall provide the dispensary with a written notice that includes the specific rule or statute that was violated; and
  2. The dispensary shall notify the Department in writing, with a postmark date within 20 working days after the date of the notice of violations, identifying the corrective actions taken and the date of the correction.

#### **R9-17-311. Submitting an Application for a Dispensary Agent Registry Identification Card**

Except as provided in R9-17-107(F), to obtain a dispensary agent registry identification card for an individual serving as a principal officer or board member for the dispensary, employed by the dispensary, or providing volunteer services at or on behalf of the dispensary, the dispensary shall submit to the Department the following for each ~~dispensary agent~~ individual:

1. An application in a Department-provided format that includes:
  - a. The ~~dispensary agent's~~ individual's first name; middle initial, if applicable; last name; and suffix, if applicable;
  - b. The ~~dispensary agent's~~ individual's residence address and mailing address;
  - c. The county where the ~~dispensary agent~~ individual resides;
  - d. The ~~dispensary agent's~~ individual's date of birth;
  - e. The identifying number on the applicable card or document in subsection (5)(a) through (e);
  - f. The name and registry identification number of the dispensary; and
  - g. The signature of the individual in R9-17-304(C)(1)(d) or ~~R9-17-308(B)(1)(e)~~ of a principal officer or board member, as applicable, designated to submit dispensary agent applications on the dispensary's behalf and the date the individual signed;
2. An attestation signed and dated by the ~~dispensary agent~~ individual that the ~~dispensary agent~~ individual has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801;
3. One of the following:
  - a. A statement that the ~~dispensary agent~~ individual does not currently hold a valid registry identification card, or
  - b. The assigned registry identification number for the ~~dispensary agent~~ individual for each valid registry identification card currently held by the ~~dispensary agent~~ individual;



4. A statement in a Department-provided format signed by the ~~dispensary agent individual~~ pledging not to divert marijuana to any other individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
5. A copy of the ~~dispensary agent's individual's~~:
  - a. Arizona driver's license issued on or after October 1, 1996;
  - b. Arizona identification card issued on or after October 1, 1996;
  - c. Arizona registry identification card;
  - d. Photograph page in the ~~dispensary agent's individual's~~ U.S. passport; or
  - e. Arizona driver's license or identification card issued before October 1, 1996 and one of the following for the ~~dispensary agent individual~~:
    - i. Birth certificate verifying U.S. citizenship,
    - ii. U.S. Certificate of Naturalization, or
    - iii. U.S. Certificate of Citizenship;
6. A current photograph of the ~~dispensary agent individual~~;
7. For the Department's criminal records check authorized in A.R.S. § ~~§§ 36-2804.01 and 36-2804.05~~:
  - a. The ~~dispensary agent's individual's~~ fingerprints on a fingerprint card that includes:
    - i. The ~~dispensary agent's individual's~~ first name; middle initial, if applicable; and last name;
    - ii. The ~~dispensary agent's individual's~~ signature;
    - iii. If different from the ~~dispensary agent individual~~, the signature of the ~~another~~ individual physically rolling the ~~dispensary agent's individual's~~ fingerprints;
    - iv. The ~~dispensary agent's individual's~~ address;
    - v. If applicable, the ~~dispensary agent's individual's~~ surname before marriage and any names previously used by the ~~dispensary agent individual~~;
    - vi. The ~~dispensary agent's individual's~~ date of birth;
    - vii. The ~~dispensary agent's individual's~~ Social Security number;
    - viii. The ~~dispensary agent's individual's~~ citizenship status;
    - ix. The ~~dispensary agent's individual's~~ gender;
    - x. The ~~dispensary agent's individual's~~ race;
    - xi. The ~~dispensary agent's individual's~~ height;
    - xii. The ~~dispensary agent's individual's~~ weight;
    - xiii. The ~~dispensary agent's individual's~~ hair color;
    - xiv. The ~~dispensary agent's individual's~~ eye color; and
    - xv. The ~~dispensary agent's individual's~~ place of birth; or
  - b. If the ~~dispensary agent's individual's~~ fingerprints and information required in subsection (7)(a) were submitted to the Department ~~within the previous six months~~ as part of an application for a designated caregiver registry identification card, ~~or a dispensary agent registry identification card for another dispensary, or laboratory agent registry identification card within the previous six months~~, the registry identification number on the registry identification card issued to the ~~dispensary agent individual~~ as a result of the application; and
8. The applicable fee in R9-17-102 for applying for a dispensary agent registry identification card.

**R9-17-312. Submitting an Application to Renew a Dispensary Agent's Registry Identification Card**

To renew a dispensary agent's registry identification card for an individual serving as a principal officer or board member for the dispensary, employed by the dispensary, or providing volunteer services at or on behalf of the dispensary, the dispensary shall submit to the Department, at least 30 calendar days before the expiration of the dispensary agent's registry identification card, the following:

1. An application in a Department-provided format that includes:
  - a. The dispensary agent's first name; middle initial, if applicable; last name; and suffix, if applicable;
  - b. The dispensary agent's residence address and mailing address;
  - c. The county where the dispensary agent resides;
  - d. The dispensary agent's date of birth;
  - e. The registry identification number on the dispensary agent's current registry identification card;
  - f. The name and registry identification number of the dispensary; and
  - g. The signature of the individual in R9-17-304(C)(1)(d) or ~~R9-17-308(B)(1)(e)~~ of a principal officer or board member, as applicable, designated to submit dispensary agent applications on the dispensary's behalf and the date ~~the individual~~ signed;
2. ~~An attestation signed and dated by the dispensary agent that the dispensary agent has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801;~~
- ~~2.3.~~ If the dispensary agent's name in subsection (1)(a) is not the same name as on the dispensary agent's current registry identification card, one of the following with the dispensary agent's new name:
  - a. An Arizona driver's license,
  - b. An Arizona identification card, or
  - c. The photograph page in the dispensary agent's U.S. passport;
- ~~3.4.~~ A statement in a Department-provided format signed by the dispensary agent pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
- ~~4.5.~~ A current photograph of the dispensary agent;
- ~~5.6.~~ For the Department's criminal records check authorized in A.R.S. § 36-2804.05:
  - a. The dispensary agent's fingerprints on a fingerprint card that includes:
    - i. The dispensary agent's first name; middle initial, if applicable; and last name;
    - ii. The dispensary agent's signature;



- iii. If different from the dispensary agent, the signature of the individual physically rolling the dispensary agent's fingerprints;
  - iv. The dispensary agent's address;
  - v. If applicable, the dispensary agent's surname before marriage and any names previously used by the dispensary agent;
  - vi. The dispensary agent's date of birth;
  - vii. The dispensary agent's Social Security number;
  - viii. The dispensary agent's citizenship status;
  - ix. The dispensary agent's gender;
  - x. The dispensary agent's race;
  - xi. The dispensary agent's height;
  - xii. The dispensary agent's weight;
  - xiii. The dispensary agent's hair color;
  - xiv. The dispensary agent's eye color; and
  - xv. The dispensary agent's place of birth; or
- b. If the dispensary agent's fingerprints and information required in subsection ~~(5)(a)~~ (6)(a) were submitted to the Department ~~within the previous six months~~ as part of an application for a designated caregiver registry identification card, ~~or a dispensary agent registry identification card for another dispensary, or laboratory agent registry identification card within the previous six months~~, the registry identification number on the registry identification card issued to the dispensary agent as a result of the application; and
- ~~6.7.~~ The applicable fee in R9-17-102 for applying to renew a dispensary agent's registry identification card.

#### R9-17-314. Dispensing Medical Marijuana

Before a dispensary agent dispenses medical marijuana or a marijuana product to a qualifying patient or a designated caregiver, the dispensary agent shall:

1. Verify the qualifying patient's or the designated caregiver's identity,
2. Offer any appropriate patient education or support materials,
3. Make available the results of testing of the medical marijuana or marijuana product required in R9-17-317.01(A), if requested by the qualifying patient or designated caregiver;
- ~~3.4.~~ Enter the qualifying patient's or designated caregiver's registry identification number on the qualifying patient's or designated caregiver's registry identification card into the medical marijuana electronic verification system,
- ~~4.5.~~ Verify the validity of the qualifying patient's or designated caregiver's registry identification card,
- ~~5.6.~~ Verify that the amount of medical marijuana or marijuana product the qualifying patient or designated caregiver is requesting would not cause the qualifying patient to exceed the limit on obtaining no more than two and one-half ounces of medical marijuana during any 14-calendar-day period, and
- ~~6.7.~~ Enter the following information into the medical marijuana electronic verification system for the qualifying patient or designated caregiver:
  - a. The amount of medical marijuana dispensed,
  - b. Whether the medical marijuana was dispensed to the qualifying patient or to the qualifying patient's designated caregiver,
  - c. The date and time the medical marijuana was dispensed,
  - d. The dispensary agent's registry identification number, and
  - e. The dispensary's registry identification number.

#### R9-17-315. Qualifying Patient Records

- A. A dispensary shall ensure that:
1. A qualifying patient record is established and maintained for each qualifying patient who obtains medical marijuana or a marijuana product from the dispensary;
  2. An entry in a qualifying patient record:
    - a. Is recorded only by a dispensary agent authorized by dispensary policies and procedures to make an entry,
    - b. Is dated and signed by the dispensary agent,
    - c. Includes the dispensary agent's registry identification number, and
    - d. Is not changed to make the initial entry illegible;
  3. If an electronic signature is used to sign an entry, the dispensary agent whose signature the electronic code represents is accountable for the use of the electronic signature;
  4. A qualifying patient record is only accessed by a dispensary agent authorized by dispensary policies and procedures to access the qualifying patient record;
  5. A qualifying patient record is provided to the Department for review upon request;
  6. A qualifying patient record is protected from loss, damage, or unauthorized use; and
  7. A qualifying patient record is maintained for five years ~~from~~ after the date of the qualifying patient's or, if applicable, the qualifying patient's designated caregiver's last request for medical marijuana from the dispensary.
- B. If a dispensary maintains qualifying patient records electronically, the dispensary shall ensure that:
1. There are safeguards to prevent unauthorized access, and
  2. The date and time of an entry in a qualifying patient record is recorded electronically by an internal clock.
- C. A dispensary shall ensure that the qualifying patient record for a qualifying patient who requests or whose designated caregiver on behalf of the qualifying patient requests medical marijuana or a marijuana product from the dispensary contains:
1. Qualifying patient information that includes:
    - a. The qualifying patient's name;
    - b. The qualifying patient's date of birth; and



- c. The name of the qualifying patient’s designated caregiver, if applicable;
- 2. Documentation of any patient education and support materials provided to the qualifying patient or the qualifying patient’s designated caregiver, including a description of the materials and the date the materials were provided; and
- 3. For each time the qualifying patient requests and does not obtain medical marijuana or a marijuana product or, if applicable, the designated caregiver requests on behalf of the qualifying patient and does not obtain medical marijuana or a marijuana product from the dispensary, the following:
  - a. The date,
  - b. The name and registry identification number of the individual who requested the medical marijuana or marijuana product, and
  - c. The dispensary’s reason for refusing to provide the medical marijuana or marijuana product.

