Vol. 27, Issue 40 ~ Administrative Register Contents ~ October 1, 2021

Information ................................................................. 1562
Rulemaking Guide .......................................................... 1563
RULES AND RULEMAKING
Proposed Rulemaking, Notices of
2 A.A.C. 8 State Retirement System Board ............................................. 1565
Final Rulemaking, Notices of
2 A.A.C. 20 Citizens Clean Elections Commission ....................................... 1568
3 A.A.C. 4 Department of Agriculture - Plant Services Division ................. 1570
Proposed Expedited Rulemaking, Notices of
9 A.A.C. 10 Department of Health Services - Health Care Institutions: Licensing ................................................................. 1583
9 A.A.C. 10 Department of Health Services - Health Care Institutions: Licensing ................................................................. 1585
Exempt Rulemaking, Notices of
9 A.A.C. 17 Department of Health Services - Medical Marijuana Program .......... 1587
OTHER AGENCY NOTICES
Docket Opening, Notices of Rulemaking
2 A.A.C. 8 State Retirement System Board ............................................. 1591
13 A.A.C. 4 Arizona Peace Officer Standards and Training Board ............... 1591
18 A.A.C. 1 Department of Environmental Quality - Administration .......... 1592
18 A.A.C. 9 Department of Environmental Quality - Water Pollution Control . 1593
18 A.A.C. 14 Department of Environmental Quality - Permits and Compliance Fees ................................................................. 1593
Ombudsman, Notices of Agency
Department of Child Safety ................................................................... 1595
Oral Proceeding on Proposed Rulemaking (Public Meeting), Notices of
Department of Insurance and Financial Institutions - Insurance Division ........ 1596
GOVERNOR'S OFFICE
Governor's Executive Order 2021-02
Moratorium on Rulemaking to Promote Job Creation and Economic Development; Internal Review of Administrative Rules ................................................................. 1597
INDEXES
Register Index Ledger ........................................................................ 1599
Rulemaking Action, Cumulative Index for 2021 ........................................ 1600
Other Notices and Public Records, Cumulative Index for 2021 .................... 1605
CALENDAR/DEADLINES
Rules Effective Dates Calendar .............................................................. 1607
Register Publishing Deadlines ............................................................... 1609
GOVERNOR'S REGULATORY REVIEW COUNCIL
Governor's Regulatory Review Council Deadlines .................................... 1610
Notice of Action Taken at the September 8, 2021 Meeting ......................... 1611
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.
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

START HERE
APA, statute or ballot proposition is passed. It gives an agency authority to make rules.
It may give an agency an exemption to the process or portions thereof.

Agency opens a docket.
Agency files a Notice of Rulemaking Docket Opening; it is published in the Register. Often an agency will file the docket with the proposed rulemaking.

Agency drafts proposed rule and Economic Impact Statement (EIS); informal public review/comment.

Agency files Notice of Proposed Rulemaking.
Notice is published in the Register.
Notice of meetings may be published in Register or included in Preamble of Proposed Rulemaking.
Agency opens comment period.

If no change then
Rule must be submitted for review or terminated within 120 days after the close of the record.

Agency decides not to proceed and does not file final rule with G.R.R.C. within one year after proposed rule is published. A.R.S. § 41-1021(A)(4).
Agency decides not to proceed and files Notice of Termination of Rulemaking for publication in Register. A.R.S. § 41-1021(A)(2).

Final rule is published in the Register and the quarterly Code Supplement.
### Definitions


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

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

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

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

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


**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.

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

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

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

### Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>A.A.C.</td>
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<tr>
<td>A.A.R.</td>
<td>Arizona Administrative Register</td>
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<td>APA</td>
<td>Administrative Procedure Act</td>
</tr>
<tr>
<td>A.R.S.</td>
<td>Arizona Revised Statutes</td>
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<tr>
<td>CFR</td>
<td>Code of Federal Regulations</td>
</tr>
<tr>
<td>EIS</td>
<td>Economic, Small Business, and Consumer Impact Statement</td>
</tr>
<tr>
<td>FR</td>
<td>Federal Register</td>
</tr>
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<td>G.R.R.C.</td>
<td>Governor’s Regulatory Review Council</td>
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### 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 Rulemaking.

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

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

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

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

NOTICE OF PROPOSED RULEMAKING

TITLE 2. ADMINISTRATION
CHAPTER 8. STATE RETIREMENT SYSTEM BOARD

[R21-152]

PREAMBLE

1. Article, Part, or Section Affected (as applicable) | Rulemaking Action
R2-8-401 | Amend
R2-8-403 | Amend
R2-8-406 | New Section

2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):
   Authorizing statute: A.R.S. § 38-714(E)(4)
   Implementing statutes: A.R.S. §§ 38-714(E)(1) and 41-1092 et seq.

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 rules:
   Notice of Rulemaking Docket Opening: 27 A.A.R. 1591, October 1, 2021 (in this issue)

4. The agency’s contact person who can answer questions about the rulemaking:
   Name: Jessica A.R. Thomas, Rules Writer
   Address: Arizona State Retirement System
   3300 N. Central Ave., Suite 1400
   Phoenix, AZ 85012-0250
   Telephone: (602) 240-2039
   Email: JessicaT@azasrs.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 ASRS needs to amend its rules relating to appeals in order to provide notice to the public of how a member may appeal a health insurance issue under a self-insured program. These rules will further clarify the appeals process, but the rules do not impose any additional requirements or burdens on members.

6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:
   None

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

8. The preliminary summary of the economic, small business, and consumer impact:
   The ASRS promulgates rules that allow the agency to provide for the proper administration of the state retirement trust fund. ASRS rules affect ASRS members and ASRS employers regarding how they contribute to, and receive benefits from, the ASRS. The ASRS effectively administers how public-sector employers and employees participate in the ASRS. As such, the ASRS does not issue permits or licenses, or charge fees, and its rules have little to no economic impact on private-sector businesses, with the exception of some employer partner charter schools, which have voluntarily contracted to join the ASRS. Thus, there is little to no economic, small business, or consumer impact, other than the minimal cost to the ASRS to prepare the rule package. The rule will have minimal economic impact, if any, because it merely clarifies in further detail how a member may appeal relating to health
1566 Vol. 27, Issue 40 | Published by the Arizona Secretary of State | October 1, 2021

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

Name: Jessica A.R. Thomas, Rules Writer
Address: Arizona State Retirement System
3300 N. Central Ave., Suite 1400
Phoenix, AZ 85012-0250
Telephone: (602) 240-2039
Email: JessicaT@azasrs.gov

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

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

Date: November 8, 2021
Time: 9:00 a.m.
Location: Virtual Meeting
Dial: (502) 518-3035
Enter Passcode: 973 443 850#

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:

None of the rules requires a permit.

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

There are no federal laws applicable to these rules.

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

No analysis was submitted.

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

None

13. The full text of the rules follows:

TITLE 2. ADMINISTRATION

CHAPTER 8. STATE RETIREMENT SYSTEM BOARD

ARTICLE 4. PRACTICE AND PROCEDURE BEFORE THE BOARD

Section

R2-8-401. Definitions
R2-8-403. Letters of Appeal; Request for a Hearing of an Appealable Agency Action
R2-8-406. Appeal of a Health Plan Vendor Decision

ARTICLE 4. PRACTICE AND PROCEDURE BEFORE THE BOARD

The following definitions apply to this Article, unless otherwise specified:

1. “Appealable agency action” has the same meaning as in A.R.S. § 41-1092.
2. “Board” means, if established, a Committee designated by the Board to take action on appeals as described in A.R.S. § 38-714(E)(1) or, if a Committee is not established, the same as in A.R.S. § 38-711(6).
3. “Final administrative action” has the same meaning as in A.R.S. § 41-1092 and is rendered by the Board.
4. “Health Plan” means an arrangement under which ASRS engages a Health Plan Vendor for coverage for members and their eligible dependents for routine, preventive, and emergency health-care procedures, pharmaceuticals, dental, vision, or other services and benefits funded through an insurance policy in which the Health Plan Vendor processes and pays claims as an insurer, or a self-funded arrangement in which the Health Plan Vendor processes and pays claims using ASRS funds.
5. “Health Plan Vendor” means an entity that enters into a contract with ASRS to provide an insured Health Plan or to administer, process, and pay claims for a Health Plan self-insured by ASRS.

R2-8-403. Letters of Appeal; Request for a Hearing of an Appealable Agency Action

A. After receipt of an agency decision, a person who is not satisfied with the agency decision, may submit a letter of appeal:

1. To the ASRS’s vendor for long-term disability benefits, if the appeal relates to a long-term disability decision; or
2. To the ASRS Member Services Division Assistant Director, or such director’s designee, if the appeal relates to an agency decision other than a long-term disability decision or Health Plan Vendor decision.

B. Upon receipt of a letter of appeal, the long-term disability vendor, or the Member Services Division Assistant Director, or such director’s designee, shall send a response letter to the person requesting the appeal notifying the person of:
   1. The decision the agency is making in response to the letter of appeal; and
   2. The person’s right to appeal the agency response by submitting a letter of appeal to the ASRS Director or such director’s designee.

C. A person who is not satisfied with the agency response pursuant to subsection (B) may submit a letter of appeal to the ASRS Director or such director’s designee within 60 days of the date on the agency response letter.

D. Within 30 days of the date the ASRS receives a letter of appeal pursuant to subsection (C), the ASRS director or such director’s designee shall send a response letter by certified mail to the person requesting the appeal that includes:
   1. The agency action the ASRS is taking in response to the letter of appeal; and
   2. Notice of Appealable Agency Action, as required pursuant to A.R.S. § 41-1092.03 informing the person requesting the appeal, that the person has a right to appeal the agency action by submitting a Request for Hearing pursuant to subsections (E) and (F).

E. For an appealable agency action, a person who is not satisfied with an agency action pursuant to subsection (D) may file a Request for a Hearing, in writing, with the ASRS. The date the Request is filed is established by the ASRS date stamp on the face of the first page of the Request. The Request shall include the following:
   1. The name and mailing address of the member, employer, or other person filing the Request;
   2. The name and mailing address of the attorney for the person filing the Request, if applicable;
   3. A concise statement of the reasons for the appeal.

F. The person requesting a hearing shall file the Request for a Hearing with the ASRS within 30 days after receiving a response letter including a Notice of an Appealable Agency Action, pursuant to subsection (E).

G. Upon receipt of the Request for a Hearing, the ASRS shall notify the Office of Administrative Hearings as required in A.R.S. § 41-1092.03(B).

H. Pursuant to subsection (B):
   1. The long-term disability vendor shall send a response letter to the person requesting the appeal within 120 days of the date the long-term disability vendor receives the letter of appeal; and
   2. The Member Services Division Assistant Director, or such director’s designee, shall send a response letter to the person requesting the appeal within 30 days of the date the ASRS receives the letter of appeal.

R2-8-406. Appeal of a Health Plan Vendor Decision

A. The Board has delegated to each Health Plan Vendor the authority to:
   1. Interpret and apply the terms of the Health Plan Vendor’s particular Health Plan;
   2. Determine whether a particular benefit is included in the Health Plan and, if included, the amount of payment to be made under the Health Plan; and
   3. Perform a full and fair review of any decision by the Health Plan Vendor regarding benefits included in or payments to be made under the Health Plan if the decision is appealed in accordance with the Health Plan Vendor’s specified procedures.

B. An individual who is enrolled in a Health Plan made available by ASRS and who wishes to appeal a decision by the Health Plan Vendor shall follow the appeal procedures specified in the applicable Health Plan description.
NOTICES OF FINAL RULEMAKING

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

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

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

NOTICE OF FINAL RULEMAKING

TITLE 2. ADMINISTRATION

CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

[R21-155]

PREAMBLE

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

R2-20-109 Amend

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

Authorizing statute: A.R.S. § 16-956(A)(7)
Implementing statute: A.R.S. §§ 16-940, 16-941, 16-942, 16-954, 16-956, 16-957, 16-958, 16-961

3. The effective date of the rule:

September 14, 2021

a. If the agency selected a date earlier than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):

An immediate effective date is necessary to ensure the rules are made consistent with statute and court decisions as soon as possible during the qualifying period set forth in the Clean Elections Act.

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

Not applicable

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

Notice of Rulemaking Docket Opening: 27 A.A.R. 675, April 30, 2020
Notice of Proposed Rulemaking: 27 A.A.R. 639, April 30, 2020

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

Name: Thomas M. Collins
Address: Citizens Clean Elections Commission
1616 W. Adams, Suite 110
Phoenix, AZ 85007
Telephone: (602) 364-3477
Email: cccc@azcleanelections.gov
Website: azcleanelections.gov

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

This amendment clarifies that under A.R.S. § 16-901(43), as interpreted by the Court of Appeals, entities that have certain tax status with the Internal Revenue Service need not file campaign reports otherwise required of entities that qualify as political committees under A.R.S. § 16-905.

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

Not applicable

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

Not applicable
9. **A summary of the economic, small business, and consumer impact:**
The amendment will lower compliance costs for certain kinds of financial entities, especially those that operate as a nonprofit under IRC Section 501(a). Those organizations do not have to disclose for purposes of Title 16, Chapter 6, certain expenses and received contributions that other entities that might be otherwise similarly situated do have to disclose. The cost of that information reduction will be borne by the voting public. The Agency does not anticipate increased costs or any need for additional FTEs.

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

11. **An agency’s summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:**
The agency received one comment from a member of the public in support of the amendment.

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

   a. **Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**
   No

   b. **Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**
   No

   c. **Whether a person submitted an analysis to the agency that compares the rule’s impact of the competitiveness of business in this state to the impact on business in other states:**
   No

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

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

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

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**TITLE 2. ADMINISTRATION**

**CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION**

**ARTICLE 1. GENERAL PROVISIONS**

Section

R2-20-109. Independent Expenditure Reporting Requirements

**ARTICLE 1. GENERAL PROVISIONS**

R2-20-109. **Independent Expenditure Reporting Requirements**

A. In accordance with A.R.S. § 16-958(E), all persons obligated to file any campaign finance report under any provisions of Chapter 6, Article 2 of the Arizona Revised Statutes shall file such reports using the Secretary of State’s Internet-based finance-reporting system, except if:

   1. Expressly provided otherwise by another Commission rule; or
   2. That system, or the necessary function on the system, is unavailable, in which case the executive director shall implement a suitable process.

B. **Independent Expenditure Reporting Requirements.**

   1. Any person making independent expenditures cumulatively exceeding the amount prescribed in A.R.S. § 16-941(D) in an election cycle shall file campaign finance reports in accordance with A.R.S. § 16-958 and Commission rules.

   2. Any person who fails to file a timely campaign finance report pursuant to A.R.S. § 16-941(D), A.R.S. § 16-958, shall be subject to a civil penalty as prescribed in A.R.S. § 16-942(B). Subsection R2-20-109(B)(4) does not apply to reports pursuant to A.R.S. §§ 16-941(D) and 16-958 or this subsection. Any expenditure advocating against one or more candidates shall be considered an expenditure on behalf of any opposing candidate(s). Penalties shall be assessed as follows:

      a. For an election involving a candidate for statewide office, the civil penalty shall be $300 per day.
      b. For an election involving a legislative candidate, the civil penalty shall be $100 per day.
      c. The penalties in (a) and (b) shall be doubled if the amount not reported for a particular election cycle exceeds ten (10%) percent of the applicable adjusted primary election spending limit or adjusted general election spending limit.
      d. The dollar amounts in items (a) and (b), and the spending limits in item (c) are subject to adjustment of A.R.S. § 16-959.
      e. Penalties imposed pursuant to this subsection shall not exceed twice the amount of expenditures not reported.

   3. A.R.S. § 16-942(B) applies to any entity including political committees that accepts contributions or makes expenditures on behalf of any candidate regardless of any other contributions taken or expenditures made and fails to timely file a campaign.
finance report under Chapter 6 of Title 16, Arizona Revised Statutes. Any expenditure advocating against one or more candidates shall be considered an expenditure on behalf of any opposing candidate(s). Penalties shall be assessed as follows:

a. For an election involving a candidate for statewide office, the civil penalty shall be $300 per day.

b. For an election involving a legislative candidate, the civil penalty shall be $100 per day.

c. The penalties in (a) and (b) shall be doubled if the amount not reported for a particular election cycle exceeds ten (10%) percent of the applicable adjusted primary election spending limit or adjusted general election spending limit.

d. The dollar amounts in items (a) and (b), and the spending limits in item (c) are subject to adjustment of A.R.S. § 16-959.

e. Penalties imposed pursuant to this subsection shall not exceed twice the amount of expenditures not reported.

