www.azsos.gov

Arizona Administrative REGISTER

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

Volume 31, Issue 43 **~ Administrative Register Contents ~** **October 24, 2025**

DIRECTOR
Administrative Rules Division
Scott Cancelosi

PUBLISHER
SECRETARY OF STATE
ADRIAN FONTES

RULES MANAGING EDITOR
Arizona Administrative Register
Rhonda Paschal

From the Publisher

ABOUT THIS PUBLICATION

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

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

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

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

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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

New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

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

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

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

LEGAL CITATIONS AND FILING NUMBERS

On the cover: Each agency is assigned a Chapter in the *Arizona Administrative Code* under a specific Title. Titles represent broad subject areas. The Title number is listed first; with the acronym A.A.C., which stands for the *Arizona Administrative Code*; following the Chapter number and Agency name, then program name. For example, the Secretary of State has rules on rulemaking in Title 1, Chapter 1 of the *Arizona Administrative Code*. The citation for this Chapter is 1 A.A.C. 1, Secretary of State, Rules and Rulemaking. Every document filed in the office is assigned a file number. This number, enclosed in brackets, is located at the top right of the published documents in the *Register*. The original filed document is available for 10 cents a page.

Arizona Administrative REGISTER

October 24, 2025
Volume 31, Issue 43

PUBLISHER
SECRETARY OF STATE
Adrian Fontes

ADMINISTRATIVE RULES STAFF
DIRECTOR
Scott Cancelosi

RULES MANAGING EDITOR
Rhonda Paschal

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

ADMINISTRATIVE CODE
The *Arizona Administrative Code* is available online at www.azsos.gov.

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

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

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

Participate in the Process

Look for the Agency Notice

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

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

Attend a public hearing/meeting

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

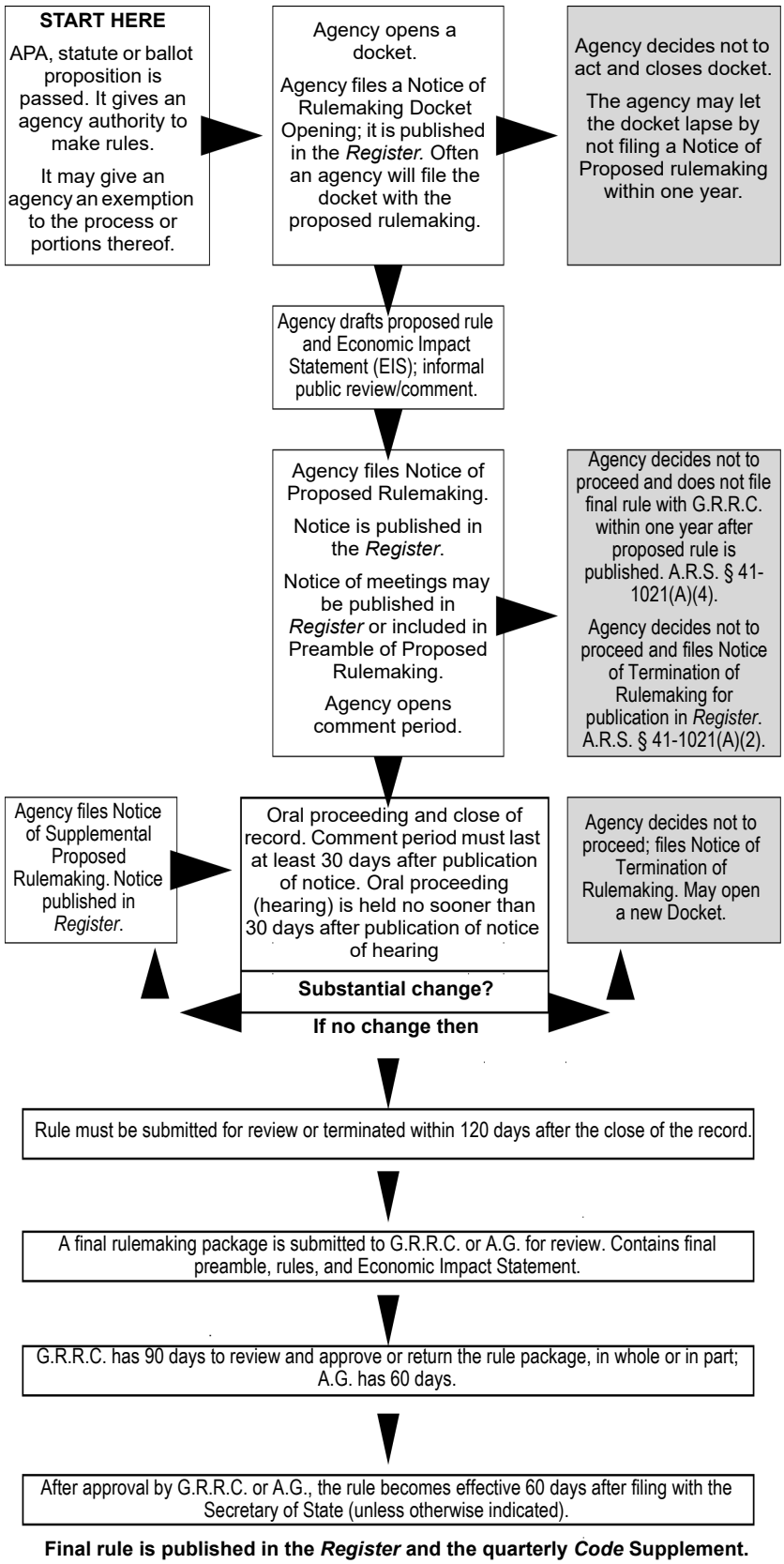
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

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

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

Arizona Regular Rulemaking Process



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

Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Acronyms

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

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

APA – Administrative Procedure Act

A.R.S. – Arizona Revised Statutes

CFR – *Code of Federal Regulations*

EIS – Economic, Small Business, and Consumer Impact Statement

FR – *Federal Register*

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

U.S.C. – *United States Code*

About Preambles

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

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

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

NOTICES OF PROPOSED RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Proposed 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 14. PUBLIC SERVICE CORPORATIONS; CORPORATIONS AND ASSOCIATIONS; SECURITIES REGULATIONS

CHAPTER 2. CORPORATION COMMISSION - FIXED UTILITIES

[R25-239]

PREAMBLE

1. Permission to proceed with this proposed rulemaking was granted under A.R.S. § 41-1039 by the governor on:

Not applicable (*under A.R.S. § 41-1039(E)(2)(b)*)

2. Article, Part, or Section Affected (as applicable)	**Rulemaking Action**
Article 24	Repeal
R14-2-2401	Repeal
R14-2-2402	Repeal
R14-2-2403	Repeal
R14-2-2404	Repeal
Table 1	Repeal
Table 2	Repeal
Table 3	Repeal
Table 4	Repeal
R14-2-2405	Repeal
R14-2-2406	Repeal
R14-2-2407	Repeal
R14-2-2408	Repeal
R14-2-2409	Repeal
R14-2-2410	Repeal
R14-2-2411	Repeal
R14-2-2412	Repeal
R14-2-2413	Repeal
R14-2-2414	Repeal
R14-2-2415	Repeal
R14-2-2416	Repeal
R14-2-2417	Repeal
R14-2-2418	Repeal
R14-2-2419	Repeal

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

Authorizing constitutional provisions and statutes: Arizona Constitution Article XV, §§ 3, 13; A.R.S. §§ 40-202, 40-203, 40-204, 40-321, 40-322(A), 40-336, and 40-361.

Implementing constitutional provisions and statutes: Arizona Constitution Article XV, §§ 3, 13; A.R.S. §§ 40-202, 40-203, 40-204,

40-321, 40-322(A), 40-336, and 40-361.

4. Citations to all related notices published in the *Register* that pertain to the current record of the proposed rule:

Notice of Rulemaking Docket Opening: 31 A.A.R. 4139, October 24, 2025 (*in this issue*); File Number: R25-242

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

Name:	Barbara Keene
Title:	Utility Resource Specialist
Division:	Utilities
Address:	Arizona Corporation Commission 1200 W. Washington St. Phoenix, AZ 85007
Telephone:	(602) 542-0853
Email:	Bkeene@azcc.gov
Website:	www.azcc.gov

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

The purpose of the proposed rulemaking is to repeal Article 24 of Title 14, Chapter 2, the Electric Energy Efficiency Rules, as the energy efficiency standard set by these rules expired on December 31, 2020. A repeal of the rules does not require electric energy efficiency efforts to cease. Affected utilities are always able to submit applications for cost-effective programs.