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

- A. A dispensary shall designate in writing a dispensary agent who has oversight of the dispensary’s medical marijuana inventory control system.
- B. A dispensary shall only acquire marijuana from:
  - 1. The dispensary’s cultivation site,
  - 2. Another dispensary or another dispensary’s cultivation site,
  - 3. A qualifying patient authorized by the Department to cultivate marijuana, or
  - 4. A designated caregiver authorized by the Department to cultivate marijuana.
- C. A dispensary shall establish and implement an inventory control system for the dispensary’s medical marijuana and marijuana products that documents:
  - 1. The following amounts:
    - a. ~~Each day’s beginning inventory of medical marijuana and marijuana products,~~
    - b. ~~acquisitions~~ Acquisitions according to subsection (B),
    - c. ~~harvests~~ Medical marijuana harvested by the dispensary,
    - d. ~~sales, disbursements,~~ Medical marijuana and marijuana products provided to another dispensary,
    - e. Medical marijuana and marijuana products dispensed to a qualifying patient or designated caregiver,
    - f. ~~submissions to a laboratory agent or~~ Medical marijuana and marijuana products submitted to a laboratory for testing according to R9-17-317.01,
    - g. ~~testing results received, disposal of unusable~~ Medical marijuana or marijuana products that were disposed of, and
    - h. The day’s ending medical marijuana and marijuana products inventory;
  - 2. For acquiring medical marijuana from a qualifying patient or designated caregiver:
    - a. A description of the medical marijuana acquired including the amount and strain,
    - b. The name and registry identification number of the qualifying patient or designated caregiver who provided the medical marijuana,
    - c. The name and registry identification number of the dispensary agent receiving the medical marijuana on behalf of the dispensary, and
    - d. The date of acquisition;
  - 3. For acquiring medical marijuana or a marijuana product from another dispensary:
    - a. A description of the medical marijuana or marijuana product acquired including ~~the:~~
      - i. The amount, batch number, and if applicable, strain of the medical marijuana or marijuana product;
      - ii. For a marijuana product, the ingredients in order of abundance; and
      - iii. For an edible marijuana product infused with medical marijuana or a marijuana product:
        - (1) The date of manufacture,
        - (2) The total weight of the edible marijuana product, and
        - (3) The estimated amount and batch number of the medical marijuana or marijuana product infused in the edible marijuana product;
    - b. The name and registry identification number of the dispensary providing the medical marijuana or marijuana product;
    - c. The name and registry identification number of the dispensary agent providing the medical marijuana or marijuana product;
    - d. The name and registry identification number of the dispensary agent receiving the medical marijuana or marijuana product on behalf of the dispensary; and
    - e. The date of acquisition;
  - 4. For each batch of marijuana cultivated:
    - a. The batch number;
    - b. Whether the batch originated from marijuana seeds or marijuana cuttings;
    - c. The origin and strain of the marijuana seeds or marijuana cuttings planted;
    - d. The number of marijuana seeds or marijuana cuttings planted;
    - e. The date the marijuana seeds or cuttings were planted;
    - f. A list of all chemical additives, including nonorganic pesticides, herbicides, and fertilizers used in the cultivation;
    - g. The number of plants grown to maturity; and
    - h. Harvest information including:
      - i. Date of harvest,
      - ii. Final processed usable marijuana yield weight, and
      - iii. Name and registry identification number of the dispensary agent responsible for the harvest; ~~and~~
    - i. ~~The disposal of medical marijuana that is not usable marijuana including the:~~
    - i. ~~Description of and reason for the marijuana being disposed of including, if applicable, the number of failed or other unusable plants;~~



- ii. ~~Date of disposal;~~
- iii. ~~Method of disposal; and~~
- iv. ~~Name and registry identification number of the dispensary agent responsible for the disposal;~~
- 5. For providing medical marijuana or a marijuana product to another dispensary:
  - a. ~~The amount, strain, and batch number of medical marijuana provided~~ A description of the medical marijuana or marijuana product provided including:
    - i. The amount, batch number, and if applicable, strain of the medical marijuana or marijuana product;
    - ii. For a marijuana product, the ingredients in order of abundance; and
    - iii. For an edible marijuana product infused with medical marijuana or a marijuana product:
      - (1) The date of manufacture,
      - (2) The total weight of the edible marijuana product, and
      - (3) The estimated amount and batch number of the medical marijuana or marijuana product infused in the edible marijuana product;
  - b. ~~The name and registry identification number of the other dispensary;~~
  - c. ~~The name and registry identification number of the dispensary agent who received the medical marijuana or marijuana product on behalf of the other dispensary; and~~
  - d. ~~The date the medical marijuana or marijuana product was provided;~~
- 6. ~~For receiving edible food products infused with medical marijuana from another dispensary:~~
  - a. ~~A description of the edible food products received from the dispensary including total weight of each edible food product and estimated amount and batch number of the medical marijuana infused in each edible food product;~~
  - b. ~~Total estimated amount and batch number of medical marijuana infused in the edible food products;~~
  - c. ~~The name and registry identification number of the:~~
    - i. ~~Dispensary and the dispensary agent providing the edible food products to the receiving dispensary; and~~
    - ii. ~~Dispensary agent receiving the edible food products on behalf of the receiving dispensary; and~~
  - d. ~~The date the edible food products were provided to the dispensary; and~~
- 7.6. For submitting marijuana or marijuana products to a laboratory agent or laboratory for testing:
  - a. ~~The amount, strain, and batch number of the marijuana or marijuana products~~ product submitted;
  - b. ~~The name and registry identification number of the laboratory;~~
  - c. ~~The name and registry identification number of the laboratory agent who received the marijuana or marijuana products~~ product on behalf of the laboratory; and
  - d. ~~The date the marijuana or marijuana products were~~ product was submitted to the laboratory; and
- 7. For disposal of medical marijuana or a marijuana product that is not to be dispensed or used for making a marijuana product:
  - a. Description of and reason for the medical marijuana or marijuana product being disposed of including, if applicable:
    - i. The number of failed or other unusable plants, and
    - ii. The results of laboratory testing;
  - b. Date of disposal;
  - c. Method of disposal; and
  - d. Name and registry identification number of the dispensary agent responsible for the disposal.
- D. The individual designated in subsection (A) shall conduct and document an audit of the dispensary's inventory that is accounted for according to generally accepted accounting principles at least once every 30 calendar days.
  - 1. If the audit identifies a reduction in the amount of medical marijuana or a marijuana product in the dispensary's inventory not due to documented causes, the dispensary shall determine and document where the loss has occurred and take and document corrective action.
  - 2. If the reduction in the amount of medical marijuana or a marijuana product in the dispensary's inventory is due to suspected criminal activity by a dispensary agent, the dispensary shall report the dispensary agent to the Department and to the local law enforcement authorities.
- E. A dispensary shall:
  - 1. Maintain the documentation required in subsections (C) and (D) at the dispensary for at least five years after the date on the document, and
  - 2. Provide the documentation required in subsections (C) and (D) to the Department for review upon request.

#### **R9-17-317.01. Analysis of Medical Marijuana or a Marijuana Product**

- A. Beginning on November 1, 2020, before offering a batch of medical marijuana or of a marijuana product for sale or dispensing to a qualifying patient or designated caregiver, a dispensary shall ensure that each batch of medical marijuana or marijuana product is tested in compliance with requirements in R9-17-404.03, R9-17-404.04, and Table 3.1.
- B. A dispensary shall ensure that:
  - 1. Until laboratory testing has been completed and testing results received by the dispensary that comply with requirements in R9-17-404.03, R9-17-404.04, and Table 3.1, a batch of marijuana or of a marijuana product is stored in a location away from medical marijuana and marijuana products offered for dispensing;
  - 2. Only one sample of each batch of medical marijuana or marijuana product is collected according to ANSI/ASQ Standard Z1.4 (2018), General Inspection Level II, incorporated by reference, including no future editions, and available at <https://asq.org/quality-resources/z14-z19>, including:
    - a. Use, as applicable, of one of the following sampling methods:
      - i. Top, middle, and bottom sampling using a sample thief, a device consisting of two nested tubes with one or more aligned slots through which a sample may be collected and then sealed into the inner tube by rotating the outer tube;
      - ii. Star pattern sampling from the top, middle, and bottom of each storage container;
      - iii. Collecting discrete incremental units of a batch, such as every tenth unit or every twentieth drop; or



- iv. Quartering until the sample reaches the size specified in subsection (B)(3); and
- b. For sampling methods specified in subsections (B)(2)(a)(i) through (iii), quartering the volume of the aggregated portions collected to obtain the sample size specified in subsection (B)(3);
- 3. The ~~minimum~~ size of the sample provided to a laboratory is sufficient for testing and, if necessary, retesting is 16 grams;
- 4. Each sample in subsection (B)(3) is packaged in a container made of the same material that would be used for dispensing;
- 5. Each packaged sample is labeled with the:
  - a. The dispensary’s registry identification number;
  - b. The amount, strain, and batch number of the medical marijuana or marijuana product;
  - c. The storage temperature for the medical marijuana or marijuana product; and
  - d. The date of sampling;
- 6. A packaged sample in subsection (B)(4) is submitted to a laboratory that:
  - a. Has a laboratory registration certificate issued by the Department, and
  - b. Is approved for testing by the Department ~~to test for the an~~ analyte for which testing is being requested;
- 7. Except as specified in subsections (C)(1) or (3)(b), as applicable, the samples in subsection (B)(4) are tested for each analyte specified in Table 3.1 by a laboratory that is approved by the Department for testing the analyte;
- 8. Only batches of marijuana or marijuana products for which laboratory testing results in subsection (B)(7) are in compliance with the requirements in R9-17-404.03, R9-17-404.04, and Table 3.1 are offered for sale or dispensing; and
- 9. Except as provided in subsection (C), any batch of marijuana or marijuana product that does not comply with the requirements in R9-17-404.03, R9-17-404.04, and Table 3.1 is remediated, if applicable, or destroyed according to policies and procedures.
- C. If a dispensary receives a final report of testing, specified in R9-17-404.06(B)(3), from a laboratory that indicates that a batch of marijuana or marijuana product does not comply with the requirements in R9-17-404.03, R9-17-404.04, and Table 3.1, the dispensary:
  - 1. Within seven days after receiving the final report of testing, may request retesting ~~by a second, independent laboratory~~ of the remaining portion of the sample in subsection (B)(4) for all analytes that do not comply with the requirements in R9-17-404.03, R9-17-404.04, and Table 3.1 by a second, independent laboratory that is approved by the Department for testing the analytes;
  - 2. If the final report of testing from the second, independent laboratory indicates that any analyte tested for according to subsection (C)(1) does not comply with the requirements in R9-17-404.03, R9-17-404.04, and Table 3.1, shall remediate, if applicable, or destroy the batch of marijuana or marijuana product according to policies and procedures;
  - 3. If the final report of testing from the second, independent laboratory indicates that all analytes tested for according to subsection (C)(1) comply with the requirements in R9-17-404.03, R9-17-404.04, and Table 3.1:
    - a. Shall ensure that the batch of medical marijuana or marijuana product is not offered for sale or dispensing; and
    - b. May request retesting ~~by a third, independent laboratory~~ of the remaining portion of the sample in subsection (B)(4) for the analytes that do not comply with the requirements in R9-17-404.03, R9-17-404.04, and Table 3.1 by a third, independent laboratory that is approved by the Department for testing the analytes; and
  - 4. If the dispensary requested retesting of the remaining portion of the sample in subsection (B)(4) for an analyte by a third, independent laboratory according to subsection (C)(3)(b):
    - a. If the final report of testing from the third, independent laboratory indicates that the analyte tested for according to subsection (C)(3) complies with the requirements in R9-17-404.03, R9-17-404.04, and Table 3.1, may offer the batch of medical marijuana or marijuana product for sale or dispensing; and
    - b. If the final report of testing from the third, independent laboratory indicates that an analyte tested for according to subsection (C)(3) does not comply with the requirements in R9-17-404.03, R9-17-404.04, and Table 3.1, shall remediate, if applicable, or destroy the batch of medical marijuana or marijuana product according to policies and procedures.
- D. A dispensary shall ensure that remediation of a batch of marijuana or of a marijuana product that has undergone laboratory testing and does not comply with the requirements in R9-17-404.03, R9-17-404.04, and Table 3.1:
  - 1. Is performed according to policies and procedures,
  - 2. Uses a method that is appropriate to address an analyte not in compliance with Table 3.1, and
  - 3. Does not introduce or produce a substance in a concentration that is known to be harmful to humans.
- E. If a batch of medical marijuana or a marijuana product is remediated, a dispensary shall submit samples from the remediated batch for laboratory testing according to subsection (B).
- F. A dispensary shall provide to the Department upon request a sample of the dispensary’s inventory of medical marijuana or a marijuana product of sufficient quantity to enable the Department to conduct an analysis of the medical marijuana or marijuana product.