4. For purposes of A.A.C. R2-20-109(B)(3):

a. Subject to A.R.S. § 16-901(43) and notwithstanding any rule to the contrary of that section, an entity shall not be found to have the predominant purpose of influencing elections unless, a preponderance of the evidence establishes that during a two-year legislative election cycle, the total reportable contributions made by the entity, in any combination, in a calendar year exceeds $1,000 and is more than fifty percent (50%) of the entity’s total spending during the election cycle.

i. No change

ii. No change

iii. No change

(1) No change

(2) No change

iv. No change

v. No change

(1) No change

(2) No change

b. No change

NOTICE OF FINAL RULEMAKING

TITLE 3. AGRICULTURE
CHAPTER 4. DEPARTMENT OF AGRICULTURE
PLANT SERVICES DIVISION

[R21-156]

PREAMBLE

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

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

Authorizing statute: A.R.S. § 3-107(A)
Implementing statute: A.R.S. § 3-313

3. The effective date of the rule:
September 16, 2021

a. If the agency selected a date earlier than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):

The Department requests that an immediate effective date be prescribed in an effort to comply with federal law for the domestic production of industrial hemp. An immediate effective date would also ensure there is no lapse in the change of licensing fees modified by emergency rulemaking. An immediate effective date would benefit the regulated community by reducing the overall regulatory burden with less stringent regulations and clearer provisions for program compliance.

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

Not applicable
4. **Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:**

   - Notice of Rulemaking Docket Opening: 26 A.A.R. 1764, August 28, 2020
   - Notice of Emergency Rulemaking: 27 A.A.R. 39, January 8, 2021
   - Notice of Proposed Rulemaking: 27 A.A.R. 571, April 16, 2021

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

   - Name: Brian McGrew
   - Address: Arizona Department of Agriculture
   - 1688 W. Adams St.
   - Phoenix, AZ 85007
   - Telephone: (602) 542-3228
   - Fax: (602) 542-1004
   - Email: azhemp@azda.gov
   - Website: https://agriculture.az.gov/plantsproduce/industrial-hemp-program

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

   The Department has received an exception from the rulemaking moratorium established by Executive Order 2020-02 under criteria (1)(b) and (f) to revise the industrial hemp program rules to achieve three primary objectives: (1) reduce licensing fees to ensure the income is comparable for expenditures for the program; (2) comply with the federal regulations under 7 CFR Part 990 for domestic hemp production; and (3) ease the overall regulatory burden and reduce the amount of paperwork produced, while maintaining regulatory control for the regulated community. Changes to rule R3-4-1001 update and expand on definitions to further clarify terms in the article and reduce confusion with the regulated community and the public. Changes to rule R3-4-1002 include clarification of the eligibility requirement for criminal background checks to comply with federal regulations for the domestic production of industrial hemp. Changes to rule R3-4-1003 clarify and provides additional guidance regarding the requirements and provisions to obtain a license and participate in the industrial hemp program, and to align terminologies with the federal regulations. The proposed change to rule R3-4-1004 is intended to clarify that hemp products produced under a research exemption are not allowed to enter the commercial stream of commerce. Changes to rule R3-4-1005 are intended to make the rule more clear and concise and to align with current Department practices. Changes to rule R3-4-1006 are intended to make the rule more clear and concise and to align with current Department practices. Changes to Table 1 include a reduction in licensing fees to reduce a burden on the regulated community and clarify language to indicate that the per-acreage inspection fee is for at least one acre that is inspected. Changes to rule R3-4-1007 adds a provision to prohibit the use of the Department logo or its likeness on required signage. Changes to rule R3-4-1008 include:
   - Provisions to implement alternative sampling methods.
   - Clarification that a crop may not be harvested until a sample is collected.
   - A requirement that a representative of the licensee must be present at the time of sampling.
   - Provisions for laboratory standards for the compliance testing of hemp crops.
   - Guidance on how compliant and non-compliant crops are handled.

   Changes to rule R3-4-1011 clarifies what is required for program planting reports, intent to harvest reports, intent to transport notifications, notices of destruction and processor notifications. Changes to rule R3-4-1012 removes redundant hemp transportation notification language and clarifies (intentional, knowing, and negligent) violations to comply with federal hemp laws. Changes to rule R3-4-1013 clarifies the corrective action process and provides additional guidance on methods of crop disposal. Changes to rule 1014 clarify violations for non-licensed individuals.

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

   No study was conducted.

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:**

   The rulemaking does not diminish any previous authority of a political subdivision of this state.

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

   The statutory purpose of the industrial hemp program was to “improve the economy and agricultural vitality” of Arizona. The Department bears minimal costs in implementing the Program. Other than the Department, no political subdivision is directly affected by the Program. Beneficiaries of the industrial hemp program are hemp growers, nurseries, harvesters, transporters, and processors as well as customers for hemp products and the State of Arizona. In 2019, there were 359 Program licensees. Slightly less than half of those licensees were hemp growers. Licensing fees were reduced 33% overall at the end of 2020 under an Emergency rulemaking, with the intent to finalize the reduction in this proposed rulemaking. In view of this reduction, the impact to small businesses is minimal, and the benefits of the Program exceed the cost thereof. There are no less intrusive or less costly alternatives for administering the Program. All licensing fees are placed in the trust fund for the benefit of the Program and do not revert to the state general fund. Therefore, the Program has little or no effect on state revenues. Other changes in the proposed rulemaking are intended to align with federal regulations under 7 U.S.C. § 5940 and 7 U.S.C. § 1639e, et seq., and 7 C.F.R. part 990. Alignment with federal regulations is necessary in order for Arizona to obtain U.S. Department of Agriculture (USDA) approval of Arizona’s industrial hemp plan. USDA approval of this plan is beneficial to program stakeholders as it allows for eligi-
bility for federal crop insurance and grants. Without USDA approval of the proposed rulemaking, these resources will not be made available to Arizona program participants. Lastly, additional changes made the rules clearer and more concise, to align with current departmental practices and to reduce overly-burdensome regulations.

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

Based on the initial feedback from the Arizona Governor's Regulatory Review Council, the incorporated federal references were updated to meet the requirements under A.R.S. § 41-1028. Based on feedback received from the Arizona Secretary of State's Office after the Notice of Proposed Rulemaking was filed, the instances of "and/or" in subsections R3-4-1003(A)(1); (B)(2)(b), (c), and (e); R3-4-1005(A) and (B); and R3-4-1013(D)(2)(d) were changed to either "and" or "or". In R3-4-1003(E)(3) the phrase "of this article" after "Table 1" was inadvertently removed in the Notice of Proposed Rulemaking and was replaced in the Notice of Final Rulemaking with striking. Based on the feedback received from USDA, the term "culpable mental state greater than negligence" was added in parentheses to R3-4-1012(E) to clarify the term is synonymous with "knowingly and intentionally". This addition is not seen as a substantive change since it is only added to provide clarification and to align with federal hemp laws.

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

The Department received one written comment from stakeholders about the proposed rulemaking. The stakeholder indicated that with legalization of adult-use marijuana the hemp rules should be removed to alleviate the regulatory burden. The response from the Department is that this is not possible for several reasons, including but not limited to: (1) the production, sale, interstate movement and use of marijuana is not legal at the federal level, and industrial hemp is only legal if a program follows the requirements under 7 CFR part 990; (2) hemp laws were established so there would be no interference with the strict regulation of marijuana in this state, which is much more stringent and burdensome than hemp regulatory oversight; (3) hemp is a commodity that does not contain the same amount of psychoactive compound as marijuana (tetrahydrocannabinol or THC), and the hemp industry is governed by federal laws requiring strict regulatory oversight to ensure THC to be illegal under federal law. No other comments were received during the oral proceeding.

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

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

The licenses issued under A.R.S. § 3-314 and Title 3, Chapter 4 Article 10 do not qualify as a general permit under A.R.S. § 41-1037.

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 regulations 7 U.S.C. § 5940; 7 U.S.C. § 1639o et seq. and 7 C.F.R. part 990, apply to the following rules:

- R3-4-1001 through R3-4-1003
- R3-4-1006
- R3-4-1008
- R3-4-1011 through R3-4-1014

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 conducted.

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


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

Notice of Emergency Rulemaking: Vol. 27, Issue 2 A.A.R. Pg. 39, January 8, 2021. No changes were made between the emergency and final rulemaking packages.

15. The full text of the rules follows:

TITLE 3. AGRICULTURE

CHAPTER 4. DEPARTMENT OF AGRICULTURE

PLANT SERVICES DIVISION
ARTICLE 10. INDUSTRIAL HEMP

R3-4-1001. Definitions

In addition to the definitions provided in A.R.S. §§ 3-201, 3-311, and A.A.C. R3-4-101, the following terms apply to this Article.

“0.300%” shall have the same meaning as three-tenths percent.

“Applicant” means a key participant who seeks a license or certification as a grower, nursery, harvester, transporter, or processor under this Article.

“Associate Director” means the Associate Director of the Plant Services Division.

“Authorized sampling agent” means an inspector of the Department or independent party that has been trained by an authorized representative of the Department to collect samples of industrial hemp crops to determine compliance with applicable hemp laws.

“Biomass” means the homogenized pieces and parts, including but not limited to stems, leaves and floral parts of hemp.

“Certified laboratory” means the State Agriculture Laboratory or any laboratory certified by the State Agriculture Laboratory to perform compliance analysis of industrial hemp.

“Corrective action plan” means a plan utilizing the methods outlined in R3-4-1013(D)(2) for correcting a negligent violation or non-compliance with applicable hemp laws, which is either proposed by a licensed hemp producer and approved by the Associate Director, or issued by the Associate Director.

“Decarboxylated” means the completion of the chemical reaction that converts THCA into delta-9 THC, the intoxicating component of cannabis. The decarboxylated value is also calculated using a molecular mass conversion ratio that sums delta-9 THC and 87.7% of THCA ((delta-9 THC) + (0.877 * THCA)).

“Decarboxylation” means the removal or elimination of carboxyl group from a molecule or organic compound.

“Delta-9 tetrahydrocannabinol” means the primary psychoactive component of cannabis. For the purposes of this Article, delta-9 THC and THC are interchangeable.

“Department” means the Arizona Department of Agriculture.

“Director” means the Director of the Department.

“Disposal” means an activity that transitions the non-compliant product into a non-retrievable or non-ingestible form. Such activities include plowing, tilling, or diskng plant material into the soil; mulching, composting, chopping, or bush mowing plant material into green manure; burning plant material; or burying plant material into the earth and covering with soil.

“Division” means the Plant Services Division of the Department.

“Entity” means a corporation, joint stock company, association, limited partnership, limited liability partnership, limited liability company, irrevocable trust, estate, charitable organization, or other similar organization, including any such organization participating in the hemp production as a partner in a general partnership, a participant in a joint venture, or a participant in a similar organization.

“Geospatial location” means a location designated through a global system of navigational satellites used to determine the precise ground position of a place or object.

“Harvest Lot” means a contiguous area in a field, greenhouse, or indoor growing structure containing the same variety or strain of cannabis throughout the area.
“Hemp” has the same meaning as industrial hemp.


“Intentionally” means the state of mind defined in A.R.S. § 13-105(10)(a) or any successor statute.

“Key participant” means a sole proprietor, a partner in partnership, or a person with executive managerial control in a corporation. A person with executive managerial control includes persons such as a chief executive officer, chief operating officer, and chief financial officer. This definition does not include non-executive managers such as farm, field, or shift managers.

“Knowingly” means the state of mind defined in A.R.S. § 13-105(10)(a) or any successor statute.

“Licensing Agreement” means a contract between the Department and an applicant that indicates the terms and conditions required for a license issued pursuant to this Article.

“Lot” means the same as harvest lot.

“Manmade causes” means the influence to an industrial hemp crop created by a person, including but not limited to, irrigation, fertilization, chemical application, or physical interference.

“Measurement of Uncertainty (MU)” means the parameter, associated with the result of a measurement that characterizes the dispersion of the values that could reasonably be attributed to the particular quantity subject to measurement.

“Natural causes” means the influence to an industrial hemp crop created by elements of nature including, but not limited to, temperature, wind, rain, hail, or flood.

“Performance based sampling” means a sampling method established in substantive policy and posted on the Department's website that ensures, within a 95% confidence level, a harvest lot is compliant with this Article by not having a total delta-9 THC level above the acceptable limit.

“Program” means the Industrial Hemp Program.

“Propagative material” means any industrial hemp seedlings, explants, transplants, propagules, or other rooted material that is grown in a soilless media.

“Remediation” means the process for achieving compliance of non-compliant cannabis. Remediation can occur by removing and destroying flower material, while retaining stalk, stems, leaf material, and seeds. Remediation can also occur by shredding the entire plant into a biomass like material, then re-testing the shredded biomass material for compliance.

“Responsible party” means an individual that has signing authority of a partnership, limited liability company, association, company or corporation.

“THC” means Tetrahydrocannabinol

“THCA” means Tetrahydrocannabinolic Acid.

“Total THC or total delta-9 THC” means the value determined after the process of decarboxylation, or the application of a conversion factor if the testing methodology does not include decarboxylation that expresses the potential total delta-9 tetrahydrocannabinol content derived from the sum of the THC and THCA content and reported on a dry weight basis. This post-decarboxylation value of THC can be calculated by using a chromatograph technique using heat, such as gas chromatography, through which THCA is converted from its acid form to its neutral form, THC, which calculates the total potential THC in a given sample. The total THC can also be calculated by using a liquid chromatograph technique, which keeps the THCA intact. This technique requires the use of the following conversion: \[ \text{Total THC} = (0.877 \times \text{THCA}) + \text{THC} \] which calculates the potential total THC in a given sample.

“Total Delta-9 THC concentration” means the total calculable amount of the chemical compound, Delta-9 THC.

R3-4-1002. Program Eligibility
A. Eligibility requirements. Unless otherwise determined to be ineligible under this Article and not withstanding any other law, a person or responsible party that applies for a program license shall:
1. Possess a valid fingerprint clearance card issued by the Arizona Department of Public Safety pursuant to A.R.S. § 41-1758.07.
a. Applicants who have had a felony narcotics conviction within 10 years of the date of application shall not be granted a good cause exception under A.R.S. § 41-1758.07.

b. Applicants who have had a felony narcotics conviction prior to December 11, 2018; and that participated in an agricultural pilot program for the purpose of research into the growth, cultivation and marketing of industrial hemp as authorized by 7 U.S.C. § 5940 (agricultural act of 2014 PL 113-79; 128 Stat. 656, eff January 5, 2015, https://www.congress.gov/bill/113th-congress/house-bill/2642/text) may petition the State for an exception to the eligibility exclusion in subsection R3-4-1002(A)(1)(a). The rule does not include any later amendments or editions of the incorporated matter.

2. Be a citizen of the United States or a legal resident alien. An individual who applies for a program license and is enrolled in an academic program at an accredited college or university, and who does not meet the criteria in this Section may be sponsored by an academic member of that college or university who meets the eligibility criteria in this Section and provides proof of eligibility as required in subsection R3-4-1002(B)(2).

3. Be eighteen (18) years of age or older at the time of application.

B. Proof of eligibility.

1. Unless otherwise allowed by an exception to the requirements of this section, the applicant shall provide the Department a legible photo copy, paper or electronic, of the applicant's fingerprint clearance card described in subsection (A)(1), which the Department will validate to ensure the applicant meets the eligibility requirements of this section.

2. The Department shall accept the documents listed in A.R.S. § 41-1080(A) as evidence of age and United States Citizenship or legal residency.

R3-4-1003. Licenses; Applications; Renewals; Withdrawal

A. Any person that grows, harvests, transports, or processes industrial hemp in any of the following categories shall obtain the appropriate license from the Department and shall abide by the terms and conditions set forth in the licensing agreement with the Department. Types of licenses include:

1. Grower - An authorized Grower license shall allow the licensee to obtain seed or propagative materials pursuant to this Article for planting, possess authorized seed and propagative materials for planting, cultivate the crop, harvest plant parts, possess and store harvested plant parts, and transport plant parts for processing.

2. Nursery - An authorized Nursery license shall allow the licensee to propagate eligible seed and propagative materials for planting for a licensed grower. A licensed Nursery shall not grow industrial hemp for harvesting purposes, unless also licensed with the Department as a Grower.

3. Harvester - An authorized Harvester license shall allow the licensee to engage in the activity of harvesting an eligible industrial hemp crop for a licensed grower.

4. Transporter - An authorized Transporter license shall allow the licensee to transport the harvested industrial hemp crop from a licensed grower.