The proposed rule changes conform with the Commission's Rules Review Procedure ("RRP") as adopted by the Commission in Decision No. 78544 (April 28, 2022), as amended by Decision No. 80698 (April 29, 2025). The approach taken for the proposed repeal of the rules is expected to be the least intrusive and least costly method of achieving the purpose of the proposed rule amendments. The costs associated with repealing the rules are expected to be minimal, thus the benefits will outweigh the costs. The proposed repeal is not illegal, inconsistent with legislative intent, or beyond the Commission's legal authority.

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

None.

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

Not applicable.

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

Decision No. 78544 (April 28, 2022), as amended by Decision No. 80698 (April 29, 2025)**,** requires that the following information be provided concerning this proposed rulemaking:

i. The conduct and its frequency of occurrence that the rule is designed to change: The repeal of the Electric Energy Efficiency ("EE") Rules is designed to eliminate the current requirements for each Class A Electric utility ("affected utility") by 2020 to achieve cumulative annual energy savings equivalent to at least 22 percent of the affected utility's retail electric energy sales through cost-effective energy efficiency programs and for affected utilities to file annual implementation plans for Commission approval, detailing how affected utilities intend to comply with the Electric EE Rules during the following two-year period, as well as annual reports.

ii. The harm resulting from the conduct the rule is designed to change and the likelihood it will continue to occur if the rule is not changed: The repeal of the Electric EE Rules is intended to eliminate the requirements described in item 9(i). Elimination of the Electric EE Rules will not prohibit affected utilities from administering energy efficiency programs. Affected utilities may elect to continue administering energy efficiency programs without a rule requirement. Without the repeal of the Electric EE Rules, the requirements will remain in place and will continue to set a standard to be achieved by the now-past date of 2020.

iii. The estimated change in frequency of the targeted conduct expected from the rule change: The repeal of the Electric EE Rules is expected to eliminate rule requirement to file implementation plans in odd years and annual reports.

iv. An Economic, Small Business, and Consumer Impact Statement was prepared by an independent economist at the direction of Commission Staff. The statement includes an identification of the proposed rulemaking. Specifically, this rulemaking will repeal A.A.C. Title 14, Chapter 2, Article 24, the Arizona Corporation Commission's rules for Electric Energy Efficiency Standards. The information provided in the statement explains the affected classes of persons who will be affected by the rules, i.e. affected retail electric utilities that would design, implement, and administer electric energy efficiency pro-

grams to meet the standards; affected retail electric utility customers who would receive energy efficiency measures; and retail electric utility customers who would pay for the cost of the energy efficiency programs.

The statement notes that affected retail electric utilities would save the time and costs of designing, implementing, and administering the energy efficiency programs including reporting requirements each year, retail electric utility customers who implement energy efficiency measures would no longer receive the reductions in electricity use and related bill savings resulting from implementing new measures but would continue to see the benefit of any previously implemented energy efficiency measures, and retail electric utility customers who would pay for the cost of the energy efficiency programs would have lower utility bills due to no longer having to pay for the cost of the energy efficiency programs through the utility surcharge created to recover such costs.

The statement also provides the probable costs and benefits to: the agency, political subdivisions, directly affected businesses, and private persons and consumers. Additionally, the statement includes probable impacts to private employment and small businesses. Lastly, the statement explains that there is no probable impact on state revenues from the proposed rulemaking. The statement further explains that the proposed rules are the least costly and least intrusive method for removing the Electric EE Rules.

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

Name:	Barbara Keene
Title:	Utility Resource Specialist
Division:	Utilities
Address:	Arizona Corporation Commission 1200 W. Washington St. Phoenix, AZ 85007
Telephone:	(602) 542-0853
Email:	Bkeene@azcc.gov
Website:	www.azcc.gov

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

The Commission has scheduled two oral proceedings to receive public comments on the Notice of Proposed Rulemaking on:

Date:	December 2, 2025
Time:	9:00 a.m.
Telephone:	1-877-309-3457, passcode to speak 801972877##
Location:	Arizona Corporation Commission 1200 W. Washington St. Phoenix, AZ 85007

Date:	December 4, 2025
Time:	1:00 p.m.
Telephone:	1-877-309-3457 passcode to speak 801972877##
Location:	Arizona Corporation Commission 1200 W. Washington St. Phoenix, AZ 85007

Interested persons can submit written comments on the proposed rulemaking to the Commission's Docket Control at 1200 W. Washington St., Phoenix, AZ 85007, or through the Commission's website (azcc.gov). To submit a comment electronically, go to azcc.gov, select the header "Meetings & Cases" and select "Make a Public Comment in a Docket." This leads to a fillable form that can be submitted electronically. An interested person also can "eFile" written comments and "Follow a Docket" to receive notice of all filings made in this rulemaking by going to azcc.gov, selecting the header "Meetings & Cases" and selecting "eDocket" then "eFiling." Creation of a free ACC Portal account is required to eFile or Follow a Docket.

Please reference Docket No. RE-00000A-24-0025 on all documents. The Commission requests that written comments be filed by December 4, 2025. Oral comments may be provided during the oral proceedings to be held on December 2, 2025, and December 4, 2025.

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:

No other matters exist.

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

permit is not used:
The rule does not require a permit.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:
Staff notes that in Decision No. 71819, footnote 7 indicates a December 17, 2008, Staff Memorandum that refers to Section 532 of the Energy Independence and Security Act of 2007 that required state regulatory authorities to consider whether or not to adopt standards regarding rate design modifications to promote energy efficiency investments.

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

13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:
No such material exists.

14. The full text of the rules follows:

TITLE 14. PUBLIC SERVICE CORPORATIONS; CORPORATIONS AND ASSOCIATIONS; SECURITIES REGULATIONS

CHAPTER 2. CORPORATION COMMISSION - FIXED UTILITIES

ARTICLE 24. ~~ELECTRIC ENERGY EFFICIENCY STANDARDS~~ REPEALED

Section
R14-2-2401. ~~Definitions~~ Repealed
R14-2-2402. ~~Applicability~~ Repealed
R14-2-2403. ~~Goals and Objectives~~ Repealed
R14-2-2404. ~~Energy Efficiency Standards~~ Repealed
Table 1. ~~Energy Efficiency Standard~~ Repealed
Table 2. ~~Illustrative Example of Calculating Required Energy Savings~~ Repealed
Table 3. ~~Credit for Pre-Rules Energy Savings~~ Repealed
Table 4. ~~Illustrative Example of How the Energy Standard Could Be Met in 2020~~ Repealed
R14-2-2405. ~~Implementation Plans~~ Repealed
R14-2-2406. ~~DSM Tariffs~~ Repealed
R14-2-2407. ~~Commission Review and Approval of DSM Programs and DSM Measures~~ Repealed
R14-2-2408. ~~Parity and Equity~~ Repealed
R14-2-2409. ~~Reporting Requirements~~ Repealed
R14-2-2410. ~~Cost Recovery~~ Repealed
R14-2-2411. ~~Performance Incentives~~ Repealed
R14-2-2412. ~~Cost-effectiveness~~ Repealed
R14-2-2413. ~~Baseline Estimation~~ Repealed
R14-2-2414. ~~Fuel Neutrality~~ Repealed
R14-2-2415. ~~Monitoring, Evaluation, and Research~~ Repealed
R14-2-2416. ~~Program Administration and Implementation~~ Repealed
R14-2-2417. ~~Leveraging and Cooperation~~ Repealed
R14-2-2418. ~~Compliance by Electric Distribution Cooperatives~~ Repealed
R14-2-2419. ~~Waiver from the Provisions of this Article~~ Repealed

ARTICLE 24. ~~ELECTRIC ENERGY EFFICIENCY STANDARDS~~ REPEALED

R14-2-2401. ~~Definitions~~ Repealed
~~In this Article, unless otherwise specified:~~

1. ~~"Adjustment mechanism" means a Commission-approved provision in an affected utility's rate schedule allowing the affected utility to increase and decrease a certain rate or rates, in an established manner, when increases and decreases in specific costs are incurred by the affected utility.~~
2. ~~"Affected utility" means a public service corporation that provides electric service to retail customers in Arizona.~~
3. ~~"Baseline" means the level of electricity demand, electricity consumption, and associated expenses estimated to occur in the absence of a specific DSM program, determined as provided in R14-2-2413.~~
4. ~~"CHP" means combined heat and power, which is using a primary energy source to simultaneously produce electrical energy and useful process heat.~~
5. ~~"Commission" means the Arizona Corporation Commission.~~
6. ~~"Cost-effective" means that total incremental benefits from a DSM measure or DSM program exceed total incremental costs over the life of the DSM measure, as determined under R14-2-2412.~~
7. ~~"Customer" means the person or entity in whose name service is rendered to a single contiguous field, location, or facility, regardless of the number of meters at the field, location, or facility.~~