**Table 3.1. Analytes**

**Key:**

CAS Number = Chemical Abstract Services Registry number

CFU = Colony-forming unit, a method to estimate the number of viable bacteria or fungal cells in a sample

A. Microbial Contaminants		
Analyte	Maximum Allowable Contaminants	Required Action
<i>Escherichia coli</i>	100 CFU/g	Remediate and retest, or Destroy
<i>Salmonella</i> spp.	Detectable in 1 gram	Destroy
<i>Aspergillus flavus</i> <i>Aspergillus fumigatus</i> <i>Aspergillus niger</i> <i>Aspergillus terreus</i>	Inhalable: Detectable in 1 gram	Remediate and retest, Remediate and use for preparing an extract or a concentrate, or Destroy
Mycotoxins: Aflatoxin B1, B2, G1, and G2 Ochratoxin A	Marijuana product, <u>except a marijuana product intended for topical application</u> , prepared from an extract or concentrate of medical marijuana: 20 µg/kg (ppb) of total aflatoxins 20 µg/kg (ppb) of ochratoxin	Destroy

B. Heavy Metals		
Analyte	Maximum Allowable Contaminants	Required Action
Arsenic	0.4 ppm	Remediate and retest, or Destroy
Cadmium	0.4 ppm	
Lead	1.0 ppm	
Mercury	1.2 ppm	

C. Residual Solvents			
Analyte	CAS Number	Maximum Allowable Concentration	Required Action
Acetone	67-64-1	1,000 ppm	Remediate and retest, or Destroy
Acetonitrile	75-05-8	410 ppm	
Benzene	71-43-2	2 ppm	
Butanes (measured as the cumulative residue of n-butane and iso-butane)	106-97-8 and 75-28-5, respectively	5,000 ppm	
Chloroform	67-66-3	60 ppm	
Dichloromethane	75-09-2	600 ppm	
Ethanol	64-17-5	5,000 ppm	
Ethyl Acetate	141-78-6	5,000 ppm	
Ethyl Ether	60-29-7	5,000 ppm	
Heptane	142-82-5	5,000 ppm	
Hexanes (measured as the cumulative residue of n-hexane, 2-methylpentane, 3-methylpentane, 2,2-dimethylbutane, and 2,3-dimethylbutane)	110-54-3, 107-83-5, 96-14-0, 75-83-2, and 79-29-8, respectively	290 ppm	
Isopropyl Acetate	108-21-4	5,000 ppm	
Methanol	67-56-1	3,000 ppm	
Pentanes (measured as the cumulative residue of n-pentane, iso-pentane, and neo-pentane)	109-66-0, 78-78-4, and 463-82-1, respectively	5,000 ppm	
2-Propanol (IPA)	67-63-0	5,000 ppm	
Propane	74-98-6	5,000 ppm	
Toluene	108-88-3	890 ppm	
Xylenes (measured as the cumulative residue of 1,2-dimethylbenzene, 1,3-dimethylbenzene, and 1,4-dimethylbenzene, and the non-xylene, ethyl benzene)	1330-20-7 (95-47-6, 108-38-3, and 106-42-3, respectively, and 100-41-4)	2,170 ppm	



<b>D. Pesticides, Fungicides, <del>Herbicides</del>, Growth Regulators</b>			
<b>Analyte</b>	<b>CAS Number</b>	<b>Maximum Allowable Concentration</b>	<b>Required Action</b>
Abamectin	71751-41-2	0.5 ppm	Remediate and retest, or Destroy
Acephate	30560-19-1	0.4 ppm	
Acequinocyl	57960-19-7	2.0 ppm	
Acetamiprid	135410-20-7	0.2 ppm	
Aldicarb	116-06-3	0.4 ppm	
Azoxystrobin	131860-33-8	0.2 ppm	
Bifenazate	149877-41-8	0.2 ppm	
Bifenthrin	82657-04-3	0.2 ppm	
Boscalid	188425-85-6	0.4 ppm	
Carbaryl	63-25-2	0.2 ppm	
Carbofuran	1563-66-2	0.2 ppm	
Chlorantraniliprole	500008-45-7	0.2 ppm	
Chlorfenapyr	122453-73-0	1.0 ppm	
Chlorpyrifos	2921-88-2	0.2 ppm	
Clofentezine	74115-24-5	0.2 ppm	
Cyfluthrin	68359-37-5	1.0 ppm	
Cypermethrin	52315-07-8	1.0 ppm	
Daminozide	1596-84-5	1.0 ppm	
DDVP (Dichlorvos)	62-73-7	0.1 ppm	
Diazinon	333-41-5	0.2 ppm	
Dimethoate	60-51-5	0.2 ppm	
Ethoprophos	13194-48-4	0.2 ppm	
Etofenprox	80844-07-1	0.4 ppm	
Etoxazole	153233-91-1	0.2 ppm	
Fenoxycarb	72490-01-8	0.2 ppm	
Fenpyroximate	134098-61-6	0.4 ppm	
Fipronil	120068-37-3	0.4 ppm	
Flonicamid	158062-67-0	1.0 ppm	
Fludioxonil	131341-86-1	0.4 ppm	
Hexythiazox	78587-05-0	1.0 ppm	
Imazalil	35554-44-0	0.2 ppm	
Imidacloprid	138261-41-3	0.4 ppm	
Kresoxim-methyl	143390-89-0	0.4 ppm	
Malathion	121-75-5	0.2 ppm	
Metalaxyl	57837-19-1	0.2 ppm	
Methiocarb	2032-65-7	0.2 ppm	
Methomyl	16752-77-5	0.4 ppm	
Methyl parathion	298-00-0	0.2 ppm	
MGK-264	113-48-4	0.2 ppm	
Myclobutanil	88671-89-0	0.2 ppm	
Naled	300-76-5	0.5 ppm	
Oxamyl	23135-22-0	1.0 ppm	
Paclbutrazol	76738-62-0	0.4 ppm	



Permethrins (measured as the cumulative residue of cis- and trans- isomers)	52645-53-1 (54774-45-7 and 51877-74-8)	0.2 ppm
Phosmet	732-11-6	0.2 ppm
Piperonyl_butoxide	51-03-6	2.0 ppm
Prallethrin	23031-36-9	0.2 ppm
Propiconazole	60207-90-1	0.4 ppm
Propoxur	114-26-1	0.2 ppm
Pyrethrins (measured as the cumulative residue of pyrethrin I, cinerin I and jasmolin I)	8003-34-7 (121-21-1, 25402-06-6, and 4466-14-2)	1.0 ppm
Pyridaben	96489-71-3	0.2 ppm
Spinosad	168316-95-8	0.2 ppm
Spiromesifen	283594-90-1	0.2 ppm
Spirotetramat	203313-25-1	0.2 ppm
Spiroxamine	118134-30-8	0.4 ppm
Tebuconazole	107534-96-3	0.4 ppm
Thiacloprid	111988-49-9	0.2 ppm
Thiamethoxam	153719-23-4	0.2 ppm
Trifloxystrobin	141517-21-7	0.2 ppm

E. Potency		
Analyte	Labelling	Required Action
Tetrahydrocannabinolic acid (THC-A)	Label claim is not within +/- 20% of tested value	Revise label as necessary
Delta-9-tetrahydrocannabinol (Δ9-THC)		
Cannabidiolic acid (CBD-A)		
Cannabidiol (CBD)		
<b>E. Herbicides</b>		
Analyte	Maximum Allowable Contaminant	Required Action
Pendimethalin	0.1 ppm	Remediate and retest, or Destroy

**R9-17-318. Security**

- A. Except as provided in R9-17-310(A)(7), a dispensary shall ensure that access to the enclosed, locked facility where marijuana is cultivated is limited to the dispensary’s principal officers, board members, and authorized dispensary agents.
- B. A dispensary agent may transport marijuana, marijuana plants, marijuana products, and marijuana paraphernalia between the dispensary and:
  1. The dispensary’s cultivation site,
  2. A qualifying patient,
  3. Another dispensary, and
  4. A ~~laboratory agent or laboratory for testing~~ laboratory that has a laboratory registration certificate issued by the Department.
- C. Before transportation, a dispensary agent shall:
  1. Complete a trip plan that includes:
    - a. The name of the dispensary agent in charge of transporting the marijuana;
    - b. The date and start time of the trip;
    - c. A description of the marijuana, marijuana plants, marijuana products, or marijuana paraphernalia being transported;
    - d. Any anticipated stops during the trip, including the locations of the stop and arrival and departure time from the location; and
    - ~~e.~~ The anticipated route of transportation; and
  2. Provide a copy of the trip plan in subsection (C)(1) to the dispensary.
- D. During transportation, a dispensary agent shall:
  1. Carry a copy of the trip plan in subsection (C)(1) with the dispensary agent for the duration of the trip;
  2. Use a vehicle without any medical marijuana identification;
  3. Have a means of communication with the dispensary; and
  4. Ensure that the marijuana, marijuana plants, marijuana products, or marijuana paraphernalia are not visible.
- E. After transportation, a dispensary agent shall enter the end time of the trip and any changes to the trip plan on the trip plan required in subsection (C)(1).
- F. A dispensary shall:



- 1. Maintain the documents required in subsection (C)(2) and (E) for at least two years after the date of the documentation;
- ~~2.~~ 1. If transporting a sample to a laboratory for testing, provide a copy of the trip plan to the laboratory; and
- ~~2-3.~~ Provide a copy of the documents required in subsection (C)(2) and (E) to the Department for review upon request.
- G. To prevent unauthorized access to medical marijuana at the dispensary and, if applicable, the dispensary's cultivation site, the dispensary shall have the following:
  - 1. Security equipment to deter and prevent unauthorized entrance into limited access areas that include:
    - a. Devices or a series of devices to detect unauthorized intrusion, which may include a signal system interconnected with a radio frequency method, such as cellular, private radio signals, or other mechanical or electronic device;
    - b. Exterior lighting to facilitate surveillance;
    - c. Electronic monitoring including:
      - i. At least one 19-inch or greater call-up monitor;
      - ii. A video printer capable of immediately producing a clear still photo from any video camera image;
      - iii. Video cameras:
        - (1) Providing coverage of all entrances to and exits from limited access areas and all entrances to and exits from the building, capable of identifying any activity occurring in or adjacent to the building; and
        - (2) Having a recording resolution of at least 704 x 480 or the equivalent;
      - iv. A video camera at each point of sale location allowing for the identification of any qualifying patient or designated caregiver purchasing medical marijuana;
      - v. A video camera in each grow room capable of identifying any activity occurring within the grow room in low light conditions;
      - vi. Storage of video recordings from the video cameras for at least 30 calendar days;
      - vii. A failure notification system that provides an audible and visual notification of any failure in the electronic monitoring system; and
      - viii. Sufficient battery backup for video cameras and recording equipment to support at least five minutes of recording in the event of a power outage; and
    - d. Panic buttons in the interior of each building; and
  - 2. Policies and procedures:
    - a. That restrict access to the areas of the dispensary that contain marijuana and, if applicable, the dispensary's cultivation site to authorized individuals only;
    - b. That provide for the identification of authorized individuals;
    - c. That prevent loitering;
    - d. For conducting electronic monitoring; and
    - e. For the use of a panic button.

**R9-17-320. Cleaning and Sanitation**

- A. A dispensary shall ensure that:
  - ~~1.~~ 1. ~~any~~ Any building or equipment used by a dispensary for the cultivation, harvest, preparation, packaging, storage, infusion, or sale of medical marijuana or marijuana products is maintained in a clean and sanitary condition;
  - ~~1-2.~~ 1. Medical marijuana or marijuana products, in the process of production, preparation, manufacture, packing, storage, sale, distribution, or transportation, ~~is~~ are protected from flies, dust, dirt, and all other contamination;
  - ~~2-3.~~ 2. Refuse or waste products incident to the manufacture, preparation, packing, selling, distributing, or transportation of medical marijuana or marijuana products are removed from the building used as a dispensary and, if applicable, a building at the dispensary's cultivation site at least once every 24 hours or more often as necessary to maintain a clean condition;
  - ~~3-4.~~ 3. All trucks, trays, buckets, other receptacles, platforms, racks, tables, shelves, knives, saws, cleavers, other utensils, or the machinery used in moving, handling, cutting, chopping, mixing, canning, packaging, or other processes are cleaned daily;
  - 5. Any equipment used in the preparation of marijuana products is clean, in good repair, and, if applicable, equilibrated according to the manufacturer's recommendations;
  - 6. Any supplies used in the preparation of marijuana products, including flammable or volatile chemicals, are stored in a manner to avoid a hazardous condition from occurring; and
  - ~~4-7.~~ 4. All stored ~~edible food~~ marijuana products are securely covered.
- B. A dispensary shall ensure that a dispensary agent at the dispensary or the dispensary's cultivation site:
  - 1. Cleans the dispensary agent's hands and exposed portions of the dispensary agent's arms in a hand washing sink:
    - a. Before preparing medical marijuana or marijuana products including working with food, equipment, and utensils;
    - b. During preparation, as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks;
    - c. After handling soiled equipment or utensils;
    - d. After touching bare human body parts other than the dispensary agent's clean hands and exposed portions of arms; and
    - e. After using the toilet room;
  - 2. If working directly with the preparation of medical marijuana or the infusion of marijuana into non-edible products:
    - a. Keeps the dispensary agent's fingernails trimmed, filed, and maintained so that the edges and surfaces are cleanable;
    - b. Unless wearing intact gloves in good repair, does not have fingernail polish or artificial fingernails on the dispensary agent's fingernails; and
    - c. Wears protective apparel such as coats, aprons, gowns, or gloves to prevent contamination;
  - 3. Wears clean clothing appropriate to assigned tasks;
  - 4. Reports to the medical director any health condition experienced by the dispensary agent that may adversely affect the safety or quality of any medical marijuana or marijuana products with which the dispensary agent may come into contact; and



5. If the medical director determines that a dispensary agent has a health condition that may adversely affect the safety or quality of the medical marijuana or marijuana products, is prohibited from direct contact with any medical marijuana, marijuana products, or equipment or materials for processing medical marijuana or marijuana products until the medical director determines that the dispensary agent's health condition will not adversely affect the medical marijuana or marijuana products.