5. Processor - An authorized Processor license shall allow the licensee to process, handle, and store of hemp that is not restricted in section R3-4-1012

B. At a minimum, applications for a license shall contain the information required in subsections R3-4-1003(B)(1) through (6), plus any additional information that may be required by the Department. Location information shall be retained by the Department for not less than three years. Licensing fees required under R3-4-1005 are due at the time of application.

1. All license applicants must provide:
   a. Full name, mailing address, telephone number and email address;
   b. Finger print clearance card identification number of the person or responsible party applying for license;
   c. If the applicant represents a business entity, the full name of the business, the principal Arizona business address, the full name, title, and email address of the person of the responsible party;
   d. Tax ID or Social Security Number; and
   e. Disclosure and explanation of any instance in which the applicant has been denied, debarred, suspended, revoked, or otherwise prohibited from participating in any public procurement or licensing activity.

2. Applicants for a Grower's license shall also provide:
   a. Registered planting site(s) - street address or major crossroads, legal description, and GPS coordinates for each field, greenhouse, building or site where industrial hemp will be grown, updated annually, or within 30 calendar days following a change;
   b. Estimated acreage for each outdoor location and square footage for indoor each greenhouse locations intended for planting;
   c. Maps or aerial photos depicting each site where industrial hemp will be grown, handled, and stored, with appropriate designations for entrances, field boundaries, and specific locations corresponding to the GPS coordinates;
   d. Storage location(s) (expressed in GPS coordinates) - Geospatial location information of all storage locations for seed or propagative materials, harvested plants and plant parts, and harvested hemp seed and propagative materials for plant propagation areas; and
   e. Maps or aerial photos depicting each site where industrial hemp seed and propagative materials will be stored and labeled with the corresponding GPS coordinates.

3. Applicants for a Nursery License shall also provide:
   a. Storage location(s) (expressed in GPS coordinates) - Geospatial location information of all storage locations for seed or propagative materials;
   b. Location(s) (expressed in GPS coordinates) of all (geospatial location information of all propagation areas; and
   c. Labeled maps or aerial photos depicting storage and propagation areas.
4. Applicants for a Harvester License, harvester license must also provide the Maps and the street address, legal description and
GPS coordinates/geospatial location information for each location of the harvesting equipment will be primarily based on, together
with corresponding labeled maps or aerial photos of the location or locations.

5. Applicants for a Processor License/processor license must also provide: Maps and the street address, legal description, and
GPS coordinates/geospatial location information for each location the transporting vehicles and equipment will be primarily based on, together with corresponding labeled maps or aerial photos of the location or locations.

6. Applicants for a Processor License/processor license must also provide:
   a. Identification of the part of a harvested hemp crop or plant to be received for processing, in the following categories:
      i. Floral and leaf material, or biomass;
      ii. Seed for oil or grain;
      iii. Stalks for fiber or hurs; and
      iv. Seed or propagative materials for planting.
   b. Registered processing—Processing site(s)/site or sites information that includes: Street street address or major crossroads, legal description, and GPS coordinates/geospatial location information for each building or site where hemp will be processed or stored, or where mobile processing equipment will be primarily based, and, together with labeled maps or aerial photos depicting the processing site information.
   c. Labeled maps or aerial photos depicting the information in subsection (b).

C. Application submission dates. Applications may be submitted at any time during the year, but the expiration date of the license shall be on December 31st annually, or biennially for a two-year renewal as authorized in subsection R3-4-1003(D). Renewal applications will be due no later than December 15th. An expired license may be reinstated up to three years after the expiration date, provided the applicant’s business information has not changed.

D. Application for one or two-year renewals. At a licensee's discretion, a person that has been licensed by the Department under the industrial hemp program may apply for a one or two year renewal provided:
   1. The person was licensed in the industrial hemp program within the previous calendar year;
   2. The license of the person was in good standing at the time of renewal;
   3. There is no change in the person or responsible party licensed;
   4. There is no change in the physical location of the industrial hemp site;
   5. The licensee does not owe any civil penalties, fees, or late charges to the Department; and
   6. The person submits the associated fee for a one or two-year renewal.

E. Licensing agreements. All approved applicants for a license shall complete a licensing agreement issued by the Department prior to receiving a license. The licensing agreement may include additional terms and conditions as needed to ensure compliance with this Article, applicable state and federal laws, and rules and orders of the Director, but, at a minimum the applicant will agree to:
   1. Provide access, for authorized Department inspectors, at any time, to all hemp and hemp seed, planted or stored, and all records to determine compliance with this Article and any state or federal law, rule or order regulating Cannabis as an agricultural crop;
   2. Maintain all records, as stated in section R3-4-1008 of this Article;
   3. Pay all fees required indicated in Table 1 of this Article;
   4. Comply with all pesticide use restrictions;
   5. Comply with all seed laws of the state;
   6. Defend, indemnify, and hold harmless the Department from liability for the destruction of any crop or harvested plant in violation of this Article;
   7. Be solely responsible for all financial or other losses;
   8. Be solely responsible for all land use restrictions, applicable city and county zoning, building, and fire codes and ordinances; and
   9. Follow all regulatory, notification and reporting requirements.

F. Program withdrawal—Withdrawals.
   1. Unless otherwise authorized by the Associate Director, the licensee shall complete a withdrawal notice at least prior to withdrawal of the Program. When a licensee withdraws from the industrial hemp program, any licensing and inspection fees paid or invoiced prior to any notice of withdrawal are not eligible for refund. In order for a licensee to withdraw from the industrial hemp program, the following requirements must be met:
      a. Unless otherwise authorized by the Associate Director, the licensee shall complete and submit a withdrawal notice at least ten business days prior to the withdrawal of the Program; and
      b. Any industrial hemp or hemp seed, planted, harvested, or stored must be inspected by the Department prior to transport off of the property, disposal, or transfer to a new or existing licensee.
   2. Any industrial hemp or hemp seed, planted, harvested, or stored must be inspected by the Department prior to transport off of the property, destruction or transfer to a new or existing licensee.
   3. Any licensing and inspection fees paid or invoiced prior to any notice of withdrawal are not eligible for refund, and withdrawal after submittal of an application but prior to issuance of a license will be prohibited unless the Department determines, in its sole discretion, that such withdrawal is appropriate.

G. Site modification. Anytime a licensed grower, processor or nursery modifies the registered site during the licensing period by changing the location of an existing site or by adding additional sites, the licensee, or removing a registered site from the licensee’s record, the licensee shall submit a site modification application and associated site modification fee listed in Table 1 of this Article. There is no site modification fee for the request to remove a registered site from the licensee’s record or when modifying or adding a site during the licensee’s renewal process.

H. License transfer. The transfer of an industrial hemp license is authorized only if the licensee and eligible program applicant completes a and submits a notarized Department issued transfer application and submits any applicable transfer fees listed in Table 1 of this Article. The receiver of a transferred license shall complete a licensing application, and execute a licensing agreement as
required by this Article, and all duties and responsibilities of the licensee shall be transferred to and acknowledged by the receiver in a written agreement between the licensee and receiver. Any license or other fees paid by the licensee shall be credited to the benefit of the receiver.

I. Change in Business Information. Licensees must complete and submit a Change in Business Information form within ten business days if there is any change in business information including business name, address, or other contact information.

R3-4-1004. Industrial Hemp Research
A. A person, company, college or university that conducts research into the growth, harvesting techniques, transportation methods, or processing of industrial hemp is required to obtain a license pursuant to this Article.
B. A person, company, college or university conducting not-for-profit research may be exempted from the licensing fee(s) provided that:
   1. The applicant submits to the Department a request for an exemption of the licensing fee;
   2. The applicant provides a summary of the research to be conducted;
   3. The applicant provides a summary of the benefit to the agricultural community that will be gained;
   4. The applicant signs into an agreement with the Department that as a result of the research conducted the applicant will not gain any monetary profit;
   5. The research will be conducted in compliance with this Article or any other law, rule, or order governing the production of industrial hemp; and
   6. The results or summary of the research will be published or made publicly available.
C. Intellectual property. The Department holds no rights to any intellectual property of the licensee resulting from industrial hemp research.
D. Restrictions.
   1. A licensee shall not change not-for-profit research to for-profit research without notifying the Department and paying the required licensing fee.
   2. Hemp and hemp products produced under a hemp research exemption, excluding hemp seed, are not eligible to enter the commercial stream of commerce.

R3-4-1005. Fees
A. All licensing and/or registration fees are due at the time of application.
B. A Grower, grower applicant or licensee is not required to pay separate harvester and/or transporter licensing fees, unless providing harvesting and/or transport services for other licensed growers.
C. Inspection and assessment fees are invoiced by the Department and are due within 30 calendar days of the invoice date.
D. Site modification fees. The appropriate fee shall be submitted at the time an applicant submits a site modification application as provided in R3-4-1003(G)
E. Processor assessment fees are based on tonnage reports, shipping manifests or scale receipts of unprocessed hemp plants or plant parts received.
F. All outstanding inspection and assessment fees invoiced prior to November 15th, shall be paid in full prior to the Department's processing of a licensee's renewal application.
G. THC sample analysis fees. Beyond the initial pre-harvest sample collected to determine regulatory compliance of a harvest lot of hemp, a licensee will be invoiced required to pay for any analytical fees before results are released, beyond the samples selected to determine regulatory compliance. These include:
   1. Any pre-harvest re-samples or post-harvest samples that have been determined to be a regulatory concern by the Department;
   2. Post-harvest samples that have been determined to be a regulatory concern by the Department; or
   3. By request from the grower that requires official analysis for commerce.

Table 1. Fee Schedule

<table>
<thead>
<tr>
<th>License</th>
<th>Licensing Fee</th>
<th>Inspection/Assessment Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grower</td>
<td>$1,500 $1,000 per license</td>
<td>$25 per one or less than one outdoor acre up to 100 acres $5 per additional acre $75 per indoor facility up to 3 acres; $25 per acre for facilities over 3 acres $150 per THC sample analysis (G) $150 per THC sample analysis (G)</td>
</tr>
<tr>
<td>Nursery</td>
<td>$1,000 $650 per license</td>
<td>NA</td>
</tr>
<tr>
<td>Harvester</td>
<td>$150 $100 per license</td>
<td>N/A</td>
</tr>
<tr>
<td>Transporter</td>
<td>$150 $100 per license</td>
<td>N/A</td>
</tr>
<tr>
<td>Processor</td>
<td>$300 $2,000 per license</td>
<td>N/A $5 acre for each additional acre $75 per indoor facility up to 3 acres; $25 per acre for facilities over 3 acres $150 per THC sample analysis (G)</td>
</tr>
<tr>
<td>All</td>
<td>Site modification fee: $300</td>
<td>N/A</td>
</tr>
</tbody>
</table>

R3-4-1006. Authorized Seed and Propagative Material
A. Authorized seeds and propagative material. Seeds and propagative materials authorized for use by a licensee is not a guarantee a crop will produce a Total Delta-9 THC concentration of not greater than 0.300%. Seeds and propagative material that are used to produce an industrial hemp crop or plant shall:
   1. Be produced from an industrial hemp crop or plant; and
   2. Originate from either:
      a. A person, business, college or university licensed or certified in a state or federal program authorized to produce industrial hemp; or
b. A foreign source that is authorized by the country of origin to export industrial hemp seed or propagative material to produce an industrial hemp crop.

B. Each licensed grower or nursery is responsible for the acquisition of seed or propagative materials used for the growth of industrial hemp. The licensee shall provide the Department the following information prior to planting: keep and maintain the following information:

1. A copy of the seed or propagative material producer's certificate, license or equivalent documentation authorizing the production of industrial hemp;
2. An official analysis of the crop or plant that produced the seed or propagative material that indicates the crop or plant contained a Total Delta-9 THC concentration of not greater than 0.300% on a dry weight basis; and
3. Phytosanitary certificates or nursery certificates issued by a plant regulatory official for any propagative materials to ensure compliance with A.R.S. § 3-211 and 3 A.A.C. 2; and Title 3, Chapter 4, Article 2 of the Arizona Administrative Code.

4. A pre-planting report, on a form provided by the Department, which includes:
   a. The variety or strain name of the material;
   b. The amount or quantity of the material;
   c. The lot number(s) of the material; and
   d. The name, address, phone number and email address of the seed or propagative material provider.

5. Ensure compliance with all plant quarantine requirements of the destination state and certification as indicated in R3-4-301.

C. Labeling requirements. All Industrial Hemp seed or propagative material sold within or into Arizona must be labeled as to variety/strain or hybrid name, and origin. Labelers of seed or propagative material must provide to the Department, breeder descriptions and variety release information including any subsequent updates or amendments to these descriptions:

1. For purposes of labeling, the number or other designations of hybrid industrial hemp shall be used as a variety name.
2. All Industrial Hemp seed for planting purposes sold within or into Arizona is subject to the Arizona seed laws under A.R.S. §§ 3-231 et seq., 3-232 et seq., and 3 A.A.C. 4 Title 3, Chapter 4, Article 4 of the Arizona Administrative Code.

D. Shipment of hemp plants for planting purposes.

1. Hemp plants for planting purposes produced by a licensed nursery for intrastate or interstate shipment shall:
   a. Have been produced from authorized hemp material as indicated in R3-4-1006(A);
   b. Have been produced in compliance with the laws, rules and order of the Director for the production of industrial hemp;
   c. Be transported with a copy of the nursery producer license; a copy of the receiving grower license; and a manifest or bill of lading indicating the amount in the shipment and physical destination of the shipment; and
   d. Only be sold or distributed to an entity or individual licensed to produce hemp.

2. Hemp plants produced by a licensed nursery for the interstate shipment of hemp plants for planting purposes shall, in addition to the requirements in R3-4-1006(D)(1):
   a. Be accompanied by a certificate issued by the Department that attests the material was produced in compliance with laws, rules and orders of the Director regulating the production of industrial hemp in the state; and
   b. Ensure compliance with all plant quarantine requirements of the destination state and certification as indicated in R3-4-301 as applicable.

E. Restrictions.

1. A person that receives seed or propagative materials that does not comply with this Article or any other phytosanitary, seed or labeling law of the state shall immediately notify the Department and hold the seed or propagative material until a disposition is provided by the Department.

2. The Department may direct a licensee to place a shipment of seed or propagative material on hold to ensure compliance with this Article and any other law or regulation that may apply to the shipment of agricultural seed and plants for planting purposes.

R3-4-1007. Location Requirements; Signage

A. Location requirements.

1. A Licensed grower or processor shall not grow, process, or store industrial hemp in any residential dwelling.
2. A Licensee is responsible for maintaining compliance with all applicable city and county land use restrictions, zoning laws, building, and fire codes and ordinances.
3. A registered location shall be made available for inspection at the request of an inspector during normal business hours.
4. A licensed grower or processor shall not grow, process, or store any forms of Cannabis that are not classified as industrial hemp within a single structure at the registered location.

B. Signage. The use of the Arizona Department of Agriculture logo or likeness is not permitted on signage. A licensed grower or processor shall conspicuously post signage at the perimeter of the registered location that includes the following information:

1. The statement, “Arizona Department of Agriculture Industrial Hemp Program - No Trespassing Allowed”;
2. Licensee's name or company name and license number; and
3. The Arizona Department of Agriculture, Industrial Hemp Program phone number.

R3-4-1008. Compliance; Recordkeeping; Audits

A. General compliance requirements.

1. All licensees are subject to audits to ensure compliance with the recordkeeping requirements in subsection R3-4-1008(B);
2. An authorized Department inspector shall be allowed access to all growing, storage, and processing locations of a licensee's industrial hemp crop, hemp seed, propagative material, harvested material, handling and processing equipment to conduct a visual inspection and determine if a violation of this Article may exist.

B. Recordkeeping. All licensees may be audited to ensure compliance with all recordkeeping requirements. A licensee shall comply with the recordkeeping requirements in this subsection at a minimum. Additional recordkeeping requirements may be established as set by policy and updated annually.
1. All records documenting the geospatial location, growth, propagation, harvesting, storage, agronomic data, shipping, receiving, transportation, distribution, processing, sale, purchase, third party analysis or research of all plants, seeds and materials shall be kept within the state of Arizona and made available for inspection on request.
2. An estate agent must be maintained for receipt and storage of records.
3. All records shall be maintained for not less than five years.

C. Sampling and testing. All licensees are subject to the collection of a representative sample of any Cannabis plant, hemp crop or harvested hemp in possession of the licensee or licensees agent to determine the total concentration of Delta-9 THC as reported by a certified laboratory to ensure compliance with this Article and any state or federal law, rule or order regulating Cannabis as an agricultural commodity. Unless otherwise specified in an alternative performance-based sampling policy, samples shall be collected within 30 days of the intended date of harvest and samples must be collected from mature flowering plants. All sampling agents must have undergone official sampling training by an authorized representative of the Department for the collection of cannabis samples for determination of compliance with the program. A licensed grower shall not harvest an industrial hemp crop prior to the collection of an official sample for compliance purposes.