8. ~~"Delivery system" means the infrastructure through which an affected utility transmits and then distributes electrical energy to its customers.~~
9. ~~"Demand savings" means the load reduction, measured in kW, occurring during a relevant peak period or periods as a direct result of energy efficiency and demand response programs.~~
10. ~~"Demand response" means modification of customers' electricity consumption patterns, affecting the timing or quantity of customer demand and usage, achieved through intentional actions taken by an affected utility or customer because of changes in prices, market conditions, or threats to system reliability.~~
11. ~~"Distributed generation" means the production of electricity on the customer's side of the meter, for use by the customer, through a process such as CHP.~~
12. ~~"DSM" means demand-side management, the implementation and maintenance of one or more DSM programs.~~
13. ~~"DSM measure" means any material, device, technology, educational program, pricing option, practice, or facility alteration designed to result in reduced peak demand, increased energy efficiency, or shifting of electricity consumption to off-peak periods and includes CHP used to displace space heating, water heating, or another load.~~
14. ~~"DSM program" means one or more DSM measures provided as part of a single offering to customers.~~
15. ~~"DSM tariff" means a Commission-approved schedule of rates designed to recover an affected utility's reasonable and prudent costs of complying with this Article.~~
16. ~~"Electric utility" means a public service corporation providing electric service to the public.~~
17. ~~"Energy efficiency" means the production or delivery of an equivalent level and quality of end-use electric service using less energy, or the conservation of energy by end-use customers.~~
18. ~~"Energy efficiency standard" means the reduction in retail energy sales, in percentage of kWh, required to be achieved through an affected utility's approved DSM programs as prescribed in R14-2-2404.~~
19. ~~"Energy savings" means the reduction in a customer's energy consumption directly resulting from a DSM program, expressed in kWh.~~
20. ~~"Energy service company" means a company that provides a broad range of services related to energy efficiency, including energy audits, the design and implementation of energy efficiency projects, and the installation and maintenance of energy efficiency measures.~~
21. ~~"Environmental benefits" means avoidance of costs for compliance, or reduction in environmental impacts, for things such as, but not limited to:~~
    a. ~~Water use and water contamination,~~
    b. ~~Monitoring storage and disposal of solid waste such as coal ash (bottom and fly),~~
    c. ~~Health effects from burning fossil fuels, and~~
    d. ~~Emissions from transportation and production of fuels and electricity.~~
22. ~~"Fuel-neutral" means without promoting or otherwise expressing bias regarding a customer's choice of one fuel over another.~~
23. ~~"Incremental benefits" means amounts saved through avoiding costs for fuel, purchased power, new capacity, transmission, distribution, and other cost items necessary to provide electric utility service, along with other improvements in societal welfare, such as through avoided environmental impacts, including, but not limited to, water consumption savings, air emission reduction, reduction in coal ash, and reduction of nuclear waste.~~
24. ~~"Incremental costs" means the additional expenses of DSM measures, relative to baseline.~~
25. ~~"Independent program administrator" means an impartial third party employed to provide objective oversight of energy efficiency programs.~~
26. ~~"kW" means kilowatt.~~
27. ~~"kWh" means kilowatt-hour.~~
28. ~~"Leveraging" means combining resources to more effectively achieve an energy efficiency goal, or to achieve greater energy efficiency savings, than would be achieved without combining resources.~~
29. ~~"Load management" means actions taken or sponsored by an affected utility to reduce peak demands or improve system operating efficiency, such as direct control of customer demands through affected-utility-initiated interruption or cycling, thermal storage, or educational campaigns to encourage customers to shift loads.~~
30. ~~"Low-income customer" means a customer with a below-average level of household income, as defined in an affected utility's Commission-approved DSM program description.~~
31. ~~"Market transformation" means strategic efforts to induce lasting structural or behavioral changes in the market that result in increased energy efficiency.~~
32. ~~"Net benefits" means the incremental benefits resulting from DSM minus the incremental costs of DSM.~~
33. ~~"Non-market benefits" means improvements in societal welfare that are not bought or sold.~~
34. ~~"Program costs" means the expenses incurred by an affected utility as a result of developing, marketing, implementing, administering, and evaluating Commission-approved DSM programs.~~
35. ~~"Self-direction" means an option made available to qualifying customers of sufficient size, in which the amount of money paid by each qualifying customer toward DSM costs is tracked for the customer and made available for use by the customer for approved DSM investments upon application by the customer.~~
36. ~~"Societal Test" means a cost-effectiveness test of the net benefits of DSM programs that starts with the Total Resource Cost Test, but includes non-market benefits and costs to society.~~
37. ~~"Staff" means individuals working for the Commission's Utilities Division, whether as employees or through contract.~~
38. ~~"Thermal envelope" means the collection of building surfaces, such as walls, windows, doors, floors, ceilings, and roofs, that separate interior conditioned (heated or cooled) spaces from the exterior environment.~~

39. "Total Resource Cost Test" means a cost-effectiveness test that measures the net benefits of a DSM program as a resource option, including incremental measure costs, incremental affected utility costs, and carrying costs as a component of avoided capacity cost, but excluding incentives paid by affected utilities and non-market benefits to society.

R14-2-2402. ~~Applicability~~ Repealed

This Article applies to each affected utility classified as Class A according to R14-2-103(A)(3)(q), unless the affected utility is an electric distribution cooperative that has fewer than 25% of its customers in Arizona.

R14-2-2403. ~~Goals and Objectives~~ Repealed

A. An affected utility shall design each DSM program:
1. To be cost-effective, and
2. To accomplish at least one of the following:
   a. Energy efficiency,
   b. Load management, or
   c. Demand response.

B. An affected utility shall consider the following when planning and implementing a DSM program:
1. Whether the DSM program will achieve cost-effective energy savings and peak demand reductions;
2. Whether the DSM program will advance market transformation and achieve sustainable savings, reducing the need for future market interventions; and
3. Whether the affected utility can ensure a level of funding adequate to sustain the DSM program and allow the DSM program to achieve its targeted goal.

C. An affected utility shall:
1. Offer DSM programs that will provide an opportunity for all affected utility customer segments to participate, and
2. Allocate a portion of DSM resources specifically to low-income customers.

R14-2-2404. ~~Energy Efficiency Standards~~ Repealed

A. Except as provided in R14-2-2418, in order to ensure reliable electric service at reasonable ratepayer rates and costs, by December 31, 2020, an affected utility shall, through cost-effective DSM energy efficiency programs, achieve cumulative annual energy savings, measured in kWh, equivalent to at least 22% of the affected utility's retail electric energy sales for calendar year 2019.

B. An affected utility shall, by the end of each calendar year, meet at least the cumulative annual energy efficiency standard listed in Table 1 for that calendar year. An illustrative example of how the required energy savings would be calculated is shown in Table 2. An illustrative example of how the standard could be met in 2020 is shown in Table 4.

Table 1. ~~Energy Efficiency Standard~~ Repealed

CALENDAR YEAR	ENERGY EFFICIENCY STANDARD (Cumulative Annual Energy Savings by the End of Each Calendar Year as a Percentage of the Retail Energy Sales in the Prior Calendar Year)
2011	1.25%
2012	3.00%
2013	5.00%
2014	7.25%
2015	9.50%
2016	12.00%
2017	14.50%
2018	17.00%
2019	19.50%
2020	22.00%

Table 2. ~~**Illustrative Example of Calculating Required Energy Savings**~~ **Repealed**

~~CALENDAR YEAR~~	~~A RETAIL SALES (kWh)~~	~~B ENERGY EFFICIENCY STANDARD~~	~~C REQUIRED CUMULATIVE ENERGY SAVINGS (B of current year × A of prior year)~~
~~2010~~	~~100,000,000~~		~~0~~
~~2011~~	~~100,750,000~~	~~1.25%~~	~~1,250,000~~
~~2012~~	~~101,017,500~~	~~3.00%~~	~~3,022,500~~
~~2013~~	~~101,069,925~~	~~5.00%~~	~~5,050,875~~
~~2014~~	~~100,915,646~~	~~7.25%~~	~~7,327,570~~
~~2015~~	~~100,821,094~~	~~9.50%~~	~~9,586,986~~
~~2016~~	~~100,517,711~~	~~12.00%~~	~~12,098,531~~
~~2017~~	~~100,293,499~~	~~14.50%~~	~~14,575,068~~
~~2018~~	~~100,116,043~~	~~17.00%~~	~~17,049,895~~
~~2019~~	~~99,986,628~~	~~19.50%~~	~~19,522,628~~
~~2020~~	~~99,902,384~~	~~22.00%~~	~~21,997,058~~

