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# Arizona Administrative REGISTER

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Vol. 27, Issue 36

~ Administrative Register Contents ~

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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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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. 27

Issue 36

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

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

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

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# Participate in the Process

## Look for the Agency Notice

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

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

## Attend a public hearing/meeting

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

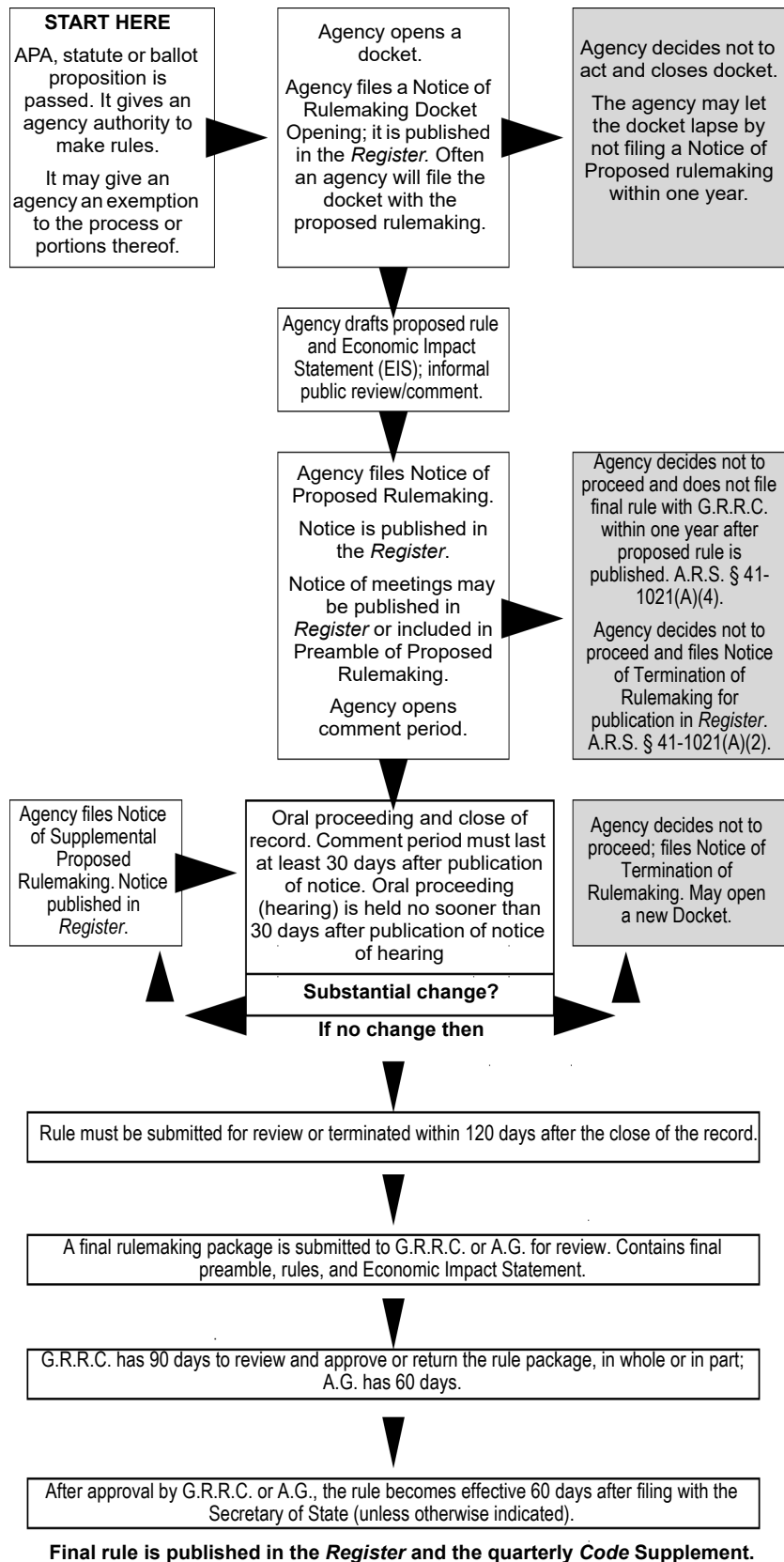
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

## Write the agency

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

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

## Arizona Regular Rulemaking Process



## Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Acronyms

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

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

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

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

FR – *Federal Register*

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

U.S.C. – *United States Code*

## About Preambles

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

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

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



## NOTICES OF PROPOSED RULEMAKING

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

A proposed rulemaking is filed by an agency upon completion and submittal of a Notice of Rulemaking Docket Opening. Often these two documents are filed at the same time and published in the same *Register* issue.

When an agency files a Notice of Proposed Rulemaking under the Administrative Procedure Act (APA), the notice is published in the *Register* within three weeks of filing. See the publication schedule in the back of each issue of the *Register* for more information.

Under the APA, an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule (A.R.S. §§ 41-1013 and 41-1022).

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed rules should be addressed to the agency that promulgated the rules. Refer to item #4 below to contact the person charged with the rulemaking and item #10 for the close of record and information related to public hearings and oral comments.

### NOTICE OF PROPOSED RULEMAKING TITLE 4. PROFESSIONS AND OCCUPATIONS CHAPTER 16. ARIZONA MEDICAL BOARD

[R21-119]

#### PREAMBLE

- |  |   |
|--|---|
| <p><b><u>1. Article, Part, and Section Affected (as applicable)</u></b></p> <p>R4-16-201<br/>R4-16-201.1<br/>R4-16-301<br/>R4-16-302<br/>R4-16-303<br/>R4-16-304<br/>R4-16-305</p> | <p><b><u>Rulemaking Action</u></b></p> <p>Amend<br/>Amend<br/>Amend<br/>Amend<br/>Amend<br/>Amend<br/>Amend</p> |
|--|---|
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**  
 Authorizing statute: A.R.S. § 32-1404(D)  
 Implementing statute: A.R.S. §§ 32-1401(9), 32-1422, 32-1430, and 32-1491
- 3. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the proposed rule:**  
 Notice of Rulemaking Docket Opening: 27 A.A.R. 1390, September 3, 2021 (*in this issue*)
- 4. The agency's contact person who can answer questions about the rulemaking:**  
 Name: Patricia McSorley, Executive Director  
 Address: Arizona Medical Board  
 1740 W. Adams St., Suite 4000  
 Phoenix, AZ 85007  
 Telephone: (480) 551-2700  
 Fax: (480) 551-2704  
 Email: patricia.mcsorley@azmd.gov  
 Website: www.azmd.gov
- 5. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**  
 The rules in Article 3 are quite old. In 5YRRs completed in 2015 and 2020, the Board indicated it intended to amend the rules to address issues dealing with lack of clarity, incorrect cross references, and inconsistencies with statute. However, higher priority work, turnover of staff, and scarce state resources prevented the Board from completing the plan rulemaking. This rulemaking addresses the issues identified in the previous 5YRRs.  
 A 5YRR of Article 2 was approved by the Council on February 2, 2021. This rulemaking addresses minor issues identified in that rulemaking.  
 Additionally, under Laws 2018, Chapter 1, the legislature amended A.R.S. § 32-1491(B) regarding dispensing a Schedule II controlled substance that is an opioid. R4-16-301 has been amended to reference that change.  
 Exemptions for this rulemaking from Executive Order 2021-02 were provided by Gabee Lepore of the Governor's Office by emails dated July 29, 2021.



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

The Board reviewed and was informed by the following report on a study: *Physician, Heal Thy Double Stigma—Doctors with Mental Illness and Structural Barriers to Disclosure*, by Omar S. Haque, M.D., Ph.D., Michael A. Stein, J.D. Ph.D., and Amelia Marvit, *New England Journal of Medicine*, March 11, 2021. The article can be accessed at: <https://www.nejm.org/doi/full/10.1056/NEJMp2031013>

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

Not applicable

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

The Board believes that improving clarity and correcting references will have a minimal, positive economic impact on those required to comply with the rules. The amendments to R4-16-201 and R4-16-201.1 will benefit physicians who might be reluctant to obtain needed help for medical conditions that potentially impair practice.

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

Name: Patricia McSorley, Executive Director  
Address: Arizona Medical Board  
1740 W. Adams St., Suite 4000  
Phoenix, AZ 85007  
Telephone: (480) 551-2700  
Fax: (480) 551-2704  
Email: [patricia.mcsorley@azmd.gov](mailto:patricia.mcsorley@azmd.gov)  
Website: [www.azmd.gov](http://www.azmd.gov)

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

An oral proceeding regarding the proposed rules will be held as follows:

Date: Wednesday, October 6, 2021

Time: 10:00 a.m.

Location: The oral proceeding will be held electronically. Instructions for connecting to the oral proceeding will be posted on the Board's website.

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

None

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

The license, renewal, and registration addressed in this rulemaking are not general permits because the Board is required by statute (See A.R.S. §§ 32-1422, 32-1430, and 32-1491) to issue licenses and registrations only to individuals who meet criteria specified in statute and rule.

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

None of the rules is more stringent than federal law. There are numerous federal laws relating to the provision of health care but none is directly applicable to this rulemaking.

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

No analysis was submitted

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

None

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

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 16. ARIZONA MEDICAL BOARD**

**ARTICLE 2. LICENSURE**

Section

R4-16-201. Application for Licensure by Examination or Endorsement

R4-16-201.1. Application for Renewal of License



### ARTICLE 3. DISPENSING OF DRUGS

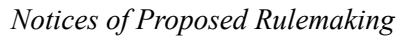
Section

- R4-16-301. Registration and Renewal
- R4-16-302. Packaging and Inventory; Exception
- R4-16-303. Prescribing and Dispensing Requirements
- R4-16-304. Recordkeeping and Reporting Shortages
- R4-16-305. Inspections; Denial and Revocation

### ARTICLE 2. LICENSURE

#### R4-16-201. Application for Licensure by Examination or Endorsement

- A. For purposes of this Article, unless otherwise specified:
  - 1. "ABMS" means American Board of Medical Specialties.
  - 2. "ECFMG" means Educational Commission for Foreign Medical Graduates.
  - 3. "FCVS" means Federation Credentials Verification Service.
  - 4. "FLEX" means Federation Licensing Examination.
  - 5. "LMCC" means Licentiate of the Medical Council of Canada.
  - 6. "NBME" means National Board of Medical Examiners.
  - 7. "Primary source" means the original source or an approved agent of the original source of a specific credential that can verify the accuracy of a qualification reported by an applicant.
  - 8. "SPEX" means Special Purposes Examination.
  - 9. "USMLE" means United States Medical Licensing Examination.
- B. An applicant for licensure to practice medicine by Step 3 of the USMLE or endorsement shall submit the following information on an application form available on request from the Board and on the Board's web site:
  - 1. Applicant's full name, Social Security number, business and home addresses, primary e-mail address, business and home telephone numbers, and date and place of birth;
  - 2. Name of the school of medicine from which the applicant graduated and date of graduation;
  - 3. A complete list of the applicant's internship, residency, and fellowship training;
  - 4. List of all licensing examinations taken;
  - 5. Names of the states, U.S. territories, or provinces in which the applicant has applied for or been granted a license or registration to practice medicine, including license number, date issued, and current status of the license;
  - 6. A statement of whether the applicant:
    - a. Has had an application for medical licensure denied or rejected by another state or province licensing board, and if so, an explanation;
    - b. Has ever had any disciplinary or rehabilitative action taken against the applicant by another licensing board, including other health professions, and if so, an explanation;
    - c. Has had any disciplinary actions, restrictions, or limitations taken against the applicant while participating in any type of training program or by any health care provider, and if so, an explanation;
    - d. Has been found in violation of a statute, rule, or regulation of any domestic or foreign governmental agency, and if so, an explanation;
    - e. Is currently under investigation by any medical board or peer review body, and if so, an explanation;
    - f. Has been subject to discipline resulting in a medical license being revoked, suspended, limited, cancelled during investigation, restricted, or voluntarily surrendered, or resulting in probation or entry into a consent agreement or stipulation and if so, an explanation;
    - g. Has had hospital privileges revoked, denied, suspended, or restricted, and if so, an explanation;
    - h. Has been named as a defendant in a malpractice matter currently pending or that resulted in a settlement or judgment against the applicant, and if so, an explanation;
    - i. Has been subjected to any regulatory disciplinary action, including censure, practice restriction, suspension, sanction, or removal from practice, imposed by any agency of the federal or state government, and if so, an explanation;
    - j. Has had the authority to prescribe, dispense, or administer medications limited, restricted, modified, denied, surrendered, or revoked by a federal or state agency as a result of disciplinary or other adverse action, and if so, an explanation;
    - k. Has been found guilty or entered into a plea of no contest to a felony, a misdemeanor involving moral turpitude in any state, and if so, an explanation;
  - 7. Whether the applicant is currently certified by any of the American Board of Medical Specialties;
  - 8. The applicant's intended specialty;
  - 9. Consistent with the Board's authority at A.R.S. § 32-1422(B), other information the Board may deem necessary to evaluate the applicant fully;
  - 10. Whether the applicant completed a training unit prescribed by the Board regarding the requirements of A.R.S. Title 32, Chapter 13 and this Chapter;
  - 11. In addition to the answers provided under subsections (B)(1) through (B)(10), the applicant shall answer the following confidential question:
    - a. Whether the applicant currently has ~~received treatment within the last five years for use of alcohol or a controlled substance, prescription only drug, or dangerous drug or narcotic or a physical, mental, emotional, or nervous disorder or a medical condition that currently affects~~ impairs the applicant's ability to ~~exercise the judgment and skills of a medical practice medicine in a competent, ethical, and professional manner;~~
    - b. If the answer to subsection (B)(11)(a) is yes:
      - i. ~~A detailed description of the use, disorder, or condition~~ Provide an explanation of the medical condition; and



- ii. An explanation of whether the use, disorder, or condition is reduced or ameliorated because the applicant receives ongoing treatment and if so, the name and contact information for all current treatment providers and for all monitoring or support programs in which the applicant is currently participating. If currently practicing under a monitoring agreement with a licensing board in another state, attach a copy of the monitoring agreement to the application; and
- e. A copy of any public or confidential agreement or order relating to the use, disorder, or condition, issued by a licensing agency or health care institution within the last five years, if applicable; and
12. A notarized statement, signed by the applicant, verifying the truthfulness of the information provided, and that the applicant has not engaged in any acts prohibited by Arizona law or Board rules, and authorizing release of any required records or documents to complete application review.
- C. In addition to the application form required under subsection (B), an applicant for licensure to practice medicine by Step 3 of the USMLE or endorsement shall submit the following:
1. A ~~notarized~~ copy of the applicant's birth certificate or passport that is:
    - a. Notarized, or
    - b. Certified by a governmental agency.
  2. Evidence of legal name change if the applicant's legal name is different from that shown on the document submitted under subsection (C)(1);
  3. Documentation listed under A.R.S. § 41-1080(A) showing that the applicant's presence in the U.S. is authorized under federal law;
  4. Complete list of all ~~hospital affiliations and~~ medical employment for the five years before the date of application;
  5. Verification of any medical malpractice matter currently pending or resulting in a settlement or judgment against the applicant, including a copy of the complaint and either the agreed terms of settlement or the judgment and a narrative statement specifying the nature of the occurrence resulting in the medical malpractice action. An applicant who is unable to obtain a document required under this subsection may apply under subsection (E) a waiver of the requirement;
  6. A full set of fingerprints and the processing charge specified in R4-16-205;
  7. A paper or digital headshot photograph of the applicant taken no more than 60 days before the date of application; and
  8. The fee authorized under A.R.S. § 32-1436 and specified in R4-16-205.
- D. In addition to the requirements of subsections (B) and (C), an applicant for licensure to practice medicine by Step 3 of the USMLE or endorsement shall have the following submitted to the Board, electronically or in hard copy, by the primary source, ECFMG, Veridoc, or FCVS:
1. Official transcript or other authentication of graduation from a school of medicine;
  2. Verification of completion of postgraduate training;
  3. Verification of ECFMG certification if the applicant graduated from an unapproved school of medicine;
  4. Examination and Board history report scores for USMLE, FLEX, NBME, and SPEX;
  5. Verification of LMCC exam score or state written exam score;
  6. Verification of licensure from every state in which the applicant has ever held a medical license;
  7. Verification of all hospital affiliations during the five years before the date of application. Under A.R.S. § 32-1422(A)(11)(b), this verification is required to be on the hospital's official letterhead or the electronic equivalent; and
  8. Verification of all medical employment during the five years before the date of application. Under A.R.S. § 32-1422(A)(11)(b), this verification may be submitted by the employer.
- E. As provided under A.R.S. § 32-1422(F), the Board may waive a documentation requirement specified under subsections (C)(5) and (D).
1. To obtain a waiver under this subsection, an applicant shall submit a written request that includes the following information:
    - a. Applicant's name;
    - b. Date of request;
    - c. Document required under subsection (C)(5) or (D) for which waiver is requested;
    - d. Detailed description of efforts made by the applicant to provide the document as required under subsection (C)(5) or (D);
    - e. Reason the applicant's inability to provide the document as required under subsection (C)(5) or (D) is due to no fault of the applicant; and
    - f. If applicable, documents that support the request for waiver.
  2. The Board shall consider the request for waiver at its next regularly scheduled meeting.
  3. In determining whether to grant the request for waiver, the Board shall consider whether the applicant:
    - a. Made appropriate and sufficient effort to satisfy the requirement under subsection (C)(5) or (D); and
    - b. Demonstrated that compliance with the requirement under subsection (C)(5) or (D) is not possible because:
      - i. The entity responsible for issuing the required document no longer exists;
      - ii. The original of the required document was destroyed by accident or natural disaster;
      - iii. The entity responsible for issuing the required document is unable to provide verification because of armed conflict or political strife; or
      - iv. Another valid reason beyond the applicant's control prevents compliance with the requirement under subsection (C)(5) or (D).
  4. In determining whether to grant the request for waiver, the Board shall:
    - a. Consider whether it is possible for the Board to obtain the required document from other source; and
    - b. Request the applicant to obtain and provide additional information the Board believes will facilitate the Board's decision.
  5. If the Board determines the applicant is unable to comply with a requirement under subsection (C)(5) or (D) in spite of the applicant's best effort and for a reason beyond the applicant's control, the Board may grant the request for waiver and include the decision in the Board's official record for the applicant.