1. Sampling method. The Department shall publish a policy on the methods procedures used by the Department to sample in which a Cannabis, hemp plant or crop may be sampled and may publish a policy or policies for alternative, performance-based methods that have the potential to ensure, at a 95% level of confidence, that the Cannabis plant or crop will not test above the acceptable hemp total delta-9 THC level, such policy or policies which may be updated annually as needed dictated by changing circumstances.
2. Only an authorized Department inspector, or other authorized sampling agent, may collect an official sample to determine compliance with this Article.
3. When collecting an official sample, an authorized Department inspector, or other authorized sampling agent, shall:
   a. Ensure the licensee or authorized representative of the licensee is present during the collection of the official sample;
   b. Collect a representative sample of the crop, plants or harvested crop;
   c. Split the official sample as follows:
      i. One-third for retention by the Department or to provide to a certified laboratory for compliance with this Article;
      ii. One-third for confirmation of analytical results if required; and
      iii. One-third that is provided to the licensee for retention or to utilize for additional analysis by a third party laboratory.
   Any results provided to the licensee by a third party laboratory do not supersede official results.
   d. Label all official samples with an official sample number, sample date, collector name, location ID, and grower license ID number;
   e. Apply official custody seals to all official samples; and
   f. Complete an official chain of custody form that is signed and dated by the inspector and licensee or the licensee's representative.
4. Sample transport and submission. The Department shall not be liable for samples that are detained by any federal, state or local law enforcement agency.
   a. If a certified laboratory receives a sample with a broken custody seal or incomplete or missing chain of custody, that sample shall be null and void;
   b. All official samples retained by the Department are the property of the Department; and
   c. The Department is not liable to reimburse the licensee for official samples collected.
5. Laboratory Standards. Certified laboratories conducting testing of hemp must conduct analytical testing for purposes of detecting the total calculable amount of delta-9 THC and shall meet the following standards:
   a. Laboratory quality assurance must ensure the validity and reliability of test results;
   b. Analytical method selection, validation, and verification must ensure that the testing method used is appropriate and that the laboratory can successfully perform the testing;
   c. The demonstration of testing validity must ensure consistent and accurate analytical performance; and
   d. Method performance specifications must ensure analytical tests are sufficiently sensitive for the purposes of the detectability requirements of this Article;
   e. At a minimum, analytical testing of samples for total calculable amount of Delta-9 THC levels must use post-decarboxylation or other similarly reliable methods approved by the U.S. Secretary of Agriculture. The testing methodology must consider the potential conversion of Delta-9 tetrahydrocannabinolic acid (THCA) in hemp into Delta-9 tetrahydrocannabinol (THC). The test result must reflect the total calculable amount of Delta-9 THC. Testing methodologies meeting these requirements include, but are not limited to, gas chromatography and high-performance liquid chromatography;
   f. The total Delta-9 tetrahydrocannabinol concentration level shall be determined and reported on a dry weight basis;
   g. Certified laboratories must report the measurement of uncertainty (MU) of the methodology, in reference to the U.S. Department of Agriculture's Laboratory Testing Guidelines, U.S. Hemp Production Program, published on January 15, 2021, or its successor document in reference to the AOAC International (Association of Official Agricultural Chemists), Standard Method Performance Requirements (SMPRs®) for Quantitation of Cannabinoids in Plant Materials of Hemp (Low THC Varieties Cannabis sp.) SMPR 2019.003 found at the website: https://www.aoc.org/resources/smpr-2019003/. Certified laboratories must also report the MU as a + value and report the total Delta-9 value in the same unit of measure used to report the MU;
   h. Any sample test result showing with at least 95% confidence that the total Delta-9 THC content of the sample is higher than the acceptable hemp THC level shall be conclusive evidence that the lot represented by the sample is not in compliance with this Article;
6. DEA Registration. Certified laboratories must also be registered with DEA to handle controlled substances under the Controlled Substances Act (CSA), 21 CFR part 1301.13 no later than December 31, 2022.
5.7. Sample results. Any sample results provided to the Department by a certified laboratory produced by a certified laboratory shall be provided to the licensee, but such result is the property of the state and a copy shall be provided to the licensee.

D. Volunteer hemp plants. It shall be the responsibility of the licensee to monitor and destroy volunteer hemp plants.

1. Compliant crops. When a crop is found to be compliant with the regulations governing the production of industrial hemp, a grower will be provided documentation authorizing the movement of the harvest lot. Upon receiving authorization from the Department the licensed grower shall not congregate the harvest lot with any other compliant or non-compliant harvest lot. The grower shall:
   a. Harvest the compliant harvest lot within 30 business days;
   b. Notify the Department if there is a delay in the 30 business day harvest window due to inclement weather or other natural causes; and
   c. Notify the Department prior to shipping or transporting the harvest lot as provided in section R3-4-1011(D).

2. Non-compliant crops. Non-compliant crops with a total delta-9 THC concentration greater than 0.3% shall not be allowed into the stream of commerce. When a crop is found to be non-compliant with the regulations governing the production of industrial hemp, a grower will be required, within 15 business days of notification of non-compliance, to either voluntarily dispose of the crop by a method prescribed in R3-4-1013(F) and submit a notice of destruction R3-4-1011(E), together with supporting evidence of disposal. Alternatively the grower may submit a corrective action plan under R3-4-1013(D) to remediate the crop to achieve compliance with the regulations governing the production of industrial hemp. A corrective action plan may be issued by the Department or, if submitted by the grower, must be approved by the Department. A corrective action plan will only be approved if the total delta-9 THC concentration is greater than 0.3% and less than 1.0%. Failure to dispose of the crop or comply with approved corrective action plan may result in a notice of violation under R3-4-1012. Upon receiving a notification of non-compliance from the Department, the licensed grower shall not move or transport the non-compliant crop from the hemp site, unless otherwise permitted by the Department to remediate the crop. Non-compliant crops shall not be comingle with any other compliant or non-compliant harvest lot. Harvest lots with a total delta-9 THC concentration greater than 1.0% constitutes a violation and must be disposed of by method indicated in section R3-4-1013(F).

E. Volunteer hemp plants. It shall be the responsibility of the licensee to monitor and destroy volunteer hemp plants.

R3-4-1011. Notifications; Reports

A. All notifications and reports for licensees shall be made on forms provided by the Department unless otherwise indicated in this section or as directed by the Associate Director.

B. Grower Licensees shall notify the Department of the following activity:
   1. Notice of intent to transport no less than 14 days prior to harvest;
   2. Intent to transport a harvested crop no less than 72 hours prior to shipment or transport;
   3. Notify the Department of any significant damage or destruction of a crop or harvested crop caused by natural or manmade causes within 18 hours of discovery or destruction;
   4. Notify the Department within 14 days if any change in business information including business name, address, contact information or responsible party.

C. Planting report. Within 7 days after planting, complete and submit a planting report that includes:
   1. The grower's license number;
   2. The location(s) where a crop was planted (the “site”), expressed in GPS Coordinates and displayed on a map or aerial photo;
   3. The variety name(s) of each planting corresponding to the location indicated in subsection (C)(2); and
   4. The actual area planted of each site.

B. Planting Report. Within five business days after planting a harvest lot of hemp, a grower must complete and submit a planting report that includes, at a minimum the following:
   1. The contact information of the grower including license number;
   2. A unique harvest lot identification number assigned by the grower or nursery;
   3. The geospatial location information where a harvest lot was planted (the “site”);
   4. The variety name of the harvest lot;
   5. The actual area planted with each lot; and
   6. The estimated date of harvest or transplanting.

C. Grower Notice of Intent to Harvest. Within 30 calendar days prior to harvest, a grower must complete and submit a Notice of Intent to Harvest form for each harvest lot to be sampled that includes, at a minimum the following:
   1. The contact information of the grower, including license number;
   2. The unique harvest lot identification number assigned by the grower as initially indicated on the planting report;
   3. The geospatial location or locations information of the harvest lot to be sampled (the “site”);
   4. The variety name of the harvest lot;
   5. The size of the area to be harvested; and
   6. The intended date of harvest.

D. Notice of Intent to Transport. Within three business days prior to transporting a lot of harvested hemp for processing, a grower must complete and submit a Notice of Intent to Transport form for each harvest lot transported to a processor that includes, at a minimum the following:
   1. The contact information of the grower, including license number;
   2. The unique harvest lot identification number assigned by the grower as initially indicated on the planting report;
   3. The geospatial location or locations information of the harvest lot to be transported;
   4. The variety name of the harvest lot;
   5. The amount of harvested hemp to be transported;
   6. The intended date of transport; and
   7. The contact information of the receiver.
Notice of Destruction. Within three calendar days after a grower has found a harvest lot significantly damaged, completely destroyed, or has disposed of a harvest lot, a grower must complete and submit a Notice of Destruction form that includes, at a minimum the following:
1. The contact information of the grower, including license number;
2. The unique harvest lot identification number assigned by the grower as initially indicated on the planting report;
3. The geospatial location or locations information of the harvest lot subject to damage, destruction, or disposal (the “site”);
4. The variety name of the harvest lot;
5. The size of the area that was subject to damage, destruction, or disposal; and
6. The date the damage or destruction was discovered, or date of disposal.

D.E. Grower and nursery annual reports. By December 31st of each year, a grower or nursery shall provide the Department a report of the following:
1. The sale or distribution of any industrial hemp grown under the grower’s license;
2. The name and address of the person or entity receiving the industrial hemp; and
3. The amount of the industrial hemp sold or distributed.

E. Processor notifications. A licensed processor shall notify the department of all shipments of industrial hemp imported from outside of the state for processing within 72 hours of receipt of the shipment. The notification shall include:
1. For the importation of hemp material for processing, a licensed processor shall notify the department of the shipment, within three business days of receipt of the shipment. The notification shall include:
   a. A copy of the shipping manifest that indicates the name, physical address, and phone number of the shipper, and the total weight of the hemp commodity in the shipment;
   b. A copy of the documentation issued by a regulatory official that attests the hemp commodity contains a Total Delta-9 THC Concentration not greater than 0.300% produced with an acceptable concentration of total Delta-9 THC; and
   c. A copy of the industrial hemp grower’s certificate, license or equivalent documentation authorizing the production of industrial hemp in that state; and
   d. A phytosanitary certificate, if required, or a certificate of inspection or certificate of origin issued by a plant regulatory official;
2. Documentation issued at origin that attests to the owner, origin, type and amount of hemp material in the shipment;
3. For the invoicing of processor assessment fees listed in Table 1, a notification shall be filed with the Department within 30 calendar days of receipt of the shipment or shipments that contain the following information:
   a. The grower’s license number;
   b. The harvest lot number issued by the Department or an authorizing state;
   c. The amount of material in the shipment; and
   d. The date the shipment was received.

F. Other notifications. A licensee shall notify the Department within 72 hours three business days from receipt of results of any third party analysis that determined a hemp crop or plant sample contained a Delta 9 THC concentration greater than 0.300% 1.0%.

R3-4-1012. Unauthorized Activity; Violations
A. A licensee shall have committed a violation of this Article by:
1. Failing to provide a legal description of land on which a licensee grows, processes, stores or researches industrial hemp or hemp seed; or
2. Failing to obtain the proper license with the Department;
3. Producing or distributing Cannabis sativa, with a total Delta-9 THC concentration greater than 0.300% 1.0% on a dry weight basis, unless otherwise permitted by state or federal law, rule or order;
4. Violating a term or condition of the signed licensing agreement or corrective action plan; or
5. Violating any law, rule, or order in the regulation of industrial hemp.
B. False Statement. Any person who materially falsifies any information contained in an application to participate in the program established under this Article shall be ineligible to participate in the program.
C. No unauthorized person shall:
1. Grow, cultivate, handle, store, harvest, transport, import or process industrial hemp;
2. Trespass on a property registered as an industrial hemp site;
3. Disturb, damage or destroy an industrial hemp plant or crop on a registered location; or
4. Tamper, damage or destroy posted signage as required under R3-4-1008 R3-4-1007(B).
D. No authorized program licensee shall:
1. Offer for sale, trade, transfer possession of, gift, or otherwise relinquish possession of industrial hemp plants, plant parts, or hemp seed that is capable of germination to an unauthorized person;
2. Destroy an industrial hemp crop, stored industrial hemp or hemp seed without prior notification to the Department; or
3. Transport industrial hemp plants, seed, propagative material or unprocessed harvested industrial hemp without notifying the Department; or
4. Import or export industrial hemp plants or plant parts for processing, or seed or propagative material for planting purposes, without notifying the Department and complying with all import or export regulatory requirements as determined by a regulatory official.
E. Intentional or Knowing Violations. Intentional, Knowing, or Negligent Violations. Any violation of state or federal law rule or order that is determined to be committed intentionally or knowingly (“culpable mental state greater than negligence”) shall be reported to
the State Attorney General, the U.S. Attorney General and any relevant state and local law enforcement agencies. Negligent violations are not subject to federal, state, tribal, or local government criminal enforcement action.

R3-4-1013. Corrective Actions

A. In addition to being subject to possible license suspension, license revocation, and monetary civil penalty procedures set forth in A.R.C. under R3-4-1014, a person who is found by the Department to have violated any law, rule or Director's Order governing that person’s participation in the program shall be subject to a corrective action plan.

B. The Associate Director may request that the licensee submit a corrective action plan, or may impose a written and dated corrective action plan for a negligent violation or non-compliance of any law, rule or Director's Order governing a person’s participation in the hemp program.

C. Corrective action plans issued by the Department shall include, at a minimum, the following information:

1. The requirements a person must fulfill to correct a violation or non-compliance of this Article as indicated in subsection R3-4-1013(D);
2. A reasonable date by which the person shall complete violation or non-compliance corrections; and

3. For violations pursued under A.R.S. § 3-319, A requirement for periodic reports from the violator to the department about the violator's compliance with the corrective action plan, laws, rules or Director's Orders for a period of at least three years not less than two years from the date of the corrective action plan violation.

D. Corrective Action Plan. The Department may prescribe one or more of the following provisions to a person in violation or non-compliance of this Article.

1. Hemp crops or harvested hemp shall not be removed from the licensee's registered hemp site if found in violation of Section R3-4-1012(A)(2) non-compliant by having a Total Delta-9 THC concentration of greater than 0.300% but less than 1.0% on a dry weight basis, unless granted authorization by the Associate Director to complete the measures in an approved corrective action plan.

2. In addition to one or more of the components listed in A.R.S. § 3-317, a corrective action plan may contain one or more of the requirements the Department may prescribe one or more of the following actions as part of a corrective action plan:

a. Stripping stalks and destruction disposal of floral material;
b. Sterilization of seed and destruction disposal of floral material;
c. THC remediation of leaf and floral material as prescribed by the Associate Director;
d. Blending and milling of the entire plant/crop to a homogenized state, then resampled for compliance;
e. Education and training; and

f. Other corrective measures prescribed by the Associate Director

3. Failure to complete the prescribed corrective measure within the timeframe indicated in the corrective action plan or to complete any component of a corrective action plan shall constitute a second violation of this Article.

4. The cost of implementing a corrective action plan is the burden of the licensee.

E. Repeat negligent violations. A person that violates this Article, the laws governing the production of industrial hemp, or any order issued by the Associate Director three times in a five-year period shall be ineligible for an industrial hemp license issued by the Department for a period of five years beginning on the date of the third violation. All negligent violations within one year counts as one negligent violation.

E. Methods of disposal. Disposal of any industrial hemp crop or plant, whether such disposal is pursuant to voluntarily action by the licensee or pursuant to a Department order of disposal, shall be accomplished by one or more of the following methods:

1. Plowing under;
2. Mulching or composting;
3. Disking;
4. Bush Mower or chopper;
5. Deep burial; and
6. Burning or incinerating

R3-4-1014. Penalties

A. Civil penalties. A person that violates this Article, a licensing requirement, a licensing term or condition, or any other rule or order of the Department within a five year period may be fined as follows: Civil penalties shall be imposed under A.R.S. § 3-319.

1. First offense - $1,000
2. Second offense - $2,500
3. Third offense - $5,000

B. License suspension. A person that violates this Article, a licensing requirement, a licensing term or condition, or any other rule or order of the Department may have their licensing privileges suspended until completion of any corrective actions prescribed in Section R3-4-1013.