#### R9-17-321. Physical Plant

- A. A dispensary or a dispensary's cultivation site shall be located at least 500 feet from a private school or a public school that existed, as applicable:
  1. ~~before~~ Before the date the dispensary submitted the initial dispensary registration certificate application,
  2. Before the date of an application to change the location of the dispensary, or
  3. Before the date of an application to add a cultivation site.
- B. A dispensary shall provide onsite parking or parking adjacent to the building used as the dispensary.
- C. A building used as a dispensary or the location used as a dispensary's cultivation site shall have:
  1. At least one toilet room;
  2. Each toilet room shall contain:
    - a. A flushable toilet;
    - b. Mounted toilet tissue;
    - c. A sink with running water;
    - d. Soap contained in a dispenser; and
    - e. Disposable, single-use paper towels in a mounted dispenser or a mechanical air hand dryer;
  3. At least one hand washing sink not located in a toilet room;
  4. Designated storage areas for medical marijuana or materials used in direct contact with medical marijuana separate from storage areas for toxic or flammable materials; and
  5. If preparation or packaging of medical marijuana is done in the building, a designated area for the preparation or packaging that:
    - a. Includes work space that can be sanitized, and
    - b. Is only used for the preparation or packaging of medical marijuana.
- D. For each commercial device used at a dispensary or the dispensary's cultivation site, the dispensary shall:
  1. Ensure that the commercial device is licensed or certified pursuant to A.R.S. § 41-2091,
  2. Maintain documentation of the commercial device's license or certification, and
  3. Provide a copy of the commercial device's license or certification to the Department for review upon request.

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

- A. The Department shall deny an application for a dispensary registration certificate or a renewal if:
  1. For an application for a dispensary registration certificate, the physical address of the building or, if applicable, the physical address of the dispensary's cultivation site is within 500 feet of a private school or a public school that existed before the date the dispensary submitted the initial dispensary registration certificate application, before the date of an application to change the location of the dispensary, or before the date of an application to add a cultivation site;
  2. A principal officer or board member:
    - a. Has been convicted of an excluded felony offense;
    - b. Has served as a principal officer or board member for a dispensary that:
      - i. Had the dispensary registration certificate revoked, or
      - ii. Did not obtain an approval to operate the dispensary within the first year after the dispensary registration certificate was issued;
    - c. Is under 21 years of age;
    - d. Is a physician currently providing written certifications for medical marijuana for qualifying patients;
    - e. Is a law enforcement officer; or
    - f. Is an employee or contractor of the Department; or
  3. The application or the dispensary does not comply with the requirements in A.R.S. Title 36, Chapter 28.1 and this Chapter.
- B. The Department may deny an application for a dispensary registration certificate if a principal officer or board member of the dispensary provides false or misleading information to the Department.
- C. The Department shall revoke a dispensary's registration certificate if:
  1. The dispensary:
    - a. Operates before obtaining approval to operate a dispensary from the Department;
    - b. Diverts marijuana to an entity other than:
      - i. ~~another~~ Another dispensary with a valid dispensary registration certificate issued by the Department,
      - ii. ~~a~~ A laboratory with a valid laboratory registration certificate issued by the Department,
      - iii. ~~a~~ A qualifying patient with a valid registry identification card issued by the Department,
      - iv. ~~a~~ A designated caregiver with a valid registry identification card issued by the Department,
      - v. A dispensary agent with a valid registry identification card issued by the Department accepting the marijuana on behalf of a dispensary, or
      - vi. ~~a~~ A laboratory agent with a valid registry identification card issued by the Department accepting the marijuana on behalf of a laboratory; ~~or~~
    - c. Acquires usable marijuana or mature marijuana plants from any entity other than another dispensary with a valid dispensary registration certificate issued by the Department, a qualifying patient with a valid registry identification card, or a designated caregiver with a valid registry identification card; or
    - d. Acquires a marijuana product from any person other than another dispensary with a valid dispensary registration certificate issued by the Department; or



- 2. A principal officer or board member has been convicted of an excluded felony offense.
- D. The Department may revoke a dispensary registration certificate if the dispensary does not:
  - 1. Comply with the requirements in A.R.S. Title 36, Chapter 28.1 and this Chapter; or
  - 2. Implement the policies and procedures or comply with the statements provided to the Department with the dispensary’s application.
- E. If the Department denies a dispensary registration certificate application, the Department shall provide notice to the applicant that includes:
  - 1. The specific reason or reasons for the denial, and
  - 2. All other information required by A.R.S. § 41-1076.
- F. If the Department revokes a dispensary registration certificate, the Department shall provide notice to the dispensary that includes:
  - 1. The specific reason or reasons for the revocation; and
  - 2. The process for requesting a judicial review of the Department’s decision pursuant to A.R.S. Title 12, Chapter 7, Article 6.

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

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

**ARTICLE 4. LABORATORIES AND LABORATORY AGENTS**

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

- A. To apply for a laboratory registration certificate, an applicant shall submit to the Department the following:
  - 1. An application in a Department-provided format that includes:
    - a. The physical address of the laboratory;
    - b. The distance to the closest private school or public school from the laboratory;
    - c. The following information for the laboratory applying:
      - i. The legal name of the laboratory,
      - ii. Type of business organization,
      - iii. Mailing address,
      - iv. Telephone number, and
      - v. E-mail address;
    - d. The name of the owner designated to submit laboratory agent registry identification card applications on behalf of the laboratory;
    - e. The name, residence address, and date of birth of each owner;
    - f. The identifying number on the applicable card or document in subsection (A)(4)(d)(i) through (v);
    - g. The name, residence address, and date of birth of the technical laboratory director designated according to R9-17-404(3);
    - h. The name, residence address, and date of birth of each laboratory agent other than an owner or the technical laboratory director, if applicable;
    - i. Whether the laboratory agrees to allow the Department to submit supplemental requests for information;
    - j. An attestation that the information provided to the Department to apply for a laboratory registration certificate is true and correct; and
    - k. The signatures of the owner of the laboratory, according to R9-17-401(A), and the technical laboratory director and the date each signed;
  - 2. Policies and procedures that comply with the requirements in this Chapter that contain:
    - ~~a. A quality assurance program and standards;~~
    - ~~b-a.~~ Inventory control;
    - ~~e-b.~~ A chain of custody and sample requirement process;



- ~~d.c.~~ A records retention process;
- ~~e.d.~~ A secure method to transfer the portion of a sample remaining after testing to another laboratory with an approval for testing issued by the Department:
  - i. For testing of parameters or analytes that the laboratory receiving the sample from a dispensary is not approved by the Department to conduct, or
  - ii. For retesting at the request of a dispensary according to R9-17-317.01(C);
- ~~f.e.~~ Security;
- ~~g.f.~~ A process to ensure marijuana or marijuana products testing results are accurate, precise, and scientifically valid before reporting the results; and
- ~~h.g.~~ A process for disposal of marijuana or marijuana products that are submitted to the laboratory for testing;
- 3. If the applicant is one of the business organizations in R9-17-401(A)(2) through (7), a copy of the business organization's articles of incorporation, articles of organization, or partnership or joint venture documents that include:
  - a. The name of the business organization,
  - b. The type of business organization, and
  - c. The names and titles of the individuals in R9-17-401(A);
- 4. For each owner:
  - a. An attestation signed and dated by the owner that the owner has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801;
  - b. An attestation signed and dated by the owner that the owner does not have a direct or indirect familial or financial relationship with or interest in a dispensary, related medical marijuana business entity, or management company;
  - c. An attestation signed and dated by the owner that the laboratory will not test marijuana or marijuana products for a designated caregiver who the owner has a direct or indirect familial or financial relationship with;
  - d. An attestation signed and dated by the owner pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
  - e. A copy the owner's:
    - i. Arizona driver's license issued on or after October 1, 1996;
    - ii. Arizona identification card issued on or after October 1, 1996;
    - iii. Arizona registry identification card;
    - iv. Photograph page in the owner's U.S. passport; or
    - v. Arizona driver's license or identification card issued before October 1, 1996 and one of the following for the owner:
      - (1) Birth certificate verifying U.S. citizenship,
      - (2) U. S. Certificate of Naturalization, or
      - (3) U. S. Certificate of Citizenship; and
  - f. For the Department's criminal records check authorized in A.R.S. §§ 36-2804.01 and 36-2804.07:
    - i. The owner's fingerprints on a fingerprint card that includes:
      - (1) The owner's first name; middle initial, if applicable; and last name;
      - (2) The owner's signature;
      - (3) If different from the owner, the signature of the individual physically rolling the owner's fingerprints;
      - (4) The owner's residence address;
      - (5) If applicable, the owner's surname before marriage and any names previously used by the owner;
      - (6) The owner's date of birth;
      - (7) The owner's Social Security number;
      - (8) The owner's citizenship status;
      - (9) The owner's gender;
      - (10) The owner's race;
      - (11) The owner's height;
      - (12) The owner's weight;
      - (13) The owner's hair color;
      - (14) The owner's eye color; and
      - (15) The owner's place of birth; or
    - ii. If the fingerprints and information required in subsection (A)(4)(f)(i) were submitted to the Department as part of an application for a designated caregiver registry identification card, dispensary agent registry identification card, or laboratory agent registry identification card within the previous six months, the registry identification number on the registry identification card issued to the owner as a result of the application;
- 5. If zoning restrictions have been enacted, a sworn statement signed and dated by the individual or individuals in R9-17-401(A) certifying that the laboratory is in compliance with any local zoning restrictions;
- 6. A copy of documentation issued by the local jurisdiction to the laboratory authorizing occupancy of the building as a laboratory, such as a certificate of occupancy, a special use permit, or a conditional use permit;
- 7. A site plan drawn to scale of the laboratory location showing streets, property lines of the contiguous premises, buildings, parking areas, outdoor areas if applicable, fences, security features, fire hydrants if applicable, and access to water mains;
- 8. A building plan drawn to scale of the building where the laboratory is located showing the:
  - a. Layout and dimensions of each room;
  - b. Name and function of each room;
  - c. Fire ratings of the materials used for ceilings, walls, doors, and floors of rooms used to store flammable substances;
  - d. Location of each fire protection device;
  - e. Layout of heating, air conditioning, exhaust, and ventilation systems;



- f. Location and layout of refrigerated rooms or freezer rooms;
  - g. Location of each sink, safety shower, other water supply, or plumbing fixture;
  - h. Location of fixed or movable equipment and instruments that require dedicated electrical, water, vacuum, gas, or other building systems;
  - i. Location of security measures or equipment to protect from diversion of marijuana or marijuana products; and
  - j. Means of egress;
9. Documentation of accreditation of the location specified according to subsection (A)(1)(a) for which the applicant is applying for a laboratory registration certificate;
10. The laboratory’s Transaction Privilege Tax Number issued by the Arizona Department of Revenue, if applicable; and
11. The applicable fee in R9-17-102 for applying for a laboratory registration certificate.
- B.** Within 72 hours after an owner receives a laboratory registration certificate pursuant to an application submitted according to subsection (A), the owner shall apply for a laboratory agent registry identification card, according to R9-17-405, for each laboratory agent, including ~~an owner or~~ a technical laboratory director.
- C.** A change in location of the laboratory’s physical address or ownership requires a new application to be submitted according to subsection (A).
- D.** A separate laboratory registration certificate is required for each noncontiguous portion of a laboratory.