6. The Board shall provide the applicant with written notice of its decision regarding the request for waiver. The Board's decision is not subject to review or appeal.
- F. As provided under A.R.S. § 32-1426(B), the Board may require an applicant for licensure by endorsement who passed an examination specified in A.R.S. § 32-1426(A) more than ten years before the date of application to provide evidence the applicant is able to engage safely in the practice of medicine. The Board may consider one or more of the following to determine whether the applicant is able to engage safely in the practice of medicine:
  1. ~~If an~~ Whether the applicant is board certified by one of the specialties recognized by the ABMS; ~~If the applicant holds a current ABMS certification, this criteria criterion is considered met.~~
  2. ~~If an~~ Whether the applicant ~~obtains a passing score on a~~ takes and passes the SPEX examination; ~~If the applicant obtains a passing score on the SPEX examination, this criteria criterion is considered met.~~
  3. The Board may also consider any combination of the following:
    - a. The applicant's records,
    - b. The applicant's practice history, and
    - c. A physical or psychological assessment of the applicant.

**R4-16-201.1. Application for Renewal of License**

- A. Under A.R.S. § 32-1430(A), an individual licensed under A.R.S. Title 32, Chapter 13, shall renew the license every other year on or before the licensee's birthday.
- B. To renew a license, a licensee shall submit the following information on an application form available on request from the Board and on the Board's web site:
  1. The licensee's full name, license number, business and home addresses, primary e-mail address, and business and home telephone numbers;
  2. Identification of changes to medical specialties and fields of practice;
  3. A statement of whether, since the time of last license issuance, the licensee:
    - a. Has had an application for medical licensure denied or rejected by another state or province licensing board and if so, an explanation;
    - b. Has had any disciplinary or rehabilitative action taken against the licensee by another licensing board, including other health professions and if so, an explanation;
    - c. Has had any disciplinary action, restriction, or limitation taken against the licensee by any program or health care provider and if so, an explanation;
    - d. Has been subject to discipline resulting in a medical license being revoked, suspended, limited, cancelled during an investigation, restricted, or voluntarily surrendered, or resulting in probation or entry into a consent agreement or stipulation and if so, an explanation;
    - e. Has had hospital privileges revoked, denied, suspended, or restricted and if so, an explanation (do not report if the licensee's hospital privileges were suspended due to failure to complete hospital records and reinstated after no more than 90 days);
    - f. Has been subjected to disciplinary action including censure, practice restriction, suspension, sanction, or removal from practice by an agency of the state or federal government and if so, an explanation;
    - g. Has had the authority to prescribe, dispense, or administer medications limited, restricted, modified, denied, surrendered, or revoked by a federal or state agency as a result of disciplinary or other adverse action and if so, an explanation;
    - h. Has been found guilty or entered into a plea of no contest to a felony, a misdemeanor involving moral turpitude, or an alcohol or drug-related offense in any state and if so, an explanation; and
    - i. Has failed the SPEX;
  4. A statement of whether the licensee understands and complies with the medical records and recordkeeping requirements in A.R.S. §§ 32-3211 and 12-2297;
  5. A statement of whether the licensee has completed at least 40 hours of CME as required under A.R.S. § 32-1434 and R4-16-102, including the hour of CME required under R4-16-102(A)(1);
  6. A statement of whether the licensee requests that the license be inactivated or cancelled; and
  7. A statement of whether the licensee completed a training unit prescribed by the Board regarding the requirements of A.R.S. Title 32, Chapter 13 and this Chapter.
- C. Additionally, the licensee shall answer the following confidential question:
  1. Whether the ~~applicant licensee currently~~ has received treatment since the last renewal for use of alcohol or a controlled substance, prescription only drug, or dangerous drug or narcotic or a physical, mental, emotional, or nervous disorder or a medical condition that currently affects impairs the applicant's licensee's ability to exercise the judgment and skills of a medical practice medicine in a competent, ethical, and professional manner;
  2. If the answer to subsection (C)(1) is yes:
    - a. ~~A detailed description of the use, disorder, or condition~~ Provide an explanation of the medical condition; and
    - b. ~~An explanation of whether the use, disorder, or condition is reduced or ameliorated because the applicant receives ongoing treatment and if so, the name and contact information for all current treatment providers and for all monitoring or support programs in which the applicant is currently participating~~ If currently practicing under a monitoring agreement with a licensing board in another state, attach a copy of the monitoring agreement to the application; and
  3. ~~A copy of any public or confidential agreement or order relating to the use, disorder, or condition, issued by a licensing agency or health care institution since the last renewal, if applicable.~~
- D. To renew a license, a licensee shall submit the following with the required application form:
  1. If the document submitted under R4-16-201(C)(3) was a limited form of work authorization issued by the federal government, evidence that the licensee's presence in the U.S. continues to be authorized under federal law;
  2. The renewal fee specified under R4-16-205 and, if applicable, the penalty fee for late renewal; and



3. An attestation that all information submitted is correct.

### ARTICLE 3. DISPENSING OF DRUGS

#### R4-16-301. Registration and Renewal

- A. A physician who wishes to dispense a controlled substance, ~~as defined in A.R.S. § 32-1901(12)~~ restricted under A.R.S. § 32-1491(B), ~~a~~ prescription-only drug ~~as defined in A.R.S. § 32-1901(65), or a~~ prescription-only device, ~~as defined in at A.R.S. § 32-1901(64),~~ shall be currently licensed to practice medicine in Arizona and shall ~~register with the Board by provide~~ providing the following to the Board the following:
  1. A completed registration form, which is available on the Board's web site and ~~that~~ includes the following information:
    - a. The physician's name, license number, and field of practice;
    - b. A list of the types of drugs and devices the physician will dispense; and
    - c. The location or locations where the physician will dispense a controlled substance, ~~a~~ prescription-only drug, or ~~a~~ prescription-only device;
  2. A copy of the physician's current Drug Enforcement Administration Certificate of Registration for each dispensing location from which the physician will dispense a controlled substance; and
  3. The ~~fees~~ fee required ~~in A.R.S. § 32-1436~~ under R4-16-205 unless the physician is exempt under A.R.S. § 32-1921(E) from paying the fee.
- B. A physician shall renew a registration to dispense a controlled substance, as restricted under A.R.S. § 32-1491(B), ~~a~~ prescription-only drug, or ~~a~~ prescription-only device by complying with the requirements in subsection (A) on or before June 30 of each year. If a physician ~~has made~~ makes timely and complete application for the renewal of a registration, the physician may continue to dispense until the Board approves or denies the renewal application.
- C. ~~If the completed annual renewal form, all required documentation, and the fee are not received in the Board's office on or before June 30 a physician fails to comply with subsection (B), the physician shall not dispense any controlled substances, prescription-only drugs, or prescription-only devices until re-registered the physician complies fully with subsection (A) and receives notice the Board approves the registration. The physician shall re-register by filing for initial registration under subsection (A) and shall not dispense a controlled substance, a prescription-only drug, or a prescription-only device until receipt of the re-registration.~~

#### R4-16-302. Packaging and Inventory; Exception

- A. A physician shall dispense all controlled substances and prescription-only drugs in prepackaged containers or in light-resistant containers with consumer safety caps; that comply with standards specified in the official compendium, ~~as defined in A.R.S. § 32-1901(49),~~ and state and federal law, unless a patient or ~~a~~ the patient's representative requests a non-safety cap.
- B. ~~All~~ A physician shall ensure ~~a controlled substance and substance or~~ a controlled substance or prescription-only ~~drugs~~ drug dispensed ~~shall be~~ is labeled with the following information:
  1. The physician's name, address, and telephone number;
  2. The date the controlled substance ~~and or~~ and prescription-only drug is dispensed;
  3. The patient's name and date of birth;
  4. The controlled substance ~~and or~~ and prescription-only drug name, strength, ~~and~~ dosage, form, name of manufacturer, the quantity dispensed, directions for use, and any cautionary statement necessary for the safe and effective use of the controlled substance ~~and or~~ and prescription-only drug; and
  5. A ~~beyond-use date~~ beyond-use date not to exceed one year from the date of dispensing or the manufacturer's expiration date if less than one year.
- C. A physician shall secure all controlled substances in a locked cabinet or room and ~~shall~~ control access to the cabinet or room by a written procedure that includes, at a minimum, designation of the persons who have access to the cabinet or room and procedures for recording requests for access to the cabinet or room. ~~This~~ The physician shall make the written procedure ~~shall be made~~ shall be available on demand to the Board or its authorized representatives for inspection or copying.
- ~~D.~~ D. ~~Prescription only~~ A physician shall store prescription-only drugs shall be stored so as not to be the prescription-only drugs are not accessible to patients.
- ~~D-E.~~ D-E. ~~Controlled~~ A physician shall store controlled substances and prescription-only drugs not requiring refrigeration ~~shall be maintained~~ shall be in an area where the temperature does not exceed 85° F.
- ~~E-F.~~ E-F. A physician shall maintain an ongoing dispensing log for all controlled substances and the prescription-only drug nalbuphine hydrochloride (Nubain) dispensed by the physician. The dispensing log shall include the following:
  1. A separate inventory sheet for each controlled substance and prescription-only drug;
  2. The date the drug is dispensed;
  3. The patient's name and date of birth;
  4. The ~~dosage~~, controlled substance ~~and or~~ and prescription-only drug name, strength, dosage, form, and name of the manufacturer;
  5. The number of dosage units dispensed;
  6. A running total of each controlled substance and prescription-only drug dispensed; and
  7. The signature of the physician written next to each entry.
- ~~F-G.~~ F-G. A physician may use a computer to maintain the dispensing log required in subsection (E) (F) if the dispensing log is password protected and quickly accessible through either on-screen viewing or printing ~~of a copy.~~
- ~~G-H.~~ G-H. This Section does not apply to a prepackaged manufacturer sample of a controlled substance ~~and or~~ and prescription-only drug, unless otherwise provided by federal law.

#### R4-16-303. Prescribing and Dispensing Requirements

- A. A physician shall record on the patient's medical record the name, strength, dosage, and form, of ~~the a~~ a controlled substance, prescription-only drug, or prescription-only device dispensed, the quantity or volume dispensed, the date the controlled substance, prescrip-



- tion-only drug, or prescription-only device is dispensed, the ~~medical reasons~~ therapeutic reason for dispensing the controlled substance, prescription-only drug, or prescription-only device, and the number of refills authorized.
- B. Before dispensing a controlled substance, prescription-only drug, or prescription-only device to a patient, a physician shall review the prepared controlled substance, prescription-only drug, or prescription-only device to ensure ~~that~~:
1. The container label and contents comply with the prescription order, and
  2. The patient is informed of the name of the controlled substance, prescription-only drug, or prescription-only device, directions for use, precautions, and storage requirements.
- C. A physician shall purchase all dispensed controlled substances, prescription-only drugs, or prescription-only devices from a manufacturer or distributor approved by the United States Food and Drug Administration; or a pharmacy holding a current permit from the Arizona Board of Pharmacy.
- D. The person who prepares a controlled substance, prescription-only drug, or prescription-only device for dispensing shall countersign and date the original prescription ~~form~~ order for the controlled substance, prescription-only drug, or prescription-only device.
- ~~E. For purposes of this Article, "dispensing" means the delivery of a controlled substance, a prescription-only drug, or a prescription-only device to a patient for use outside the physician's office.~~

**R4-16-304. Recordkeeping and Reporting Shortages**

- A. A physician who dispenses a controlled substance or prescription-only drug shall ensure ~~that~~ an original prescription order for the controlled substance or prescription-only drug dispensed from the physician's office is dated, consecutively numbered in the order in which it is originally dispensed, and filed separately from patient medical records. ~~A~~ The physician shall ensure ~~that an~~ original prescription orders are ~~be~~ maintained in three separate files, as follows:
1. Schedule II controlled substances;
  2. Schedule III, IV, and V controlled substances; and
  3. Prescription-only drugs.
- B. A physician shall ensure ~~that~~ purchase orders and invoices are maintained for all controlled substances and prescription-only drugs dispensed, whether for profit ~~and or~~ not for profit, for three years from the date of the purchase order or invoice. Purchase orders and invoices shall be maintained in three separate files as follows:
1. Schedule II controlled substances only;
  2. Schedule III, IV, and V controlled substances and nalbuphine; and
  3. All other prescription-only drugs.
- C. A physician who discovers a theft or loss of a controlled substance or ~~a~~ dangerous drug, as defined in A.R.S. § 13-3401, from the physician's office shall:
1. Immediately notify the local law enforcement agency,
  2. Provide ~~that the~~ the local law enforcement agency with a written report, and
  3. Send a copy of the report provided under subsection (C)(2) to the Drug Enforcement Administration and ~~the~~ Board within seven days of the discovery.
- D. For purposes of this Section, controlled substances are identified, defined, or listed in A.R.S. Title 36, Chapter 27.

**R4-16-305. Inspections; Denial and Revocation**

- A. A physician shall cooperate with and allow access to the physician's office and records for periodic inspection of dispensing practices by the Board or its authorized representative. Failure to cooperate or allow access ~~shall be constitutes~~ grounds for revocation of a physician's registration to dispense a controlled substance, prescription-only drug, or prescription-only device or denial of renewal of the physician's dispensing registration.
- B. Failure to comply with A.R.S. § 32-1491 or this Article constitutes grounds for denial or revocation of dispensing registration.
- C. The Board shall revoke a physician's registration to dispense a controlled substance, prescription-only drug, or prescription-only device ~~upon occurrence~~ if any of the following occur:
1. Suspending, revoking, surrendering, or canceling the physician's license;
  2. Placing the physician's license on inactive status;
  3. Failing to ~~timely~~ renew the physician's license timely; or
  4. Restricting the physician's ability to prescribe or administer medication, including loss or expiration of the physician's Drug Enforcement Administration Certificate of Registration.
- D. As specified under R4-16-103, if the Board denies a physician's physician who is denied a dispensing registration, the physician may appeal the decision by filing a request, in writing, with the Board, no later than 30 days after receipt of the notice denying the registration.

**NOTICE OF PROPOSED RULEMAKING**

**TITLE 21. CHILD SAFETY**

**CHAPTER 8. DEPARTMENT OF CHILD SAFETY  
FOSTER HOME AND CHILD WELFARE AGENCY FACILITY SAFETY**

[R21-120]

**PREAMBLE**

<b><u>1. Article, Part, or Section Affected (as applicable)</u></b>	<b><u>Rulemaking Action</u></b>
R21-8-101	Amend
R21-8-102	Amend
R21-8-103	Amend
R21-8-106	Amend



R21-8-107	Amend
R21-8-111	Amend
R21-8-112	Amend
R21-8-113	Renumber
R21-8-113	New Section
R21-8-114	Renumber
R21-8-114	Amend

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

Authorizing statute: A.R.S. § 8-453(A)(5)  
Implementing statute: A.R.S. §§ 8-504, 8-505, and 8-509

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

Notice of Rulemaking Docket Opening: 27 A.A.R. 1391, September 3, 2021 (*in this issue*)

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

Name: Angie Trevino, Rule Development Specialist  
Address: Department of Child Safety  
3003 N. Central Ave.  
Phoenix, AZ 85012  
Telephone: (602) 255-2569  
Fax: (602) 255-3262  
Email: Angelica.Trevino@azdcs.gov  
Website: <https://dcs.az.gov/about/dcs-rules-rulemaking>

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

The rules in this Article pertain to the inspection of foster homes and child welfare agencies for sanitation, fire, and other actual and potential hazards. In 2019, through the process of completing a Five-Year-Review Report per A.R.S. § 41-1056, the Department identified rules that need to be updated and amended. The proposed amendments identified in this rulemaking add, amend and update the rules in order to make them more effective, consistent with other rules and statutes, and clear, concise, and understandable.

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

The Department of Child Safety (DCS) did not review or rely on any study relevant to the proposed amended rules.

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

Not applicable

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

The Department of Child Safety is authorized by Arizona Revised Statutes to license foster homes and child welfare agencies. A component of licensing is the inspection of foster homes and the facilities under a child welfare agency. The Department conducts inspections at the time of licensing (initial and renewal), relocation of or new licensed settings, and for significant new construction. The Department anticipates that the economic impact of these rules to be minimal and does not anticipate that this rulemaking creates a significant increase in cost. The Department does not charge applicants or licensees a fee for conducting these inspections. The benefits of this rulemaking include increased clarity, removal of redundancies, reduction in a regulatory burden, clarifies expectations, and potentially expands the pool of providers, while continuing to ensure that licensees provide as safe a home as possible to children in out-of-home care.

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

Name: Angie Trevino, Rule Development Specialist  
Address: Department of Child Safety  
3003 N. Central Ave.  
Phoenix, AZ 85012  
Telephone: (602) 255-2569  
Fax: (602) 255-3262  
Email: Angelica.Trevino@azdcs.gov  
Website: <https://dcs.az.gov/about/dcs-rules-rulemaking>

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

Written comments may be submitted via:

Email: DCSrulemaking@azdcs.gov  
Mail: Arizona Department of Child Safety  
Office of Legislative Affairs and Codification



P.O. Box 6030  
Phoenix, AZ 85005

Close of public comment records is October 19, 2021 at 5:00 p.m.

The Department has scheduled a telephonic oral proceeding:

Date: October 19, 2021

Time: 10:00 a.m.

Telephone: (480) 561-6122, passcode 497257617#

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

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

The rules pertain to the inspections of foster homes and child welfare agencies. A general permit is not used.

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

Federal laws 42 U.S.C. 671. The rules are not more stringent than federal law.

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

No analysis was submitted.