~~**C.** An affected utility's measured reductions in peak demand resulting from cost-effective demand response and load management programs may comprise up to two percentage points of the 22% energy efficiency standard, with peak demand reduction capability from demand response converted to an annual energy savings equivalent based on an assumed 50% annual load factor. The credit for demand response and load management peak demand reductions shall not exceed 10% of the energy efficiency standard set forth in subsection (B) for any year. The measured reductions in peak demand occurring during a calendar year after the effective date of this Article may be counted for that calendar year even if the demand response or load management program resulting in the reductions was implemented prior to the effective date of this Article.~~

~~**D.** An affected utility's energy savings resulting from DSM energy efficiency programs implemented before the effective date of this Article, but after 2004, may be credited toward meeting the energy efficiency standard set forth in subsection (B). The total energy savings credit for these pre-rules energy efficiency programs shall not exceed 4% of the affected utility's retail energy sales in calendar year 2005. A portion of the total energy savings credit for these pre-rules energy efficiency programs may be applied each year, from 2016 through 2020, as listed in Table 3, Column A.~~

Table 3. ~~**Credit for Pre-Rules Energy Savings**~~ **Repealed**

~~CALENDAR YEAR~~	~~A CREDIT FOR THE PRE-RULES ENERGY SAVINGS APPLIED IN EACH YEAR (Percentage of the Total Eligible Pre-Rules Cumulative Annual Energy Savings That Shall Be Applied in the Year)~~	~~B CUMULATIVE APPLICATION OF THE CREDIT FOR THE PRE-RULES ENERGY SAVINGS IN 2016-2020 (Percentage of the Total Eligible Pre-Rules Cumulative Annual Energy Savings That Are Credited by the End of Each Year)~~
~~2016~~	~~7.5%~~	~~7.5%~~
~~2017~~	~~15.0%~~	~~22.5%~~
~~2018~~	~~20.0%~~	~~42.5%~~
~~2019~~	~~25.0%~~	~~67.5%~~
~~2020~~	~~32.5%~~	~~100.0%~~

~~**E.** An affected utility may count toward meeting the standard up to one third of the energy savings, resulting from energy efficiency building codes, that are quantified and reported through a measurement and evaluation study undertaken by the affected utility.~~

~~**F.** An affected utility may count the energy savings from combined heat and power (CHP) installations that do not qualify under the Renewable Energy Standard toward meeting the energy efficiency standard.~~

~~**G.** An affected utility may count a customer's energy savings resulting from self-direction toward meeting the standard.~~

~~**H.** An affected utility's energy savings resulting from efficiency improvements to its delivery system may not be counted toward meeting the standard.~~

~~I. An affected utility's energy savings used to meet the energy efficiency standard will be assumed to continue through the year 2020 or, if expiring before the year 2020, to be replaced with a DSM energy efficiency program having at least the same level of efficiency.~~

Table 4. ~~Illustrative Example of How the Energy Standard Could Be Met in 2020~~ Repealed

	~~2020 Energy Efficiency Standard~~	~~2019 Retail Sales (kWh)~~	~~Required Cumulative Annual Energy Savings (kWh)~~
~~Total~~	~~22.00%~~	~~99,986,628~~	~~21,997,058~~
~~Breakdown of Savings and Credits Used To Meet 2020 Standard:~~			
			~~Cumulative Annual Energy Savings or Credit (kWh)~~
~~Demand Response Credit R14-2-2404(C)~~	~~Up to 2.00%~~		~~1,999,733~~
~~Pre-rules Savings Credit R14-2-2404(D)~~			~~1,100,000*~~
~~Building Code R14-2-2404(E)~~			~~1,000,000~~
~~CHP R14-2-2404(F)~~			~~500,000~~
~~Self-direction R14-2-2404(G)~~			~~100,000~~
~~Energy Efficiency R14-2-2404(A)~~			~~17,297,325~~
~~Total~~			~~21,997,058~~
~~*The total pre-rules savings credit is capped at 4% of 2005 retail energy sales, and the total credit is allocated over five years from 2016 to 2020. The credit shown above represents an estimate of the portion of the total credit that can be taken in 2020, or 32.5% of the total credit allowed.~~			

R14-2-2405. ~~Implementation Plans~~ Repealed

~~A. Except as provided in R14-2-2418, on June 1 of each odd year, or annually at the election of each affected utility, each affected utility shall file with Docket Control, for Commission review and approval, an implementation plan describing how the affected utility intends to meet the energy efficiency standard for the next one or two calendar years, as applicable, except that the initial implementation plan shall be filed within 30 days of the effective date of this Article.~~

~~B. The implementation plan shall include the following information:~~

~~1. Except for the initial implementation plan, a description of the affected utility's compliance with the requirements of this Article for the previous calendar year;~~

~~2. Except for the initial implementation plan, which shall describe only the next calendar year, a description of how the affected utility intends to comply with this Article for the next two calendar years, including an explanation of any modification to the rates of an existing DSM adjustment mechanism or tariff that the affected utility believes is necessary;~~

~~3. Except for the initial implementation plan, which shall describe only the next calendar year, a description of each DSM program to be newly implemented or continued in the next two calendar years and an estimate of the annual kWh and kW savings projected to be obtained through each DSM program;~~

~~4. The estimated total cost and cost per kWh reduction of each DSM measure and DSM program described in subsection (B)(3);~~

~~5. A DSM tariff filing complying with R14-2-2406(A) or a request to modify and reset an adjustment mechanism complying with R14-2-2406(C), as applicable; and~~

~~6. For each new DSM program or DSM measure that the affected utility desires to implement, a program proposal complying with R14-2-2407.~~

~~C. An affected utility shall notify its customers of its annual implementation plan filing through a notice in its next regularly scheduled customer bills.~~

~~D. The Commission may hold a hearing to determine whether an affected utility's implementation plan satisfies the requirements of this Article.~~

~~E. An affected utility's Commission-approved implementation plan, and the DSM programs authorized thereunder, shall continue in effect until the Commission takes action on a new implementation plan for the affected utility.~~

R14-2-2406. ~~DSM Tariffs~~ Repealed

~~A. An affected utility's DSM tariff filing shall include the following:~~

~~1. A detailed description of each method proposed by the affected utility to recover the reasonable and prudent costs associated with implementing the affected utility's intended DSM programs;~~

~~2. Financial information and supporting data sufficient to allow the Commission to determine the affected utility's fair value, including, at a minimum, the information required to be submitted in a utility annual report filed under R14-2-212(G)(4);~~

~~3. Data supporting the level of costs that the affected utility believes will be incurred in order to comply with this Article; and~~

~~4. Any other information that the Commission believes is relevant to the Commission's consideration of the tariff filing.~~

~~B. The Commission shall approve, modify, or deny a tariff filed pursuant to subsection (A) within 180 days after the tariff has been filed. The Commission may suspend this deadline or adopt an alternative procedural schedule for good cause.~~

~~**C.** If an affected utility has an existing adjustment mechanism to recover the reasonable and prudent costs associated with implementing DSM programs, the affected utility may, in lieu of making a tariff filing under subsection (A), file a request to modify and reset its adjustment mechanism by submitting the information required under subsections (A)(1) and (3).~~

R14-2-2407. ~~Commission Review and Approval of DSM Programs and DSM Measures~~ Repealed

~~**A.** An affected utility shall obtain Commission approval before implementing a new DSM program or DSM measure.~~

~~**B.** An affected utility may apply for Commission approval of a DSM program or DSM measure by submitting a program proposal either as part of its implementation plan submitted under R14-2-2405 or through a separate application.~~