**R9-17-402.01. Applying for Approval for Testing**

To apply for approval for testing, an applicant shall submit to the Department, at least 60 calendar days before the expiration of the initial laboratory registration certificate for the laboratory, the following:

- 1. An application in a Department-provided format that includes:
  - a. The name and registry identification number of the laboratory;
  - b. The physical address of the laboratory;
  - c. The name of the applicant;
  - d. The name of the technical laboratory director designated according to R9-17-404(3);
  - ~~e. The name, address, and date of birth of or the laboratory agent registry identification card number for each laboratory agent;~~
  - ~~f.e.~~ For each parameter for which approval for testing is being requested:
    - i. The analyte to be tested for,
    - ii. The instruments and equipment to be used for testing, and
    - iii. The software to be used at the laboratory for instrument control and data reduction interpretation;
  - ~~g.f.~~ The laboratory’s proposed hours of operation;
  - ~~h.g.~~ Whether the laboratory agrees to allow the Department to submit supplemental requests for information;
  - ~~i.h.~~ Whether the laboratory is ready for an inspection by the Department;
  - ~~j.i.~~ If the laboratory is not ready for an inspection by the Department, the date the laboratory will be ready for an inspection by the Department;
  - ~~k.j.~~ An attestation that the information provided to the Department to apply for approval ~~to operate the laboratory~~ for testing is true and correct; and
  - ~~l.k.~~ The signatures of the owner of the laboratory, according to R9-17-401(A), and the technical laboratory director and the date each signed;
- 2. For each parameter and analyte listed according to subsection ~~(1)(f)~~ (1)(e):
  - a. The limit of quantitation;
  - ~~b. A copy of current accreditation;~~
  - ~~e.b.~~ A copy of a proficiency testing report, if applicable, or accuracy testing documentation; and
  - ~~f.c.~~ A copy of the standard operating procedure;
- 3. Policies and procedures that comply with the requirements in this Chapter that include:
  - a. A quality assurance program and standards, and
  - b. A process to compile testing results into a single laboratory report to be provided to a dispensary; and
- ~~3.4.~~ If different from the building plan submitted according to R9-17-402(A)(8), a building plan drawn to scale of the building where the laboratory is located showing the:
  - a. Layout and dimensions of each room;
  - b. Name and function of each room;
  - c. Fire ratings of the materials used for ceilings, walls, doors, and floors of rooms used to store flammable substances;
  - d. Location of each fire protection device;
  - e. Layout of heating, air conditioning, exhaust, and ventilation systems;
  - f. Location and layout of refrigerated rooms or freezer rooms;
  - g. Location of each sink, safety shower, other water supply, or plumbing fixture;
  - h. Location of fixed or movable equipment and instruments that require dedicated electrical, water, vacuum, gas, or other building systems;
  - i. Location of security equipment to protect from diversion of marijuana or marijuana products; and
  - j. Means of egress.

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

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

- 1. An application in a Department-provided format that includes:
  - a. The physical address of the laboratory;



- b. The following information for the laboratory:
    - i. The legal name of the laboratory,
    - ii. The registry identification number for the laboratory,
    - iii. Type of business organization,
    - iv. Mailing address,
    - v. Telephone number, and
    - vi. E-mail address;
  - c. The name of the owner designated to submit laboratory agent registry identification card applications on behalf of the laboratory;
  - d. The name, residence address, and date of birth of each owner;
  - e. The name, residence address, and date of birth of the technical laboratory director designated according to R9-17-404(3);
  - f. The name, residence address, and date of birth of each laboratory agent, if applicable;
  - g. Whether the laboratory agrees to allow the Department to submit supplemental requests for information;
  - h. An attestation that the information provided to the Department to renew the laboratory registration certificate is true and correct; and
  - i. The signatures of the owner of the laboratory, according to R9-17-401(A), and the technical laboratory director and the date each signed;
2. For each owner:
    - a. An attestation signed and dated by the owner that the owner has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801; and
    - b. An attestation signed and dated by the owner that the laboratory will not test medical marijuana and medical marijuana products for:
      - i. A dispensary, related medical marijuana business entity, or management company that the owner has a direct or indirect familial or financial relationship with or interest in; or
      - ii. A designated caregiver who the owner has a direct or indirect familial or financial relationship with;
  3. For each current parameter and analyte, documentation of current accreditation;
  4. If a change has been made to the standard operating procedure for a current parameter, a copy of the revised standard operating procedure;
  5. If a change has been made in the quality assurance plan for a current parameter required in R9-17-404.03 or R9-17-404.04, a copy of the revised quality assurance plan; and
  6. The applicable fee in R9-17-102 for applying to renew a laboratory registration certificate.

#### R9-17-404. Administration

An owner of a laboratory with a laboratory registration certificate shall:

1. Comply with the:
  - a. Quality assurance requirements in R9-17-404.05,
  - b. Operation requirements in R9-17-404.06, and
  - c. Laboratory records and reports requirements in R9-17-404;
2. Maintain accreditation for each approved parameter and analyte;
3. Designate in writing a technical laboratory director who:
  - a. Has knowledge and experience in overseeing a laboratory as documented by:
    - i. A doctoral degree in chemistry, biochemistry, microbiology, or a similar laboratory science;
    - ii. A master's degree in chemistry, biochemistry, microbiology, or a similar laboratory science and at least two years of experience working in a laboratory and providing laboratory testing; or
    - iii. A bachelor's degree in chemistry, biochemistry, microbiology, or a similar laboratory science and at least four years of experience working in a laboratory and providing laboratory testing; and
  - b. Is responsible for:
    - i. Ensuring that all services and tests provided by the laboratory are performed in compliance with the requirements in this Article;
    - ii. Directing and supervising services and tests provided by the laboratory;
    - iii. Overseeing the work of all personnel in the laboratory;
    - iv. Providing ongoing training to laboratory agents, as applicable to the functions performed by a laboratory agent; and
    - v. Ensuring safety and hazardous substance control in the laboratory;
4. Notify the Department in writing within 20 business working days after any change in the technical laboratory director, providing the name and contact information for the new technical laboratory director;
5. Develop, document, and implement policies and procedures regarding:
  - a. Job descriptions and employment contracts, including:
    - i. Personnel duties, authority, responsibilities, and qualifications;
    - ii. Personnel supervision;
    - iii. Ongoing training, applicable to the functions performed by a laboratory agent;
    - iv. Training in and adherence to confidentiality requirements;
    - v. Periodic performance evaluations, including proficiency testing or accuracy testing, as applicable, on a rotating basis among all laboratory agents performing similar functions; and
    - vi. Disciplinary actions;
  - b. Business records, such as manual or computerized records of assets and liabilities, monetary transactions, journals, ledgers, and supporting documents, including agreements, checks, invoices, and vouchers;
  - c. Inventory control, including:



- i. Tracking;
- ii. Accepting medical marijuana or marijuana products for testing;
- iii. Transferring a portion of a sample to another laboratory for testing of parameters or analytes that the laboratory is not approved by the Department to conduct;
- ~~iii-iv.~~ Testing medical marijuana and marijuana products;
- ~~iv-v.~~ Providing the remaining sample of tested medical marijuana or a marijuana product to another laboratory with an approval for testing issued by the Department at the request of a dispensary according to R9-17-317.01(C);
- ~~v-vi.~~ Retaining the residual portion of a sample accepted for testing from a dispensary for at least 14 days after sending the final report of testing required in R9-17-404.06(B)(3) to the dispensary; and
- ~~vi-vii.~~ Disposing of medical marijuana or a marijuana product such that the marijuana or marijuana product is unrecognizable or cannot otherwise be used and documenting:
  - (1) The method of disposal;
  - (2) Whether the medical marijuana or marijuana product was tested;
  - (3) If not tested, the reason for not testing;
  - (4) The laboratory agent overseeing the disposal; and
  - (5) The date of disposal;
- d. Standard operating procedures, including:
  - i. The review and updating of standard operating procedures;
  - ii. Requirements for a laboratory agent to review current, new, or updated standard operating procedures applicable to the functions performed by the laboratory agent; and
  - iii. Documenting the review of standard operating procedures by applicable laboratory agents;
- e. Laboratory records, including:
  - i. Maintenance and monitoring of instruments and equipment;
  - ii. Acceptance of medical marijuana and marijuana products for testing;
  - iii. The chain of custody for a sample accepted by the laboratory for testing;
  - iv. The storage of a submitted sample prior to testing to maintain the integrity of the sample and analyte;
  - v. The process for selecting a portion of a submitted sample for testing;
  - vi. Ensuring testing results are accurate, precise, and scientifically valid before reporting the results;
  - vii. Reporting of testing results, including:
    - (1) Testing results obtained from another laboratory for testing of parameters or analytes that the laboratory is not approved by the Department to conduct, or
    - (2) Testing results provided to another laboratory from which the laboratory had received a portion of a sample for testing of parameters or analytes that the other laboratory is not approved by the Department to conduct;
  - viii. If applicable, transfer of a portion of a sample to another laboratory with an approval for testing issued by the Department for testing of parameters or analytes that the laboratory is not approved by the Department to conduct, including:
    - (1) The name and registry identification number of the dispensary from which the sample was obtained.
    - (2) The name and registry identification number of the laboratory to which the portion of the sample is being transferred.
    - (3) The date of the transfer.
    - (4) The amount of sample being transferred.
    - (5) The name and registry identification number of the laboratory agent receiving the marijuana or marijuana products on behalf of the other laboratory;
    - (6) The parameters or analytes being tested by the other laboratory, and
    - (7) The testing results obtained from the other laboratory;
  - ~~viii-ix.~~ If applicable, transfer of the portion of a sample remaining after testing to another laboratory with an approval for testing issued by the Department at the request of a dispensary according to R9-17-317.01(C), including:
    - (1) The name and registry identification number of the dispensary,
    - (2) The name and registry identification number of the dispensary agent requesting the transfer on behalf of the dispensary,
    - (3) The date of the request,
    - (4) The amount of sample being transferred,
    - (5) The name and registry identification number of the other laboratory, and
    - (6) The name and registry identification number of the laboratory agent receiving the marijuana or marijuana products on behalf of the other laboratory;
  - ~~ix-x.~~ Confidentiality; and
  - ~~x-xi.~~ Retention;
    - (1) The name and registry identification number of the dispensary,
    - (2) The name and registry identification number of the dispensary agent requesting the transfer on behalf of the dispensary,
    - (3) The date of the request,
    - (4) The amount of sample being transferred,
    - (5) The name and registry identification number of the other laboratory, and
    - (6) The name and registry identification number of the laboratory agent receiving the marijuana or marijuana products on behalf of the other laboratory;
- f. A quality assurance program and standards;
- g. A records retention process; and



- h. Security;
6. Review and document the review of laboratory policies and procedures at least once every 12 months after the issue date of the laboratory registration certificate and update as needed;
7. Ensure that each laboratory agent has the laboratory agent's registry identification card in the laboratory agent's immediate possession when the laboratory agent is working or providing volunteer services related to marijuana or marijuana products testing at the laboratory;
8. Ensure that a laboratory agent accompanies any individual other than another laboratory agent associated with the laboratory when the individual is present in the area of the laboratory where marijuana or marijuana products are being tested or stored for testing;
9. Not allow an individual who does not possess a laboratory agent registry identification card issued under the laboratory registration certificate to:
  - a. Serve as an owner for the laboratory,
  - b. Be employed by the laboratory, or
  - c. Provide volunteer services at or on behalf of the laboratory;
10. Provide written notice to the Department, including the date of the event, within 10 working days after the date, when a laboratory agent no longer:
  - a. Serves as an owner for the laboratory,
  - b. Is employed by the laboratory, or
  - c. Provides volunteer services at or on behalf of the laboratory;
11. Unless otherwise specified, maintain copies of any documentation required in this Chapter for at least ~~12 months~~ two years after the date on the documentation and provide copies of the documentation to the Department for review upon request.

**R9-17-404.02. Proficiency Testing; Accuracy Testing**

- A. At least once in each 12-month period, and more often if requested by the Department, a technical laboratory director shall have at least one laboratory agent, selected according to policies and procedures, participate in proficiency testing provided by the Department or a proficiency testing service that:
  1. Includes at least one proficiency testing sample for each parameter and analyte for which the laboratory has been approved or is requesting approval and for which proficiency testing samples are available;
  2. Demonstrates the laboratory agent's competence in testing for the parameter; and
  3. If the laboratory has been approved or has requested approval to test an analyte by different methods, may use the same proficiency testing sample for each method.
- B. If a proficiency testing sample is not available for a specific parameter and analyte, a technical laboratory director shall have at least one laboratory agent, selected according to policies and procedures, participate in accuracy testing for the parameter.
- C. To demonstrate competence in testing for a parameter, ~~test testing~~ results reported for the parameter shall be within acceptance limits established by the Department, according to R9-17-404.03 or R9-17-404.04, or the proficiency testing service, as applicable.
- D. A technical laboratory director shall ensure that:
  1. Each sample for proficiency testing accepted at the laboratory is analyzed at the laboratory;
  2. Each sample for accuracy testing is analyzed at the laboratory;
  3. Each sample for proficiency testing or accuracy testing is tested according to R9-17-404.03 or R9-17-404.04, using the same procedures and techniques employed for routine sample testing;
  4. A proficiency testing service provides the results for each proficiency testing sample directly to the laboratory and the Department;
  5. If proficiency testing is provided by the Department, the laboratory submits to the Department payment for the actual costs of the materials for proficiency testing; and
  6. If proficiency testing is not provided by the Department, the laboratory selects a proficiency testing service and contracts with and pays the proficiency testing service directly for proficiency testing.
- E. The Department may submit blind proficiency testing samples to a laboratory at any time during the certification period.