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

Not applicable

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

**TITLE 21. CHILD SAFETY**

**CHAPTER 8. DEPARTMENT OF CHILD SAFETY**

**FOSTER HOME AND CHILD WELFARE AGENCY FACILITY SAFETY**

**ARTICLE 1. LIFE SAFETY INSPECTIONS**

Section

- R21-8-101. Definitions
- R21-8-102. Application
- R21-8-103. Frequency of Inspection and Inspection Area
- R21-8-106. Weapons and Firearms
- R21-8-107. Animals
- R21-8-111. Water and Plumbing Requirements
- R21-8-112. Fire Safety and Evacuation Plan Requirements
- R21-8-113. Emergency and Disaster Plan
- ~~R21-8-113.~~ R21-8-114. Pool Safety

**ARTICLE 1. LIFE SAFETY INSPECTIONS**

**R21-8-101. Definitions**

The definitions in R21-6-101 apply to this Article, except the following terms are defined as:

- 1. No change
- 2. No change
- 3. No change
  - a. No change
  - b. No change
  - c. No change
- 4. "Pool enclosure" means a fence or barrier surrounding a pool and meets the requirements of ~~R21-8-113(B)(2)~~ R21-8-114(B)(2).
- 5. No change
  - a. No change
  - b. No change
- 6. No change
- 7. "Structural modification" means:
  - a. Adding or removing walls, windows or doors; or
  - b. Converting a garage, attic, basement, or other similar space into a bedroom.

**R21-8-102. Application**

This Article applies to:

- 1. No change



2. A Child Welfare Agency operating a residential group care facility ~~or shelter care facility regulated under A.A.C. Title 6, Chapter 5, Article 74, but not a Child Welfare Agency operating an outdoor experience program.~~ licensed by the Department of Child Safety.

**R21-8-103. Frequency of Inspection and Inspection Area**

- A. Each provider shall have a Life Safety Inspection of the premises: ~~completed by OLR.~~
- B. OLR shall ~~inspect the premises~~ conduct an inspection to verify compliance with Life Safety Inspection rules:
  1. ~~At initial licensure;~~
  2. ~~Every two years; and~~
  3. ~~Within three months prior to the renewal date of a license.~~
    1. Before an initial license is issued;
    2. Before an amended license is issued for a new location;
    3. Before an amended license is issued for structural modifications;
    4. Before an amended license is issued for an addition of a pool; and
    5. Before a renewal license is issued.
- C. The Life Safety Inspection shall include all rooms and dwellings on the premises ~~in which a foster or child in a Child Welfare Agency residential group care facility resides or may have access to;~~ including ~~sheds, mobile homes, and trailers; and cottages.~~

**R21-8-106. Weapons and Firearms**

- A. The provider shall meet the following standards concerning weapons:
  1. The provider shall store the following weapons in an inoperable condition in a locked area inaccessible to children:
    - a. ~~Firearms;~~
    - b. ~~a.~~ Air guns, including BB guns;
    - c. ~~b.~~ Bows and cross-bows;
    - d. ~~c.~~ Stun guns;
    - e. ~~d.~~ Hunting slingshots;
    - f. ~~e.~~ Any other projectile weapon; and
    - g. ~~f.~~ Hunting knives.
  2. ~~Firearms, ammunition, and other weapons, including cross bows, stun guns, air guns, and hunting knives are safeguarded to prevent unsafe or improper use. In addition:~~
    - a. ~~Firearms are unloaded, trigger locked, and kept in a tamper-proof, locked storage container made of unbreakable material; and~~
    - b. ~~Ammunition is maintained in locked storage that is separate from firearms. Locked storage may be in the same container as the firearms.~~
- B. OLR may approve a provider who is a foster parent applicant or foster parent who is also a law enforcement official, to ~~carry a firearm when the provider~~ maintain an assigned duty weapon when they:
  1. ~~Obtain~~ Obtain documentation that the jurisdiction requires ~~him or her~~ them to have ready and immediate access to the weapons at all times;
  2. ~~Supplies official documentation that he or she has been trained in the law enforcement protocols for the safe use and carrying of a firearm;~~
  3. ~~Adopts and follows a safety plan approved by OLR and the licensing agency; and~~
  4. ~~Stores the weapon according to the provisions of this Section when the weapon is not on their person.~~
    2. Obtain documentation that the jurisdiction requires them to have their weapon stored in an official law enforcement vehicle, if applicable, which would prevent them from meeting the provisions of subsection (A);
    3. Provide official documentation that they have been trained in the law enforcement protocols for the safe use and carrying of a firearm;
    4. Maintain the weapon according to the provisions of this Section when the weapon is not on their person;
    5. Develop a safety plan with the guidance of the licensing agency; and
    6. Obtain approval from OLR.
- C. No change

**R21-8-107. Animals**

The ~~home~~ premises shall meet the following standards concerning animals:

1. No change
2. No change
3. No change
4. All dogs older than six months have current rabies vaccination ~~or are otherwise in compliance with A.R.S. § 11-1010. Vaccination records are maintained in the home.~~
5. Vaccination shall be administered by a veterinarian.
6. Vaccination records shall be maintained in the home.

**R21-8-111. Water and Plumbing Requirements**

- A. No change
- B. The ~~home~~ must meet the following standards concerning water ~~provider shall obtain a written water analysis report if the home uses a non-municipal water source that shall meet the following standards:~~
  1. ~~If a home uses a non-municipal water source including private well water or another source of drinking water, the provider shall have the water tested for safety under subsection (B)(2).~~



2. If the home's water is from any source other than an approved public water supply, the foster parent shall obtain a written water analysis report, showing that the water is within acceptable state and federal standards for drinking water for the age of the children in care. The provider shall obtain the analysis and report from a laboratory certified by the Arizona Department of Health Services as part of the initial licensing process and before each renewal.
  1. The analysis report shall be from a laboratory certified by the Arizona Department of Health Services;
  2. The analysis report shall be completed no more than 12 months prior to the date of the Life Safety Inspection completed by OLR;
  3. The analysis report shall be available in the home at all times and presented at the time of inspection; and
  4. If the analysis report details contaminants are found to exceed acceptable state and federal standards for drinking water the provider shall prepare a plan with the guidance of the licensing agency or OLR to include:
    - a. How the provider will ensure safe drinking water will be available in the home;
    - b. Efforts to reduce identified contaminants to meet state and federal standards for drinking water; and
    - c. Approval by OLR.

C. No change

D. No change

**R21-8-112. Fire Safety and Evacuation Plan Requirements**

The provider shall ensure:

1. No change
2. No change
3. No change
4. No change
5. No change
  - a. No change
  - b. No change
  - c. No change
6. A written emergency evacuation plan is developed and maintained in the home, to provide guidance on the safe and rapid evacuation of the home. An emergency evacuation plan shall:
  - a. Be reviewed with the child within 72 hours of placement in the home and posted in a prominent place in the home;
  - b. Identify multiple exits from the home;
  - c. Identify two routes of evacuation from each bedroom on every floor used by individuals residing in or receiving care in the home. At least one of the exit routes for these bedrooms shall lead directly to the outside of the home. If that exit leads into an area that serves as a pool enclosure, a child six years of age or less receiving care in the home shall not reside in that bedroom.
    - i. If the exit is a window, it shall be secured with a latching device located a minimum of 54 inches above the floor; or
    - ii. If the exit is a door, it shall be locked at all times with a latching device or lock located a minimum of 54 inches above the floor. If there is no quick release mechanism on the lock, it must comply with the provisions of R21-8-112(11), and a key for the deadbolt shall be located a minimum of 54 inches above the floor. Bedroom doors that lead into an area that serves as a pool enclosure shall comply with this Section and also be self-closing and self-latching. Such doors that are hinged shall also swing outward from the pool area.
  - d. Identify the location of fire extinguishers and fire evacuation equipment, including rope or chain ladders, and emergency lighting, as applicable;
  - e. Designate a safe central meeting place close to the home, known to the child, at a safe distance from potential danger;
  - f. Be maintained in the home to review with individuals residing in or receiving care in the home; and
  - g. Include the placement of equipment, such as a ladder, that can be safely used by the individuals residing in each upstairs bedroom that have been identified with fire exits.
7. All windows identified as fire exits, must have enough space for an adult to move through.
8. Each bedroom used by a foster child or child in a residential group care facility receiving care or services has two exits to the outside.
  - a. One exit shall be a path through the premises and leading to a door that opens to the outside. A garage door that opens either manually by lifting or with an automatic opener shall not be accepted as an exit.
  - b. Another exit shall be a window or door within the bedroom that opens directly to the outside.
9. Premises authorized to provide care or services to five or more children shall train staff and children in evacuation procedures and conduct emergency drills at least every three months as prescribed in this subsection.
  - a. Practice drills shall include actual evacuation of children to safe areas, outside, and beyond the home.
  - b. Drills shall be held at random times and under varying conditions to simulate the possible conditions in case of fire or other disaster.
  - c. All persons in the home shall participate in the drill.
  - d. Records shall be maintained for each emergency drill and shall include:
    - i. Date and time of drill;
    - ii. Total evacuation time;
    - iii. Exits used;
    - iv. Problems noted; and
    - v. Measures taken to ensure that a foster child or a child in a residential group home facility understand the purpose of a drill and his or her responsibilities during a drill.
10. The exit routes for the home are clear of obstruction that could prevent safe and rapid evacuation.



- ~~11.7.~~ The locks on exterior doors and windows, including the front door, screen doors, and bars on windows, are equipped with a quick release mechanism. A quick release mechanism is a lock that can be opened from inside the setting without special knowledge (such as a combination) or equipment (such as a key). The Department may grant an exception to this requirement for a double-key deadbolt on a door if:
- There is breakable glass within 40 inches of the interior locking mechanism;
  - There is another exit with a quick release mechanism on the same level of the premises; and
  - The key for the deadbolt is permanently maintained in a location that is:
    - Within six feet of the locking mechanism;
    - Accessible to all household members;
    - Reviewed with persons residing in or receiving care in the home; and
    - Identified on the emergency evacuation plan, ~~specified in subsection (6).~~
- ~~12.8.~~ The address for the home is posted and visible from the street, or the local emergency response team, such as the local fire department, is notified of the location of the home in writing, with a copy of this notification maintained in the home.
- ~~13.~~ ~~Providers must maintain a comprehensive list of emergency telephone numbers, including poison control, and post those numbers in a prominent place in the home.~~

**R21-8-113. Emergency and Disaster Plan**

- A.** A provider shall develop and maintain in the home a written emergency and disaster plan on a form provided by the Department that includes:
- Contact information for each foster child, including the name and telephone number of the primary care physician and legal guardian;
  - A comprehensive list of emergency telephone numbers;
  - An evacuation plan for the home, as detailed in this section; and
  - A plan for relocation from the home in the event of displacement due to flood, fire, the breakdown of essential appliances, or other disasters.
- B.** A provider shall ensure:
- A written emergency evacuation plan is developed and maintained in the home, to provide guidance on the safe and rapid evacuation of the home. An emergency evacuation plan shall:
    - Be reviewed with the child within 72 hours of placement in the home and posted in a prominent place in the home;
    - Identify multiple exits from the home;
    - Identify two routes of evacuation from each bedroom on every floor used by individuals residing in or receiving care in the home. At least one of the exit routes for these bedrooms shall lead directly to the outside of the home. If that exit leads into an area that serves as a pool enclosure, a child six years of age or less receiving care in the home shall not reside in that bedroom.
      - If the exit is a window, it shall be secured with a latching device located a minimum of 54 inches above the floor; or
      - If the exit is a door, it shall be locked at all times with a latching device or lock located a minimum of 54 inches above the floor. If there is no quick release mechanism on the lock, it must comply with the provisions of R21-8-112(7), and a key for the deadbolt shall be located a minimum of 54 inches above the floor. Bedroom doors that lead into an area that serves as a pool enclosure shall comply with this Section and also be self-closing and self-latching. Such doors that are hinged shall also swing outward from the pool area.
    - Identify the location of fire extinguishers and fire evacuation equipment, including rope or chain ladders, and emergency lighting, as applicable;
    - Designate a safe central meeting place close to the home, known to the child, at a safe distance from potential danger;
    - Be maintained in the home to review with individuals residing in or receiving care in the home; and
    - Include the placement of equipment, such as a ladder, that can be safely used by the individuals residing in each upstairs bedroom that have been identified with fire exits.
  - All windows identified as fire exits, must have enough space for an adult to move through.
  - Each bedroom used by a foster child or child in a residential group care facility receiving care or services has two exits to the outside.
    - One exit shall be a path through the premises and leading to a door that opens to the outside. A garage door that opens either manually by lifting or with an automatic opener shall not be accepted as an exit.
    - Another exit shall be a window or door within the bedroom that opens directly to the outside.
  - Premises authorized to provide care or services to five or more children shall train staff and children in evacuation procedures and conduct emergency drills at least every three months as prescribed in this subsection.
    - Practice drills shall include actual evacuation of children to safe areas, outside, and beyond the home.
    - Drills shall be held at random times and under varying conditions to simulate the possible conditions in case of fire or other disaster.
    - All persons in the home shall participate in the drill.
    - Records shall be maintained for each emergency drill and shall include:
      - Date and time of drill;
      - Total evacuation time;
      - Exits used;
      - Problems noted; and
      - Measures taken to ensure that a foster child or a child in a residential group home facility understand the purpose of a drill and his or her responsibilities during a drill.





C. A provider shall submit a copy of the emergency and disaster plan to the licensing agency or placing entity, as applicable.

**R21-8-113.R21-8-114.Pool Safety**

A. The provisions of this Section apply to:

1. ~~each~~ Each Child Welfare Agency residential group care facility ~~and provider;~~ and
2. A foster home licensed to provide care to a child six years of age or less, or an individual with a developmental disability.

B. ~~For a home that has a pool, and provides care to a child six years of age or less, or an individual with a Developmental Disability, If a provider listed in subsection (A) has a pool the provider shall ensure the following:~~

1. That the pool complies with A.R.S. § 36-1681 and all local municipal codes to the extent not inconsistent with this Section.
  2. A fence or barrier meeting the following requirements is maintained between the pool and the home, or any building used to provide care and supervision.
    - a. The exterior side of the fence or barrier is at least five feet high;
    - b. All openings shall measure less than four inches;
    - ~~b.c.~~ If the barrier is a chain link fence or lattice, each opening in the mesh measures less than 1 3/4 inches horizontally. Chicken wire and other light gauge wire are prohibited as a primary fencing material for the pool;
    - ~~e.~~ ~~If the barrier is a fence constructed of vertical bars or wooden slats, the openings between bars or slats measure less than four inches;~~
    - d. The exterior side of the barrier is free of hand holds, or foot holds, or other means that could be used to climb over it and if it has a horizontal component spaced at least 45 inches, measured vertically;
    - e. The gate to the enclosure is locked, except when in use and there is an adult within the enclosure to supervise the pool and spa area;
    - f. The connection between the panels of the fence cannot be separated without a key or a tool;
    - g. The fence is secured to the ground or has sufficient tension to prevent the fence from being lifted more than four inches from the ground;
    - h. If the home or building to provide care or supervision constitutes part of the enclosure:
      - i. The enclosure does not interfere with safe egress from the home;
      - ii. A door from the home does not open within the pool enclosure, unless it is a bedroom door in a bedroom not occupied by an individual six years of age or less receiving care and such a door cannot be opened by a foster child six years of age or less or child in a residential group care facility because it is either locked as required in ~~R21-8-112(6)(c)(ii)~~ R21-8-113(B)(1)(c)(ii) or inoperable. Any key shall not be accessible to a foster child six years of age or less or child in a residential group care facility;
      - iii. A window located in a room that is designated as a bedroom for a foster child six years of age or less or child in a residential group care facility shall not open into the pool enclosure or shall be permanently locked and not used for egress; and
      - iv. Other windows that open into the pool enclosure are permanently secured to open no more than four inches; or as required in ~~R21-8-112(6)(c)(i)~~ R21-8-113(B)(1)(c)(i).
      - v. Animal or doggie doors shall not open directly into the pool enclosure.
  3. No change
    - a. No change
    - b. No change
  4. No change
  5. No change
  6. No change
- C. No change
- D. No change
- E. No change
  1. No change
  2. No change
- F. No change



## NOTICES OF FINAL RULEMAKING

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

The final published notice includes a preamble and

text of the rules as filed by the agency. Economic Impact Statements are not published.

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

### NOTICE OF FINAL RULEMAKING TITLE 12. NATURAL RESOURCES CHAPTER 4. GAME AND FISH COMMISSION

[R21-121]

#### PREAMBLE

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

R12-4-111	Repeal
R12-4-209	Repeal
R12-4-214	Repeal
R12-4-301	Amend
R12-4-303	Amend
2. **Citations to the agency's statutory authority to include the authorizing statute (general) and the implementing statute (specific):**

Authorizing statute: A.R.S. § 17-231(A)(1)  
Implementing statute: A.R.S. §§ 17-102, 17-231(A)(3), 17-251, 17-301, 17-302, 17-305, and 17-309
3. **The effective date of the rules:**

January 1, 2022

  - a. **If the agency selected a date earlier than the 60 days effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):**  
Not applicable
  - b. **If the agency selected a date later than the 60 days effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(B):**  
The Commission requests the rules become effective on January 1, 2022. This delayed effective date provides the Department the time needed to conduct public outreach activities and ensure affected publications and Internet pages are revised before rulemaking becomes effective.
4. **Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**

Notice of Rulemaking Docket Opening: 27 A.A.R. 13, January 1, 2021  
Notice of Proposed Rulemaking: 27 A.A.R. 5, January 1, 2021
5. **The agency's contact person who can answer questions about the rulemaking:**

Name: Celeste Cook, Rules and Policy Manager  
Address: Arizona Game and Fish Department  
5000 W. Carefree Highway  
Phoenix, AZ 85086  
Telephone: (623) 236-7390  
Fax: (623) 236-7677  
Email: CCook@azgfd.gov  
Please visit the AZGFD website to track the progress of this rule; view the regulatory agenda, five-year review reports, and learn about other agency rulemaking matters.
6. **An agency's justification and reason why the rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**

The Arizona Game and Fish Commission proposes to amend its Article 3 rules, governing the taking and handling of wildlife, to regulate the use of trail cameras for the purpose of taking or aiding in the take of wildlife. Arizona's great abundance and diversity of both game and nongame wildlife can be attributed to careful management and the important role of the conservation programs the Arizona Game and Fish Department has developed. The Department's management of wildlife species as a public



resource depends on active management and sound science. When establishing wildlife management policy, all of the following is taken into consideration: economics, empirical data, professional judgment, scientific data (biological and social), stakeholder input, political landscape, and public values.

As trustee, the state has no power to delegate its trust duties and no freedom to transfer trust ownership or management of assets to private establishments. Without strict agency oversight and management, the fate of many of our wildlife species would be in jeopardy. Wildlife can be owned by no individual and is held by the state in trust for all the people.