~~**C.** A program proposal shall include the following:~~

~~1. A description of the DSM program or DSM measure that the affected utility desires to implement,~~
~~2. The affected utility's objectives and rationale for the DSM program or DSM measure,~~
~~3. A description of the market segment at which the DSM program or DSM measure is aimed,~~
~~4. An estimated level of customer participation in the DSM program or DSM measure,~~
~~5. An estimate of the baseline,~~
~~6. The estimated societal benefits and savings from the DSM program or DSM measure,~~
~~7. The estimated societal costs of the DSM program or DSM measure,~~
~~8. The estimated environmental benefits to be derived from the DSM program or DSM measure,~~
~~9. The estimated benefit-cost ratio of the DSM program or DSM measure,~~
~~10. The affected utility's marketing and delivery strategy,~~
~~11. The affected utility's estimated annual costs and budget for the DSM program or DSM measure,~~
~~12. The implementation schedule for the DSM program or DSM measure,~~
~~13. A description of the affected utility's plan for monitoring and evaluating the DSM program or DSM measure, and~~
~~14. Any other information that the Commission believes is relevant to the Commission's consideration of the tariff filing.~~

~~**D.** In determining whether to approve a program proposal, the Commission shall consider:~~

~~1. The extent to which the Commission believes the DSM program or DSM measure will meet the goals set forth in R14-2-2403(A), and~~
~~2. All of the considerations set forth in R14-2-2403(B).~~

~~**E.** Staff may request modifications of on-going DSM programs to ensure consistency with this Article. The Commission shall allow affected utilities adequate time to notify customers of DSM program modifications.~~

R14-2-2408. ~~Parity and Equity~~ Repealed

~~**A.** An affected utility shall develop and propose DSM programs for residential, non-residential, and low-income customers.~~

~~**B.** An affected utility shall allocate DSM funds collected from residential customers and from non-residential customers proportionately to those customer classes to the extent practicable.~~

~~**C.** The affected utility costs of DSM programs for low-income customers shall be borne by all customer classes, except where a customer or customer class is specifically exempted by Commission order.~~

~~**D.** DSM funds collected by an affected utility shall be used, to the extent practicable, to benefit that affected utility's customers.~~

~~**E.** All customer classes of an affected utility shall bear the costs of DSM programs by payment through a non-bypassable mechanism, unless a customer or customer class is specifically exempted by Commission order.~~

R14-2-2409. ~~Reporting Requirements~~ Repealed

~~**A.** By March 1 of each year, an affected utility shall submit to the Commission, in a Commission-established docket for that year, a DSM progress report providing information for each of the affected utility's Commission-approved DSM programs and including at least the following:~~

~~1. An analysis of the affected utility's progress toward meeting the annual energy efficiency standard;~~
~~2. A list of the affected utility's current Commission-approved DSM programs and DSM measures, organized by customer segment;~~
~~3. A description of the findings from any research projects completed during the previous year; and~~
~~4. The following information for each Commission-approved DSM program or DSM measure:~~
~~a. A brief description;~~
~~b. Goals, objectives, and savings targets;~~
~~c. The level of customer participation during the previous year;~~
~~d. The costs incurred during the previous year, disaggregated by type of cost, such as administrative costs, rebates, and monitoring costs;~~
~~e. A description and the results of evaluation and monitoring activities during the previous year;~~
~~f. Savings realized in kW, kWh, therms, and BTUs, as appropriate;~~
~~g. The environmental benefits realized, including reduced emissions and water savings;~~
~~h. Incremental benefits and net benefits, in dollars;~~
~~i. Performance-incentive calculations for the previous year;~~
~~j. Problems encountered during the previous year and proposed solutions;~~
~~k. A description of any modifications proposed for the following year; and~~
~~l. Whether the affected utility proposes to terminate the DSM program or DSM measure and the proposed date of termination.~~

~~**B.** By September 1 of each year, an affected utility shall file a status report including a tabular summary showing the following for each current Commission-approved DSM program and DSM measure of the affected utility:~~

~~1. Semi-annual expenditures compared to annual budget, and~~
~~2. Participation rates.~~

~~C. An affected utility shall file each report required by this Section with Docket Control, where it will be available to the public, and shall make each such report available to the public upon request.~~
~~D. An affected utility may request within its implementation plan that these reporting requirements supersede specific existing DSM reporting requirements.~~

R14-2-2410. ~~Cost Recovery~~ Repealed

~~A. An affected utility may recover the costs that it incurs in planning, designing, implementing, and evaluating a DSM program or DSM measure if the DSM program or DSM measure is all of the following:~~
~~1. Approved by the Commission before it is implemented,~~
~~2. Implemented in accordance with a Commission-approved program proposal or implementation plan, and~~
~~3. Monitored and evaluated for cost-effectiveness pursuant to R14-2-2415.~~
~~B. An affected utility shall monitor and evaluate each DSM program and DSM measure, as provided in R14-2-2415, to determine whether the DSM program or DSM measure is cost-effective and otherwise meets expectations.~~
~~C. If an affected utility determines that a DSM program or DSM measure is not cost-effective or otherwise does not meet expectations, the affected utility shall include in its annual DSM progress report filed under R14-2-2409 a proposal to modify or terminate the DSM program or DSM measure.~~
~~D. An affected utility shall recover its DSM costs concurrently, on an annual basis, with the spending for a DSM program or DSM measure, unless the Commission orders otherwise.~~
~~E. An affected utility may recover costs from DSM funds for any of the following items, if the expenditures will enhance DSM:~~
~~1. Incremental labor attributable to DSM development,~~
~~2. A market study,~~
~~3. A research and development project such as applied technology assessment,~~
~~4. Consortium membership, or~~
~~5. Another item that is difficult to allocate to an individual DSM program.~~
~~F. The Commission may impose a limit on the amount of DSM funds that may be used for the items in subsection (E).~~
~~G. If goods and services used by an affected utility for DSM have value for other affected utility functions, programs, or services, the affected utility shall divide the costs for the goods and services and allocate funding proportionately.~~
~~H. An affected utility shall allocate DSM costs in accordance with generally accepted accounting principles.~~
~~I. The Commission shall review and address financial disincentives, recovery of fixed costs, and recovery of net lost income/revenue, due to Commission-approved DSM programs, if an affected utility requests such review in its rate case and provides documentation/records supporting its request in its rate application.~~
~~J. An affected utility, at its own initiative, may submit to the Commission twice-annual reports on the financial impacts of its Commission-approved DSM programs, including any unrecovered fixed costs and net lost income/revenue resulting from its Commission-approved DSM programs.~~

R14-2-2411. ~~Performance Incentives~~ Repealed

~~In the implementation plans required by R14-2-2405, an affected utility may propose for Commission review a performance incentive to assist in achieving the energy efficiency standard set forth in R14-2-2404. The Commission may also consider performance incentives in a general rate case.~~

R14-2-2412. ~~Cost-effectiveness~~ Repealed

~~A. An affected utility shall ensure that the incremental benefits to society of the affected utility's overall DSM portfolio exceed the incremental costs to society of the DSM portfolio.~~
~~B. The Societal Test shall be used to determine cost-effectiveness.~~
~~C. The analysis of a DSM program's or DSM measure's cost-effectiveness may include:~~
~~1. Costs and benefits associated with reliability, improved system operations, environmental impacts, and customer service;~~
~~2. Savings of both natural gas and electricity; and~~
~~3. Any uncertainty about future streams of costs or benefits.~~
~~D. An affected utility shall make a good faith effort to quantify water consumption savings and air emission reductions, while other environmental costs or the value of environmental improvements shall be estimated in physical terms when practical but may be expressed qualitatively. An affected utility, Staff, or any party may propose monetized benefits and costs if supported by appropriate documentation or analyses.~~
~~E. Market transformation programs shall be analyzed for cost-effectiveness by measuring market effects compared to program costs.~~
~~F. Educational programs shall be analyzed for cost-effectiveness based on estimated energy and peak demand savings resulting from increased awareness about energy use and opportunities for saving energy.~~
~~G. Research and development and pilot programs are not required to demonstrate cost-effectiveness.~~
~~H. An affected utility's low-income customer program portfolio shall be cost-effective, but costs attributable to necessary health and safety measures shall not be used in the calculation.~~

R14-2-2413. ~~Baseline Estimation~~ Repealed

~~A. To determine the baseline, an affected utility shall estimate the level of electric demand and consumption and the associated costs that would have occurred in the absence of a DSM program or DSM measure.~~
~~B. For demand response programs, an affected utility shall use customer load profile information to verify baseline consumption patterns and the peak demand savings resulting from demand response actions.~~
~~C. For installations or applications that have multiple fuel choices, an affected utility shall determine the baseline using the same fuel source actually used for the installation or application.~~

R14-2-2414. ~~Fuel Neutrality~~ Repealed

~~A.~~ ~~Ratepayer-funded DSM shall be developed and implemented in a fuel-neutral manner.~~

~~B.~~ ~~An affected utility shall use DSM funds collected from electric customers for electric DSM programs, unless otherwise ordered by the Commission.~~