C. License revocation. A person that intentionally violates this Article, a licensing requirement, a licensing term or condition, or any other rule or order of the Department, or who commits a third negligent offense within a five year period may be subject to one or more of the following penalties:

1. Shall have Revocation of all licenses issued pursuant to and under this Article revoked;
2. All Seizure and destruction of all hemp crops, seed, and harvested industrial hemp of the licensee shall be seized and destroyed as prescribed by the Associate Director, at the cost of the licensee; and
3. The person found in violation shall be responsible for the cost of the destruction of all hemp crops, seed, and harvested material; and

4. The person in violation shall not be eligible Ineligibility for a license under this Article for a period not less than five years.

D. Intentional or knowing violations committed by unlicensed individuals shall be punished according to A.R.S. §§ 3-319 and 13-3405 or 13-3405.
NOTICE OF PROPOSED EXPEDITED RULEMAKING

1. **Article, Part, or Section Affected (as applicable)**
   - Rulemaking Action
     - Amend R9-10-802

2. **Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
   - Authorizing statutes: A.R.S. §§ 36-132(A)(1), 36-136(G)
   - Implementing statutes: A.R.S. §§ 36-405 and 36-406, and Laws 2019, Ch. 190

3. **Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed expedited rule:**
   - Notice of Rulemaking Docket Opening: 27 A.A.R. 1441, September 10, 2021

4. **The agency's contact person who can answer questions about the rulemaking:**
   - Name: Harmony Duport, Bureau Chief
   - Address: Arizona Department of Health Services
   - Health Care Institution Licensing
   - 150 N. 18th Ave., Suite 420
   - Phoenix, AZ 85007
   - Telephone: (602) 364-2832
   - Fax: (602) 324-5872
   - Email: Harmony.Duport@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
   - Email: Robert.Lane@azdhs.gov

5. **An agency's justification and reason why a rule should be made, amended, repealed or renumbered, under A.R.S. § 41-1027, to include an explanation about the rulemaking:**
   - Arizona Revised Statutes (A.R.S.) § 36-132(A)(1) requires the Arizona Department of Health Services (Department) to protect the health of the people in Arizona. In order to ensure public health, safety, and welfare, A.R.S. §§ 36-405 and 36-406 require the Department to adopt rules establishing minimum standards and requirements for construction, modification, and licensure of health care institutions. The Department has adopted rules to implement these statutes in Arizona Administrative Code Title 9, Chapter 10, Article 8 for assisted living facilities. Laws 2019, Ch. 190, adds an exemption that removes architectural plans and specifications requirements and physical plant standard for the Arizona Pioneers' Home. After receiving an exception from the rulemaking moratorium established by Executive Order 2021-02, the Department will amend the rules to comply with Laws 2019, Ch. 190. As part of the rulemaking, any changes to cross-references will be corrected if required. The Department does not expect the expedited rulemaking will increase regulatory compliance, increase a fee, or reduce procedural rights of persons regulated. The proposed amendments will conform to rulemaking format and style requirements of the Governor’s Regulatory Review Council and the Office of the Secretary of State.

6. **A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
   - The Department did not review or rely on any study for this rulemaking.
7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state.

Not applicable

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

9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:
Not applicable

10. Where, when, and how persons may provide written comments on the proposed expedited rule:
Close of record: October 14, 2021 at 2:00 p.m.
   A person may submit written comments on the proposed expedited rules no later than the close of record to either of the individuals listed in item 4.

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:
   There are no other matters prescribed by statutes applicable specifically to the Department or this specific rulemaking.
   a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:
      A.R.S. § 36-407 prohibits a person from establishing, conducting, or maintaining “a health care institution or any class or subclass of health care institution unless that person holds a current and valid license issued by the [D]epartment specifying the class or subclass of health care institution the person is establishing, conducting or maintaining.” A health care institution license is specific to the licensee, class or subclass of health care institution, facility location, and scope of services provided. As such, a general permit is not applicable and is not used.
   b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:
      Not applicable
   c. Whether a person submitted an analysis to the agency that compares the rule’s impact of the competitiveness of business in this state to the impact on business in other states:
      No business competitiveness analysis was received by the Department.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:
   Not applicable

13. The full text of the rules follows:

   TITLE 9. HEALTH SERVICES
   CHAPTER 10. DEPARTMENT OF HEALTH SERVICES
   HEALTH CARE INSTITUTIONS: LICENSING

   ARTICLE 8. ASSISTED LIVING FACILITIES

Section
R9-10-802. Supplemental Application Requirements; Exemption

   ARTICLE 8. ASSISTED LIVING FACILITIES

R9-10-802. Supplemental Application Requirements; Exemption
A. In addition to the license application requirements in A.R.S. § 36-422 and R9-10-105, an applicant for a license as an assisted living facility shall include in a Department-provided format:
   1. Which of the following levels of assisted living services the applicant is requesting authorization to provide:
      a. Supervisory care services,
      b. Personal care services, or
      c. Directed care services; and
   2. Whether the applicant is requesting authorization to provide:
      a. Adult day health care services, or
      b. Behavioral health services other than behavioral care.
B. The Arizona Pioneers’ Home is exempt from:
   1. Architectural plans and specifications for a health care institution specified in R9-10-104; and
NOTICE OF PROPOSED EXPEDITED RULEMAKING
TITLE 9. HEALTH SERVICES
CHAPTER 10. DEPARTMENT OF HEALTH SERVICES
HEALTH CARE INSTITUTIONS: LICENSING

PREAMBLE

1. **Article, Part, or Section Affected (as applicable)**
   Rulemaking Action
   R9-10-1802 Amend

2. **Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
   Authorizing statutes: A.R.S. §§ 36-132(A)(1), 36-136(G)
   Implementing statutes: A.R.S. §§ 36-405 and 36-406, and Laws 2019, Ch. 121

3. **Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed expedited rule:**
   Notice of Rulemaking Docket Opening: 27 A.A.R. 1442, September 10, 2021

4. **The agency’s contact person who can answer questions about the rulemaking:**
   Name: Harmony Duport, Bureau Chief
   Address: Arizona Department of Health Services
   Health Care Institution Licensing
   150 N. 18th Ave., Suite 420
   Phoenix, AZ 85007
   Telephone: (602) 364-2832
   Fax: (602) 324-5872
   Email: Harmony.Duport@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
   Email: Robert.Lane@azdhs.gov

5. **An agency’s justification and reason why a rule should be made, amended, repealed or renumbered, under A.R.S § 41-1027, to include an explanation about the rulemaking:**
   Arizona Revised Statutes (A.R.S.) § 36-132(A)(1) requires the Arizona Department of Health Services (Department) to protect the health of the people in Arizona. In order to ensure public health, safety, and welfare, A.R.S. §§ 36-405 and 36-406 require the Department to adopt rules establishing minimum standards and requirements for construction, modification, and licensure of health care institutions. The Department has adopted rules to implement these statutes in Arizona Administrative Code Title 9, Chapter 10, Article 18 for adult behavioral health therapeutic homes. Laws 2019, Ch. 121, adds an exemption that removes requirements to comply with building code and zoning standards for health care institutions. After receiving an exception from the rulemaking moratorium established by Executive Order 2021-02, the Department will amend the rules to comply with Laws 2019, Ch. 121. As part of the rulemaking, any changes to cross-references will be corrected if required. The Department does not expect the expedited rulemaking will increase regulatory compliance, increase a fee, or reduce procedural rights of persons regulated. The proposed amendments will conform to rulemaking format and style requirements of the Governor’s Regulatory Review Council and the Office of the Secretary of State.

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

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

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

9. **The agency’s contact person who can answer questions about the economic, small business, and consumer impact statement:**
   Not applicable
10. Where, when, and how persons may provide written comments on the proposed expedited rule:
   Close of record: October 14, 2021 at 2:00 p.m.
   A person may submit written comments on the proposed expedited rules no later than the close of record to either of the individuals listed in item 4.

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:
   There are no other matters prescribed by statutes applicable specifically to the Department or this specific rulemaking.
   a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:
      A.R.S. § 36-407 prohibits a person from establishing, conducting, or maintaining “a health care institution or any class or subclass of health care institution unless that person holds a current and valid license issued by the Department specifying the class or subclass of health care institution the person is establishing, conducting or maintaining.” A health care institution license is specific to the licensee, class or subclass of health care institution, facility location, and scope of services provided. As such, a general permit is not applicable and is not used.
   b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:
      Not applicable
   c. Whether a person submitted an analysis to the agency that compares the rule’s impact of the competitiveness of business in this state to the impact on business in other states:
      No business competitiveness analysis was received by the Department.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:
   Not applicable

13. The full text of the rules follows:

   **TITLE 9. HEALTH SERVICES**
   **CHAPTER 10. DEPARTMENT OF HEALTH SERVICES**
   **HEALTH CARE INSTITUTIONS: LICENSING**

   **ARTICLE 18. ADULT BEHAVIORAL HEALTH THERAPEUTIC HOMES**

   **R9-10-1802. Supplemental Application Requirements; Exemption**

   **A. In addition to the license application requirements in A.R.S. § 36-422 and 9 A.A.C. 10, Article 1, an applicant shall include, in a format provided by the Department:**
   1. The name of the backup provider; and
   2. For the adult behavioral health therapeutic home’s collaborating health care institution:
      a. Name,
      b. Address,
      c. Class or subclass,
      d. License number, and
      e. Name and contact information for an individual assigned by the collaborating health care institution to monitor the adult behavioral health therapeutic home.

   **B. An adult behavioral health therapeutic home is exempt from complying with building codes or zoning standards required in 9 A.A.C. 10, Article 1, specified in A.R.S. § 36-421.**
NOTICES OF EXEMPT RULEMAKING

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

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

An agency's exemption is either written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters; or a court has determined that an agency, board or commission is exempt from the rulemaking process.

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

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

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

[R21-147]

PREAMBLE

1. Article, Part, or Section Affected (as applicable) Rulemaking Action
   R9-17-306 Amend
   R9-17-308 Amend
   R9-17-324 Amend

2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific) and the statute or session law authorizing the exemption:
   Authorizing statutes: A.R.S. §§ 36-132(A)(1), 36-136(G), and 36-2854
   Implementing statutes: A.R.S. §§ 36-2803, 36-2804.06, 36-2854, 36-2855, and 36-2858
   Statute or session law authorizing the exemption: Proposition 207, § 8

3. The effective date of the rule and the agency's reason it selected the effective date:
   September 7, 2021

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: 26 A.A.R. 3155, December 11, 2020
   Notice of Exempt Rulemaking: 27 A.A.R. 140, January 29, 2021
   Notice of Exempt Rulemaking: 27 A.A.R. 693, May 7, 2021
   Notice of Exempt Rulemaking: 27 A.A.R. 696, May 7, 2021
   Notice of Exempt Rulemaking: 27 A.A.R. 747, May 14, 2021
   Notice of Exempt Rulemaking: 27 A.A.R. 897, June 18, 2021
   Notice of Exempt Rulemaking: 27 A.A.R. 1229, August 13, 2021

5. The agency's contact person who can answer questions about the rulemaking:
   Name: Thomas Salow, Branch Chief
   Address: Arizona Department of Health Services
             Public Health Licensing Services
             150 N. 18th Ave., Suite 400
             Phoenix, AZ 85007
   Telephone: (602) 364-1935
   Fax: (602) 364-3808
   Email: Thomas.Salow@azdhs.gov
   or
   Name: Robert Lane, Office 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
   Email: 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:

As part of the election in November 2020, voters approved Proposition 207, establishing Arizona Revised Statutes (A.R.S.) Title 36, Chapter 28.2, relating to “the responsible adult use, regulation and taxation of marijuana.” A.R.S. § 36-2854 requires the Arizona Department of Health Services (Department) to adopt rules to implement and enforce A.R.S. Title 36, Chapter 28.2, regulating “marijuana, marijuana products, marijuana establishments and marijuana testing facilities,” including requirements for “dual licensees,” as defined in A.R.S. § 36-2850. After receiving an exception from the rulemaking moratorium established by Executive Order 2020-02, the Department adopted, in an iterative process, rules for licensing of marijuana facility agents, marijuana establishments, and marijuana testing facilities; requirements for the testing of marijuana and marijuana products before sale by marijuana establishments; changes in 9 A.A.C. 17 related to dual licensees; and changes to clarify the requirement for dual licensees related to financial documents during renewal in R9-17-308(3). Now the Department is making changes in 9 A.A.C. 17 related to a dual licensee selling or transferring a dispensary registration certificate and further clarifying requirements for financial documents during renewal. Pursuant to Proposition 207, the Department is exempt from the rulemaking requirement of A.R.S. Title 41, Chapters 6 and 6.1 for 60 months after the effective date of the law.

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

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

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

Not applicable

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

Not applicable

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

Not applicable

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

Not applicable

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

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

A registration certificate for a dispensary, issued according to A.R.S. § 36-2804, laboratory, issued according to A.R.S. § 36-2804.07, or a marijuana establishment license awarded pursuant to A.R.S. § 36-2854, is specific to the certificate or license holder, type of facility, facility location, and scope of services provided. As such, a general permit is not applicable and is not used.

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

Not applicable

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

Not applicable

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

Not applicable

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

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

15. The full text of the rules follows:

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

ARTICLE 3. DISPENSARIES AND DISPENSARY AGENTS

Section
R9-17-306. Changes to a Dispensary Registration Certificate
R9-17-308. Renewing a Dispensary Registration Certificate
R9-17-324. Dual Licensees
ARTICLE 3. DISPENSARIES AND DISPENSARY AGENTS

R9-17-306. Changes to a Dispensary Registration Certificate

A. Except as provided in R9-17-324, a dispensary may not transfer or assign the dispensary registration certificate.

B. A dispensary may change the location of the:

1. Dispensary:
   a. If the dispensary was allocated a dispensary registration certificate on or after April 1, 2020, according to A.R.S. § 36-2803.01(D); and
   b. If the dispensary was allocated a dispensary registration certificate before April 1, 2020:
      i. Within the first three years after the Department issued the dispensary’s registration certificate, to another location in the geographic area where the dispensary is located; or
      ii. After the first three years after the Department issued a dispensary registration certificate to the dispensary, to another location in the state; or

2. Dispensary’s cultivation site to another location in the state.

C. A dispensary or the dispensary’s cultivation site shall not cultivate, manufacture, distribute, dispense, or sell medical marijuana at a new location until the dispensary submits an application for a change in a dispensary location or a change or addition of a cultivation site in R9-17-307 and the Department issues an amended dispensary registration certificate or an approval for the dispensary’s cultivation site’s new location to the dispensary.

R9-17-308. Renewing a Dispensary Registration Certificate

To renew a dispensary registration certificate, a dispensary that has an approval to operate a dispensary issued by the Department, shall submit to the Department, at least 30 calendar days before the expiration date of the dispensary’s current dispensary registration certificate, the following:

1. An application in a Department-provided format that includes:
   a. The legal name of the dispensary;
   b. The registry identification number for the dispensary;
   c. If the dispensary is a dual licensee, the marijuana establishment license number;
   d. The physical address of the dispensary;
   e. The name of the entity applying;
   f. Except as provided in R9-17-324(D), the name and license number of the dispensary’s medical director;
   g. The dispensary’s hours of operation during which the dispensary is available to dispense medical marijuana to qualifying patients and designated caregivers;
   h. The name, address, date of birth, and registry identification number of each:
      i. Principal officer,
      ii. Board member, and
      iii. Dispensary agent;
   i. For each principal officer or board member, whether the principal officer or board member:
      i. Has served as a principal officer or board member for a dispensary that had the dispensary registration certificate revoked,
      ii. Is a physician currently providing written certifications for qualifying patients,
      iii. Is a law enforcement officer, or
      iv. Is employed by or a contractor of the Department;
   j. The dispensary’s Transaction Privilege Tax Number issued by the Arizona Department of Revenue;
   k. Whether the dispensary agrees to allow the Department to submit supplemental requests for information;
   l. An attestation that the information provided to the Department to renew the dispensary registration certificate is true and correct; and
   m. The signature of each principal officer and board member of the dispensary according to R9-17-301 and the date signed;

2. If the application is for renewing a dispensary registration certificate that was initially issued within the previous 12 months, a copy of the dispensary’s approval to operate a dispensary issued by the Department;

3. Unless the dispensary is a dual licensee that has notified the Department according to R9-17-324(A)(2) that the dispensary has begun operating on a for-profit basis and provided a valid marijuana establishment license number according to subsection (1)(c) Except as specified in R9-17-324(F):
   a. A copy of an annual financial statement for the previous two years, or for the portion of the previous two years the dispensary was operational, prepared according to generally accepted accounting principles; and
   b. A report of an audit by an independent certified public accountant of the annual financial statement required in subsection (3)(a); and

4. The applicable fee in R9-17-102 for applying to renew a dispensary registration certificate.

R9-17-324. Dual Licensees

A. If a dispensary is a dual licensee, the dispensary shall:

1. Provide marijuana and marijuana products, according to A.A.C. R9-18-309, to consumers, as defined in A.R.S. § 36-2850, at the same location as the dispensary dispenses medical marijuana and marijuana products to qualifying patients and designated caregivers;

2. Notify the Department within five calendar days after beginning to operate on a for-profit basis, as allowed by A.R.S. § 36-2858(D)(2), and, if applicable, provide to the Department the documents required in R9-17-304(C)(2) for the new organizational or corporate structure; and

3. Comply with the requirements in A.R.S. § 36-2858(D)(3).

B. If a dispensary is a dual licensee, the entity holding the valid dispensary registration certificate may:
Notices of Exempt Rulemaking

1. Request that the dispensary’s cultivation site, specified according to R9-17-305(A)(1)(e) or R9-17-307(A)(1), be transferred under the entity’s marijuana establishment license according to A.A.C. R9-18-303(E)(3); or
2. Request approval of a change in the location in subsection (A)(1) by complying with the requirements in both:
   a. R9-17-307(A), and
   b. A.A.C. R9-18-306; or
3. Transfer or assign both the dispensary registration certificate and the marijuana establishment license to the same entity.