An exemption from Executive Order 2020-02 was provided for this rulemaking by Charles Podolak, Natural Resource Policy Advisor, Governor's Office, in an email dated November 9, 2020. In compliance with the requirements of Executive Order 2020-02(2), the Department recommends for consideration the following three rules for elimination: R12-4-111. Identification Number, R12-4-209. Community Fishing License; Exemption, and R12-4-214. Apprentice License.

#### **R12-4-111. Identification Number**

The objective of the rule is to prescribe the procedures necessary to obtain the number assigned to each applicant or licensee by the Department. The rule was adopted to implement a system that enables the Department to properly identify applicants in the Department's computer draw for hunt permit-tags and various license holders.

Because the Department no longer allows an applicant to use their Social Security Number as their Identification Number and the Department's Sportsman's Database automatically assigns an Identification Number, the Commission has determined the rule is no longer necessary to conduct state business.

#### **R12-4-209. Community Fishing License; Exemption**

The objective of the rule is to establish the requirements and privileges for both the resident and nonresident community fishing licenses. The rule was adopted to ensure compliance with statutory amendments resulting from the Fifty-first Legislature, 1st Regular Session, which amended statutes within Title 17 to authorize the Commission to establish license, permit, tag, and stamp fees by rule.

Prior to 2014, the Department issued approximately 29,180 community fishing licenses. Since the license simplification rulemaking, the number of community fishing licenses (both resident and nonresident) issued by the Department on an annual basis has dropped to 5,020 community licenses. Overall sales for community fishing licenses have trended downward, with the exception of nonresident license sales. If the Department were to eliminate the community fishing license there would likely be a slight loss in revenue, because most residents would most likely convert to a General Fishing license, but due to the price difference we could potentially lose the nonresident Community water angler. Through creel surveys community water angler demographics mirror those of the community in which the water is established and information gathered through the sale of this license are not currently needed or used to gain angler user data. For these reasons, the Department proposes to repeal the rule and eliminate the community fishing license.

#### **R12-4-214. Apprentice License**

The objective of the rule is to establish apprentice license privileges and mentor requirements by rule to comply with the recent statutory amendments. The rule was adopted to ensure compliance with statutory amendments resulting from the Fifty-first Legislature, 1st Regular Session, which amended statutes within Title 17 to authorize the Commission to establish license, permit, tag, and stamp fees by rule.

The apprentice license is a tool for recruitment that provides both youth and adult novice hunters the opportunity to hunt under the supervision of a licensed hunter; these programs allow apprentice hunters to receive hands-on experience. This concept is called "Try Before You Buy." However, the Department believes certain persons are using the apprentice license to avoid buying a hunting license. To date, the Department has issued 293 apprentice licenses. Of those licenses: five nonresidents were issued an apprentice license each year for three consecutive years at the start of dove season; eleven nonresidents were issued an apprentice license two consecutive years at the start of dove season; and three residents were issued an apprentice license twice in a three year period, also at the start of dove season. The Department believes the short-term combination hunting and fishing license is a valid option for persons who may want additional low cost opportunities to hunt and fish in Arizona. For these reasons, the Department proposes to repeal the rule and eliminate the apprentice license.

#### **R12-4-301. Definitions**

The objective of the rule is to establish definitions that assist persons regulated by the rule and members of the public in understanding the unique terms that are used throughout Article 3. The rule was adopted to facilitate consistent interpretation of Article 3 rules and to prevent persons regulated by the rule from misinterpreting the intent of Commission rules.

The Commission proposes to repeal the definition of "live-action trail camera" to further implement amendments made to R12-4-303 (unlawful devices, methods, and ammunition).

The Commission proposes to define "trail camera" to further implement amendments made to R12-4-303 (unlawful devices, methods, and ammunition) and foster consistent interpretation of Commission rules.

#### **R12-4-303. Unlawful Devices, Methods, and Ammunition**

The objective of the rule is to establish those devices, methods, and ammunition that are unlawful for taking of any wildlife in Arizona. A.R.S. § 17-301(D)(2) authorizes the Commission to adopt rules establishing the taking of wildlife with firearms, archery equipment, or other implements in hand as may be defined. The rule was adopted to establish methods and devices that are unlawful for the take of wildlife and ensure consistent interpretation of and compliance with 17-301(D)(2).

The Commission believes the reason the rule exists is to prohibit those devices and methods that compromise the spirit of fair chase. "Fair Chase" means the ethical and lawful pursuit and take of free-range wildlife in a manner that does not give the hunter or angler improper or unfair advantage over such wildlife. The following criteria are used to evaluate whether a new technology or



practice violates the Fair Chase ethic; does the technology or practice allow a hunter or angler to: locate or take wildlife without acquiring necessary hunting and angling skills or competency; pursue or take wildlife without being physically present and pursuing wildlife in the field; or almost guarantee the harvest of wildlife when the technology or practice prevents wildlife from eluding take.

In addition to fair chase concerns identified above, the use of trail cameras has become an increasing source of conflict between and amongst hunters. Trail cameras are believed to cause increased traffic in the field during hunts. Hunters and guides who have placed cameras interrupt other persons hunt by checking their trail camera during prime hunting hours. Hunters have expressed their frustration about the proliferation of cameras at Department catchments and other water sources, as compromising their opportunities and overall quality of the hunting experience. Some have shared stories of aggressive hunters and/or guides trying to chase other hunters away from waters that have “their cameras.”

Trail cameras negatively affect wildlife, both directly and indirectly. Trail cameras are visited regularly to change SD cards, batteries, etc. and this human activity disturbs and displaces animals at water sources and other focal areas where cameras are placed. Camera-related disturbance is impacting many wildlife water developments (especially those maintained by the Department) as well as other water sources, many of which have multiple cameras and are visited, sometimes daily, throughout the year. Given the long-term drought and changing climate affecting Arizona, impacts of these disturbances are exacerbated as natural water sources diminish and wildlife become increasingly dependent on developed waters.

Trail cameras are significantly and adversely impacting the equity and quality of the hunting experience for the many of Arizona big game hunters. The proliferation of cameras, particularly by guides who place dozens or hundreds in prime hunting areas, unfairly robs opportunity from hunters who cannot or choose not to use cameras. Some of these hunters may wait a decade or more to get a prime tag. However, once afield, their odds of finding and harvesting a highly-desired animal are infinitely smaller than those who have used camera data to find and map animals prior to the hunt. This bias is likewise wholly incompatible with the equal access tenet of the North American Model. In addition, the potential monetization of game cameras to include services to place, monitor, check and sell camera images, and if those services increase, the numbers of cameras and their use for take could dramatically increase.

Placement and maintenance of trail cameras has unacceptable secondary impacts to wildlife habitat, rangeland infrastructure, land management partners and public access. The number of trail cameras deployed statewide is unknown, though certainly numbers in the thousands. Each of these units is visited regularly, often by users who travel cross-country or on unauthorized routes, causing resource damage and fostering a broader public perception that hunters and hunting are damaging our public lands. Persons placing cameras may cut fences, leave gates open, and disturb or damage livestock management infrastructure. These impacts affect livestock operators and private property owners across the state and erode their willingness to support public access. Livestock operators are concerned that frequent visits to set and/or check trail cameras are negatively affecting livestock operations.

Members of the public have expressed concern over the use of their images that were taken in the field without their permission by a hunter's trail camera. They believe it's an invasion of privacy because they went into the outdoors to enjoy some privacy and solitude.

The Commission recognized the need to further evaluate regulatory measures pertaining to the use of trail cameras, as they relate to the ‘take of wildlife’ and the Fair Chase hunting ethic, and proposes to amend the rule to prohibit the use of a trail camera or images from a trail camera for the purpose of taking or aiding in the take of wildlife, or locating wildlife for the purpose of taking or aiding in the take of wildlife. This change is in response to customer comments received by the Department.

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

The agency did not rely on any study in its evaluation of or justification for the rule.

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

Not applicable

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

The Commission's intent in proposing the amendments listed above is to address the ethical taking and handling of wildlife, increase hunter opportunity, and encourage hunter recruitment and retention. These areas include the use of tags, lawful and unlawful methods of taking and possessing wildlife and wildlife parts, seasons, check-in/check-out requirements, and reporting requirements. The rulemaking is intended to allow the Department additional oversight to handle advances in hunting technology and protect the spirit of fair chase and address the concerns and complaints voiced by hunters over the use of trail cameras for the purpose of hunting; for example: conflicts over a hunt unit, litter left behind (discarded broken or damaged trail cameras, batteries, cables, wrappers, equipment/accessories used to mount the camera, etc.), theft and destruction of other persons trail cameras, etc.

The Commission anticipates the proposed repeal of the apprentice license will impact persons who have applied for apprentice licenses numerous times in the past as they will no longer be able to obtain a complimentary two-day license and will be required to purchase a hunting license. The Commission believes the short-term combination hunting and fishing license and youth combination license are valid options for persons who want low cost opportunities to hunt and fish in Arizona.

The rulemaking is intended to allow the Department additional oversight to handle advances in hunting technology and protect the spirit of fair chase. As areas within Arizona become increasingly urbanized, more people are now living isolated from nature and outdoor activities such as hunting. As hunters represent a smaller percentage of the overall population, growing segments of society are questioning the validity of hunting including its benefits, how it is conducted, and if it should continue as a legal activity.

Regulated hunting fundamentally supports wildlife conservation efforts in North America. The loss of hunting would equate to



a measurable loss in conservation efforts. More and more, there exists a general expectation that hunting be conducted under appropriate conditions; animals are taken for legitimate purposes such as food, to accomplish wildlife agency management goals, and to mitigate property damage. It is also expected that the hunting is done sustainably and legally, and that hunters show respect for the land and animals they hunt. In the broadest sense, hunters are guided by a conservation ethic, but the most common term used to describe the actual ethical pursuit of an animal is “fair chase.” “Fair Chase” means the ethical and lawful pursuit and take of free-range wildlife in a manner that does not give the hunter or angler improper or unfair advantage over such wildlife. The following criteria are used to evaluate whether a new technology or practice violates the Fair Chase ethic; does the technology or practice allow a hunter or angler to: locate or take wildlife without acquiring necessary hunting and angling skills or competency; pursue or take wildlife without being physically present and pursuing wildlife in the field; or almost guarantee the harvest of wildlife when the technology or practice prevents wildlife from eluding take.

The Commission anticipates the rulemaking may have a negative impact on small businesses such as those that sell trail cameras or images from a trail camera for the purpose of hunting, or outfitter or guide services that use trail cameras to assist paying clients with their hunts. However, because the use of trail cameras varies from business to business with some relying heavily on their use and others not using them at all, it is difficult to quantify the impact on small businesses.

The Commission has determined prohibiting the use of trail cameras will have no impact on federal funding. The Pittman-Robertson Federal Aid in Wildlife Restoration Act is funded through a 10% excise tax on handguns, ammunition, and accessories as well as an 11% excise tax on archery equipment. Trail cameras and their related equipment are not included in the Pittman-Robertson Federal Aid in Wildlife Restoration Act, thus they do not contribute to wildlife restoration funds.

The Commission anticipates the rulemaking will result in an overall benefit to persons regulated by the rule. The Commission anticipates the rulemaking will result in no impact to political subdivisions of this state, private and public employment in businesses, agencies or political subdivisions, or state revenues. The Commission has determined the rulemaking will not require any new full-time employees. The Commission has determined that there are no less intrusive or costly alternative methods of achieving the purpose of the rulemaking. The Department will incur costs related to the cost of rulemaking and implementing rule changes (administration, training, forms, etc.). Therefore, the Commission has determined that the benefits of the rulemaking outweigh any costs.

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

R12-4-301, the definition of trail camera was further clarified.

R12-4-303, minor grammatical changes were made to increase consistency between rule language.

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

During the rulemaking process to further encourage public participation in the rulemaking process, the Department issued press releases and published information regarding the proposed changes to regulate the use of trail cameras for the take of wildlife. The Notice of Proposed Rulemaking was published in the *Arizona Administrative Register* on January 1, 2021; the official public comment period began January 1, 2021 and ended on February 1, 2021, see Notice of Proposed Rulemaking: 27 A.A.R. 5, January 1, 2021.

In addition to the above, at the December 2020, January, February, March, April, and May 2021 Commission meetings, under the Call to the Public agenda item, the public could comment on the proposed rule packages and numerous persons did afford themselves the opportunity to do so.

During the formally noticed June 11th Commission meeting, the Commission formally accepted additional oral comments in person, by telephone, and from public stakeholders who wished to comment about the proposed rules virtually from any of the six Game and Fish regional offices.

It is important to note, to further encourage public participation in the rulemaking process, the Department issued multiple press releases and published information regarding the proposed changes to regulate the use of trail cameras for the take of wildlife. In addition, Commission members appeared in other media, broadcasts, and conservation organization meetings.

In all, the Department received over 2,000 public and stakeholder comments in response to the proposed rulemaking with the majority of them being form letters; of these, 254 were duplicate comments. “Duplicate comments” are multiple separate comments submitted by one person during the same public comment period. Regardless of the number of separate comments a person may submit, they are all considered to be one comment. Due to the volume of comments received, with much of them repeating similar beliefs and many simply voicing their support or opposition to the rulemaking, it is necessary to summarize the majority of comments rather than attempting to respond to each comment individually. Comments that were not related to the trail camera proposal were placed in the rule record for consideration by the appropriate rule review or rulemaking team, whichever occurs next.

It is important to note, all comments submitted in response to the proposed rulemaking were provided to the Commission and the Governor's Regulatory Review Council for their consideration.

*The Department received the following comments in support of the proposed rulemaking. A number of those comments simply provided a statement to ban the use of trail cameras and provided no additional information in support of their position. Of those comments that included information in support of their position, the following summary is provided:*

**a. A number of comments state trail cameras provide an unfair advantage to persons who use them and violate the public**



trust doctrine that wildlife belongs to all people and all future generations.

b. A number of comments state trail cameras are ethically and ecologically indefensible.

c. A number of comments state trail cameras violate fair chase ethics and trivialize the value of wildlife.

d. A number of comments state trail cameras cast the sport of hunting in a bad light to non-hunters.

e. A number of comments state trail cameras are not a legitimate form of hunting because they allow a hunter to locate wildlife without acquiring necessary hunting skills or competency.

f. A number of comments state trail cameras are a blight on the landscape due to the litter left behind (discarded broken or damaged trail cameras, batteries, cables, wrappers, equipment/accessories used to mount the camera, etc.).

g. A number of comments state trail cameras are a source of conflict between hunters and/or hunters and guides because the person or guide/outfitter that placed them either exhibits a sense of entitlement to the location where they placed their trail camera or the wildlife featured in the photographs taken by their trail camera.

h. A number of comments state trail cameras are a source of conflict between hunters and/or hunters and guides because the person/guide/outfitter who placed the trail camera interrupts the person's hunt by checking their trail camera during prime hunting hours.

i. A number of comments state the human presence that goes along with trail camera placement, maintenance, and monitoring prevent wildlife from visiting waters which is especially distressing during the extended drought.

j. A number of comments state trail camera use negatively impacts wildlife and wildlife habitat due to the increased year-round human traffic resulting from trail camera placement, maintenance, and monitoring, which is greater than the increased human activity resulting from scouting just prior to or during the hunting season.

k. A number of comments state the increasing reliance on the use of trail cameras for the purpose of hunting has taken the "hunt" out of hunting; that hunters should scout for big game instead of relying on trail cameras to locate game.

l. A number of comments state guides and outfitters abuse the use of trail cameras by placing hundreds of cameras in the field and then hiring cheap labor to check them daily.

m. A number of comments state the presence of trail cameras has gotten to the point where it is hard to find a place in the outdoors where one is not "under surveillance." This is seen as egregious because most people visit the outdoors to enjoy some privacy and solitude.

n. A number of comments state the use trail cameras is detrimental to wildlife habitat and the landscape. Trail cameras are nailed, bolted, or cabled to trees, brush, and fences or posts are driven into the ground in order to place a trail cameras in specific locations.

o. A number of comments state persons who use the trail cameras leave batteries behind which then contaminate the soil.

p. A number of comments state trail camera used for the purpose of hunting brings more human traffic into a hunt unit than would otherwise be there because the number of trail camera users outnumber the valid tag holders.

**Agency Response:** The Department appreciates support of the proposed rule amendment prohibiting the use of trail cameras for the purpose of taking or aiding in the take of wildlife, or locating wildlife for the purpose of taking or aiding in the take of wildlife. The proposed rule would be in place on all lands in the state of Arizona with the exception of tribal reservation lands, and is intended to address the divisive and social aspects of trail cameras used for the purpose of hunting.

The Commission has a unique charter to manage more than 800 species of wildlife in the State. The Commission considered topics from many perspectives including statutes, regulations, fair chase, ethics and public perception, and, first and foremost, the North American Model for Wildlife Conservation. Fair Chase is a cornerstone of the North American Model which is the ethics upon which hunting and angling is based. If action isn't taken now, before it becomes so pervasive on the landscape, technology will continue to overwhelm and the true hunting skills and ethos of future generations will be lost in the State of Arizona.

Arizona follows the ethos of the North American Model of Wildlife Conservation. Regardless of whether one chooses to actively participate in hunting or angling, people interested in wildlife and its future should understand the conservation role sportsmen play. Hunting and angling are the cornerstones of the North American Model of Wildlife Conservation. These activities continue to be the primary source of funding for conservation efforts in North America. Through self-imposed excise tax on hunting, angling and shooting sports equipment, hunters and anglers have generated more than \$10 billion toward wildlife conservation since 1939.

The North American Model has been around for decades and hunters learned to be successful long before the invention of trail



cameras. The Commission recognizes that public support for the manner in which wildlife is pursued and taken is of critical importance to the survival of hunting and angling. The Commission affirms that hunting and angling are the cornerstones of the North American Model of Wildlife Conservation and are the primary source of funding for conservation efforts in North America. Accordingly, it is the Commission's policy that the pursuit and taking of wildlife be managed to conform to the highest ethical standards of Fair Chase. The Commission defines Fair Chase as the ethical, sportsmanlike, and lawful pursuit and taking of free ranging Arizona wildlife in a manner that does not give a hunter or angler improper or unfair advantage over such wildlife. The Commission recognizes that new or evolving technologies and practices may provide hunters or anglers with an improper or unfair advantage in the pursuit and taking of wildlife, or may create a public perception of an improper or unfair advantage. Improper advantage includes conditions such as:

A technology or practice that allows a hunter or angler to locate or take wildlife without acquiring necessary hunting and angling skills or competency.