~~C.~~ ~~An affected utility may use DSM funds collected from electric customers for thermal envelope improvements.~~

R14-2-2415. ~~Monitoring, Evaluation, and Research~~ Repealed

~~A.~~ ~~An affected utility shall monitor and evaluate each DSM program and DSM measure to:~~

~~1. Ensure compliance with the cost-effectiveness requirements of R14-2-2412;~~

~~2. Determine participation rates, energy savings, and demand reductions;~~

~~3. Assess the implementation process for the DSM program or DSM measure;~~

~~4. Obtain information on whether to continue, modify, or terminate a DSM program or DSM measure; and~~

~~5. Determine the persistence and reliability of the affected utility's DSM.~~

~~B.~~ ~~An affected utility may conduct evaluation and research, such as market studies, market research, and other technical research, for DSM program planning, product development, and DSM program improvement.~~

R14-2-2416. ~~Program Administration and Implementation~~ Repealed

~~A.~~ ~~An affected utility may use an energy service company or other external resource to implement a DSM program or DSM measure.~~

~~B.~~ ~~The Commission may, at its discretion, establish independent program administrators who would be subject to the relevant requirements of this Article.~~

R14-2-2417. ~~Leveraging and Cooperation~~ Repealed

~~A.~~ ~~An affected utility shall, to the extent practicable, participate in cost sharing, leveraging, or other lawful arrangements with customers, vendors, manufacturers, government agencies, other electric utilities, or other entities if doing so will increase the effectiveness or cost-effectiveness of a DSM program or DSM measure.~~

~~B.~~ ~~An affected utility shall participate in a DSM program or DSM measure with a natural gas utility when doing so is practicable and if doing so will increase the effectiveness or cost-effectiveness of a DSM program or DSM measure.~~

R14-2-2418. ~~Compliance by Electric Distribution Cooperatives~~ Repealed

~~A.~~ ~~An electric distribution cooperative that is an affected utility shall comply with the requirements of this Section instead of meeting the requirements of R14-2-2404(A) and (B) and R14-2-2405(A).~~

~~B.~~ ~~An electric distribution cooperative shall, on June 1 of each odd year, or annually at its election:~~

~~1. File with Docket Control, for Commission review and approval, an implementation plan for each DSM program to be implemented or maintained during the next one or two calendar years, as applicable; and~~

~~2. Submit to the Director of the Commission's Utilities Division an electronic copy of its implementation plan in a format suitable for posting on the Commission's web site.~~

~~C.~~ ~~An implementation plan submitted under subsection (B) shall set forth an energy efficiency goal for each year of at least 75% of the savings requirement specified in R14-2-2404 and shall include the information required under R14-2-2405(B).~~

R14-2-2419. ~~Waiver from the Provisions of this Article~~ Repealed

~~A.~~ ~~The Commission may waive compliance with any provision of this Article for good cause.~~

~~B.~~ ~~An affected utility may petition the Commission to waive its compliance with any provision of this Article for good cause.~~

~~C.~~ ~~A petition filed pursuant to this Section shall have priority over other matters filed under this Article.~~

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 but are filed by the agency with their final notice.

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 17. TRANSPORTATION

CHAPTER 2. DEPARTMENT OF TRANSPORTATION AERONAUTICS

[R25-240]

PREAMBLE

1. Permission to proceed with this final rulemaking was granted under A.R.S. § 41-1039 by the governor on:
July 28, 2025

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

R17-2-101	Amend
R17-2-201	Amend
Table 1	Amend
R17-2-203	Amend
R17-2-204	Amend
R17-2-205	Amend
R17-2-206	Amend

3. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):
Authorizing statute: A.R.S. §§ 28-366, 28-8204, 28-8242, and 28-8419
Implementing statute: A.R.S. §§ 28-8204 and 28-8419

4. The effective date of the rule:
December 9, 2025

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 the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):
Not applicable

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

5. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the current record of the final rule:
Notice of Rulemaking Docket Opening: 31 A.A.R. 865; Issue Date: March 21, 2025; Issue Number: 12; File Number: R25-33
Notice of Proposed Rulemaking: 31 A.A.R. 1580; Issue Date: May 16, 2025; Issue Number: 20; File Number: R25-83

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

Name:	Kamaria McDonald
Title:	Rules and Policy Analyst
Office:	Government Relations and Rules
Address:	Department of Transportation 206 S. 17th Ave., Mail Drop 180A Phoenix, AZ 85007
Telephone:	(623) 687-1703
Email:	kmcdonald3@azdot.gov
Website:	https://azdot.gov/about/government-relations

7. 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 engages in this rulemaking to amend its existing rules relating to the operation, maintenance and functionality of the Grand Canyon National Park Airport. The Department has authority over state highways, performs statewide motor vehicle licensing and registration functions, and transportation planning services. A.R.S. § 28-8242(C)(3) provides authority for the ADOT Director to operate and maintain the Grand Canyon National Park Airport (GCNPA) located in Tusayan, Arizona. A.R.S. § 28-8419(A) gives the Department authority to adopt rules and establish fees or charges for use of GCNPA facilities.

ADOT amended R17-2-101 to insert the definition of "operating agreement" in order to more accurately describe the functionality of the GCNPA as well as remove a definition that is no longer relevant. This section was also amended to remove outdated terminology and clarify terms related to the current operations of the GCNPA.

ADOT amended Table 1- Gate Fees to clarify the weight range tiers consistent with gate fees for airport leaseholders as well as removing the direct phone fee, as it is no longer relevant to the GCNPA operations.

ADOT amended R17-2-206 to accurately reference Department rules on hearing procedures.

Additionally, minor terminology changes were made to improve the clarity, conciseness, and understandability of the rules.

8. 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:

ADOT did not review or rely on any study relevant to the rules.

9. 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

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

The Arizona Department of Transportation (ADOT) has authority to operate GCNPA and to establish fees or charges for use of this state-owned airport and airport facilities. GCNPA is established as a self-supporting entity through the use of rates, fees, and lease charges designed to support airport operations. GCNPA relies on established airport fees, limited grant funding from the state Aviation Fund, and Federal Aviation Administration (FAA) funds for specific projects to fund airport operations. The Department anticipates that the economic impact of these rules will remain unchanged as a result of this rulemaking, due to no change in the rules related to an increase in fees. The proposed removal of the direct phone space fee has no relevance on the rules nor any economic impact, as it is an obsolete fee that has not been relevant to the functionality of the rules in years, no customers or tenants have paid that fee nor has the airport paid any operational costs related to that fee.

This rulemaking will allow a more efficient use of ADOT's resources and minimize any increases in cost and burdens to the GCNPA personnel having to process permits and oversee the functionality of the GCNPA. Therefore, ADOT does not expect any real economic impact on the Department or stakeholders.

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

Not applicable

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

ADOT did not receive any public or stakeholder comments regarding this rulemaking.

13. 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 statute applicable to ADOT or to any specific rule or class of rules.

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

A.R.S. § 28-842 authorizes the Director of the Department to enter into contracts related to the operation of GCNPA. These rules contain certain requirements for applicants of an Airport Use Permit which are general permits for use of airport facilities.

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:

The Department is subject to the FAA Airport Improvement Program (AIP) grant assurances, which require the GCNPA to agree to certain obligations to operate and maintain the airport in safe and serviceable conditions as well as maintain and operate their facilities safely and efficiently, in accordance with specified conditions. However, there are no specific federal laws that are applicable to the subject matter of these rules and the applicable rules are not more stringent than any federal laws.

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

No analysis was submitted to ADOT.

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

This rulemaking contains no materials incorporated by reference.

15. 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

16. The full text of the rules follows:

TITLE 17. TRANSPORTATION

CHAPTER 2. DEPARTMENT OF TRANSPORTATION AERONAUTICS

ARTICLE 1. GENERAL PROVISIONS

Section
R17-2-101. Definitions

ARTICLE 2. GRAND CANYON NATIONAL PARK AIRPORT - OPERATION AND MANAGEMENT

Section
R17-2-201. Fees and Charges for Services and Use of Facilities and Equipment at the Airport
Table 1. Grand Canyon National Park Airport Fees and Charges
R17-2-203. Minimum Requirements for Fixed Base Operators
R17-2-204. Airport Ground Leases
R17-2-205. Airport Parking Limitations; Prohibited Activities
R17-2-206. Airport Impoundment Procedures; Notice of Impound

ARTICLE 1. GENERAL PROVISIONS

R17-2-101. Definitions

In this Chapter, the following definitions shall apply:

~~"ADOT" means the Arizona Department of Transportation.~~

"After-hours" means hours beyond those determined by airport management as appropriate to meet the seasonal demand.