**R9-17-404.03. Method Criteria and References for Chemical Analyses**

- A. In addition to the definitions in A.R.S. § 36-2801 and R9-17-101, the following definitions apply in this Section unless otherwise stated:
  1. "Limit of quantitation" means the lowest concentration of an analyte that may be detected and the concentration of the analyte reliably and accurately determined.
  2. "Matrix" means the specific components of a sample, other than the analyte being tested for.
  3. "Mid-level standard" means a standard that is between the highest concentration and lowest concentration of standards containing the same substances that are used as a reference when testing for the concentration of an analyte.
  4. "Response factor" means the ratio between a signal produced by an analyte relative to a signal produced by an internal standard at a specific concentration.
  5. "Retention time" means the length of time taken by an analyte to pass through a chromatography column.
  6. "Standard" means a sample of known concentration and containing specific substances that is used as a reference when testing for the concentration of an analyte.
- B. To perform laboratory testing using chemical analytical methods for any of the analytes in Table 3.1, a laboratory may use:
  1. An established national or international chemical method; or
  2. A laboratory-developed method that was validated according to:
    - a. AOAC - Appendix K: Guidelines for Dietary Supplements and Botanicals, 2013, which is incorporated by reference, includes no future editions or amendments, and is available at [http://www.eoma.aoac.org/app\\_k.pdf](http://www.eoma.aoac.org/app_k.pdf);



- b. USDA - Guidelines for the Validation of Chemical Methods for the FDA FVM Program, 2nd Edition, April 2015, which is incorporated by reference, includes no future editions or amendments, and is available at <https://www.fda.gov/media/81810/download>; or
  - c. ICH – Validation of Analytical Procedures: Text and Methodology Q2(R1) 2005, which is incorporated by reference, includes no future editions or amendments, and is available at [https://database.ich.org/sites/default/files/Q2\\_R1\\_Guideline.pdf](https://database.ich.org/sites/default/files/Q2_R1_Guideline.pdf) or <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/q2-r1-validation-analytical-procedures-text-and-methodology>.
- C. A technical laboratory director shall ensure that all instruments and equipment used for testing medical marijuana or a marijuana product by chemical analytical methods are:
1. Set up, tuned, and calibrated according to:
    - a. Manufacturer’s acceptance criteria, or
    - b. Criteria validated according to subsection (B), as applicable;
  2. Monitored and maintained according to AOAC - Guidelines for Laboratories Performing Microbiological and Chemical Analyses of Food, Dietary Supplements, and Pharmaceuticals, Appendix A: Equipment, August 2018, which is incorporated by reference, includes no future editions or amendments, and is available at <https://www.aoac.org/aoac-accreditation-guidelines-for-laboratories-alacc>; and
  3. Applicable for the analytes to be tested.
- D. A technical laboratory director shall ensure that for an initial demonstration of capability:
1. Before implementing a method, at least four replicate reference samples for each analyte are:
    - a. Spiked into a clean matrix with, as applicable, an amount at or near the maximum allowable concentration for the analyte in Table 3.1 or the mid-level standard for potency testing; and
    - b. Taken through the entire sample preparation and analysis process;
  2. Whenever a significant change to instrumentation or to a standard operating procedure occurs, the laboratory demonstrates, as specified in subsection (D)(1), that acceptable precision and bias can still be obtained by the changed conditions; and
  3. Whenever a new laboratory agent who will be performing testing on medical marijuana or marijuana products is being trained, the laboratory agent demonstrates, as specified in subsection (D)(1), acceptable precision and bias.
- E. For potency testing or testing for pesticides, fungicides, herbicides, growth regulators, or residual solvents, a technical laboratory director shall ensure that:
1. For establishing the retention time for an analyte, the retention time is determined by three injections, over the course of a 72-hour period, of a standard at or near, as applicable:
    - a. The maximum allowable concentration in Table 3.1 for the analyte; or
    - b. The mid-level standard for potency testing; and
  2. The width of the retention time window for each analyte is defined as  $\pm 3$  times the standard deviation of the mean absolute retention time that was established during the 72-hour period or 0.1 minutes, whichever is greater.
- F. A technical laboratory director shall ensure that:
1. The laboratory complies with the following requirements related to calibration and standards:
    - a. Except as specified in subsection (F)(1)(c), a minimum of:
      - i. Five standards are used for an average response factor or for a linear model,
      - ii. Six standards are used for a quadratic model, and
      - iii. Seven standards are used for a cubic model;
    - b. An X-value of zero is not included as a calibration point;
    - c. A calibration curve for heavy metal testing includes a minimum of three standards and a calibration blank;
    - d. One standard is at or near the limit of quantitation;
    - e. Except as specified in subsection (F)(1)(f) and as applicable, one standard for each analyte is at or near the:
      - i. Maximum allowable concentration in Table 3.1 for the analyte, or
      - ii. Mid-level standard for potency testing; and
    - f. For testing for residual solvents, either:
      - i. One standard for each analyte is at or near the maximum allowable concentration in Table 3.1 for the analyte; or
      - ii. A standard is created containing a concentration of specific analytes that is a dilution factor from the maximum allowable concentration in Table 3.1 for the analyte and is used when performing multiple runs on a sample, with or without dilution, to cover the range of maximum allowable concentrations in Table 3.1;
    - g. One standard is above the maximum allowable concentration in Table 3.1 for an analyte;
  2. The acceptance criteria for testing is one of the following, as applicable:
    - a. The maximum relative standard deviation for the average calibration factor, for an external calibration model, or the response factor, for an internal calibration model, is no more than 20%; and
    - b. For linear and non-linear calibration models, the coefficient of determination ( $r^2$ ) is greater than or equal to 0.99;
  3. For chromatographic testing methods using internal standards for calibration:
    - a. The relative retention time of each analyte to the internal calibration standard is within 0.06 units;
    - b. The areas of the peaks for the internal standards in any sample are between 50 and 200% of the area of the peak of the internal standard in subsection (F)(1)(e) used for calibration; and
    - c. The internal standards:
      - i. Have retention times similar to the analytes being tested for,
      - ii. Do not interfere with any of the analytes, and
      - iii. Have similar chemical properties as the analytes being tested for; and
  4. For methods testing for heavy metals, the internal standards:
    - a. Are appropriate for the analyte, and



- b. Do not interfere with any of the analytes.
- G. To obtain an acceptable calibration, a technical laboratory director:
  - 1. May use any of the following options:
    - a. Perform instrument maintenance to optimize analyte responses, as long as all resulting calibration models meet the acceptance criteria appropriate for the analyte;
    - b. If the problem appears to be associated with a single standard:
      - i. Reanalyze that one standard, at the time of calibration and before any samples are analyzed, to rule out problems due to random error; and
      - ii. Recalculate and reevaluate the standard against the acceptance criteria;
    - c. Narrow the calibration range by replacing one or more of the calibration standards at the upper or lower ends of the curve;
    - d. Narrow the calibration range by removing data points from either extreme end of the range and recalculating the calibration function; or
    - e. Perform a new initial calibration according to subsection (F); and
  - 2. May not:
    - a. Remove data points from within a calibration range while still retaining the extreme ends of the calibration range, or
    - b. Use non-linear calibrations to compensate for detector saturation or to avoid proper instrument maintenance.
- H. A technical laboratory director shall ensure that for initial calibration verification:
  - 1. Standards are prepared either from a different source or from a different lot of standards from the same source than the source from which the initial calibration standards specified in subsection (F)(1) were obtained and must be at or near, as applicable:
    - a. The maximum allowable concentrations for an analyte in Table 3.1,
    - b. According to subsection (F)(1)(f)(ii), or
    - c. The mid-level standard for potency testing; and
  - 2. The following acceptance criteria are used:
    - a. For potency testing, 80 to 120% recovery of true value;
    - b. For testing for pesticides, fungicides, herbicides, growth regulators, or residual solvents, 70 to 130% recovery of the true value; and
    - c. For heavy metal testing, 90 to 110% recovery of the true value.
- I. A technical laboratory director shall ensure that for the limit of quantitation:
  - 1. The limit of quantitation is initially verified by the analysis of at least seven replicate samples, spiked at the limit of quantitation, and processed through all preparation and analysis steps of the method;
  - 2. The signal to noise ratio of the replicate samples in subsection (I)(1) is at least 5:1;
  - 3. The mean recovery of the replicate samples in subsection (I)(1) is:
    - a. For potency testing,  $\pm 20\%$  of the true value;
    - b. For testing for pesticides, fungicides, herbicides, growth regulators, or residual solvents,  $\pm 50\%$  of the true value; and
    - c. For heavy metal testing,  $\pm 35\%$  of the true value;
  - 4. The relative standard deviation of the replicate samples in subsection (I)(1) is less than 20%;
  - 5. The limit of quantitation is, as applicable, no greater than:
    - a. Half the maximum allowable concentrations for an analyte in Table 3.1, or
    - b. 1.0 mg/g for each analyte for potency testing;
  - 6. Any changes to specific sample amounts, dilutions, or volumes employed are reflected in the limit of quantitation stated on a sample report; and
  - 7. Documentation of the current limit of quantitation is maintained for each analyte for each instrument.
- J. Except as provided in subsection (P), a technical laboratory director shall ensure that for batch analysis:
  - 1. Continuing calibration verification standards:
    - a. Are prepared from the same calibration standard source used to prepare the standards specified in subsection (F)(1):
      - i. Initially, with a concentration at or near, as applicable, the maximum allowable concentration for an analyte in Table 3.1, according to subsection (F)(1)(f)(ii), or the mid-level standard for potency testing; and
      - ii. Subsequently, with a concentration at or between the highest concentration and lowest concentration of standards for the analytes in the batch;
    - b. Have the following acceptance criteria:
      - i. For potency testing, 80 - 120% recovery of true value;
      - ii. For testing for pesticides, fungicides, herbicides, growth regulators, or residual solvents, 70 - 130% recovery of the true value; and
      - iii. For heavy metal testing, 90 - 110% recovery of the true value;
  - 2. If internal standards are used in continuing calibration verification, the acceptability criteria of the internal standards is determined as follows:
    - a. For testing for pesticides, fungicides, herbicides, growth regulators, or residual solvents by mass spectrometry, if the area of the peak for an internal standard is different by a factor of two from the area of the respective standard in subsection (F)(1)(e), for the most recent initial calibration sequence, according to subsection (F):
      - i. The mass spectrometer is inspected for malfunctions and corrected, and
      - ii. Reanalysis of the continuing calibration verification meets acceptance criteria in subsection (J)(1)(b)(ii) before any samples are tested; and
    - b. For heavy metal testing:
      - i. The intensity of an internal standard is monitored for each analysis to ensure that the intensity does not vary by more than  $\pm 30\%$ , with respect to the intensity during the initial calibration in subsection (F); and



- ii. If the intensity of an internal standard is outside the range also observed in the calibration blank required in subsection (F)(1)(c):
            - (1) Testing is stopped until the problem is corrected, the instrument is recalibrated, and the new calibration is verified;
            - (2) Reanalysis of the continuing calibration verification meets acceptance criteria in subsection (J)(1)(b)(iii) before any samples are tested; and
            - (3) The affected samples are retested; and
  3. The frequency of continuing calibration verification is as follows:
    - a. For ~~potency testing, heavy metal testing, or testing for pesticides, fungicides, herbicides, growth regulators, or residual solvents~~ by a method other than mass spectrometry:
      - i. At the beginning of the test;
      - ii. After every 20 samples, not counting a quality control sample, such as a sample required in subsection (K); and
      - iii. At the end of the test; and
    - b. For ~~testing for pesticides, fungicides, herbicides, growth regulators, or residual solvents~~ by mass spectrometry:
      - i. At the beginning of the testing,
      - ii. After every 12 hours of running, and
      - iii. At the end of the run.
- K.** Except as provided in subsection (P), a technical laboratory director shall ensure that for batch analysis:
  1. A method blank, with a matrix similar to each type of sample matrix to be tested within the batch:
    - a. Contains the same internal standards as the samples in the batch,
    - b. Is prepared and tested with each batch, and
    - c. Produces results below the limit of quantitation;
  2. Except as provided in subsection (R), a laboratory control sample and duplicate:
    - a. Are prepared at or near, as applicable:
      - i. The maximum allowable concentrations for an analyte in Table 3.1,
      - ii. According to subsection (F)(1)(f)(ii), or
      - iii. The mid-level standard for potency testing;
    - b. Are carried through all stages of sample preparation and included with each analytical batch of up to 20 samples; and
    - c. Have the following acceptance criteria:
      - i. For potency testing, 80 - 120% recovery of true value;
      - ii. For testing for pesticides, fungicides, herbicides, growth regulators, or residual solvents, 70 - 130% recovery of the true value; and
      - iii. For heavy metal testing, 80 - 120% recovery of the true value;
  3. The relative percent difference for the laboratory control sample and duplicate, calculated on the basis of concentration or amount, is no more than 20%; and
  4. A matrix spike:
    - a. Is prepared at or near, as applicable, the maximum allowable concentrations for an analyte in Table 3.1 or the mid-level standard for potency testing;
    - b. Is carried through all stages of sample preparation and included with each analytical batch of up to 20 samples for each matrix type; and
    - c. Has either the following acceptance criteria or acceptance criteria within statistically derived limits developed by the laboratory:
      - i. For potency testing, 80 - 120% recovery of true value;
      - ii. For testing for pesticides, fungicides, herbicides, growth regulators, or residual solvents, 70 - 130% recovery of the true value; and
      - iii. For heavy metal testing, 75 - 125% recovery of the true value.
- L.** A technical laboratory director shall ensure that:
  1. Except as provided in subsection (P), for potency testing or testing for pesticides, fungicides, herbicides, growth regulators, or residual solvents by mass spectrometry, the relative intensities of the characteristic ions agrees within 30% of the relative intensities of these ions in the reference spectrum; and
  2. For heavy metal testing, the intensity of each internal standard is monitored for each analysis to ensure that the intensity does not vary more than  $\pm 30\%$ , with respect to the intensity of the internal standard during the initial calibration specified in subsection (F).
- M.** A technical laboratory director shall ensure that the resolution of chromatographic peaks in potency testing or testing for pesticides, fungicides, herbicides, growth regulators, or residual solvents by a method other than mass spectrometry is maintained so that the height of the valley between the two chromatographic peaks is less than 50% of the average of the two peak heights.
- N.** A technical laboratory director shall ensure that confirmation for testing for pesticides, fungicides, herbicides, growth regulators, or residual solvents by a method other than mass spectrometry:
  1. Is performed using:
    - a. A second column:
      - i. That has a stationary phase dissimilar to the stationary phase in the primary column, and
      - ii. From which the analyte is eluted in a different order than from the primary column;
    - b. A different instrument type, such as gas chromatography followed by mass spectrometry;
    - c. Gas chromatography with two different types of detectors; or
    - d. Other recognized confirmation techniques;
  2. Meets the applicable criteria in subsections (D) through (M); and