A technology or practice that allows a hunter or angler to pursue or take wildlife without being physically present and pursuing wildlife in the field.

A technology or practice that makes harvesting wildlife almost certain when the technology or practice prevents wildlife from eluding take.

Furthermore, improvements in trail camera technology has resulted in trail cameras that perform better and cost less which has caused in an increase in their use for the purpose of take. The never ending increases in technology for hunting devices brings new challenges to the notion of fair chase. Of all the available technology, none are as far reaching and significant as the trail camera. A high number of wildlife developed water sources and other focal areas used by big game can have up to a dozen trail cameras nailed, bolted, or locked onto nearby posts, trees, bushes, and fences. As a consequence, animals are often located and patterned long before the season begins.

In addition, since mid-2010, the Commission has consistently received comments from the public asking them to regulate the use of trail cameras for the purpose of hunting:

The public voiced concerns over the use of trail cameras as it relates to Fair Chase. Commission Policy on Fair Chase includes: "...new or evolving technologies and practices that provide hunters or anglers with an improper or unfair advantage in the pursuit and taking of wildlife, or may create a public perception of an improper or unfair advantage..." applies to areas where water is primarily point source water and game cannot escape detection. When combined with an array of "helpers" using cell phones, it is almost impossible for game to escape detection from the guide services that use trail cameras for the purpose of commercial benefit. Guide services that use trail cameras will often post or distribute photographs of exceptional wildlife in an effort to entice hunters to use their services.

The public voiced concerns that the use of trail cameras has become an increasing source of conflict amongst hunters; including the sense of ownership over a water source and/or hunting area. The Department has received many comments from hunters who were sitting on hunting area when a guide or hunter confronted them and in one manner or another claimed the spot "belonged" to them because they placed a trail camera in the nearby area.

The public voiced concerns that the frequent visits made by guides or hunters who were setting and/or checking trail cameras results in significant disturbance to wildlife during extended dry periods. Any hunter or guide who places a trail camera in an area will consistently visit that spot to check the trail camera on a somewhat frequent basis; check for photographs, check the SD card, check the batteries, check the camera placement, check to see if the trail camera was stolen or damaged, etc. The same route is often used when checking a trail camera. The frequency of these visits depends on the wildlife in the area, the time of year, and who is using the trail camera. There are hunters who walk into the area once or twice a month; there are guide services who have an interest in an animal in a particular unit and they may have "helpers" checking the trail camera every other day. The guide service may have placed a large number of trail cameras on the landscape in pursuit of this animal, so it is necessary for the "helpers" to use off-road vehicles to go quickly from trail camera to trail camera. This unnecessary traffic damages the environment through surface soil disruption, which increases wind and water erosion, and compaction, which increases runoff. Revegetation is inhibited by lower soil moisture and higher soil density. Soil compaction and displacement, noise conflicts with other users, wildlife disturbance during mating seasons, wildlife and livestock harassment, and the possibility of effects on biogeochemical aspects of water and aesthetics of water quality are some of the negative impacts of continuous frequent travel. Further wildlife impacts include compaction of the forest bed or soil layer which reduces the numbers of small mammals, frequent noise from the off-road vehicles may cause nesting birds to desert their nest. Damage to previously unharmed landscape increases with the number of subsequent passes over the same area.

Livestock operators voiced concerns that frequent visits to set and/or check trail cameras were negatively affecting livestock operations. Negative impacts include loss of livestock (due to escape after barriers were cut/removed to provide a better view for the trail camera), litter, vandalism, and destruction of habitat.

The public voiced concerns over the potential biological effects of trail cameras being present on point source waters, especially during the ongoing drought. As mentioned above, trail cameras are visited regularly for many reasons. This human activity disturbs and displaces wildlife at water sources and other focal areas where trail cameras are placed. Camera-related disturbance is impacting most, if not all, wildlife water catchments (including those maintained by the Department) as well as other water sources, many of which have multiple cameras and are visited frequently (sometimes daily) throughout the year. Given the long-term drought and changing climate affecting Arizona, impacts of these disturbances are exacerbated as natural water sources diminish and wildlife become increasingly dependent on developed waters.

The public voiced concerns over photos being taken of them or other people in the field by trail cameras. Some felt the presence of trail cameras leaves them feeling uneasy when they should be enjoying a peaceful communion with nature. While it is true, people are on camera most all the time (business surveillance cameras, doorbell cameras, cell phones, etc., the commenters say they enjoy getting out in nature to get away from such scrutiny.



The public voiced concerns over the high numbers of trail cameras on the landscape and water sources now and into the future. The number of trail cameras deployed statewide is unknown, though certainly the numbers are in the thousands, if not tens of thousands. It is certain their numbers will continue to increase as the State's population continues to grow and technology continues to improve (prices go down and availability increases). Each of the game units are visited regularly, often by users who travel cross-country or on unauthorized routes, causing resource damage and fostering a broader public perception that hunters, guide services, and hunting are damaging our public lands. Hunters or guide services who are placing cameras may cut fences, leave gates open, and disturb or damage rangeland infrastructure. These impacts affect livestock operators and private property owners across the state and erode their willingness to support public access.

The public voiced concerns over the potential monetization of game cameras to include services to place, monitor, check, and sell camera images and if those services increase, the numbers of cameras and their use for take could dramatically increase.

The public voiced concerns over damage to and theft of trail cameras. It is a risk a person takes when they leave personal property in a public place. Theft and damage to a trail camera may cause a guide service or hunter to place a trail camera for the purpose of providing security for another trail camera the hunter or guide service placed. This results in an even greater number of trail cameras on the landscape, which in turn multiplies the detrimental effect the use of trail cameras has on wildlife, wildlife habitat, livestock operations, private property owners, recreationists, and hunting.

Most all of the concerns listed above impact federal and state government agencies. Land-owning and -managing agencies must expend resources to mitigate damage to the landscape such as repairing damage to equipment, fencing and gates, removing and replanting damaged vegetation, minimizing habitat damage by removing broken cameras, discarded batteries, and posts associated with camera placement, etc. Law enforcement agencies expend resources responding to reports of criminal damage and/or physical altercations resulting from the concerns listed above.

The State's population continues to steadily grow. When combined with technological advances designed to make trail cameras more accurate, easier to operate, and less costly, it is reasonable to expect the number of cameras on the landscape to increase. Which, in turn, will increase the frequency and severity of the concerns identified above along with the increases that have and will continue to pressure wildlife from the increasing number of people enjoying outdoor recreational activities.

For these reasons, the Commission is pursuing rulemaking to establish regulatory measures to prohibit the use of trail cameras, as they relate to the 'take of wildlife.'

Regulated hunting fundamentally supports wildlife conservation efforts in North America. The loss of hunting would equate to a measurable loss in conservation efforts, and would represent a failure of the Commission to fulfill its duty to preserve wildlife for the beneficial use of present and future generations.

***The Department received the following comments opposing the proposed rulemaking. The majority of comments that opposed the rulemaking simply provided a statement that they oppose the regulation of trail cameras and provided no additional information in support of their position. Of those comments that included information in support of their position, the following summary is provided:***

**a. A number of comments state the Commission lacks the authority to regulate the use of trail cameras.**

**Agency Response:** The Department disagrees. Under A.R.S. § 17-231(A)(3), "The Commission shall establish hunting, trapping and fishing rules and prescribe the manner and methods that may be used in taking wildlife, but the Commission shall not limit or restrict the magazine capacity of any authorized firearm.

The Commission, through the Department, is responsible for the lawful management of Arizona's diverse wildlife. This is done through laws and rules that govern seasons, weapon types, lawful and unlawful methods of take, which includes devices. Trail cameras are a technological device that can be used to aid in the take of wildlife and when used for such purpose is entirely under the Commission's authority to regulate. Trail cameras used for general wildlife viewing, research, and/or home or camp security are not affected by this rulemaking.

**b. A number of comments state that either 1) a rule prohibiting the use of trail cameras for the take of wildlife should not be adopted because it is based on social influences rather than scientific or wildlife management needs and trail cameras help manage or conserve wildlife by allowing the hunter to select mature animals; or 2) that it should be adopted only if there are scientific, biological, or wildlife management needs.**

**Agency Response:** The Department disagrees. The proposed rule is intended to address the divisive and social aspects of trail cameras used for the purpose of hunting. Limiting the use of trail cameras as suggested above would do nothing to alleviate the concerns regarding the use of trail cameras for hunting. It is necessary and appropriate to use both biological and social science when establishing wildlife management policy and take into consideration all of the following: economics, empirical data, professional judgment, scientific data, stakeholder input, political landscape, and public values.

**c. A number of comments state the Department will lose revenue due to trail camera users not purchasing hunting licenses and tags; and lose resources in enforcing the proposed trail camera prohibition.**

**Agency Response:** The proposed rule is intended to preserve hunting. It will not apply to the lawful, regulated hunting of wildlife. The Department does not anticipate a significant decline in hunting license sales as a result. The proposed rule will provide the





Department with the necessary authority and resources to more effectively manage the taking and handling of wildlife. The Department does not anticipate additional costs associated with prohibiting the use of trail cameras. While the proposed rule places additional enforcement duties on Department officers, the Commission has determined that proposed rule will not require additional full-time employees.

**d. A number of comments state the rule is unenforceable.**

**Agency Response:** The Department disagrees. Part of the rulemaking process is ensuring that any new rule is enforceable. The enforcement of this rule may not be as clear-cut as other rules, but the Department is confident that wildlife managers will use good judgment and discretion in how this rule is enforced. There is no doubt that the Department and Commission will also count heavily on voluntary compliance by the sportsmen and women whom we have counted on to follow the rules and have a great track record at doing so; statewide compliance with existing game and fish laws is typically 96% or higher. Public and stakeholder comment indicate trail cameras are regularly visited to check the camera for damage, view photographs, reposition if necessary, and replace batteries and SD cards, making enforcement easier. A thorough investigation will be conducted by a Department officer prior to making the decision to issue a trail camera citation. The officer in the field is responsible for conducting an investigation, collecting evidence, and, when determined valid, issuing a citation. A major focus of the investigation will be to identify who placed the trail camera. Every time a citation is written by any officer, it is based on the totality of facts and the situation at hand that causes the issuance of the citation. As a final point, the officer is part of the judicial process, but does not usurp the court's final authority.

**e. A number of comments are directed to who the Commission should or should not listen to in its decision-making. Some argue that the Commission should listen to only those who buy hunting and fishing licenses and who therefore support the Department financially. Some feel that the Commission is being non-supportive of hunters if it adopts a rule restricting or prohibiting the use of trail cameras for the take of wildlife. There are also arguments that the Commission should not listen to non-hunters; they do not want "extremists and radicals" telling Arizonans how to vote on matters which apply to Arizona wildlife and hunters.**

**Agency Response:** The Department disagrees. Under A.R.S. §17-102, wildlife are property of the state and are held in the public trust. Public trust thinking is a philosophy that emphasizes concepts of trusteeship to frame responsibilities for conserving wildlife resources for the benefit of current and future generations, without privileging particular individuals or groups. It holds that certain resources are not suitable for exclusive private ownership and it is the government's responsibility to manage these resources as an endowment of natural wealth in perpetuity. To fulfill public trust responsibilities, the Department and Commission must consider the full range of social values relative to wildlife, changes in land use, and changing ecological conditions. In addition, Arizona law does not limit who can submit comments for or against a proposed rulemaking.

**f. A number of comments state regulating trail cameras for hunting is a government overreach that infringes on citizens' rights or violates a constitutional right; that the Commission is being pressured by anti-hunter/anti-gun groups to stop hunters and outdoorsman from using a viable tool; that the rulemaking is just a step towards eliminating the sport of hunting.**

**Agency Response:** The Department disagrees. Under A.R.S. § 17-201(A), the laws of the state relating to wildlife shall be administered by the Game and Fish Department; control of the Department is vested in the Commission.

Under A.R.S. § 17-231(A)(1), the Commission is required to "adopt rules . . . to carry out the provisions and purposes of this title." The purpose of these agencies is "to manage wildlife and wildlife habitat in this State as provided by law.

Under A.R.S. § 17-231(A)(3), the Commission shall establish hunting, trapping and fishing rules and prescribe the manner and methods that may be used in taking wildlife.

Under A.R.S. § 17-102, since wildlife is considered to be the property of the State, it "may be taken at such times, in such places, in such a manner and with such devices as provided by law or rule of the Commission." The term "take" includes activities, such as hunting, trapping and fishing, which may result in the capture or killing of wildlife.

The proposed rule is intended to address the divisive and social aspects of trail cameras used as a method of take for the purpose of hunting. To the extent the use of trail cameras, especially when used for a commercial purpose, reflect on the overall hunting community, clashes over their use for hunting has the potential to threaten hunting as a legitimate wildlife management function.

Regulated hunting fundamentally supports wildlife conservation efforts in North America. The loss of hunting would equate to a measurable loss in conservation efforts, and would represent a failure of the Commission to fulfill its duty to preserve wildlife for the beneficial use of present and future generations.

**g. A number of comments state the same logic being applied to trail cameras should also be applied to fish finders.**

**Agency Response:** The Department disagrees. A fish finder is a temporary method to locate fish. A fish finder uses sonar technology to detect the presence of fish and can only give the operator information on what is nearby. A fish finder uses simulated images of fish and structures; it cannot help an angler identify a particular fish or species of fish. In actuality, a fish finder is more compa-



rable to a pair binoculars than a trail camera.

**h. A number of comments state the use of trail cameras by hunters results in important data being provided to Department biologists; prohibiting the use of trail cameras for the purpose of hunting will remove a valuable tool from the Department's tool box that could be used to not only save the Department money, but would also help manage wildlife better.**

**Agency Response:** The Department has received data obtained from trail cameras used by hunters, and while this data may provide some benefit, it is not a reliable or consistent method to use for wildlife management.

**i. A number of comments state the use of trail cameras benefit the State and local economies, and small businesses because persons who are placing or checking trail cameras also purchase food, lodging, sporting goods, and out-of-state hunters purchase nonresident licenses.**

**Agency Response:** The proposed rule is intended to preserve hunting. While the State and local economies may be negatively impacted by the regulation of trail cameras and because the use of trail cameras varies from location to location, it is difficult to quantify the impact on small businesses. However, the Commission believes any impact the rule may have on small businesses will be insignificant.

To the extent the use of trail cameras reflect on the overall hunting community, clashes over their use for hunting has the potential to threaten hunting as a legitimate wildlife management function.

Regulated hunting fundamentally supports wildlife conservation efforts in North America. The loss of hunting would equate to a measurable loss in conservation efforts, and would represent a failure of the Commission to fulfill its duty to preserve wildlife for the beneficial use of present and future generations.

**j. A number of comments state the Department should conduct more research or an environmental impact study before pursuing rulemaking.**

**Agency Response:** The Department agrees it is necessary and appropriate to use both biological and social science when establishing wildlife management policy and take into consideration all of the following: economics, empirical data, professional judgment, scientific data, stakeholder input, political landscape, and public values.

In 2013, the Commission directed the Department to evaluate rule language and make recommendations to prohibit the use of trail cameras capable of sending a wireless remote signal to another electronic device.

In 2014, the Department's Fair Chase committee was formed to monitor and evaluate emerging and evolving technologies and practices and make recommendations for statute or rule changes when it is determined the technology or practice had the potential to provide an unfair advantage and trail cameras were identified as fast becoming a growing trend with hunters using them to aid in the take of wildlife.

In 2016, the Department tasked a team of subject matter experts to conduct benchmarking with other states and provinces to determine which states regulate the use of trail cameras.

In 2017, the Article 3 Five-year Review Report recommended prohibiting the use of live-action cameras state-wide and passive trail cameras within one fourth mile of a developed water source.

In 2018, the Department presented several options designed to regulate the use of trail cameras; at that time the Commission voted to prohibit the use of live-action cameras for the purpose of hunting.

In addition, to date research conducted on the use of trail camera for the purpose of hunting is indeterminate when it comes to the positive or negative impacts trail cameras have on wildlife. Because the proposed rule is intended to address the divisive and social aspects, including fair chase, of trail cameras used for the purpose of hunting, the Commission has determined there is no need to conduct more research or an environmental impact study.

**k. A number of comments state the rule could make violators out of hunters who use trail cameras for pleasure, not for hunting.**

**Agency Response:** The Department disagrees. A thorough investigation will be conducted by a Department officer prior to making the decision to issue a trail camera citation. The officer in the field is responsible for conducting an investigation, collecting evidence, and, when determined valid, issuing a citation. A major focus of the investigation will be to identify who placed the trail camera. Every time a citation is written by any officer, it is based on the totality of facts and the situation at hand that causes the issuance of the citation. The officer is part of the judicial process, but does not usurp the court's final authority.

**l. A number of comments state the use of trail cameras for hunting is a legitimate sport, is a necessary activity, and has positive social consequences. Advocates state placing and checking trail cameras and viewing the photographs that were taken is an enjoyable family activity.**



**Agency Response:** The proposed rule is intended to preserve hunting. Regulated hunting fundamentally supports wildlife conservation efforts in North America. The loss of hunting would equate to a measurable loss in conservation efforts, and would represent a failure of the Commission to fulfill its duty to preserve wildlife for the beneficial use of present and future generations.

The proposed rule is intended to address the divisive and social aspects of trail cameras used for the purpose of hunting. The rule does not prohibit any other type of lawful activity that a person or family may conduct outdoors, such as bird watching, boating, camping, hiking, kayaking, using trail cameras for non-hunting purposes, wildlife viewing, etc.

**m. A number of comments state the use of trail cameras for the purpose of hunting should remain lawful on private property.**

**Agency Response:** The Department disagrees. The concerns related to this issue apply regardless of land ownership. The Commission maintains the authority to regulate the manner and method of take on public and private land.

**n. A number of comments state pictures from trail cameras instill a desire to go and look for that ‘one’ big game animal.**

**Agency Response:** The proposed rule will make it unlawful to use a trail camera for the purpose of hunting. Viewing images taken with a trail camera for the purpose of nonconsumptive recreation will remain lawful.