"Aircraft ramp area" means an artificially surfaced section of airport ground designed and used for aircraft parking with access to a taxiway.

"Airport" means the geographical boundaries of the property owned by the Arizona Department of Transportation known as the Grand Canyon National Park Airport.

"Airport business" means any business venture operating inside the boundaries of the Grand Canyon National Park Airport or relying on business generated as a result of the presence of the airport, its customers, or employees.

"Airport gate" means an entryway onto an apron, not on leased property, whether through a fence or a building.

"Airport leaseholder" means a user of the airport under a lease agreement with the Department.

"Airport management" means one or more persons designated by the Director as responsible for the management of the airport and its operations.

"Airport operations area" means an area of the airport, within a fenced perimeter, including a runway, taxiway, apron, or other FAA-mandated safety areas that are used or intended to be used for landing, takeoff, or the surface maneuvering of aircraft.

"Airport terminal building" means a building owned by the airport that is used for accommodating the enplaning and deplaning of passengers and other associated activities.

"Apron" means an artificially surfaced area of ground designed and used for the parking and storage of aircraft at an airport.

"Commercial aviation" means the scheduled or non-scheduled transportation by air of persons or property for compensation or hire under FAA regulations.

"Commercial fuel handling" means the sale, storage, transportation, or distribution of fuels for compensation.

"Commercial ground transportation" means the non-air transportation of persons or property to or from the airport for compensation.

"Commercial service aircraft" means any aircraft while being used for commercial aviation purposes.

"Commercial service aircraft passenger" means a person, other than aircraft flight crew, who enplanes, deplanes, or who is onboard a commercial service aircraft.

"Commercial use ramp" means an apron designated by airport management for the parking of commercial service aircraft and the enplaning or deplaning of commercial service aircraft passengers.

"Department" Department has the meaning prescribed in A.R.S. § 28-101

"Direct costs" means labor, materials, and variable overhead expenses that are directly associated with a specific service.

~~"Direct phone" means telephone service directly to hotels, motels, or other businesses.~~

"Director" means the Director of the Arizona Department of Transportation or the Director's designee.

"Disabled aircraft" means an aircraft that requires assistance to move from any position on a runway, taxiway, or apron area of the airport.

"Disabled aircraft support equipment" means any equipment used to assist aircraft movement from any position on a runway, taxiway, or apron area of the airport.

"Electronic access security badge" means a credential issued by airport management to a person for identification as an employee of the airport, an airport tenant, or an airport contractor authorized to open electronically controlled gates.

"FAA" means the Federal Aviation Administration of the United States Department of Transportation.

"Fixed base operator" means an airport business that provides airport user services, including but not limited to, commercial fuel handling within the boundaries of the airport.

"Fuel" means all flammable fluids composed of a mixture of selected hydrocarbons manufactured and blended for the purpose of aircraft, railroad, or motor vehicle propulsion.

"Fuel supplier" means an airport business that dispenses fuel to retail customers or into vehicles owned or operated by that business.

"Lease" means a contract granting use or occupation of property during a specified period in exchange for a specified compensation.

"License agreement" means a contract granting use or occupation of a portion of the terminal or other state-owned building in exchange for a specific compensation.

"Maximum landing weight" means the maximum weight at which an aircraft may normally be landed as determined by the manufacturer.

"NFPA" means the National Fire Protection Association.

"Non-terminal ramp area" means the portion of aircraft ramp area designated by airport management for the parking of aircraft when use of a terminal building is not required.

"Operating agreement" means a contract granting the privilege to conduct commercial operations at the airport in exchange for a specific compensation."

"Overnight parking" means the act of leaving a motor vehicle unoccupied between the hours of sunset and sunrise on airport property that is not leased.

"Permit holder" means a person, partnership, association, firm, or corporation that owns or operates a business at the airport under a use permit.

"Public use terminal" means a structure designated for use by the general public that is not specifically restricted or dedicated to any one airport business.

"Retail sales" means all sales activities at the airport not directly related to the transportation of persons or property. Sales include but are not limited to food, beverages, souvenirs, sundries, books, newspapers, and magazines.

"Rotorcraft" means a heavier-than-air aircraft that depends principally for its support in flight on the lift generated by one or more rotors.

"Security badge" means a credential issued by airport management to a person for identification as an employee of the airport, an airport tenant, or an airport contractor.

"Self-fuel dispensing or handling" means non-commercial fuel delivery to an aircraft, provided by the owner or operator.

"State" means the state of Arizona or its agents.

"Sunset" and "sunrise" have the same meaning and daily calculation as prescribed by the United States Naval Observatory (USNO), which is available on the internet at http://aa.usno.navy.mil or in hardcopy format from airport management.

"Taxiway" means an artificially surfaced strip of ground designed and used for the ground movement of aircraft at an airport.

"Terminal ramp area" means the portion of aircraft ramp area designated by airport management for the parking of aircraft when use of a terminal building is required.

"Terminal road" means an artificially surfaced strip of ground positioned in front of an airport terminal building, which is designated by airport management for the parking of vehicles and the loading or unloading of passengers.

"Terminal space" means any area within a structure designated as a terminal and used by the public for transitioning between aircraft and ground transportation.

"TSA" means the Transportation Security Administration of the United States Department of Homeland Security.

"Use permit" means a contract granting the privilege to conduct commercial operations at the airport in exchange for a specific compensation.

"Vehicle" means any equipment, other than aircraft, that is used for transporting persons or property.

ARTICLE 2. GRAND CANYON NATIONAL PARK AIRPORT - OPERATION AND MANAGEMENT

R17-2-201. Fees and Charges for Services and Use of Facilities and Equipment at the Airport

The fees and charges in Table 1 apply to all tenants and users of the airport and its facilities.

Table 1. Grand Canyon National Park Airport Fees and Charges

Landing Fees For commercial flight operations landing at the airport including, but not limited to, air carrier, air taxi, air tour, and air freight:	
Single-engine fixed wing, multi-engine fixed wing, or rotorcraft using the airport operations area	$1.05 per 1,000 lbs., or part of 1,000 lbs., of FAA-certified maximum landing weight
Rotorcraft not using the airport operations area	$0.30 per 1,000 lbs., or part of 1,000 lbs., of FAA-certified maximum landing weight
Aircraft Parking Fees For non-commercial service aircraft parking areas within airport boundaries designated by airport management:	
Single-engine fixed wing or rotorcraft	$50.00 per month, if parked in designated public tie-down areas Daily rate is one-tenth of the monthly rate
Multi-engine fixed wing or rotorcraft	$100.00 per month, if parked in designated public tie-down areas Daily rate is one-tenth of the monthly rate
Terminal Fees	
Advertising space	$5.00 per sq. ft. (sign size), per month, for terminal and counter areas $8.00 per sq. ft. (sign size), per month, for outdoor sign space
After-hours terminal use	$200.00 per hour, or part of an hour, in excess of 10 minutes after scheduled terminal closure
~~Direct phone space~~	~~$35.00 per phone unit, per month~~
Public address system	$35.00 per monthly subscription to use the public address system
Retail sales space	$26.00 per sq. ft., per year
Terminal counter space	$26.00 per sq. ft., per year
Terminal office space	$26.00 per sq. ft., per year
Gate Fees For loading or unloading commercial service aircraft passengers through an ~~unleased~~ airport gate not open to the public that provides access to or from the aircraft ramp area:	
Airport leaseholder using an aircraft with a maximum landing weight of:	
Less than 12,500 lbs. 12,500 lbs. to 44,999 lbs. 45,000 lbs. to 99,999 lbs. 100,000 lbs. to 199,999 lbs. 200,000 lbs. or greater	$1.00 per flight $5.00 per flight $10.00 per flight $50.00 per flight $75.00 per flight
Non-airport leaseholder using an aircraft with a maximum landing weight of:	
Less than 12,500 lbs. 12,500 lbs. to 44,999 lbs. 45,000 lbs. to 99,999 lbs. ~~10,000 lbs.~~ 100,000 to 199,999 lbs. 200,000 lbs. or greater	$1.50 per flight $7.50 per flight $15.00 per flight $100.00 per flight $150.00 per flight
Fuel Flowage Fees	
Fuel flowage	$0.03 per gallon of fuel delivered to the airport, and $0.07 per gallon of fuel sold at the airport
Equipment Use Fees	
Aircraft tug	$100.00 per use
Auxiliary power unit	$100.00 per use
Non-aviation equipment	As negotiated
Passenger stairs	$100.00 per use
Portable heater	$50.00 per use
Miscellaneous Fees	
Clean up of hazardous materials	Direct costs
Disabled aircraft assistance	Direct costs