3. Includes as part of the confirmation of the analyte:
  - a. An evaluation of the agreement of the quantitative values of the results from both methods of testing; and
  - b. Determination of the relative percent difference between the values.
- O. If the relative percent difference between the values obtained according to subsection (N) is more than 40%, a technical laboratory director shall ensure that:
  1. The chromatograms are checked to see if an obviously overlapping peak is causing an erroneously high result, and the chromatographic conditions are reviewed; and
  2. Either:
    - a. If a problem is found with one of the tests, the result from the other test is reported; and
    - b. If there is no evidence of a chromatographic problem, the higher result is reported.
- P. A technical laboratory director may release testing results that are scientifically valid and defensible, according to R9-17-404.06(B)(3), with the following data qualifier notations if:
  1. The target analyte detected in the calibration blank required in subsection (F)(1)(c) or the method blank specified in subsection (K)(1) is at or above the limit of quantitation, but the sample result:
    - a. For potency testing, is below the limit of quantitation – B1; or
    - b. When testing for pesticides, fungicides, herbicides, growth regulators, heavy metals, or residual solvents, is below the maximum allowable concentration in Table 3.1 for the analyte – B2;
  2. The limit of quantitation and the sample results were adjusted to reflect sample dilution - D1;
  3. The relative intensity of a characteristic ion in a sample analyte exceeded the acceptance criteria in subsection (L)(1) with respect to the reference spectra, indicating interference – I1;
  4. When testing for pesticides, fungicides, herbicides, growth regulators, heavy metals, or residual solvents, the percent recovery of a laboratory control sample is greater than the acceptance limits in subsection (K)(2)(c), but the sample's target analytes were not detected above the maximum allowable concentrations in Table 3.1 for the analytes in the sample – L1;
  5. The recovery from the matrix spike in subsection (K)(4) was:
    - a. High, but the recovery from the laboratory control sample in subsection (K)(2) was within acceptance criteria – M1,
    - b. Low, but the recovery from the laboratory control sample in subsection (K)(2) was within acceptance criteria – M2, or
    - c. Unusable because the analyte concentration was disproportionate to the spike level, but the recovery from the laboratory control sample in subsection (K)(2) was within acceptance criteria – M3;
  6. The analysis of a spiked sample required a dilution such that the spike recovery calculation does not provide useful information, but the recovery from the associated laboratory control sample in subsection (K)(2) was within acceptance criteria – M4;
  7. The analyte concentration was determined by the method of standard addition, in which the standard is added directly to the aliquots of the analyzed sample – M5;
  8. A description of the variance is described in the final report of testing according to ~~R9-17-404.06(B)(3)(d)(iii)~~ R9-17-404.06(B)(3)(d)(ii) – N1;
  9. The relative percent difference for the laboratory control sample and duplicate exceeded the limit in subsection (K)(3), but the recovery in subsection (K)(2) was within acceptance criteria – R1;
  10. The relative percent difference for a sample and duplicate exceeded the limit in subsection (O) – R2; or
  11. The recovery from continuing calibration verification standards exceeded the acceptance limits in subsection (J)(1)(b), but the sample's target analytes were not detected above the maximum allowable concentrations in Table 3.1 for the analytes in the sample – V1.
- Q. A technical laboratory director shall include in the final report of testing, according to ~~R9-17-404.06(B)(3)(d)(ii)~~ R9-17-404.06(B)(3)(d)(iii), the following data qualifier notations if:
  1. Sample integrity was not maintained – Q1; ~~or~~
  2. The sample is heterogeneous, and sample homogeneity could not be readily achieved using routine laboratory practices – Q2; ~~or~~
  3. Testing result is for informational purposes only and cannot be used to satisfy dispensary testing requirements in R9-17-317.01(A) or labeling requirements in R9-17-317 – Q3.
- R. For batch analysis of samples to determine potency, a technical laboratory director may check precision by using either a duplicate laboratory control sample or a duplicate sample prepared from the medical marijuana or marijuana product being tested, according to requirements in subsections (K)(2) and (3).
- S. A technical laboratory director shall ensure that the reporting units for:
  1. Pesticides, fungicides, herbicides, growth regulators, heavy metals, or residual solvents is in parts per million (ppm); and
  2. Potency is in percent (w/w) relative to the bulk plant material or marijuana product, as applicable, (w/w) and, for:
    - a. Total tetrahydrocannabinol, the sum of tetrahydrocannabinolic acid (THC-A), multiplied by 0.877, and delta-9-tetrahydrocannabinol ( $\Delta$ 9-THC); and
    - b. Total cannabidiol, the sum of cannabidiolic acid (CBD-A), multiplied by 0.877, and cannabidiol (CBD).

**R9-17-404.05. Quality Assurance**

- A. An owner holding a laboratory registration certificate or applicant shall ensure that the analytical data produced at the owner's or applicant's laboratory are of known and acceptable precision and accuracy, as prescribed by the method criteria for each analyte in R9-17-404.03 or R9-17-404.04, and are scientifically valid and defensible.
- B. An owner holding a laboratory registration certificate or applicant shall establish, implement, and comply with a written quality assurance plan that contains the following and is available at the laboratory for Department review:
  1. A title page identifying the laboratory and date of review and including the technical laboratory director's signature of approval;
  2. A table of contents;
  3. An organization chart or list of the laboratory personnel, including names, lines of authority, and identification of principal quality assurance personnel;
  4. A copy of the current laboratory registration certificate and a list of approved parameters;



- 5. A statement of quality assurance objectives, including data quality objectives with precision and accuracy goals and the criteria for determining the acceptability of each testing;
  - 6. Specifications for:
    - a. Sample containers,
    - b. Preparation of sample containers, and
    - c. Preservation of samples;
  - 7. A procedure for documenting laboratory receipt of samples and tracking of samples during laboratory testing;
  - 8. A procedure for analytical instrument calibration, including frequency of calibration and complying with the requirements for calibration in subsection (D);
  - 9. A procedure for testing data reduction and validation and reporting of final results, including the identification and treatment of data outliers, the determination of the accuracy of data transcription, and all calculations;
  - 10. A statement of the frequency of all quality control checks;
  - 11. A statement of the acceptance criteria for all quality control checks;
  - 12. Preventive maintenance procedures and schedules;
  - 13. Assessment procedures for data acceptability, including appropriate procedures for manual integration of chromatograms and when manual integration is inappropriate;
  - 14. Corrective action procedures to be taken when results from analytical quality control checks are unacceptable, including steps to demonstrate the presence of any interference if the precision, accuracy, or limit of quantitation of the reported testing result is affected by the interference; and
  - 15. Procedures for chain-of-custody documentation, including procedures for the documentation and reporting of any deviation from the sample handling or preservation requirements.
- C. An owner holding a laboratory registration certificate or applicant shall ensure that a laboratory’s written quality assurance plan is a separate document available at the laboratory and includes all of the components required in subsection (B), but an owner or applicant may satisfy the components required in subsections (B)(3) through (15) through incorporating by reference provisions in separate documents, such as standard operating procedures.
- D. An owner holding a laboratory registration certificate or applicant shall:
- 1. Have available at the laboratory all methods, equipment, reagents, and supplies necessary for the testing for which the owner or applicant is approved or is requesting approval;
  - 2. Use only reagents of a grade equal to or greater than that required by the method criteria in R9-17-404.03 or R9-17-404.04, and document the use of the reagents;
  - 3. Maintain and require each laboratory agent performing testing on medical marijuana or a marijuana product to comply with a complete and current standard operating procedure that meets the requirements for each method, as specified in R9-17-404.03 or R9-17-404.04, which shall include at least:
    - a. A description of all procedures to be followed when the method is performed;
    - b. A list of the concentrations for calibration standards, check standards, and spikes;
    - c. Requirements for instrumental conditions and set up;
    - d. A requirement for frequency of calibration;
    - e. The quantitative methods to be used to calculate the final concentration of an analyte in samples, including any factors used in the calculations and the calibration algorithm used; and
    - f. Requirements for preventative maintenance;
  - 4. Calibrate each instrument as required by the standard operating procedure, as specified in R9-17-404.03 or R9-17-404.04, for which the equipment is used;
  - 5. Maintain calibration documentation, including documentation that demonstrates the calculations performed using each calibration model;
  - 6. Develop, document, and maintain a current limit of quantitation, as specified in R9-17-404.03, for each compliance parameter for each instrument;
  - 7. For each parameter and analyte tested at the laboratory use the quality control acceptance criteria specified according to R9-17-404.03, R9-17-404.04, and Table 3.1;
  - 8. Discard or segregate all expired standards or reagents;
  - 9. Maintain a record showing the traceability of reagents; and
  - 10. Ensure that a calibration model is not used or changed to avoid necessary instrument maintenance.
- E. Except as provided in subsection (F), an owner holding a laboratory registration certificate or applicant shall ensure that each laboratory standard operating procedure is a separate document available at the laboratory and includes all of the components required in subsection (D)(3).
- F. An owner holding a laboratory registration certificate or applicant may satisfy the components required in subsections (D)(3)(e) and (f) through incorporating by reference provisions in separate documents, such as other standard operating procedures.