**o. A number of comments state trail cameras are used for reasons that are not related to hunting, such as research, wildlife watching, camp or home security, etc.**

**Agency Response:** The proposed prohibition only applies to trail cameras that are used for the purposes of take as defined under A.R.S. § 17-101(20). The general use of a trail camera will remain legal as long as no images or data are used to aid in the take of wildlife. General uses include, but are not limited to, the use of trail cameras for camp and/or home security, individual photography, research, and wildlife management.

**p. A number of comments state regulating trail cameras for hunting discriminates against disabled and elderly hunters.**

**Agency Response:** The Department disagrees. The proposed rule is intended to address the divisive and social aspects of trail cameras used for the purpose of hunting. For this reason, it is not reasonable to allow select hunters to use a trail camera for the purpose of hunting. In addition, the Department offers a Challenged Hunter Access/Mobility Permit (CHAMP) and Crossbow Permit; both afford persons with a disability the opportunity to participate in hunting.

**q. A number of comments state trail cameras do not help a hunter harvest an animal; while other comments state trail cameras increase their odds of taking an animal.**

**Agency Response:** The Department takes no position on this issue. The proposed rule is intended to address the divisive and social aspects of trail cameras used for the purpose of hunting.

**r. A number of comments state trail cameras relieve pressure on the habitat by reducing the number of hunters scouting in the field prior to their hunt.**

**Agency Response:** The Department disagrees. Pressure on the habitat is a concern, but just one of them. The potential for conflict over the use of trail cameras and concerns over fair chase will continue to be an issue.

**s. A number of comments state guides and outfitters abuse the use of trail cameras; the average hunters only uses a few trail cameras. The rule should only limit guides and outfitters use of trail cameras for hunting.**

**Agency Response:** The Department disagrees. The proposed rule is intended to address the divisive and social aspects of trail cameras used for the purpose of hunting. Prohibiting their use by a specific group of persons will be confusing to the public and may result in even more social discord on the landscape.

**t. A number of comments state trail cameras help the Department catch poachers and other wildlife law violators.**

**Agency Response:** The Department has received data obtained from trail cameras used by hunters, and while this data may provide some benefit, it is not a reliable or consistent method for convicting wildlife law violators.

**u. A number of comments state the person purchased any number of trail cameras and, if the proposed rulemaking is approved, will not be able to use them.**

**Agency Response:** The Department disagrees. The proposed prohibition only applies to trail cameras that are used for the purposes of take as defined under A.R.S. § 17-101(20). The general use of a trail camera will remain legal as long as no images or data are used to aid in the take of wildlife. General uses include, but are not limited to, the use of trail cameras for camp and/or home security, individual photography, research, and wildlife management. They may also be used for the purpose of hunting in states



that do not prohibit or have not yet prohibited the use of trail cameras for the purpose of hunting.

**v. A number of comments state because trail cameras are used for the purpose of hunting, the sale of trail cameras and their related equipment/accessories contribute to the federal excise tax which in turn is distributed to the various states for wildlife conservation.**

**Agency Response:** The Department disagrees. The Pittman-Robertson Federal Aid in Wildlife Restoration Act is funded through a 10% excise tax on handguns, ammunition, and accessories as well as an 11% excise tax on archery equipment. Trail cameras and their related equipment are not included in the Pittman-Robertson Federal Aid in Wildlife Restoration Act, thus they do not contribute to either wildlife restoration fund.

**w. The Department should conduct an education campaign on the fair and ethical use of trail cameras instead of regulating trail cameras.**

**Agency Response:** The Department disagrees. Education campaigns are an effective means of promoting an idea when they include communicating with openness in an evidence-informed way; creating safe spaces to encourage audience dialogue; fostering community partnerships; and countering misinformation.

Because many guides and hunters who are using trail cameras for the purpose of hunting do not see any fault with their use, conducting a successful education campaign on the fair and ethical use of trail cameras will be problematic and may never achieve the same results as the rulemaking.

Because many of the comments indicate the person who submitted them is not open to hearing any message on the ethical use of trail cameras, the Department anticipates there will be multiple challenges on social media, including misinformation, anti-education campaign sentiment, a complex trail camera proponent narrative and anti-regulation advocates. This is evident with the most recent federal and state public health campaigns promoting the use of face masks for public health and safety; messages that were disregarded by a large number of persons who simply did not agree with or believe the reasoning behind the campaign's messaging.

In addition, public education campaigns rely on voluntary compliance and the desired results are not achieved for years. Because improvements in trail camera technology have resulted in better trail cameras that cost less, their use for hunting has increased over time and will continue to do so. Delaying regulatory action now to run what will most certainly be an unsuccessful public education campaign will only make it more difficult to regulate the use of trail cameras for the purpose of hunting in the future.

**x. A number of comments state the trail cameras are only a problem in particular units; they should only be regulated in those areas of the State that have a problem.**

**Agency Response:** The Department disagrees. Prohibiting the use of trail cameras for the purpose of hunting in select areas is confusing and would only serve to concentrate these problems in other areas of the State.

**y. A number of comments state Arizona will be the first or only state to prohibit the use of trail cameras for hunting.**

**Agency Response:** The Department disagrees. The following states currently prohibit or regulate the use of trail cameras for hunting: Colorado, Indiana, Kansas, Maine, Montana, Nevada, New Mexico, New Hampshire, North Dakota, Wisconsin, and Wyoming. It is possible other states will be added to the list as there are still a number of states that have not responded to our inquiry.

*The Department received the following comments proposing the Commission pursue other regulatory measures to address the issue. For these comments, the following summary is provided:*

**a. A number of comments state the Commission should allow the use of live-action cameras; if the monitoring and maintaining a “passive” trail camera is causing concerns, then allowing a person to “check” their camera remotely should “fix” the problem.**

**Agency Response:** The Department disagrees. Currently, trail cameras that are capable of transmitting images to an electronic device are prohibited when used for locating and/or taking wildlife. “Fair Chase” means the ethical and lawful pursuit and take of free-range wildlife in a manner that does not give the hunter improper or unfair advantage over such wildlife.

The Fair Chase Committee determined live-action trail cameras allow a hunter or angler to locate or take wildlife without being physically present and pursuing wildlife in the field. The Commission does not intend to allow the use of live-action trail cameras for the purpose of hunting.

**b. A number of comments state trail cameras should be regulated by the Department (i.e., permanently mark trail camera with user's information, limit number of trail cameras person may use by permit, establish user pay registration system, etc.).**

**Agency Response:** The Department disagrees. The proposed rule is intended to address the divisive and social aspects of trail



cameras used for the purpose of hunting. Implementing a registration process would not address the concerns surrounding the use of trail cameras for the purpose of hunting and would also result in the Department expending additional resources to establish and maintain a registration or permitting system, as well as any associated administration costs.

For these reasons, it is not reasonable to establish a registration or permitting system that allows paying hunters to use a trail camera for the purpose of hunting.

**c. A number of comments state the use of trail cameras for hunting should be limited to hunters who possess a valid hunt permit-tag for a specific game unit; lawful in hunt areas with an open season; or lawful for Special Big Game License tag hunts.**

**Agency Response:** The Department disagrees. The proposed rule is intended to address the divisive and social aspects of trail cameras used for the purpose of hunting. Limiting the use of trail cameras as suggested above would do nothing to alleviate the concerns regarding the use of trail cameras for hunting.

Implementing a registration process would not address the concerns surrounding the use of trail cameras for the purpose of hunting and would also result in the Department expending additional resources to establish and maintain a registration or permitting system, as well as any associated administration costs.

Currently, the number of hunters using trail cameras in a given hunt unit typically outnumber the valid tag holders; allowing their use in certain locations would not address concerns over conflicts between hunters and trail camera users. This could be confusing to the public and may result in even more social discord on the landscape.

The State's population continues to steadily grow. When combined with technological advances designed to make trail cameras more accurate, easier to operate, and less costly, it is reasonable to expect the number of cameras on the landscape to increase. Which, in turn, will increase the frequency and severity of the concerns identified above along with the increases that have and will continue to pressure wildlife from the increasing number of people enjoying outdoor recreational activities.

For these reasons, it is not reasonable to continue to allow the use of trail cameras for hunting.

**d. A number of comments state a person should only check their trail camera(s) before or after daylight.**

**Agency Response:** The Department disagrees. The proposed rule is intended to address the divisive and social aspects of trail cameras used for the purpose of hunting. Limiting the use of trail cameras as suggested above would do nothing to alleviate the concerns regarding the use of trail cameras for hunting.

**e. A number of comments state the trail camera prohibition should only apply when in proximity to water sources.**

**Agency Response:** The Department disagrees. Prohibiting the use of trail cameras for the purpose of hunting within proximity to water sources would only serve to concentrate these problems in other areas.

**f. A number of comments state the Department was not transparent in regards to the reason(s) behind the rulemaking.**

**Agency Response:** The Department disagrees. A rulemaking moratorium has been in place, either through an Executive Order or statute since 2009. As with all rulemaking efforts, the Department follows the rulemaking procedures prescribed in statute and rule, and the applicable Governor's Executive Order that establishes exemptions from the rulemaking moratorium.

The Department provided the reasoning for the rulemaking through both presentations to the Commission at the December 2020 and February 2021 public meetings, as well as additional public notices made through social media and press releases. In addition, Game and Fish Commissioners were also guests on several podcasts and spoke to the proposed rulemaking during the process.

**g. A number of comments state the time and resources spent on this rulemaking would have been better spent on active wildlife management issues or fixing the draw process which facilitates Department funding and wildlife management programs.**

**Agency Response:** The Department disagrees. The Commission has determined there is a need to evaluate and establish regulatory measures pertaining to the use of trail cameras, as they relate to the 'take of wildlife' and the Fair Chase hunting ethic.

**h. A number of comments state the prohibition on the use of trail cameras should also apply to the use of trail cameras for photography purposes.**

**Agency Response:** The Department disagrees. The Commission authority to regulate the use of trail cameras is limited to their use for the purpose of taking wildlife. Because photography does not meet the definition of take, it will continue to be a lawful activity.

**i. A number of comments state the prohibition on the use of trail cameras will make their use illegal for the purposes of monitoring their traps.**



**Agency Response:** The Commission's intent is to prohibit the use of a trail camera for the take, or assisting in the take, of wildlife. Under A.R.S. § 17-101(2), "take" means pursuing, shooting, hunting, fishing, trapping, killing, capturing, snaring or netting wildlife or the placing or using of any net or other device or trap in a manner that may result in the capturing or killing of wildlife. The use of a trail camera for the sole purpose of monitoring the security of a trap would remain lawful under this rule. It is important to note, the use of a trail camera will not satisfy the requirement to check individual traps on a daily basis as prescribed under A.R.S. § 17-361(B).

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

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

The rule does not require a general permit.

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

For R12-4-303, Federal regulation 50 C.F.R. 20.21 is applicable to the subject of the rule. 50 C.F.R. 20.21 establishes general requirements, exceptions, and specific provisions for migratory bird hunting. The Commission has determined the rule is not more stringent than the corresponding federal law.

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

The agency has not received an analysis that compares the rule's impact of competitiveness of business in this state to the impact on business in other states.

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

Not applicable

**14. Whether the rule was previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-4-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:**

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

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

**TITLE 12. NATURAL RESOURCES**

**CHAPTER 4. GAME AND FISH COMMISSION**

**ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS**

Section

R12-4-111. ~~Identification Number~~ ~~Repealed~~

**ARTICLE 2. LICENSES; PERMITS; STAMPS; TAGS**

Section

R12-4-209. ~~Community Fishing License~~ ~~Repealed~~

R12-4-214. ~~Apprentice License~~ ~~Repealed~~

**ARTICLE 3. TAKING AND HANDLING OF WILDLIFE**

Section

R12-4-301. Definitions

R12-4-303. Unlawful Devices, Methods, and Ammunition

**ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS**

**R12-4-111. ~~Identification Number~~ ~~Repealed~~**

A person applying for a Department identification number, as defined under R12-4-101, shall provide the person's:

1. ~~Full name;~~
2. ~~Any additional names the person has lawfully used in the past or is known by;~~
3. ~~Date of birth; and~~
4. ~~Mailing address.~~

**ARTICLE 2. LICENSES; PERMITS; STAMPS; TAGS**

**R12-4-209. ~~Community Fishing License; Exemption~~ ~~Repealed~~**

- ~~A. A community fishing license is valid for taking all aquatic wildlife from Commission designated community waters, only, and allows the license holder to engage in simultaneous fishing as defined under R12-4-301. The list of Commission designated community waters is available at any license dealer, Department office, and online at [www.azgfd.gov](http://www.azgfd.gov).~~
- ~~B. The community fishing license is valid for one year from:~~



1. The date of purchase when a person purchases the community fishing license from a license dealer, as defined under R12-4-101; or
  2. The selected start date when a person purchases the community fishing license from a Department office or online. A person may select the start date for the community fishing license provided the date selected is no more than 60 calendar days from and after the date of purchase.
- C.** A resident or nonresident may apply for a community fishing license by submitting an application to the Department, a License Dealer as defined under R12-4-101, or online at [www.azgfd.gov](http://www.azgfd.gov). The application is furnished by the Department and is available at any Department office, license dealer, and online at [www.azgfd.gov](http://www.azgfd.gov). A community fishing license applicant shall provide the following information on the application:
1. The applicant's:
    - a. Name;
    - b. Date of birth;
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Department identification number, when applicable;
    - e. Residency status and number of years of residency immediately preceding application, when applicable;
    - f. Mailing address, when applicable;
    - g. Physical address;
    - h. Telephone number, when available; and
    - i. E-mail address, when available; and
  2. Affirmation that the information provided on the application is true and accurate; and
  3. Applicant's signature and date.
- D.** In addition to the requirements listed under subsection (C), an applicant who is applying for a community fishing license:
1. In person shall pay the applicable fee required under R12-4-102.
  2. Online shall electronically pay the fee required under R12-4-102 and print the new license. A person applying online shall affirm, or provide permission for another person to affirm, the information electronically provided is true and accurate.
- E.** In addition to the exemption prescribed under A.R.S. § 17-335, a person who is under 10 years of age may fish in Commission designated community waters without a fishing license.

**R12-4-214. Apprentice License ~~Repealed~~**

- A.** An apprentice license authorizes the taking of small game, fur bearing animals, predatory animals, nongame animals, and upland game birds. The apprentice license is only available from a Department office.
- B.** An apprentice license is:
1. A complimentary license;
  2. Valid for any two consecutive days; and
  3. Issued to a person only once per calendar year.
- C.** The apprentice license is not valid for the take of big game animals.
- D.** The apprentice license is valid for the take of migratory game birds and waterfowl when the apprentice also possesses the applicable Migratory Bird stamp and federal waterfowl stamp.
- E.** An apprentice license holder shall be accompanied by a mentor at all times while in the field. A mentor is eligible to apply for no more than two apprentice hunting licenses in any calendar year. A mentor shall:
1. Be a resident of Arizona;
  2. Be 18 years of age or older;
  3. Possess an appropriate and valid Arizona hunting license; and
  4. Provide the apprentice with instruction and supervision on safe and ethical hunting practices.
  5. A short term license does not meet the license requirement of this subsection.
- F.** A mentor may apply for an apprentice license at any Department office. An applicant for an apprentice license shall provide the following information at the time of application:
1. The mentor's:
    - a. Name;
    - b. Arizona hunting license number and effective date of the license; and
  2. The applicant's:
    - a. Name;
    - b. Age;
    - c. Date of birth;
    - d. Telephone number, when available;
    - e. Department identification number, when applicable;
    - f. E-mail address, when available;
    - g. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - f. Mailing address, when applicable;
    - g. Physical address; and
    - h. Residency status.

**ARTICLE 3. TAKING AND HANDLING OF WILDLIFE**

**R12-4-301. Definitions**

In addition to the definitions provided under A.R.S. § 17-101 and R12-4-101, the following definitions apply to this Article unless otherwise specified:

"Administer" means to apply a drug directly to wildlife by injection, inhalation, ingestion, or any other means.



“Aircraft” means any contrivance used for flight in the air or any lighter-than-air contrivance, including unmanned aircraft systems also known as drones.

“Artificial flies and lures” means man-made devices intended as visual attractants to catch fish. Artificial flies and lures does not include living or dead organisms or edible parts of those organisms, natural or prepared food stuffs, chemicals or organic materials intended to create a scent, flavor, or chemical stimulant to the device regardless of whether it is added or applied during or after the manufacturing process.

“Barbless hook” means any fish hook manufactured without barbs or on which the barbs have been completely closed or removed.

“Body-gripping trap” means a device designed to capture an animal by gripping the animal's body.

“Confinement trap” means a device designed to capture wildlife alive and hold it without harm.

“Crayfish net” means a net that does not exceed 36 inches on a side or in diameter and is retrieved by means of a hand-held line.

“Deadly weapon” has the same meaning as provided under A.R.S. § 13-3101.

“Device” has the same meaning as provided under A.R.S. § 17-101.

“Dip net” means any net, excluding the handle, that is no greater than three feet in the greatest dimension, that is hand-held, non-motorized, and the motion of the net is caused by the physical effort of the person.

“Drug” means any chemical substance, other than food or mineral supplements, that affects the structure or biological function of wildlife.

“Edible portions of game meat” means, for:

Upland game birds, migratory game birds and wild turkey: breast.

Bear, bighorn sheep, bison, deer, elk, javelina, mountain lion, and pronghorn antelope: front quarters, hind quarters, loins (backstraps), neck meat, and tenderloins.

Game fish: fillets of the fish.

“Evidence of legality” means the wildlife is accompanied by the applicable license, tag, stamp, or permit required by law and is identifiable as the “legal wildlife” prescribed by Commission Order, which may include evidence of species, gender, antler or horn growth, maturity, and size.

“Foothold trap” means a device designed to capture an animal by the leg or foot.

“Hybrid device” means a device with a combination of components from two or more lawful devices and is used for the take of wildlife, such as but not limited to a firearm, pneumatic weapon, or slingshot that shoots arrows or bolts.

“Instant kill trap” means a device designed to render an animal unconscious and insensitive to pain quickly with inevitable sub-sidence into death without recovery of consciousness.

“Land set” means any trap used on land rather than in water.