C. A dispensary that is a dual licensee may allow an individual without a dispensary agent registry identification card to be employed by or contracted with the dispensary and into areas of the dispensary or the dispensary’s cultivation site where marijuana is cultivated, processed, manufactured, or stored if:
   1. The individual has a marijuana facility agent license, issued under 9 A.A.C. 18, Article 2, associated with the entity holding the dispensary’s dispensary registration certificate and marijuana establishment license; or
   2. The individual:
      a. Is not at the dispensary or the dispensary’s cultivation site more than once per week; and
      b. When at the dispensary or the dispensary’s cultivation site, is supervised by a dispensary agent who has a valid registry identification card or an individual in subsection (C)(1).

D. A dispensary that is a dual licensee is exempt from the requirements in:
   1. R9-17-310(A)(5), (12), and (13);
   2. R9-17-313; and
   3. R9-17-320(B)(4) and (5), but shall ensure that a dispensary agent or marijuana facility agent at the dispensary or the dispensary’s cultivation site:
      a. Reports to a principal officer or board member of the dispensary any health condition experienced by the dispensary agent or marijuana facility agent that may adversely affect the safety or quality of any medical marijuana or marijuana products with which the dispensary agent or marijuana facility agent may come into contact; and
      b. If the principal officer or board member determines that a dispensary agent or marijuana facility agent has a health condition that may adversely affect the safety or quality of the medical marijuana or marijuana products, is prohibited from direct contact with any medical marijuana, marijuana products, or equipment or materials for processing medical marijuana or marijuana products until the principal officer or board member determines that the dispensary agent’s or marijuana facility agent’s health condition will not adversely affect the medical marijuana or marijuana products.

E. A dual licensee:
   1. If the dispensary has notified the Department according to subsection (A)(2) that the dispensary has begun operating on a for-profit basis and provided a valid marijuana establishment license number according to R9-17-308(1)(c), is exempt from the requirements in R9-17-308(3); and
   2. If the dispensary is still operating on a not-for-profit basis and provided a valid marijuana establishment license number according to R9-17-308(1)(c), may submit to the Department when renewing the dispensary’s dispensary registration certificate an attestation, in a Department-provided format, that the dispensary is operating on a not-for-profit basis in lieu of submitting the copy of an annual financial statement required in R9-17-308(3)(a) and the report of an audit required in R9-17-308(3)(b).

F. If the Department identifies an instance of noncompliance with a requirement of both this Chapter and 9 A.A.C. 18 during an inspection of a dual licensee, the Department shall note the instance of noncompliance on a notice of deficiencies associated with the dual licensee’s marijuana establishment license under 9 A.A.C. 18, rather than on both the notice of deficiencies for the dispensary registration certificate and the notice of deficiencies for the marijuana establishment license.
NOTICES OF RULEMAKING DOCKET OPENING

This section of the Arizona Administrative Register contains Notices of Rulemaking Docket Opening. A docket opening is the first part of the administrative rulemaking process. It is an “announcement” that the agency intends to work on its rules. When an agency opens a rulemaking docket to consider rulemaking, the Administrative Procedure Act (APA) requires the publication of the Notice of Rulemaking Docket Opening. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process. Many times an agency may file the Notice of Rulemaking Docket Opening with the Notice of Proposed Rulemaking. The Office of the Secretary of State is the filing office and publisher of these notices. Questions about the interpretation of this information should be directed to the agency contact person listed in item #4 of this notice.

NOTICE OF RULEMAKING DOCKET OPENING
STATE RETIREMENT SYSTEM BOARD

[R21-159]

1. Title and its heading: 2, Administration
   Chapter and its heading: 8, State Retirement System Board
   Article and its heading: 4, Practice and Procedure Before the Board
   Section numbers: R2-8-401, R2-8-403, R2-8-406 (Sections may be added, deleted, or further modified as necessary.)

2. The subject matter of the proposed rule:
The ASRS needs to amend its rules relating to appeals in order to provide notice to the public of how a member may appeal a health insurance issue under a self-insured program. These rules will further clarify the appeals process, but the rules do not impose any additional requirements or burdens on members.

3. A citation to all published notices relating to the proceeding:
   Notice of Proposed Rulemaking: 27A.A.R. 1565, October 1, 2021 (in this issue)

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:
   Name: Jessica A.R. Thomas, Rules Writer
   Address: Arizona State Retirement System
   3300 N. Central Ave., Suite 1400
   Phoenix, AZ 85012-0250
   Telephone: (602) 240-2039
   Email: JessicaT@azasrs.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 is 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
PEACE OFFICER STANDARDS AND TRAINING BOARD

[R21-161]

1. Title and its heading: 13, Public Safety
   Chapter and its heading: 4, Peace Officer Standards and Training Board
   Article and its heading: 1, General Provisions
   2, Correctional Officers
   Section numbers: R13-4-101, R13-4-103 through R13-4-106, R13-4-110, R13-4-111, R13-4-114, R13-4-116 through R13-4-118, and R13-4-201 through R13-4-203

2. The subject matter of the proposed rule:
Consistent with issues identified in the Board’s five-year-review report approved by the Council on June 1, 2021, the Board is making the following minor changes:
   • Clarify that “denial” of certification may be temporary or permanent;
   • Remove “limited authority” as a class of peace officer certification;
   • Change the term “outside provider” to “vendor” when referring to entities allowed to conduct continuing training;
   • Clarify the documentation necessary to show an individual attended a private high school;
1592 V ol. 27, Issue 40 | Published by the Arizona Secretary of State | October 1, 2021

- Simplify the standards for instructor classification;
- Add a cross reference to the definition of “illegal” regarding possession, production, cultivation, transportation, sale, or use of marijuana;
- Remove salvia from the list of hallucinogens because neither federal nor state law regulates it;
- Add a requirement that a hiring agency update any result of a background investigation that is more than a year old when an individual is considered for appointment;
- Add a requirement for a background investigation when an individual is physically separated for more than 30 days before being reinstated by the agency;
- Remove the requirement that a full-authority basic training course contain 585 hours;
- Increase the total number of hours of proficiency training required and require every peace officer to obtain proficiency training every year;
- Add less lethal operations as a curriculum topic for both basic and proficiency training;
- Clarify that waiver of training is available only for individuals who have functioned as a peace officer for at least a year;
- Clarify that reimbursement of training expenses is limited to the state-approved rate and excludes expenses for meals;
- Remove the requirement that an academy maintain a written application submitted by an applicant;
- Make Article 2 standards consistent with those in Article 1 regarding documentation of high school education and military service; and
- Remove the definition of “experimentation” regarding illegal use of marijuana, a dangerous drug, or narcotic in Article 2.

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

4. Name and address of agency personnel with whom persons may communicate regarding the rule:
Name: Michael Giammarino, Program Administrator
Address: 2643 E. University Drive
Phoenix, AZ 85034
Telephone: (602) 223-2514
Email: mikeg@azpost.gov
Website: azpost.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
ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
ADMINISTRATION
[R21-148]

1. Title and its heading: 18, Environmental Quality
Chapter and its heading: 1, Department of Environmental Quality - Administration
Article and its heading: 5, Licensing Time-frames
Section numbers: To be determined

2. The subject matter of the proposed rule:
The Arizona Department of Environmental Quality (ADEQ) is pursuing primary enforcement authority (primacy) from the Environmental Protection Agency (EPA) for the Underground Injection Control (UIC) regulatory program administered under the Safe Drinking Water Act (SDWA). ADEQ has previously sought primacy in the 1990s, but those efforts ultimately failed due to insufficient statutory and regulatory authority. In 2018, Senate Bill 1494 passed, giving ADEQ the requisite statutory authority to promulgate state-level UIC program rules under this docket.

ADEQ is constructing a new regulatory program to articulate compliance expectations, mandate regulatory duties, and identify the rights of those regulated in order to obtain federal approval to its primacy application. The rulemaking also simplifies and expedites duplicative regulation by unifying the overlapping compliance burden currently imposed by EPA under UIC and ADEQ under the Aquifer Protection Permit Program (APP) of ARS Title 18, Chapter 2, Article 3.

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

4. The name and address of agency personnel with whom persons may communicate regarding the rule:
Name: Jon Rezabek, Legal Specialist
Address: Department of Environmental Quality
1110 W. Washington St.
Phoenix, AZ 85007
5. The time during which the agency will accept written comments and the time and place where oral comments may be made:
To be announced in the Notice of Proposed Rulemaking.

6. A timetable for agency decisions or other action on the proceeding, if known:
To be announced in the Notice of Proposed Rulemaking.

NOTICE OF RULEMAKING DOCKET OPENING
ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER POLLUTION CONTROL

1. Title and its heading: 18, Environmental Quality
Chapter and its heading: 9, Department of Environmental Quality - Water Pollution Control
   Article and its heading: 1, Aquifer Protection Permits - General Provisions
   6, Repealed
Section numbers: To be determined

2. The subject matter of the proposed rule:
The Arizona Department of Environmental Quality (ADEQ) is pursuing primary enforcement authority (primacy) from the Environmental Protection Agency (EPA) for the Underground Injection Control (UIC) regulatory program administered under the Safe Drinking Water Act (SDWA). ADEQ has previously sought primacy in the 1990s; but those efforts ultimately failed due to insufficient statutory and regulatory authority. In 2018, Senate Bill 1494 passed, giving ADEQ the requisite statutory authority to promulgate state-level UIC program rules under this docket.

ADEQ is constructing a new regulatory program to articulate compliance expectations, mandate regulatory duties, and identify the rights of those regulated in order to obtain federal approval to its primacy application. The rule making also simplifies and expedites duplicative regulation by uniting the overlapping compliance burden currently imposed by EPA under UIC and ADEQ under the Aquifer Protection Permit Program (APP) of ARS Title 18, Chapter 2, Article 3.

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

4. The name and address of agency personnel with whom persons may communicate regarding the rule:
Name: Jon Rezabek, Legal Specialist
Address: Department of Environmental Quality
         1110 W. Washington St.
         Phoenix, AZ 85007
Telephone: (602) 771-8219
Fax: (602) 771-2366
Email: Rezabek.Jon@azdeq.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:
To be announced in the Notice of Proposed Rulemaking.

6. A timetable for agency decisions or other action on the proceeding, if known:
To be announced in the Notice of Proposed Rulemaking.

NOTICE OF RULEMAKING DOCKET OPENING
ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
PERMITS AND COMPLIANCE FEES

1. Title and its heading: 18, Environmental Quality
Chapter and its heading: 14, Department of Environmental Quality - Permits and Compliance Fees
   Article and its heading: 1, Water Quality Protection Fees
Section numbers: To be determined

2. The subject matter of the proposed rule:
The Arizona Department of Environmental Quality (ADEQ) is pursuing primary enforcement authority (primacy) from the Environmental Protection Agency (EPA) for the Underground Injection Control (UIC) regulatory program administered under the Safe Drinking Water Act (SDWA). ADEQ has previously sought primacy in the 1990s; but those efforts ultimately failed due to insufficient statutory and regulatory authority. In 2018, Senate Bill 1494 passed, giving ADEQ the requisite statutory authority to promulgate state-level UIC program rules under this docket.

ADEQ is constructing a new regulatory program to articulate compliance expectations, mandate regulatory duties, and identify the rights of those regulated in order to obtain federal approval to its primacy application. The rule making also simplifies and expedi-
dicates duplicative regulation by uniting the overlapping compliance burden currently imposed by EPA under UIC and ADEQ under the Aquifer Protection Permit Program (APP) of ARS Title 18, Chapter 2, Article 3.

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

4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
   Name: Jon Rezabek, Legal Specialist
   Address: Department Environmental Quality
   1110 W. Washington St.
   Phoenix, AZ 85007
   Telephone: (602) 771-8219
   Fax: (602) 771-2366
   Email: Rezabek.Jon@azdeq.gov

5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
   To be announced in the Notice of Proposed Rulemaking.

6. **A timetable for agency decisions or other action on the proceeding, if known:**
   To be announced in the Notice of Proposed Rulemaking.
NOTICES OF AGENCY OMBUDSMAN

The Administrative Procedure Act requires the publication of Notices of Agency Ombudsman. Agencies shall publish annually in the Register the name or names of those employees who are designated by the agency to assist members of the public or regulated community in seeking information or assistance from the agency. (A.R.S. § 41-1006)

NOTICE OF AGENCY OMBUDSMAN

DEPARTMENT OF CHILD SAFETY

1. The agency name: Department of Child Safety

2. The ombudsman's:
   a. Name: Jessica Anthony
   b. Title: Ombudsman

3. The ombudsman's office address to include the city, state and zip code:
   Address: Department of Child Safety
             3003 N. Central Ave.
             Phoenix, AZ 85012
   Or:
   P.O. Box 6030, Site Code C010-23
   Phoenix, AZ 85005-6030

4. The ombudsman's telephone number, fax number and e-mail address, if available:
   Telephone: (602) 364-0777
   Fax: (833) 856-8927
   Email: Ombudsman@azdcs.gov
NOTICES OF ORAL PROCEEDING

If an agency schedules an oral proceeding, a public workshop, or another type of meeting on a proposed rulemaking, a rulemaking docket opening, or a proposed delegation agreement, the agency shall prepare a Notice of Oral Proceeding, a Notice of Public Workshop, or Notice of Meeting (specifying the type of meeting) for publication in the Register.

NOTICE OF ORAL PROCEEDING ON PROPOSED RULEMAKING

[M21-59]

1. **Name of the agency:** Arizona Department of Insurance and Financial Institutions

2. **Title and its heading:** 20, Commerce, Financial Institutions, and Insurance

   **Chapter and its heading:** 6, Department of Insurance and Financial Institutions - Insurance Division

   **Article and its heading:** 4, Types of Insurance Companies

3. **Articles, Parts, or Sections (as applicable) being proposed**

   **Rulemaking Action**

   R20-6-407 Amend

4. **Citations to all notices published in the Register concerning the proposed rulemaking:**

   Notice of Rulemaking Docket Opening: 27 A.A.R. 1147, July 30, 2021
   Notice of Proposed Rulemaking: 27 A.A.R. 1140, July 30, 2021

5. **The date, time, and location of the oral proceeding:**

   November 4, 2021 at 10:00 a.m. to 12:00 p.m. (MST)

   This Oral Proceeding will be held virtually. Prior to the Oral Proceeding, instructions on how to attend the Oral Proceeding will be posted on the Arizona Department of Insurance and Financial Institutions' website: https://difl.az.gov/laws under the “Documents” section. An Agenda and meeting notice will also be posted on the Arizona Department of Administration public meetings website: https://publicmeetings.az.gov/arizona-public-meetings.