**R9-17-404.06. Operations**

- A. A technical laboratory director shall ensure that:
- 1. A sample of medical marijuana or a marijuana product accepted at the technical laboratory director’s laboratory is analyzed:
    - a. ~~Either:~~
      - ~~i. At the laboratory, or~~
      - ~~ii. For testing of parameters or analytes that the laboratory is not approved by the Department to conduct, at another laboratory with an approval for testing issued by the Department; and~~
    - b. ~~As~~ received;
  - 2. If an instrument or equipment used for testing medical marijuana or a marijuana product has a mechanism to track any changes made to testing results, the tracking mechanism is activated;



3. The facility and utilities required to operate equipment and perform testing of medical marijuana or marijuana products are maintained;
  4. Environmental controls are maintained within the laboratory to ensure that laboratory environmental conditions do not affect analytical results beyond quality control limits established for the methods performed at the laboratory;
  5. Storage, handling, and disposal of hazardous materials at the laboratory are in accordance with all state and federal regulations;
  6. The laboratory complies with all applicable federal, state, and local occupational safety and health regulations; and
  7. The following information is maintained for all laboratory agents providing supervisory, quality assurance, or analytical functions related to testing of medical marijuana or a marijuana product:
    - a. A summary of each laboratory agent's education and professional experience;
    - b. Documentation of each laboratory agent's applicable certifications and specialized training;
    - c. Information related to the laboratory agent's registry identification card;
    - d. Documentation of each laboratory agent's review of the quality assurance plan required under R9-17-404.05(B) and the methods and laboratory standard operating procedures for all testing of marijuana or marijuana products performed by the laboratory agent or for which the laboratory agent has supervisory or quality assurance responsibility;
    - e. Documentation of each laboratory agent's completion of training on the use of equipment and of proper laboratory technique, including the name of the laboratory agent, the name of the instructor, the duration of the training, and the date of completion of the training;
    - f. Documentation of each laboratory agent's completion of training classes, continuing education courses, seminars, and conferences that relate to the testing procedures used by the laboratory agent for testing of marijuana or marijuana products;
    - g. Documentation of each laboratory agent's completion of initial demonstration of capability, as required in R9-17-404.03(D)(3) or R9-17-404.04(D)(3), for each approved method performed by the laboratory agent;
    - h. Documentation of each laboratory agent's performance of proficiency testing or accuracy testing, as applicable; and
    - i. Documentation of each laboratory agent's completion of training related to instrument calibration that includes:
      - i. Instruction on each calibration model that the laboratory agent will use or for which the laboratory agent will review data;
      - ii. For each calibration model in subsection (A)(7)(i), description of the specific aspects of the calibration model that might compromise the data quality, such as detector saturation, lack of detector sensitivity, the calibration model's not accurately reflecting the calibration points, inappropriate extension of the calibration range, weighting factors, and dropping of mid-level calibration points without justification; and
      - iii. Instruction that a calibration model shall not be used or changed to avoid necessary instrument maintenance.
- B.** A technical laboratory director shall ensure that:
1. A testing record for marijuana or marijuana products contains:
    - a. Sample information, including the following:
      - i. A unique sample identification assigned at the laboratory;
      - ii. A description of the marijuana or marijuana product from which the submitted sample was taken, including the amount, strain, and batch number;
      - iii. The sample collection date and time; and
      - iv. The type of testing to be performed, including whether the testing is to satisfy the requirement in R9-17-317.01(A) or for a dispensary's information only;
    - b. A picture of the sample as submitted;
    - c. The name and registry identification number of the dispensary, qualifying patient, or designated caregiver submitting the sample to the laboratory;
    - d. If applicable, name and the registry identification number of the dispensary agent submitting the sample to the laboratory on behalf of a dispensary;
    - e. The date and time of receipt of the sample at the laboratory;
    - f. The name and registry identification number of the laboratory agent who received the sample at the laboratory;
    - g. The dates and times of testing, including the date and time of each critical step;
    - h. Whether testing results related to a sample were changed;
    - i. If testing results related to a sample were changed, what was changed, the name of the laboratory agent who changed the testing results, the time and date the data were changed, and why the testing results were changed;
    - j. If testing results were changed due to retesting:
      - i. What was used or done to the sample, and
      - ii. The original and changed testing results;
    - k. The actual results of testing, including all raw data, work sheets, and calculations performed;
    - l. The actual results of quality control data validating the ~~test~~ testing results, including the calibration and calculations performed;
    - m. The name of each laboratory agent who performed the testing; and
    - n. A copy of the final report;
  2. A testing result for medical marijuana or a marijuana product that is known to be inaccurate is not reported; and
  3. A final report of testing of marijuana or marijuana products contains:
    - a. The name, address, and telephone number of the laboratory;
    - b. The registry identification number assigned to the laboratory by the Department;
    - c. Actual scientifically valid and defensible results of testing of a sample of medical marijuana or a marijuana product in appropriate units of measure, obtained in accordance with R9-17-404.03, R9-17-404.04, and the quality assurance plan;
    - d. ~~Either~~ As applicable:



- i. A statement that testing results were obtained according to requirements in the quality assurance plan in R9-17-404.05, in the applicable standard operating procedure, and in R9-17-404.03 or R9-17-404.04; ~~or~~
- ii. A description of any variances from the requirements in the quality assurance plan in R9-17-404.05, the applicable standard operating procedure, R9-17-404.03, or R9-17-404.04 made to ensure scientifically valid and defensible testing results, and the reason for the variance; or
- iii. A qualifier according to R9-17-404.03(P) or (Q);
- e. A list of each method used to obtain the reported results;
- f. Sample information, including the following:
  - i. The unique sample identification assigned at the laboratory;
  - ii. A picture of the sample as submitted;
  - iii. A description of the marijuana or marijuana product from which the submitted sample was taken, including the amount, strain and batch number;
  - iv. The sample collection date and time;
  - v. The name and registry identification number of the dispensary, qualifying patient, or designated caregiver submitting the sample to the laboratory; and
  - vi. If applicable, name and the registry identification number of the dispensary agent submitting the sample to the laboratory on behalf of a dispensary;
- g. The date of testing for each parameter reported;
- h. The date of the final report; and
- i. The technical laboratory director's or designee's signature.

**R9-17-404.07. Adding or Removing Parameters for Testing**

- A. During the term of a laboratory registration certificate, an owner may request to have one or more parameters:
  - 1. Added to the laboratory registration certificate, or
  - 2. Removed from the laboratory registration certificate.
- B. To request a change to one or more parameters, an applicant shall submit to the Department:
  - 1. The following information in a Department-provided format:
    - a. The name, address, and telephone number of the applicant;
    - b. The name, address, and telephone number of the laboratory for which the change is requested;
    - c. If requesting the removal of a parameter, identification of the parameter to be removed; ~~and~~
    - d. If requesting the addition of a parameter:
      - i. The analyte to be tested for,
      - ii. The instruments and equipment to be used for testing,
      - iii. The software to be used at the laboratory for instrument control and data reduction interpretation, and
      - iv. The limit of quantitation, if applicable;
    - e. An attestation that the information provided to the Department to apply for the addition of a parameter is true and correct; and
    - f. The signatures of the owner of the laboratory, according to R9-17-401(A), and the technical laboratory director and the date each signed;
  - 2. The following for each parameter requested to be added:
    - a. A copy of current accreditation;
    - b. A copy of a proficiency testing report, if applicable, or accuracy testing documentation; and
    - c. A copy of the standard operating procedure; and
  - 3. If applicable, any changes to the quality assurance plan in R9-17-404.05(B) made due to the addition or removal of the parameter.
- C. The Department may conduct a laboratory inspection during the substantive review period for a request to have one or more parameters added to a laboratory registration certificate.
- D. The Department shall process a request to have one or more parameters added to a laboratory registration certificate as provided in R9-17-107.

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

- A. A laboratory shall not accept submissions of marijuana or marijuana products for testing from an individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1.
- B. A technical laboratory director ~~laboratory~~ shall designate in writing a laboratory agent who has oversight of the laboratory's marijuana inventory control system.
- C. A technical laboratory director shall establish and implement an inventory control system for the laboratory's medical marijuana and marijuana products that documents:
  - 1. The following amounts in appropriate units:
    - a. ~~Each day's beginning medical marijuana and marijuana products inventory of medical marijuana and marijuana products,~~
    - b. ~~medical~~ Medical marijuana and marijuana products accepted for testing,
    - c. The portions of a sample of medical marijuana or a marijuana product removed for testing with the name of the laboratory agent removing each portion.
    - d. Medical marijuana and marijuana products transferred to or from another laboratory for testing of parameters or analytes that the laboratory receiving a sample from a dispensary is not approved by the Department to conduct.
    - e. ~~medical~~ Medical marijuana and marijuana products transferred to another laboratory at the request of a dispensary according to ~~R9-17-3317.01(C)~~ R9-17-317.01(C),
    - f. ~~disposal of medical~~ Medical marijuana or marijuana products that were disposed of, and





NOTICES OF RULEMAKING DOCKET OPENING

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

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

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

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

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

NOTICE OF RULEMAKING DOCKET OPENING
DEPARTMENT OF HEALTH SERVICES
EMERGENCY MEDICAL SERVICES

[R20-153]

- 1. Title and its heading: 9, Health Services
Chapter and its heading: 25, Department of Health Services - Emergency Medical Services
Articles and their headings: 7, Air Ambulance Service Licensing; 8, Air Ambulance Registration
Section numbers: R9-25-701, R9-25-703 through R9-25-711, R9-25-713 through R9-25-718, R9-25-801 through R9-25-807, and Table 8.1

2. The subject matter of the proposed expedited rules: Arizona Revised Statutes (A.R.S.) §§ 36-2202(A)(3) and (4) and 36-2209(A)(2) require the Arizona Department of Health Services (Department) to adopt standards and criteria pertaining to the quality of emergency care, rules necessary for the operation of emergency medical services, and rules for carrying out the purposes of A.R.S. Title 36, Chapter 21.1. The Department has adopted rules to implement these statutes in 9 A.A.C. 25. The rules in 9 A.A.C. 25, Article 7 and 8 establish requirements for licensing air ambulance services and for registration of air ambulances, respectively, to ensure the health and safety of patients being transported. In a five-year-review report approved by the Governor's Regulatory Review Council on July 6, 2017, the Department identified several issues with the rules and proposed a rulemaking to address these issues. These issues include non-compliance with A.R.S. § 41-1080, unnecessary or duplicative requirements, unclear requirements, obsolete requirements, and poor organization of the rules. All of these issues may affect the effectiveness of the rules and, thus, threaten the health and safety of patients being transported. The Department also requested input from stakeholders to identify additional issues. After receiving an exception from the Governor's rulemaking moratorium established by Executive Order 2019-01, the Department began revising the rules in 9 A.A.C. 25, Articles 7 and 8, to address these issues and other issues identified by stakeholders as part of the rulemaking process and to restructure the rules to improve clarity, remove duplication, and increase effectiveness. Several rules drafts have been posted for comment and meetings have been held with stakeholders. This Notice of Docket Opening is notice that the Department is continuing this rulemaking. The proposed amendments will conform to rulemaking format and style requirements of the Governor's Regulatory Review Council and the Office of the Secretary of State.

3. A citation to all published notices relating to the proceeding: Notice of Rulemaking Docket Opening: 25 A.A.R. 1271, May 17, 2019

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

Name: Terry Mullins, Bureau Chief
Address: Department of Health Services
Bureau of Emergency Medical Services and Trauma System
150 N. 18th Ave., Suite 540
Phoenix, AZ 85007-3248
Telephone: (602) 364-3150
Fax: (602) 364-3568
E-mail: Terry.Mullins@azdhs.gov
or
Name: Robert Lane, Chief
Address: Department of Health Services
Office of Administrative Counsel and Rules
150 N. 18th Ave., Suite 200
Phoenix, AZ 85007
Telephone: (602) 542-1020
Fax: (602) 364-1150



E-mail: Robert.Lane@azdhs.gov

- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
To be announced in the Notice of Proposed Rulemaking
- 6. A timetable for agency decisions or other action on the proceeding, if known:**  
To be announced in the Notice of Proposed Rulemaking

**NOTICE OF RULEMAKING DOCKET OPENING  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
SOLID WASTE MANAGEMENT**

[R20-154]

- 1. Title and its heading:** 18, Environmental Quality
- Chapter and its heading:** 13, Department of Environmental Quality - Solid Waste Management
- Articles and their headings:** 2, Solid Waste Definitions; Exemptions  
7, Solid Waste Facility Plan Review Fees  
13, Special Waste  
16, Best Management Practices for Petroleum Contaminated Soil
- Section numbers:** R18-13-201, R18-13-703, R18-13-1301, R18-13-1302, R18-13-1303, R18-13-1304, R18-13-1601, R18-13-1602, R18-13-1603, R18-13-1604, R18-13-1607, R18-13-1608, R18-13-1610, R18-13-1613 (As part of this rulemaking, the Department may add, delete, or modify Sections as necessary.)
- 2. The subject matter of the proposed rule:**  
The Department of Environmental Quality plans to conduct expedited rulemaking to correct outdated citations and implement other courses of action proposed in a five-year review report approved by the Governor’s Regulatory Review Council on March 3, 2020.
- 3. A citation to all published notices relating to the proceeding:**  
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Caitlin Caputo or Mark Lewandowski  
Address: Department of Environmental Quality  
1110 W. Washington St.  
Phoenix, AZ 85007  
Telephone: (602) 771-2230 or (602) 771-4677  
Fax: (602) 771-4272  
E-mail: Caputo.Caitlin@azdeq.gov or Lewandowski.Mark@azdeq.gov
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
Written comments will be accepted at the email addresses listed in item #4 until the close of record, which has not yet been determined. No oral proceeding has been scheduled at this time.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**  
To be announced in the Notice of Proposed Expedited Rulemaking



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**

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**REGISTER INDEXES**

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

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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

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### RULES EFFECTIVE DATES CALENDAR

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

January		February		March		April		May		June	
Date Filed	Effective Date										
1/1	3/1	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.

Table with 3 columns: Deadline Date (paper only) Friday, 5:00 p.m., Register Publication Date, and Oral Proceeding may be scheduled on or after. Rows list dates from July 3, 2020 to January 22, 2021.



## 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	<b>Wednesday</b> 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.