~~“Live action trail camera” means an unmanned device capable of transmitting images, still photographs, video, or satellite imagery, wirelessly to a remote device such as but not limited to a computer, smart phone, or tablet. This does not include a trail camera that only records photographic or video data and stores the data for later use, provided the device is not capable of transmitting data wirelessly.~~

“Minnow trap” means a trap with dimensions that do not exceed 12 inches in depth, 12 inches in width, and 24 inches in length.

“Muzzleloading handgun” means a firearm intended to be fired from the hand, incapable of firing fixed ammunition, and loaded with black powder or synthetic black powder and a single projectile.

“Muzzleloading rifle” means a firearm intended to be fired from the shoulder, incapable of firing fixed ammunition, having a single barrel, and loaded through the muzzle with black powder or synthetic black powder and a single projectile.

“Muzzleloading shotgun” means a firearm intended to be fired from the shoulder, incapable of firing fixed ammunition, having a single or double smooth barrel and loaded through the muzzle with black powder or synthetic black powder and using ball shot as a projectile.

“Paste-type bait” means a partially liquefied substance used as a lure for animals.

“Pneumatic weapon” means a device that fires a projectile by means of air pressure or compressed gas. This does not include tools that are common in the construction and art trade such as, but not limited to, nail and rivet guns.

“Pre-charged pneumatic weapon” means an air gun or pneumatic weapon that is charged from a high compression source such as an air compressor, air tank, or internal or external hand pump.

“Prohibited possessor” has the same meaning as provided under A.R.S. § 13-3101.

“Prohibited weapon” has the same meaning as provided under A.R.S. § 13-3101.

“Rifle” means a firearm intended to be fired from the shoulder that uses the energy from an explosive in a fixed cartridge to fire a single projectile through a rifled bore for each single pull of the trigger. This does not include a pre-charged pneumatic weapon.

“Shotgun” means a firearm intended to be fired from the shoulder and that uses the energy from an explosive in a fixed shotgun shell to fire either ball shot or a single projectile through a smooth bore or rifled barrel for each pull of the trigger.





“Sight-exposed bait” means a carcass, or parts of a carcass, lying openly on the ground or suspended in a manner so that it can be seen from above by a bird. This does not include a trap flag, dried or bleached bone with no attached tissue, or less than two ounces of paste-type bait.

“Simultaneous fishing” means taking fish by using only two lines at one time and not more than two hooks or two artificial flies or lures per line.

“Single-point barbless hook” means a fishhook with a single point, manufactured without barbs, or on which the barbs have been completely closed or removed. This does not include a treble fishhook.

“Sinkbox” means a low-floating device with a depression that affords a hunter a means of concealment beneath the surface of the water.

“Smart device” means any device equipped with a target-tracking system or an electronically-controlled, electronically-assisted, or computer-linked trigger or release. This includes but is not limited to smart rifles.

“Trail camera” means any device that is not held or manually operated by a person and is used to capture images, video, or location, time, or date data of wildlife.

“Trap flag” means an attractant made from materials other than animal parts that is suspended at least three feet above the ground.

“Water set” means any trap used and anchored in water rather than on land.

#### **R12-4-303. Unlawful Devices, Methods, and Ammunition**

- A. In addition to the prohibitions prescribed under A.R.S. §§ 17-301 and 17-309, the following devices, methods, and ammunition are unlawful for taking wildlife in this state:
1. A person shall not use any of the following to take wildlife:
    - a. Fully automatic firearms, including firearms capable of selective automatic fire.
    - b. Tracer or armor-piercing ammunition designed for military use.
    - c. Any smart device as defined under R12-4-301.
    - d. Any self-guided projectiles.
  2. A person shall not take big game using full-jacketed or total-jacketed bullets that are not designed to expand upon impact.
  3. A person shall not use or possess any of the following while taking wildlife:
    - a. Poisoned projectiles or projectiles that contain explosives or a secondary propellant.
    - b. Pitfalls of greater than 5-gallon size, explosives, poisons, or stupefying substances, except as permitted under A.R.S. § 17-239 or as allowed by a scientific collecting permit issued under A.R.S. § 17-238.
    - c. Any lure, attractant, or cover scent containing any cervid urine.
    - d. Electronic night vision equipment, electronically enhanced light-gathering devices, thermal imaging devices or laser sights projecting a visible light; except for devices such as laser range finders projecting a non-visible light, scopes with self-illuminating reticles, and fiber optic sights with self-illuminating sights or pins that do not project a visible light onto an animal.
  4. A person shall not by any means:
    - a. Hold wildlife at bay other than during daylight hours, unless authorized by Commission Order.
    - b. Injure, confine, place, or use a tracking device in or on wildlife for the purpose of taking or aiding in the take of wildlife.
    - c. Place any substance, device, or object in, on, or by any water source to prevent wildlife from using that water source.
    - d. Place any substance in a manner intended to attract bears.
    - e. Use a manual or powered jacking or prying device to take reptiles or amphibians.
    - f. Use dogs to pursue, tree, corner or hold at bay any wildlife for a hunter, unless that hunter is present for the entire hunt.
    - g. Take migratory game birds, except Eurasian collared-doves:
      - i. Using a shotgun larger than 10 gauge, a shotgun of any description capable of holding more than three shells unless it is plugged with a one-piece filler that cannot be removed without disassembling the shotgun so that its total capacity does not exceed three shells.
      - ii. Using electronically amplified bird calls or baits.
      - iii. By means or aid of any motordriven land, water, or air conveyance, or any sailboat used for the purpose of or resulting in the concentrating, driving, rallying, or stirring up of any migratory bird.
    - iv. Activities described under subsections (g)(i) through (g)(iii) are prohibited under 50 C.F.R. 20.21, revised October 1, 2015. The material incorporated by reference in this Section does not include any later amendments or editions. The incorporated material is available at any Department office, online from the Government Printing Office website [www.gpoaccess.gov](http://www.gpoaccess.gov), or may be ordered from the Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000.
    - h. Discharge any of the following devices while taking wildlife within one-fourth mile (440 yards) of an occupied farmhouse or other residence, cabin, lodge or building without permission of the owner or resident:
      - i. Arrow or bolt,
      - ii. Hybrid device, or
      - iii. Pneumatic weapon .35 caliber or larger.
  5. A person shall not ~~use a live action trail camera, or images from a live action trail camera, for the purpose of:~~
    - a. ~~Taking or aiding in the take of wildlife, or~~
    - b. Locating wildlife place, maintain, or use a trail camera, or images, video, to include location, time, or date data from a trail camera, for the purpose of taking or aiding in the take of wildlife or locating wildlife for the purpose of taking or aiding in the take of wildlife.



6. A person shall not use images of wildlife produced or transmitted from a satellite or other device that orbits the earth for the purpose of:
    - a. Taking or aiding in the take of wildlife, or
    - b. Locating wildlife for the purpose of taking or aiding in the take of wildlife.
    - c. This subsection does not prohibit the use of mapping systems or programs.
  7. A person shall not use edible or ingestible substances to aid in taking big game. The use of edible or ingestible substances to aid in taking big game is unlawful when:
    - a. A person places edible or ingestible substances for the purpose of attracting or taking big game, or
    - b. A person knowingly takes big game with the aid of edible or ingestible substances placed for the purpose of attracting wildlife to a specific location.
  8. Subsection (A)(7) does not limit Department employees or Department agents in the performance of their official duties.
  9. For the purposes of subsection (A)(7), edible or ingestible substances do not include any of the following:
    - a. Water.
    - b. Salt.
    - c. Salt-based materials produced and manufactured for the livestock industry.
    - d. Nutritional supplements produced and manufactured for the livestock industry and placed during the course of livestock or agricultural operations.
- B.** It is unlawful for a person who is a prohibited possessor to take wildlife with a deadly weapon or prohibited weapon.
- C.** Wildlife taken in violation of this Section is unlawfully taken.
- D.** This Section does not apply to any activity allowed under A.R.S. § 17-302, to a person acting within the scope of their official duties as an employee of the state or United States, or as authorized by the Department.



## 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 25. DEPARTMENT OF HEALTH SERVICES EMERGENCY MEDICAL SERVICES

[R21-123]

#### PREAMBLE

1. **Article, Part or Sections Affected (as applicable)**  
Table 5.1 **Rulemaking Action**  
Amend
2. **Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statutes (specific), and the statute or session law authorizing the exemption:**  
Authorizing statutes: A.R.S. §§ 36-136(F) and 36-2209(A)(2)  
Implementing statute: A.R.S. §§ 36-2205(A) and 36-2228  
Statute or session law authorizing the exemption: A.R.S. § 36-2205(B)
3. **The effective date of the rules and the agency's reason it selected the effective date:**  
August 9, 2021  
This effective date makes the rules more consistent with national standards as quickly as possible.
4. **A list of all notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the exempt rulemaking:**  
Notice of Public Information: 27 A.A.R. 1237, August 13, 2021
5. **The agency's contact person who can answer questions about the rulemaking:**  
Name: Rachel Garcia, Bureau Chief  
Address: Arizona 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: Rachel.Garcia@azdhs.gov  
or  
Name: Robert Lane, Chief  
Address: Arizona 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.) § 36-2205(A) requires the Arizona Department of Health Services (Department) to establish protocols governing "medical treatments, procedures, medications and techniques which may be administered or performed by each class of emergency medical care technician." These protocols have been adopted in 9 A.A.C. 25, Article 5 after development and review by the Emergency Medical Services Council and the Medical Direction Commission, established by A.R.S. §§ 36-2203 and 36-2203.01, respectively. The medical treatments, procedures, medications, and techniques that may be administered or per-

formed by each class of emergency medical care technician (EMCT) constitutes the EMCT's scope of practice. The Department has specified an EMCT's scope of practice in Table 5.1. After obtaining an exception from the rulemaking moratorium established by Executive Order 2021-02, the Department is revising the scope of practice for EMCTs, specified in Table 5.1, to make it more consistent with national standards.

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

The Department did not review or rely on any study related to this rulemaking package.

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

Not applicable

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

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:**

Not applicable

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

Not applicable

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

Not applicable

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

None

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

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 25. DEPARTMENT OF HEALTH SERVICES  
EMERGENCY MEDICAL SERVICES**

**ARTICLE 5. MEDICAL DIRECTION PROTOCOLS FOR EMERGENCY MEDICAL CARE TECHNICIANS**

Section

Table 5.1. Arizona Scope of Practice Skills

*Table starts on next page*



## ARTICLE 5. MEDICAL DIRECTION PROTOCOLS FOR EMERGENCY MEDICAL CARE TECHNICIANS

Table 5.1. Arizona Scope of Practice Skills

## KEY:

✓ = Arizona Scope of Practice skill

STR = STR skill

\* = Already intubated With training in R9-25-505

<u>A.</u>	<u>Airway/Ventilation/Oxygenation</u>	EMT	AEMT	EMT-I(99)	Paramedic
	<del>Airway - esophageal</del>	STR	✓	✓	✓
	<del>Airway - supraglottic</del>	STR	✓	✓	✓
<u>1.</u>	Airway - nasal	✓	✓	✓	✓
<u>2.</u>	Airway - oral	✓	✓	✓	✓
<u>3.</u>	Airway - supraglottic	STR	✓	✓	✓
<u>4.</u>	Airway obstruction - dislodgement by direct laryngoscopy	=	=	✓	✓
<u>5.</u>	Airway obstruction - manual dislodgement techniques	✓	✓	✓	✓
<u>6.</u>	Automated transport ventilator	STR	STR	✓	✓
<u>7.</u>	Bag-valve-mask (BVM)	✓	✓	✓	✓
<u>8.</u>	<del>BiPAP/CPAP</del> BiPAP	=	=	=	✓
<u>9.</u>	CPAP	STR	✓	✓	✓
<u>10.</u>	Chest decompression - needle	=	=	✓	✓
<u>11.</u>	Chest tube placement - assist only	=	=	=	STR✓
<u>12.</u>	Chest tube monitoring and management	=	=	=	STR✓
	<del>Cricoid pressure (Sellick's maneuver)</del>	✓	✓	✓	✓
<u>13.</u>	Cricothyrotomy - needle	=	=	STR	✓
	<del>Cricothyrotomy - percutaneous</del>			STR	✓
	<del>Cricothyrotomy - surgical</del>			STR	STR
	<del>Demand valve - manually triggered ventilation</del>	✓	✓	✓	✓
<u>14.</u>	End tidal CO2 monitoring/capnography monitoring and interpretation of waveform capnography	STR	✓	✓	✓
<u>15.</u>	Gastric decompression - NG tube	=	=	✓	✓
<u>16.</u>	Gastric decompression - OG tube	=	=	✓	✓
<u>17.</u>	Head-tilt chin lift	✓	✓	✓	✓
<u>18.</u>	Intubation - endotracheal	=	=	✓	✓
<u>19.</u>	Intubation - nasotracheal	=	=	STR	✓
	<del>Intubation - orotracheal</del>	STR	STR	✓	✓
<u>20.</u>	Jaw-thrust	✓	✓	✓	✓
	<del>Jaw thrust - modified (trauma)</del>	✓	✓	✓	✓
<u>21.</u>	Medication Assisted Intubation (paralytics)	=	=	=	STR
<u>22.</u>	Mouth-to-barrier	✓	✓	✓	✓
<u>23.</u>	Mouth-to-mask	✓	✓	✓	✓
<u>24.</u>	Mouth-to-mouth	✓	✓	✓	✓
<u>25.</u>	Mouth-to-nose	✓	✓	✓	✓
<u>26.</u>	Mouth-to-stoma	✓	✓	✓	✓
	<del>Obstruction - direct laryngoscopy</del>			✓	✓
	<del>Obstruction - manual</del>	✓	✓	✓	✓
<u>27.</u>	Oxygen therapy - high flow nasal cannula	=	=	=	✓
<u>28.</u>	Oxygen therapy - humidifiers	✓	✓	✓	✓
<u>29.</u>	Oxygen therapy - nasal cannula	✓	✓	✓	✓
<u>30.</u>	Oxygen therapy - non-rebreather mask	✓	✓	✓	✓
<u>31.</u>	Oxygen therapy - partial rebreather mask	✓	✓	✓	✓
<u>32.</u>	Oxygen therapy - simple face mask	✓	✓	✓	✓
<u>33.</u>	Oxygen therapy - <del>venturi</del> Venturi mask	✓	✓	✓	✓
	<del>PEEP - therapeutic</del>			✓	✓
<u>34.</u>	Pulse oximetry	✓	✓	✓	✓
<u>35.</u>	Suctioning - upper airway	✓	✓	✓	✓



36.	Suctioning - tracheobronchial <u>of an intubated patient</u>	=	✓ <del>±</del> ✓	✓	✓
<b>B.</b>	<b>Cardiovascular/Circulation</b>	<b>EMT</b>	<b>AEMT</b>	<b>EMT-I (99)</b>	<b>Paramedic</b>
1.	Cardiac monitoring - <del>multiple lead</del> <u>12-lead ECG</u> (interpretive)	=	=	✓	✓
	<del>Cardiac monitoring - single lead (interpretive)</del>			✓	✓
2.	Cardiac monitoring - <del>multiple lead</del> <u>12-lead ECG</u> acquisition and trans- mission (non interpretive)	STR✓	STR✓	✓	✓
3.	Cardiopulmonary resuscitation	✓	✓	✓	✓
4.	Cardioversion - electrical	=	=	✓	✓
	<del>Carotid massage (≤17 years)</del>			STR	STR
5.	Defibrillation - <del>automatic/semi-automatic</del> <u>automated/semi-automated</u>	✓	✓	✓	✓
6.	Defibrillation - manual	=	=	✓	✓
7.	Hemorrhage control - direct pressure	✓	✓	✓	✓
8.	Hemorrhage control - tourniquet	✓	✓	✓	✓
9.	<u>Hemorrhage control - wound packing</u>	✓	✓	✓	✓
	<del>Internal; cardiac pacing - monitoring only</del>			✓	✓
10.	Mechanical CPR device	STR✓	STR✓	STR✓	STR✓
11.	<u>Telemetric monitoring devices and transmission of clinical data includ- ing video data</u>	✓	✓	✓	✓
12.	Transcutaneous pacing - <del>manual</del>	=	=	✓	✓
13.	<u>Transvenous cardiac pacing - monitoring and maintenance</u>	=	=	✓	✓
<b>C.</b>	<b><u>Immobilization Splinting/Spinal Motion Restriction/Patient Restraint</u></b>	<b>EMT</b>	<b>AEMT</b>	<b>EMT-I (99)</b>	<b>Paramedic</b>
1.	Spinal immobilization - cervical <u>Cervical collar</u>	✓	✓	✓	✓
2.	Spinal immobilization - long <u>Long spine board</u>	✓	✓	✓	✓
3.	Spinal immobilization - manual <u>Manual cervical stabilization</u>	✓	✓	✓	✓
4.	Spinal immobilization - <del>seated patient</del> <u>Seated spinal motion restriction</u> (KED, etc.)	✓	✓	✓	✓
	<del>Spinal immobilization - rapid manual extrication</del>	✓	✓	✓	✓
5.	Extremity stabilization - manual	✓	✓	✓	✓
6.	Extremity splinting	✓	✓	✓	✓
7.	Splint- traction	✓	✓	✓	✓
8.	Mechanical patient restraint	✓	✓	✓	✓
9.	Emergency moves for endangered patients	✓	✓	✓	✓
<b>D.</b>	<b><u>Medication administration Administration - routes/agent types</u></b>	<b>EMT</b>	<b>AEMT</b>	<b>EMT-I (99)</b>	<b>Paramedic</b>
1.	Aerosolized/nebulized ( <u>beta agonist</u> )	STR✓	✓	✓	✓
	<del>Assisting patient with his/her own prescribed medications (aerosolized/ nebulized)</del>	✓	✓	✓	✓
	<del>Assisting patient with his/her own prescribed medications (Aspirin or Nitroglycerin)</del>	✓	✓	✓	✓
	<del>Assisting patient with his/her own prescribed medications (auto-injector)</del>	✓	✓	✓	✓
	<del>Assisting patient with his/her own prescribed medications (hydrocorti- sone sodium succinate)</del>		✓	✓	✓
	<del>Auto-injector</del>	STR	✓	✓	✓
	<del>Buccal</del>	STR	✓	✓	✓
2.	Endotracheal tube	=	=	✓	✓
3.	Inhaled <del>self-administered</del> ( <u>nitrous oxide</u> )	✓	✓	✓	✓
4.	Intradermal	=	=	STR✓	STR✓
5.	Intramuscular ( <del>including patient-assisted hydrocortisone</del> )	STR	✓	✓	✓
6.	<u>Intramuscular - auto-injector</u>	✓	✓	✓	✓
7.	Intranasal	STR✓	✓	✓	✓
	<del>Intravenous push</del>		✓	✓	✓
	<del>Intravenous piggyback</del>			✓	✓
8.	Intraosseous - <u>initiation, pediatric or adult</u>	=	STR✓	✓	✓
9.	<u>Intravenous</u>	=	✓	✓	✓
10.	<u>Mucosal/Sublingual</u>	✓	✓	✓	✓
11.	Nasogastric	=	=	=	✓
12.	Oral	✓	✓	✓	✓
13.	Rectal	=	STR✓	✓	✓