6. **The name and address of agency personnel to whom questions and comments on the proposed rules may be addressed:**

   **Name:** Mary E. Kosinski
   **Address:** Department of Insurance and Financial Institutions
   100 N. 15th Ave., Suite 261
   Phoenix, AZ 85007-2630
   **Telephone:** (602) 364-3476
   **Email:** mary.kosinski@difl.az.gov
   **Website:** https://difl.az.gov
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
- PSMR = Proposed Summary amended Section
- PSM# = Proposed Summary renumbered Section

**FINAL SUMMARY**
- FSMN = Final Summary new Section
- FSMR = Final Summary amended Section
- FSM# = Final Summary renumbered Section

**EXPEDITED RULEMAKING**

**PROPOSED EXPEDITED**
- PEN = Proposed Expedited new Section
- PEM = Proposed Expedited amended Section
- PE# = Proposed Expedited renumbered Section

**SUPPLEMENTAL EXPEDITED**
- SPEN = Supplemental Proposed Expedited new Section
- SPEM = Supplemental Proposed Expedited amended Section
- SPE# = Supplemental Proposed Expedited renumbered Section

**FINAL EXPEDITED**
- FEN = Final Expedited new Section
- FEM = Final Expedited amended Section
- FER = Final Expedited repealed Section
- FE# = Final Expedited renumbered Section

**EXEMPT RULEMAKING**

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

**EXEMPT PROPOSED**
- PXN = Proposed Exempt new Section
- PXM = Proposed Exempt amended Section
- PXR = Proposed Exempt repealed Section
- PX# = Proposed Exempt renumbered Section

**EXEMPT SUPPLEMENTAL PROPOSED**
- SPXN = Supplemental Proposed Exempt new Section
- SPXR = Supplemental Proposed Exempt repealed Section
- SPXM = Supplemental Proposed Exempt amended Section
- SPX# = Supplemental Proposed Exempt renumbered Section

**FINAL EXEMPT RULEMAKING**
- FXN = Final Exempt new Section
- FXM = Final Exempt amended Section
- FXR = Final Exempt repealed Section
- FX# = Final Exempt renumbered Section

**EMERGENCY RULEMAKING**
- EN = Emergency new Section
- EM = Emergency amended Section
- ER = Emergency repealed Section
- E# = Emergency renumbered Section
- EEXP = Emergency expired

**RECODIFICATION OF RULES**
- RC = Recodified

**REJECTION OF RULES**
- RJ = Rejected by the Attorney General

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

**RULE EXPIRATIONS**
- EXP = Rules have expired
  See also “emergency expired” under emergency rulemaking

**CORRECTIONS**
- C = Corrections to Published Rules
Indexes

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

THIS INDEX INCLUDES RULEMAKING ACTIVITY THROUGH ISSUE 39 OF VOLUME 27.

<table>
<thead>
<tr>
<th>Accountancy, Board of</th>
<th>Agriculture, Department of - Plant Services Division</th>
<th>Agriculture, Department of - Animal Services Division</th>
<th>Agriculture, Department of - Citrus Fruit and Vegetable Division</th>
<th>Agriculture, Department of - Commodity Development and Promotion, Office of</th>
<th>Athletic Training, Board of</th>
</tr>
</thead>
<tbody>
<tr>
<td>R4-1-101. PM-1517</td>
<td>R4-4-301. FEM-1007</td>
<td>R3-8-103. FEM-1007</td>
<td>R3-2-203. FXM-1264</td>
<td>R3-6-102. FXM-1269</td>
<td>R4-49-101. PM-951</td>
</tr>
<tr>
<td>R4-1-104. FM-921</td>
<td>R3-4-1001. PM-571</td>
<td>R4-4-302. PM-571</td>
<td>R3-2-701. FXM-1264</td>
<td>R3-10-101. FXM-1270</td>
<td>R4-49-102. PM-951</td>
</tr>
<tr>
<td>R4-1-115.03. PM-1517</td>
<td>R3-4-1002. PM-571</td>
<td>R4-4-303. PM-571</td>
<td>R3-2-810. FXM-1264</td>
<td>R3-10-102. FXM-1270</td>
<td>R4-49-201. PM-951</td>
</tr>
<tr>
<td>R4-1-117. FM-921</td>
<td>R3-4-1004. PM-571</td>
<td>R3-4-1005. PM-571</td>
<td></td>
<td></td>
<td>R4-49-202. PM-951</td>
</tr>
<tr>
<td>R4-1-226.01. FM-921</td>
<td>Table 1. EM-39; FEM-1266</td>
<td>R3-4-1006. PM-571</td>
<td></td>
<td></td>
<td>R4-49-203. PM-951</td>
</tr>
<tr>
<td>R4-1-229. FM-921</td>
<td></td>
<td>R4-3-1007. PM-571</td>
<td></td>
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<td>R4-49-204. PM-951</td>
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<tr>
<td>R4-1-341. FM-921</td>
<td></td>
<td>R4-3-1008. PM-571</td>
<td></td>
<td></td>
<td>R4-49-205. PM-951</td>
</tr>
<tr>
<td>R4-1-345. PM-1517</td>
<td></td>
<td>R4-3-1011. PM-571</td>
<td></td>
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<td>R4-49-206. PM-951</td>
</tr>
<tr>
<td>R4-1-346. FM-921</td>
<td></td>
<td>R4-3-1012. PM-571</td>
<td></td>
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<td>R4-49-207. PM-951</td>
</tr>
<tr>
<td>R4-1-453. FM-921</td>
<td></td>
<td>R4-3-1013. PM-571</td>
<td></td>
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<td>R4-49-208. PM-951</td>
</tr>
<tr>
<td>R4-1-454. FM-921;</td>
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<td>R4-3-1014. PM-571</td>
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</tbody>
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AHCCCS - Administration

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>R9-22-703</td>
<td>PM-237</td>
<td></td>
</tr>
<tr>
<td>R9-22-712.06</td>
<td>PM-1027</td>
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</tr>
<tr>
<td>R9-22-712.35</td>
<td>PM-1059</td>
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<tr>
<td>R9-22-712.61</td>
<td>PM-1059</td>
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<tr>
<td>R9-22-712.62</td>
<td>PM-1031</td>
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<td>R9-22-712.71</td>
<td>PM-1059</td>
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<td>PM-1059</td>
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<tr>
<td>R9-22-712.74</td>
<td>PM-1059</td>
<td></td>
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</tbody>
</table>

Athletic Training, Board of

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>R4-49-101</td>
<td>PM-951</td>
<td></td>
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<tr>
<td>R4-49-102</td>
<td>PM-951</td>
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<td>R4-49-209</td>
<td>PM-951</td>
<td></td>
</tr>
</tbody>
</table>

Child Safety, Department of - Foster Home and Child Welfare Agency Facility Safety

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>R21-1-201</td>
<td>PM-509</td>
<td></td>
</tr>
<tr>
<td>R21-1-202</td>
<td>PM-509</td>
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<tr>
<td>R21-1-208</td>
<td>PM-509</td>
<td></td>
</tr>
<tr>
<td>R21-1-209</td>
<td>PM-509</td>
<td></td>
</tr>
<tr>
<td>R21-1-210</td>
<td>PM-509</td>
<td></td>
</tr>
<tr>
<td>R21-1-211</td>
<td>PM-509</td>
<td></td>
</tr>
<tr>
<td>R21-1-212</td>
<td>PM-509</td>
<td></td>
</tr>
<tr>
<td>R21-1-213</td>
<td>PM-509</td>
<td></td>
</tr>
<tr>
<td>R21-8-101</td>
<td>PM-1361</td>
<td></td>
</tr>
<tr>
<td>R21-8-102.</td>
<td>PM-1361</td>
<td></td>
</tr>
<tr>
<td>R21-8-103.</td>
<td>PM-1361</td>
<td></td>
</tr>
<tr>
<td>R21-8-106.</td>
<td>PM-1361</td>
<td></td>
</tr>
<tr>
<td>R21-8-107.</td>
<td>PM-1361</td>
<td></td>
</tr>
<tr>
<td>R21-8-111.</td>
<td>PM-1361</td>
<td></td>
</tr>
<tr>
<td>R21-8-112.</td>
<td>PM-1361</td>
<td></td>
</tr>
<tr>
<td>R21-8-113.</td>
<td>PM-1361; PN-1361</td>
<td></td>
</tr>
<tr>
<td>R21-8-114.</td>
<td>PM-1361; PN-1361</td>
<td></td>
</tr>
</tbody>
</table>

Clean Elections Commission, Citizens

| R2-20-101. | PM-637; PM-1295; TM-1333 |
| R2-20-109. | PM-639 |

Corporation Commission - Fixed Utilities

| R14-2-201. | PM-775 |
| R14-2-208. | PM-775 |
| R14-2-211. | PM-775 |
| R14-2-212. | PM-775 |
| R14-2-214. | PN-775 |
| R14-2-215. | PN-775 |
| R14-2-216. | PN-775 |
| R14-2-2301. | PM-775 |
| R14-2-2308. | PM-775 |
| R14-2-2311. | PM-775 |
| R14-2-2312. | PM-775 |
| R14-2-2316. | PN-775 |
| R14-2-2317. | PN-775 |
| R14-2-23701. | SPR-957 |
| R14-2-23702. | SPR-957 |
| R14-2-23703. | SPR-957 |
| R14-2-23704. | SPR-957 |
| R14-2-23705. | SPR-957 |
| R14-2-23706. | SPR-957 |
| R14-2-23707. | SPR-957 |
| R14-2-23708. | SPR-957 |
| R14-2-23709. | SPR-957 |
| R14-2-23710. | SPR-957 |
| R14-2-23711. | SPR-957 |
| R14-2-23712. | SPR-957 |
| R14-2-23713. | SPR-957 |
| R14-2-23714. | SPR-957 |
| R14-2-23715. | SPR-957 |
| R14-2-23716. | SPR-957 |
| R14-2-23717. | SPR-957 |
| R14-2-23718. | SPR-957 |

Deaf and the Hard of Hearing, Commission for

| R9-26-501. | EM-549; PM-641; FM-1257 |

Dental Examiners, Board of

| R4-11-1202. | PM-1217 |
| R4-11-1206. | PM-1217 |
| R4-11-1207. | PM-1217 |

Dispensing Opticians, Board of

| R8-2-601. | RC-1535 |
| R8-2-602. | RC-1535 |

Economic Security, Department of - Appellate Service Administration

| R6-9-301. | PM-611 |
| R6-9-302. | PN-611 |

Economic Security, Department of - Developmental Disabilities

| R6-6-901. | PN-603 |
| R6-6-902. | PN-603 |
| R6-6-903. | PN-603 |
| R6-6-904. | PN-603 |
| R6-6-905. | PN-603 |
| R6-6-906. | PN-603 |
| R6-6-907. | PN-603 |
| R6-6-908. | PN-603 |
| R6-6-909. | PN-603 |
| R6-6-910. | PN-603 |

Education, State Board of

| R7-2-303. | FXM-1107 |
| R7-2-312. | FXM-241 |
| R7-2-317. | FXM-1529 |
| R7-2-602.01. | FXN-743 |
| R7-2-615.01. | FXM-743 |
| R7-2-809. | FXM-1531 |
| R7-2-810. | FXM-1531 |

Emergency and Military Affairs, Department of - Division of Emergency Management

| R8-2-601. | RC-1535 |
| R8-2-602. | RC-1535 |
### Emergency Response Commission, Arizona

<table>
<thead>
<tr>
<th>Index</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>R8-2-603.</td>
<td>RC-1535</td>
</tr>
<tr>
<td>R8-2-604.</td>
<td>RC-1535</td>
</tr>
<tr>
<td>R8-2-605.</td>
<td>RC-1535</td>
</tr>
<tr>
<td>R8-4-101.</td>
<td>RC-1535</td>
</tr>
<tr>
<td>R8-4-102.</td>
<td>RC-1535</td>
</tr>
<tr>
<td>R8-4-103.</td>
<td>RC-1535</td>
</tr>
<tr>
<td>R8-4-104.</td>
<td>RC-1535</td>
</tr>
<tr>
<td>R8-4-105.</td>
<td>RC-1535</td>
</tr>
<tr>
<td>R8-4-106.</td>
<td>RC-1535</td>
</tr>
<tr>
<td>R8-4-107.</td>
<td>RC-1535</td>
</tr>
<tr>
<td>R8-4-108.</td>
<td>RC-1535</td>
</tr>
<tr>
<td>R8-4-109.</td>
<td>RC-1535</td>
</tr>
<tr>
<td>R8-4-110.</td>
<td>RC-1535</td>
</tr>
</tbody>
</table>

### Environmental Quality, Department of - Emergency Planning and Hazardous Materials Training

<table>
<thead>
<tr>
<th>Index</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>R18-18-101.</td>
<td>RC-1535</td>
</tr>
<tr>
<td>R18-18-102.</td>
<td>RC-1535</td>
</tr>
<tr>
<td>R18-18-103.</td>
<td>RC-1535</td>
</tr>
<tr>
<td>R18-18-104.</td>
<td>RC-1535</td>
</tr>
<tr>
<td>R18-18-105.</td>
<td>RC-1535</td>
</tr>
<tr>
<td>R18-18-106.</td>
<td>RC-1535</td>
</tr>
<tr>
<td>R18-18-107.</td>
<td>RC-1535</td>
</tr>
<tr>
<td>R18-18-108.</td>
<td>RC-1535</td>
</tr>
<tr>
<td>R18-18-109.</td>
<td>RC-1535</td>
</tr>
<tr>
<td>R18-18-110.</td>
<td>RC-1535</td>
</tr>
<tr>
<td>R18-18-111.</td>
<td>RC-1535</td>
</tr>
<tr>
<td>R18-18-112.</td>
<td>RC-1535</td>
</tr>
<tr>
<td>R18-18-113.</td>
<td>RC-1535</td>
</tr>
<tr>
<td>R18-18-114.</td>
<td>RC-1535</td>
</tr>
<tr>
<td>R18-18-115.</td>
<td>RC-1535</td>
</tr>
<tr>
<td>R18-18-116.</td>
<td>RC-1535</td>
</tr>
<tr>
<td>R18-18-117.</td>
<td>RC-1535</td>
</tr>
</tbody>
</table>

### Equalization, State Board of

<table>
<thead>
<tr>
<th>Index</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>R16-4-101.</td>
<td>SPN-1489</td>
</tr>
<tr>
<td>R16-4-102.</td>
<td>SPN-1489</td>
</tr>
<tr>
<td>R16-4-103.</td>
<td>SPN-1489</td>
</tr>
<tr>
<td>R16-4-104.</td>
<td>SPN-1489</td>
</tr>
<tr>
<td>R16-4-105.</td>
<td>SPN-1489</td>
</tr>
<tr>
<td>R16-4-106.</td>
<td>SPN-1489</td>
</tr>
<tr>
<td>R16-4-107.</td>
<td>SPN-1489</td>
</tr>
<tr>
<td>R16-4-108.</td>
<td>SPN-1489</td>
</tr>
<tr>
<td>R16-4-109.</td>
<td>SPN-1489</td>
</tr>
<tr>
<td>R16-4-110.</td>
<td>SPN-1489</td>
</tr>
<tr>
<td>R16-4-111.</td>
<td>SPN-1489</td>
</tr>
<tr>
<td>R16-4-112.</td>
<td>SPN-1489</td>
</tr>
<tr>
<td>R16-4-113.</td>
<td>SPN-1489</td>
</tr>
<tr>
<td>R16-4-114.</td>
<td>SPN-1489</td>
</tr>
<tr>
<td>R16-4-115.</td>
<td>SPN-1489</td>
</tr>
<tr>
<td>R16-4-116.</td>
<td>SPN-1489</td>
</tr>
</tbody>
</table>

### Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers

<table>
<thead>
<tr>
<th>Index</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>R4-33-105.</td>
<td>FR-233</td>
</tr>
<tr>
<td>R4-33-501.</td>
<td>FM-233</td>
</tr>
<tr>
<td>R4-33-503.</td>
<td>FM-233</td>
</tr>
<tr>
<td>R4-33-504.</td>
<td>FR-233</td>
</tr>
<tr>
<td>R4-33-707.</td>
<td>FN-233</td>
</tr>
</tbody>
</table>

### Forestry and Fire Management, Department of

<table>
<thead>
<tr>
<th>Index</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>R4-36-201.</td>
<td>PM-845</td>
</tr>
<tr>
<td>R4-36-301.</td>
<td>PM-845</td>
</tr>
<tr>
<td>R4-36-302.</td>
<td>PM-845</td>
</tr>
<tr>
<td>R4-36-303.</td>
<td>PM-845</td>
</tr>
<tr>
<td>R4-36-304.</td>
<td>PM-845</td>
</tr>
<tr>
<td>R4-36-305.</td>
<td>PM-845</td>
</tr>
<tr>
<td>R4-36-306.</td>
<td>PM-845</td>
</tr>
<tr>
<td>R4-36-307.</td>
<td>PM-845</td>
</tr>
<tr>
<td>R4-36-308.</td>
<td>PM-845</td>
</tr>
<tr>
<td>R4-36-309.</td>
<td>PM-845</td>
</tr>
<tr>
<td>R4-36-310.</td>
<td>PM-845</td>
</tr>
<tr>
<td>R4-36-311.</td>
<td>PM-845</td>
</tr>
<tr>
<td>R4-36-312.</td>
<td>PM-845</td>
</tr>
<tr>
<td>R4-36-313.</td>
<td>PM-845</td>
</tr>
<tr>
<td>R4-36-314.</td>
<td>PM-845</td>
</tr>
<tr>
<td>R4-36-315.</td>
<td>PM-845</td>
</tr>
<tr>
<td>R4-36-316.</td>
<td>PM-845</td>
</tr>
<tr>
<td>R4-36-317.</td>
<td>PM-845</td>
</tr>
</tbody>
</table>