	Small volume nebulizer	STR	✓	✓	✓
14.	Subcutaneous	=	✓	✓	✓
	<del>Sublingual</del>		✓	✓	✓
15.	Topical	=	=	=	✓
16.	Transdermal	=	=	=	✓
17.	Use/monitoring of infusion pump for agent administration during inter-facility transports	=	=	STR	STR
18.	Use/monitoring of agents specified in Table 3 - Special Agents Eligible for Administration and Monitoring, established according to A.R.S. § 36-2204 and available through the Department at <a href="http://www.azdhs.gov/ems-regulatory-references">www.azdhs.gov/ems-regulatory-references</a>	=	=	STR	STR
19.	Epinephrine anaphylaxis-prepared kit; only for anaphylaxis when no auto-injector is available	STR	✓	✓	✓
20.	Immunizations	=	=	✓*	✓*
21.	Thrombolytics	=	=	=	STR
<b>E.</b>	<b><del>IV initiation/maintenance fluids</del> Initiation/Maintenance Fluids</b>	<b>EMT</b>	<b>AEMT</b>	<b>EMT-I (99)</b>	<b>Paramedic</b>
1.	Access indwelling catheters and implanted central IV ports	=	=	=	✓
2.	Central line - monitoring	=	=	=	✓
3.	Intraosseous - initiation, <u>pediatric or adult</u>	=	✓	✓	✓
4.	Intravenous access	STR	✓	✓	✓
5.	Intravenous initiation - peripheral	STR	✓	✓	✓
	<del>Intravenous - maintenance of non-medicated IV fluids or capped access</del>	✓	✓	✓	✓
6.	Intravenous- maintenance of medicated IV fluids	=	=	✓	✓
7.	<u>Intravenous- maintenance of nonmedicated IV fluids</u>	STR	✓	✓	✓
	<del>Umbilical initiation</del>				STR
<b>F.</b>	<b>Miscellaneous</b>	<b>EMT</b>	<b>AEMT</b>	<b>EMT-I (99)</b>	<b>Paramedic</b>
1.	Assisted delivery (childbirth)	✓	✓	✓	✓
2.	Assisted complicated delivery (childbirth)	✓	✓	✓	✓
3.	<u>Blood chemistry analysis</u>	=	=	=	STR✓
4.	Blood glucose monitoring	✓	✓	✓	✓
5.	Blood pressure - automated	✓	✓	✓	✓
6.	Blood pressure - manual	✓	✓	✓	✓
7.	Eye irrigation	✓	✓	✓	✓
8.	Eye irrigation ( <del>Morgan lens</del> ) <u>hands-free irrigation using sterile eye irrigation device</u>	=	=	=	STR✓
	<del>Thrombolytic therapy - initiation</del>				STR
9.	Urinary catheterization	STR	STR	STR	STR
10.	Venous blood sampling	=	✓	✓	✓
	<del>Blood chemistry analysis</del>				STR
	<del>Use/monitoring of agents specified in a table of agents, established according to A.R.S. § 36-2204 and available through the Department at <a href="http://www.azdhs.gov/ems-regulatory-references">www.azdhs.gov/ems-regulatory-references</a>, that an administrative medical director may authorize for administration or monitoring during inter-facility transports</del>			STR	STR
	<del>Use/monitoring of infusion pump for agent administration during inter-facility transports</del>			STR	STR

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**NOTICES OF RULEMAKING DOCKET OPENING**

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

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

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

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

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

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**NOTICE OF RULEMAKING DOCKET OPENING  
ARIZONA MEDICAL BOARD**

[R21-124]

- 1. Title and its heading:** 4, Professions and Occupations  
**Chapter and its heading:** 16, Arizona Medical Board  
**Article and its heading:** 2, Licensure  
3, Dispensing of Drugs  
**Section numbers:** R4-16-201, R4-16-201.1, and R4-16-301 through R4-16-305

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

This rulemaking addresses the issues such as lack of clarity, incorrect cross references, and inconsistencies with statute, identified in 5YRRs. The amendments to R4-16-201 and R4-16-201.1 are to benefit physicians who might be reluctant to obtain needed help for medical conditions that potentially impair practice. Additionally, under Laws 2018, Chapter 1, the legislature amended A.R.S. § 32-1491(B) regarding dispensing a Schedule II controlled substance that is an opioid. R4-16-301 has been amended to reference that change. Exemptions for this rulemaking from Executive Order 2021-02 were provided by Gabee Lepore of the Governor’s Office by e-mails dated July 29, 2021.

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

Notice of Proposed Rulemaking: 27 A.A.R. 1355, September 3, 2021 (*in this issue*)

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

Name: Patricia McSorley, Executive Director  
Address: Arizona Medical Board  
1740 W. Adams St., Suite 4000  
Phoenix, AZ 85007  
Telephone: (480) 551-2700  
Fax: (480) 551-2704  
Email: patricia.mcsorley@azmd.gov  
Website: www.azmd.gov

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

The Board will accept comments during business hours at the address listed in item 4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.

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

To be determined





**NOTICE OF RULEMAKING DOCKET OPENING**  
**DEPARTMENT OF CHILD SAFETY**  
**FOSTER HOME AND CHILD WELFARE AGENCY FACILITY SAFETY**

[R21-125]

1. **Title and its heading:** 21, Child Safety  
**Chapter and its heading:** 8, Department Of Child Safety - Foster Home and Child Welfare Agency Facility Safety  
**Article and its heading:** 1, Life Safety Inspections  
**Section numbers:** R21-8-101, R21-8-102, R21-8-103, R21-8-106, R21-8-107, R21-8-111, R21-8-112, R21-8-113, and R21-8-114 (*Sections may be added, deleted, or modified as necessary.*)
2. **The subject matter of the proposed rule:**  
The rule amendments proposed in this rulemaking notice pertain to the Life Safety Inspections of applicants or licensees of foster homes and child welfare agencies. The Five-Year-Review Report of Title 21, Chapter 8 identified necessary updates to make the rules more clear, concise, and understandable. Additional amendments were identified to improve readability, understanding, and remove redundancies with other rules.
3. **A citation to all published notices relating to the proceeding:**  
Notice of Proposed Rulemaking: 27 A.A.R. 1361, September 3, 2021 (*in this issue*)
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Angie Trevino, Rules Development Specialist  
Address: Department of Child Safety  
3003 N. Central Ave.  
Phoenix, AZ 85012  
Telephone: (602) 255-2569  
Fax: (602) 255-3262  
Email: Angelica.Trevino@azdcs.gov  
Website: <https://dcs.az.gov/about/dcs-rules-rulemaking>
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
Written comments may be submitted via:  
Email: DCSrulemaking@azdcs.gov  
Mail: Department of Child Safety  
Office of Legislative Affairs and Codification  
P.O. Box 6030  
Phoenix, AZ 85005  
Close of public comment record is October 19, 2021 at 5:00 p.m.  
The Department has scheduled a telephonic oral proceeding:  
Date: October 19, 2021  
Time: 10:00 a.m.  
Telephone: (480) 561-6122, passcode 497257617#
6. **A timetable for agency decisions or other action on the proceeding, if known:**  
To be determined.



## NOTICES OF SUBSTANTIVE POLICY STATEMENT

The *Administrative Procedure Act* (APA) requires the publication of Notices of Substantive Policy Statement issued by agencies (A.R.S. § 41-1013(B)(9)).

Substantive policy statements are written expressions which inform the general public of an agency's current approach to rule or regulation practice.

Substantive policy statements are advisory only. A substantive policy statement does not include internal procedural documents that only affect an agency's

internal procedures and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the APA.

If you believe that a substantive policy statement does impose additional requirements or penalties on regulated parties, you may petition the agency under A.R.S. § 41-1033 for a review of the statement.

### NOTICE OF SUBSTANTIVE POLICY STATEMENT DEPARTMENT OF WATER RESOURCES

[M21-54]

1. **Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:**  
Recovery Well Area of Impact (RW1)
2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**  
August 11, 2021
3. **Summary of the contents of the substantive policy statement:**  
Substantive Policy Statement RW1 defines the area of impact of water stored at a groundwater savings facility and an underground storage facility and describes how the area of impact is to be determined for each type of storage facility
4. **Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**  
A.R.S. § 45-834.01
5. **A statement as to whether the substantive policy statement is a new statement or a revision:**  
This Recovery Well Area of Impact is a new statement.
6. **The agency contact person who can answer questions about the substantive policy statement:**  
Name: David McKay  
Address: P.O. Box 36020  
Phoenix, AZ 85067-6020  
Telephone: (602) 771-8104  
Email: dmckay@azwater.gov  
Website: <https://new.azwater.gov/>
7. **Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:**  
Copies of this Substantive Policy Statement are available at no cost on the Department's website: <https://new.azwater.gov/>. Hard copies may be obtained by contacting the person listed above for \$0.25 per page.



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**GOVERNOR EXECUTIVE ORDER**

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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.

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**EXECUTIVE ORDER 2021-02****Moratorium on Rulemaking to Promote Job Creation and Economic Development; Internal Review of Administrative Rules**

[M21-11]

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

**WHEREAS**, burdensome regulations inhibit job growth and economic development; 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, 2019 and 2020; and

**WHEREAS**, the State of Arizona eliminated or improved 462 burdensome regulations in 2020 and for a total of 2,751 needless regulations eliminated or improved since 2015; and

**WHEREAS**, estimates show these eliminations saved job creators \$14.7 million in operating costs in 2020 and for a total of over \$148.9 million in savings since 2015; and

**WHEREAS**, in 2020, for every one new necessary rule added to the Administrative Code, four have been repealed or improved; and

**WHEREAS**, COVID-19 has been hard on small businesses and the economy, and administrative barriers should be removed for their sake; and

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

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

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

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

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

1. A State agency subject to this Order shall not conduct any rulemaking, including regular, expedited, emergency and exempt, 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 on the public, while achieving the same regulatory objective.
  - c. To prevent a significant threat to 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 new 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. After the public comment period and the close of the rulemaking record, a State agency subject to this Order shall not submit the proposed rules to the Governor's Regulatory Review Council without a written final approval from the Office of the Governor.



Before considering the rules submitted by a State agency, the Governor's Regulatory Review Council must obtain from the State agency the initial approval, referenced in Section 1, and the final approval from the Office of the Governor.

3. A State agency that submits a rulemaking request pursuant to this Order shall recommend for consideration by the Governor's Office at least **three** existing rules to eliminate for every **one** additional rule requested by the agency.
4. All State agencies shall conduct a comprehensive review of any rules that were suspended during the Public Health State of Emergency for COVID-19 to determine if those rules should be permanently suspended and send a report on their findings no later than June 1, 2021.
5. 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.
6. 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 the 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.
7. A State agency that issues occupational or professional licenses must track veteran and military spouse status of applicants immediately and report that information to the Governor's Office on an annual basis, starting July 1, 2021.
8. All State agencies that are required to issue occupational or professional licenses by "universal recognition" (established by A.R.S. § 32-4302) must track all applications received for this license type immediately and report that information to the Governor's Office on an annual basis, starting July 1, 2021. Before any agency denies a professional or occupational license applied for under A.R.S. § 32-4302, 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 Governor's Office should be notified of any required timeframes, whether in statute or rule, for approval or denial of the license by the agency.
9. 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.
10. 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.
11. This Executive Order supersedes Executive Order 2019-01 and Executive Order 2020-02.

**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 twelfth day of February in the Year Two Thousand and Twenty-One and of the Independence of the United States of America the Year Two Hundred and Forty-Fifth.

**ATTEST:**

**Katie Hobbs**  
**SECRETARY OF STATE**



## REGISTER INDEXES

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

Abbreviations for rulemaking activity in this Index include:

### **PROPOSED RULEMAKING**

PN = Proposed new Section  
PM = Proposed amended Section  
PR = Proposed repealed Section  
P# = Proposed renumbered Section

### **SUPPLEMENTAL PROPOSED RULEMAKING**

SPN = Supplemental proposed new Section  
SPM = Supplemental proposed amended Section  
SPR = Supplemental proposed repealed Section  
SP# = Supplemental proposed renumbered Section

### **FINAL RULEMAKING**

FN = Final new Section  
FM = Final amended Section  
FR = Final repealed Section  
F# = Final renumbered Section

### **SUMMARY RULEMAKING**

#### **PROPOSED SUMMARY**

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

#### **FINAL SUMMARY**

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

### **EXPEDITED RULEMAKING**

#### **PROPOSED EXPEDITED**

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

#### **SUPPLEMENTAL EXPEDITED**

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

#### **FINAL EXPEDITED**

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

### **EXEMPT RULEMAKING**

#### **EXEMPT**

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

#### **EXEMPT PROPOSED**

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

#### **EXEMPT SUPPLEMENTAL PROPOSED**

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

#### **FINAL EXEMPT RULEMAKING**

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

### **EMERGENCY RULEMAKING**

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

### **RECODIFICATION OF RULES**

RC = Recodified

### **REJECTION OF RULES**

RJ = Rejected by the Attorney General

### **TERMINATION OF RULES**

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

### **RULE EXPIRATIONS**

EXP = Rules have expired

See also “emergency expired” under emergency rulemaking

### **CORRECTIONS**

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## RULES EFFECTIVE DATES CALENDAR

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

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



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



## REGISTER PUBLISHING DEADLINES

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

<b>Deadline Date (paper only) Friday, 5:00 p.m.</b>	<b>Register Publication Date</b>	<b>Oral Proceeding may be scheduled on or after</b>
April 9, 2021	April 30, 2021	June 1, 2021
April 16, 2021	May 7, 2021	June 7, 2021
April 23, 2021	May 14, 2021	June 14, 2021
April 30, 2021	May 21, 2021	June 21, 2021
May 7, 2021	May 28, 2021	June 28, 2021
May 14, 2021	June 4, 2021	July 6, 2021
May 21, 2021	June 11, 2021	July 12, 2021
May 28, 2021	June 18, 2021	July 19, 2021
June 4, 2021	June 25, 2021	July 26, 2021
June 11, 2021	July 2, 2021	August 2, 2021
June 18, 2021	July 9, 2021	August 9, 2021
June 25, 2021	July 16, 2021	August 16, 2021
July 2, 2021	July 23, 2021	August 23, 2021
July 9, 2021	July 30, 2021	August 30, 2021
July 16, 2021	August 6, 2021	September 7, 2021
July 23, 2021	August 13, 2021	September 13, 2021
July 30, 2021	August 20, 2021	September 20, 2021
August 6, 2021	August 27, 2021	September 27, 2021
August 13, 2021	September 3, 2021	October 4, 2021
August 20, 2021	September 10, 2021	October 12, 2021
August 27, 2021	September 17, 2021	October 18, 2021
September 3, 2021	September 24, 2021	October 25, 2021
September 10, 2021	October 1, 2021	November 1, 2021
September 17, 2021	October 8, 2021	November 8, 2021
September 24, 2021	October 15, 2021	November 15, 2021
October 1, 2021	October 22, 2021	November 22, 2021
October 8, 2021	October 29, 2021	November 29, 2021
October 15, 2021	November 5, 2021	December 6, 2021
October 22, 2021	November 12, 2021	December 13, 2021
October 29, 2021	November 19, 2021	December 20, 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 2021

(MEETING DATES ARE SUBJECT TO CHANGE)

[M20-42]

DEADLINE FOR PLACEMENT ON AGENDA*	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
<i>Tuesday</i> February 16, 2021	<i>Tuesday</i> March 23, 2021	<i>Tuesday</i> March 30, 2021	<i>Tuesday</i> April 6, 2021
<i>Tuesday</i> March 23, 2021	<i>Tuesday</i> April 20, 2021	<i>Tuesday</i> April 27, 2021	<i>Tuesday</i> May 4, 2021
<i>Tuesday</i> April 20, 2021	<i>Tuesday</i> May 18, 2021	<i>Wednesday</i> May 26, 2021	<i>Tuesday</i> June 1, 2021
<i>Tuesday</i> May 18, 2021	<i>Tuesday</i> June 22, 2021	<i>Tuesday</i> June 29, 2021	<i>Wednesday</i> July 7, 2021
<i>Tuesday</i> June 22, 2021	<i>Tuesday</i> July 20, 2021	<i>Tuesday</i> July 27, 2021	<i>Tuesday</i> August 3, 2021
<i>Tuesday</i> July 20, 2021	<i>Tuesday</i> August 24, 2021	<i>Tuesday</i> August 31, 2021	<i>Wednesday</i> September 8, 2021
<i>Tuesday</i> August 24, 2021	<i>Tuesday</i> September 21, 2021	<i>Tuesday</i> September 28, 2021	<i>Tuesday</i> October 5, 2021
<i>Tuesday</i> September 21, 2021	<i>Tuesday</i> October 19, 2021	<i>Tuesday</i> October 26, 2021	<i>Tuesday</i> November 2, 2021
<i>Tuesday</i> October 19, 2021	<i>Tuesday</i> November 23, 2021	<i>Tuesday</i> November 30, 2021	<i>Tuesday</i> December 7, 2021
<i>Tuesday</i> November 23, 2021	<i>Tuesday</i> December 21, 2021	<i>Tuesday</i> December 28, 2021	<i>Tuesday</i> January 4, 2022
<i>Tuesday</i> December 21, 2021	<i>Tuesday</i> January 18, 2022	<i>Tuesday</i> January 25, 2022	<i>Tuesday</i> February 1, 2022

\* 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.