### Game and Fish Commission

<table>
<thead>
<tr>
<th>Index</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>R12-4-101.</td>
<td>FM-283;</td>
</tr>
<tr>
<td>R12-4-102.</td>
<td>FXM-400;</td>
</tr>
<tr>
<td>R12-4-103.</td>
<td>PM-845</td>
</tr>
<tr>
<td>R12-4-104.</td>
<td>PM-845</td>
</tr>
<tr>
<td>R12-4-105.</td>
<td>PM-845</td>
</tr>
<tr>
<td>R12-4-106.</td>
<td>PM-845</td>
</tr>
<tr>
<td>R12-4-107.</td>
<td>PM-845</td>
</tr>
<tr>
<td>R12-4-108.</td>
<td>PM-845</td>
</tr>
<tr>
<td>R12-4-109.</td>
<td>PM-845</td>
</tr>
<tr>
<td>R12-4-110.</td>
<td>PM-845</td>
</tr>
<tr>
<td>R12-4-111.</td>
<td>PM-845</td>
</tr>
</tbody>
</table>

### Gaming, Department of

<table>
<thead>
<tr>
<th>Index</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>R19-4-101.</td>
<td>FXN-1167</td>
</tr>
<tr>
<td>R19-4-102.</td>
<td>FXN-1167</td>
</tr>
<tr>
<td>R19-4-103.</td>
<td>FXN-1167</td>
</tr>
<tr>
<td>R19-4-104.</td>
<td>FXN-1167</td>
</tr>
<tr>
<td>R19-4-105.</td>
<td>FXN-1167</td>
</tr>
<tr>
<td>R19-4-106.</td>
<td>FXN-1167</td>
</tr>
<tr>
<td>R19-4-107.</td>
<td>FXN-1167</td>
</tr>
<tr>
<td>R19-4-108.</td>
<td>FXN-1167</td>
</tr>
<tr>
<td>R19-4-109.</td>
<td>FXN-1167</td>
</tr>
<tr>
<td>R19-4-110.</td>
<td>FXN-1167</td>
</tr>
<tr>
<td>R19-4-111.</td>
<td>FXN-1167</td>
</tr>
<tr>
<td>R19-4-112.</td>
<td>FXN-1167</td>
</tr>
<tr>
<td>R19-4-113.</td>
<td>FXN-1167</td>
</tr>
<tr>
<td>R19-4-114.</td>
<td>FXN-1167</td>
</tr>
</tbody>
</table>
Indexes

Health Services, Department of - Health Program Services
R9-13-201. PEM-1417
R9-13-203. PEM-1417

Health Services, Department of - Loan Repayment
R9-15-205.01. EXP-1010

Health Services, Department of - Medical Marijuana Program
R9-17-101. XM-111; XM-747
R9-17-303. XM-747
R9-17-304. XM-111; XM-747
R9-17-305. XM-111; XM-747
R9-17-306. XM-111
R9-17-307. XM-111
R9-17-308. XM-111; XM-747; XM-1229
R9-17-310. XM-111; XM-747
R9-17-311. XM-747
R9-17-312. XM-747
R9-17-313. XM-747
R9-17-316. XM-111
R9-17-317. XM-111
R9-17-317.01. XM-111
R9-17-318. XM-747
R9-17-320. XM-111
R9-17-324. XM-747
R9-17-401. XM-111
R9-17-404. XM-111
R9-17-404.03. XM-111
R9-17-404.05. XM-111
R9-17-404.06. XM-111
R9-17-407. XM-111
R9-17-409. XM-111

Health Services, Department of - Radiation Control
R9-7-1203. EXP-826
R9-7-1204. EXP-826
R9-7-1205. EXP-826
R9-7-1207. EXP-826
R9-7-1209. EXP-826
R9-7-1210. EXP-826
R9-7-1211. EXP-826
R9-7-1212. EXP-826
R9-7-1218. EXP-826
R9-7-1222. EXP-826

Industrial Commission of Arizona
R20-5-1001. FM-515

Insurance and Financial Institutions, Department of - Insurance Division
R20-6-212. PM-1131
R20-6-212.01. PM-1131
R20-6-212.02. PN-1131
R20-6-407. PM-1140
R20-6-1501. PN-195; TN-1037
R20-6-1502. PN-195; TN-1037
R20-6-1503. PN-195; TN-1037
R20-6-1504. PN-195; TN-1037
R20-6-1505. PN-195; TN-1037
R20-6-1506. PN-195; TN-1037
R20-6-1507. PN-195; TN-1037
R20-6-1508. PN-195; TN-1037
R20-6-1509. PN-195; TN-1037

Manufactured Housing, Board of
R4-34-204. PM-453; FM-1324
R4-34-403. RC-1332
R4-34-502. RC-1332
R4-34-504. PR-453; FR-1324
R4-34-607. PM-453; FM-1324
R4-34-701. PM-453; FM-1324
R4-34-703. PM-453; FM-1324
R4-34-705. PM-453; FM-1324
R4-34-802. PM-453; FM-1324
R4-34-805. PM-453; FM-1324

Medical Board, Arizona
R4-16-201. PM-1355
R4-16-201.1. PM-1355
R4-16-301. PM-1355
R4-16-302. PM-1355
R4-16-303. PM-1355
R4-16-304. PM-1355
R4-16-305. PM-1355

Pharmacy, Board of
R4-23-411. PM-1219
R4-23-1104. PM-1219

Physical Therapy, Board of
R4-24-107. FXM-1105
Table 1. FXM-1105

Psychologist Examiners, Board of
R4-26-108. FXM-1272
Table 1. FXM-1272
Indexes

October 1, 2021 | Published by the Arizona Secretary of State | Vol. 27, Issue 40 1605

OTHER NOTICES AND PUBLIC RECORDS INDEX

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

THIS INDEX INCLUDES OTHER NOTICE ACTIVITY THROUGH ISSUE 39 OF VOLUME 27.

Agency Ombudsman, Notices of

Childhood Development and Health Board, Early/First Things First; p. 932

Corrections, Department of; p. 98

Dental Examiners, State Board of; p. 74

Insurance and Financial Institutions, Arizona Department of - Division of Insurance; p. 44

Public Safety, Department of; p. 439

Appendix

Racing Commission, Arizona

Retirement System Board, State

Technical Registration, Board of

Transportation, Department of - Commercial Programs

Transportation, Department of - Title, Registration, and Driver Licenses

Other legal notices include:

- Public Safety, Department of
  - Concealed Weapons Permits
  - Quality Appeals Board, Water
  - Racing Commission, Arizona
  - Retirement System Board, State
  - Technical Registration, Board of
  - Transportation, Department of - Commercial Programs
  - Transportation, Department of - Title, Registration, and Driver Licenses

These notices are included in this Index by volume page number. Notices of Agency Ombudsman, Substantive Policy Statements, Proposed Delegation Agreements, and other applicable public records as required by law are also listed in this Index by volume page number.
Death, Department of; p. 1425
The Arizona Secretary of State; pp. 807-808
Substantive Policy Statement, Notices of
Federal Register; p. 1540
Executive Order 2020-02: pp. 16-17
Governor’s Regulatory Review Council
Notices of Action Taken at Monthly Meetings: pp. 83-84; 278; 504; 632; 916; 945; 1161-1162, 1251
Proposed Delegation Agreement, Notices of
Environmental Quality, Department of; pp. 1235-1236, 1276-1277
Public Information, Notices of
Agriculture, Department of; p. 904
Agriculture, Department of - Animal Services Division; p. 1042
Agriculture, Department of - Environmental and Plant Services Division, Environmental Services Section; p. 1112
Agriculture, Department of - Environmental and Plant Services Division, Plant Services Section; p. 1113
Agriculture, Department of - Pest Management Division; p. 556
Agriculture, Department of - Office of the Director; p. 1195
Agriculture, Department of - Weights and Measures Services Division; p. 96
Arizona Health Care Cost Containment System (AHCCCS) - Administration; pp. 461-465
Environmental Quality, Department of; pp. 487-493
Environmental Quality, Department of - Pesticides and Water Pollution Control; pp. 1195-1196
Environmental Quality, Department of - Safe Drinking Water; pp. 852-853
Environmental Quality, Department of - Water Pollution Control; pp. 584-585; 877-880, 930
Game and Fish Commission; p. 438
Health Services, Department of; pp. 413; 931
Health Services, Department of - Emergency Medical Technicians; p. 1237
Substantive Policy Statement, Notices of
Accountancy, Board of; p. 827
Agriculture, Department of - Animal Services Division; pp. 181, 1082
Behavioral Health Examiners, Board of; 586
Contractors, Registrar of; pp. 586-587
Dental Examiners, State Board of; pp. 218-219
Environmental Quality, Department of; pp. 1083, 1337
Health Services, Department of; pp. 1199-1200, 1498
Insurance and Financial Institutions, Arizona Department of - Division of Financial Institutions; p. 1444
Insurance and Financial Institutions, Arizona Department of - Insurance Division; pp. 43, 72
Pharmacy, Board of; p. 42
State Lottery, Arizona; p. 42
Water Infrastructure Finance Authority; p. 97
Water Resources, Department of; pp. 1392, 1445

Docket Opening, Notices of Rulemaking
Accountancy, Board of; 4 A.A.C. 1; pp. 1542-1543
Arizona Health Care Cost Containment System (AHCCCS) - Administration; 9 A.A.C. 22; pp. 1038-1041
Athletic Training, Board of; 4 A.A.C. 49; pp. 875-876
Child Safety, Department of - Administration; 21 A.A.C. 1; p. 519
Child Safety, Department of - Foster Home and Child Welfare Agency Facility Safety; 21 A.A.C. 8; p. 1391
Clean Elections Commission, Citizens; 2 A.A.C. 20; pp. 675, 1334
Corporation Commission - Fixed Utilities; 14 A.A.C. 2; p. 798-799
Dental Examiners, Board of; 4 A.A.C. 11; p. 1232
Deaf and the Hard of Hearing, Commission for the; 9 A.A.C. 26; p. 555
Dispensing Opticians, Board of; 4 A.A.C. 20; p. 1081
Economic Security, Department of - Appellate Service Administration; 6 A.A.C. 9; p. 620
Economic Security, Department of - Developmental Disabilities; 6 A.A.C. 6; p. 619
Environmental Quality, Department of - Air Pollution Control; 18 A.A.C. 2; pp. 14, 1111, 1147
Environmental Quality, Department of - Water Pollution Control; 18 A.A.C. 9; pp. 1543-1544
Forestry and Fire Management, Department of; 4 A.A.C. 36; p. 850
Game and Fish Commission; 12 A.A.C. 4; p. 13
Health Services, Department of; 9 A.A.C. 9; p. 851
Health Services, Department of - Health Care Institutions: Licensing; 9 A.A.C. 10; pp. 1233, 1441, 1442
Health Services, Department of - Communicable Diseases and Infestations; 9 A.A.C. 6; p. 722
Health Services, Department of - Emergency Medical Services; 9 A.A.C. 25; p. 436-437
Health Services, Department of - Food, Recreational, and Institutional Sanitation; 9 A.A.C. 8; p. 723
Health Services, Department of - Health Programs Services; 9 A.A.C. 13; pp. 724, 1334
Health Services, Department of - Occupational Licensing; 9 A.A.C. 16; pp. 725, 1335
Insurance and Financial Institutions, Department of - Insurance Division; 20 A.A.C. 6; pp. 1147-1148, 1497, 1544
Manufactured Housing, Board of; 4 A.A.C. 34; p. 435-436
Medical Board, Arizona; 4 A.A.C. 16; p. 1390
Pharmacy, Board of; 4 A.A.C. 23; p. 1232
Public Safety, Department of - Concealed Weapons Permits; 13 A.A.C. 9; p. 412
Quality Appeals Board, Water; 2 A.A.C. 17; p. 180
Transportation, Department of - Commercial Programs; 17 A.A.C. 5; p. 676
Transportation, Department of - Title, Registration, and Driver Licenses; 17 A.A.C. 4; p. 676
Water Resources, Department of; 12 A.A.C. 15; p. 1443

Governor’s Office
Executive Order 2020-02: pp. 16-17
Governor’s Regulatory Review Council
Notices of Action Taken at Monthly Meetings: pp. 83-84; 278; 504; 632; 916; 945; 1161-1162, 1251
Proposed Delegation Agreement, Notices of
Environmental Quality, Department of; pp. 1235-1236, 1276-1277
Public Information, Notices of
Agriculture, Department of; p. 904
Agriculture, Department of - Animal Services Division; p. 1042
Agriculture, Department of - Environmental and Plant Services Division, Environmental Services Section; p. 1112
Agriculture, Department of - Environmental and Plant Services Division, Plant Services Section; p. 1113
Agriculture, Department of - Pest Management Division; p. 556
Agriculture, Department of - Office of the Director; p. 1195
Agriculture, Department of - Weights and Measures Services Division; p. 96
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.

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### 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.

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<th>Deadline Date (paper only)</th>
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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|

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<th>DEADLINE FOR PLACEMENT ON AGENDA*</th>
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* Materials must be submitted by 5 PM on dates listed as a deadline for placement on a particular agenda. Placement on a particular agenda is not guaranteed.
GOVERNOR'S REGULATORY REVIEW COUNCIL
NOTICE OF ACTION TAKEN AT THE SEPTEMBER 8, 2021 MEETING

A. CONSENT AGENDA ITEMS:

Rulemakings:

1. DEPARTMENT OF AGRICULTURE
   Title 3, Chapter 4, Department of Agriculture - Plant Services Division, Article 10
   
   Amend: R3-4-1001, R3-4-1002, R3-4-1003, R3-4-1004, R3-4-1005, R3-4-1006, R3-4-1008,
   R3-4-1011, R3-4-1012, R3-4-1013, R3-4-1014

Five-Year Review Reports:

2. DEPARTMENT OF TRANSPORTATION
   Title 17, Chapter 4, Article 7, Hazardous Materials Endorsement

3. DEPARTMENT OF REVENUE
   Title 15, Chapter 5, Articles 6, 9-11, 13-17, 18.1, 20, 21

4. BOARD OF RESPIRATORY CARE EXAMINERS
   Title 4, Chapter 45, Board of Respiratory Care Examiners, Articles 1-3

5. DEPARTMENT OF AGRICULTURE
   Title 3, Chapter 8, Department of Agriculture - Pest Management Division, Articles 1-7

COUNCIL ACTION: CONSENT AGENDA APPROVED

B. CONSIDERATION AND DISCUSSION OF RULEMAKINGS:

1. CITIZENS CLEAN ELECTIONS COMMISSION
   Title 2, Chapter 20, Citizens Clean Elections Commission, Article 1
   
   Amend: R2-20-109

COUNCIL ACTION: APPROVED

C. CONSIDERATION AND DISCUSSION OF FIVE YEAR REVIEW REPORTS:

1. DEPARTMENT OF PUBLIC SAFETY
   Title 13, Chapter 12, Private Investigator and Security Guard Hearing Board, Article 1

   COUNCIL ACTION: TABLED TO SEPTEMBER 28, 2021 STUDY SESSION AND OCTOBER 5, 2021 COUNCIL MEETING

2. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS
   Title 20, Chapter 6, Division of Insurance, Articles 1-3, 18, 20, 23

   COUNCIL ACTION: TABLED TO SEPTEMBER 28, 2021 STUDY SESSION AND OCTOBER 5, 2021 COUNCIL MEETING

3. ACUPUNCTURE BOARD OF EXAMINERS
   Title 4, Chapter 8, Acupuncture Board of Examiners

   COUNCIL ACTION: TABLED TO SEPTEMBER 28, 2021 STUDY SESSION AND OCTOBER 5, 2021 COUNCIL MEETING

4. BOARD OF DENTAL EXAMINERS
   Title 4, Chapter 11, Articles 1-4

   COUNCIL ACTION: APPROVED

D. CONSIDERATION AND DISCUSSION OF THE 2022 COUNCIL CALENDAR:

   COUNCIL ACTION: APPROVED