Disabled aircraft support equipment	Direct costs
Repairs of damage to airport property	Direct costs
Storage of crash debris	$25.00 per sq. ft., per month, or part of a month beyond 72 hours after release of the crash debris by the FAA or National Transportation Safety Board
Use of airport personnel, whether requested or required by regulation, when the FAA Air Control Tower is closed	$100.00 per landing, take-off, or if on standby, for each 30-minute increment
Commercial Ground Transportation Fees All commercial ground transportation use permit holders shall report and pay monthly the following fees and charges as appropriate:	
Daily airport access charge	$100.00 per day charged to any commercial ground transportation company that accesses the airport without an annual airport access permit
Annual airport access permit	$20.00 per vehicle for an airport leaseholder $25.00 per vehicle for a non-airport leaseholder
Commercial ground transportation	$7.00 per vehicle each time the vehicle is used on the airport for the purpose of loading or unloading passengers
Terminal road parking permit	$10.00 per use for an airport leaseholder $20.00 per use for a non-airport leaseholder
Vehicle Parking Fees For areas located within the airport boundaries and designated by airport management for restricted parking:	
Daily commercial ground transportation use permit parking	$10.00 per vehicle, per day, or any portion of a 24-hour period for an airport leaseholder $15.00 per vehicle, per day, or any portion of a 24-hour period for a non-airport leaseholder
Monthly commercial ground transportation use permit parking	$100.00 per vehicle, per month, for an airport leaseholder $150.00 per vehicle, per month, for a non-airport leaseholder
Overnight parking, commercial vehicles in excess of designated number as specified by license agreement as defined in R17-2-101, or use permit, and private vehicles	$10.00 per vehicle, per 24-hour period $100.00 per vehicle, per month, in designated area
Rental car parking	Auto storage, in a designated area, as established by use permit terms
Retail Sales of Goods or Services Fees are a percentage of gross receipts, as defined under A.R.S. § 42-5001, of all retail sales after federal, state, and local taxes, except as negotiated in each use permit. Use permits shall be based on highest bids that are in the best interest of the airport and shall contain provisions for not less than the percentage in this schedule:	
Air tour flights originating at the airport regardless of where the tour was sold	1.5%
Vendor fuel sales	5%
Other	As negotiated
Use of Other Facilities Outside the Terminal	
Use of other facilities outside the terminal	As negotiated
Security Fees For airport employees, airport tenant employees, and airport users for badges and to meet security requirements of the FAA and TSA	
Security badge	$25.00 per year
Replacement security badge	$50.00 for first lost security badge occurrence $100.00 for second lost security badge occurrence $150.00 for third lost security badge occurrence
Unreturned security badge	$200.00 for failure to return security badge at termination of employment (charged to airport tenant)
Electronic access security badge	$30.00 per year for a badge providing access to the airfield and other secured areas
Replacement electronic access security badge	$60.00 for first lost electronic access security badge occurrence $120.00 for second lost electronic access security badge occurrence $180.00 for third lost electronic access security badge occurrence
Unreturned electronic access security badge	$250.00 for failure to return electronic access security badge at termination of employment (charged to airport tenant)
Security screening	$150.00 per flight for use of airport security screening facilities

Security violation charge	$100.00 per violation of airport, FAA, or TSA security regulations $250.00 for each additional violation in a 30-day period
Commercial Use Ramp Fees Exclusion. This fee does not apply to any commercial service aircraft that provides air tours departing from and returning to the airport or to air tour flights that bring commercial service aircraft to the airport for this purpose:	
Terminal ramp area	$15.00 per hour for any commercial service aircraft that does not qualify for the exclusion to a maximum of $60.00 per use
Non-terminal ramp area	$10.00 per hour for any commercial service aircraft that does not qualify for the exclusion to a maximum of $40.00 per use
Water Usage Fees	
Water usage	Water usage fees consist of the total direct cost of water paid by the Department for Airport usage, including all fees and taxes, the actual cost per gallon of all expenses for water testing, repair and maintenance to the water delivery system for the Airport, and an administrative fee of 5%

R17-2-203. Minimum Requirements for Fixed Base Operators

A. Before entering into a contract or commencing any operation at the airport as a fixed base operator, each fixed base operator shall:
1. Hold a commercial fuel handling use permit;
2. Submit to airport management, a verified statement that contains a detailed description of the scope of the intended operation. This statement shall include:
   a. The means and methods that will be employed to accomplish the aviation operation, including how the operating standards and requirements will be met; and
   b. The nature of ownership and the responsible parties. If the responsible party is:
      i. An individual, include the person's name and address;
      ii. A partnership, ~~include~~ includes the names and addresses of all the partners; or
      iii. A corporation, association, or other organization, include the names of the president, vice president, secretary, and managing officer or managing employee;
3. Possess a minimum of three years experience, within the past five years, in managing a fixed base operation at an airport.
   a. The experience requirement applies either to:
      i. The individual owner, if a sole proprietorship;
      ii. One of the partners, if a partnership; or
      iii. The permanent full-time managing officer or employee, if a corporation.
   b. If more than one person shares the full-time management responsibilities and duties of the organization, their collective management experience may be used to satisfy subsection (A)(3) if that experience encompasses each particular service or operation proposed;
4. Provide to airport management, a complete certified financial statement, prepared by an independent accounting firm;
5. Provide to airport management, evidence of current public liability insurance coverage in the minimum amount required by the Department of Administration's Risk Management Section, naming the state as co-insured. Hangarkeeper's liability insurance may be required if aircraft are on the premises for safekeeping, storage, service, or repair; and
6. Submit to airport management, a verified statement that there is a commitment from a fuel supplier to supply fuel. The commitment shall specify the types and volumes of fuel available to the fixed base operator.

B. Upon commencing operations, a fixed base operator shall:
1. Provide to airport management, an annual financial statement at the close of the state's fiscal year;
2. Obtain and keep current, during the term of the use permit, all required federal, state, and local licenses and ensure compliance with all federal, state, and local laws, rules, regulations, and policies governing the use of the airport;
3. Remain available as required by airport management, either individually or in connection with the other fixed base operators situated at the airport, to provide service and to respond to emergencies during after-hours;
4. Report all data pertaining to gallons and types of fuel pumped and other types of information as required by additional use permits. Reports shall be provided to the airport management and other requesting agencies in a timely manner;
5. Report all activity for which fees are established and pay all fees before the 10th calendar day of each month;
6. Retain all financial records at the airport for five years and comply with all auditing requirements in the use permit;
7. Provide airport management with a list of all employees with access to airport security areas and notify airport management of any changes;
8. Provide verification of compliance with employee security checks required under federal, state, and local laws, rules, regulations, and policies governing the use of the airport;
9. Comply with all FAA and NFPA inspection criteria;
10. Provide airport management with a copy of written fueling operations procedures, safety and inspection manuals, and records, as required by FAA and NFPA regulations; and
11. Maintain an approved, written, spill-prevention contingency and control plan that meets all applicable federal and state standards.

R17-2-204. Airport Ground Leases

A. The ~~Division~~ Department may enter into leases of airport property ~~for the operation of businesses that foster the development of the airport.~~

B. All leases of airport property, other than the existing or any future public use ~~terminal~~ facility, shall be based on a competitive sealed proposal process as specified in A.R.S. § 41-2534. At a minimum, leases shall be based on a price per square foot of property as valued through an appraisal of that property. In addition, leases shall contain provisions for not less than the percentage in the following schedule:

1. Food and beverage - 5%
2. Rental of personal property - 10%
3. Retail sales of merchandise - 10%
4. Other - As negotiated

R17-2-205. Airport Parking Limitations; Prohibited Activities

A. For a special occasion, or during an emergency, airport management may impose parking limitations as circumstances require.

B. A person or entity using the airport and its facilities shall not:

1. Park a vehicle in an area designated a no parking zone as indicated by a sign or red painted curb;
2. Drive or park a vehicle in any area on airport property that is closed by the use of a barricade, chain, or other traffic control device;
3. Park a vehicle on a pedestrian path, sidewalk, or safety zone;
4. Park a vehicle in a manner or location that obstructs another parked vehicle; or
5. Camp on airport ~~property~~ parking lots.

R17-2-206. Airport Impoundment Procedures; Notice of Impound

This Section applies to all persons or entities using the airport and its facilities:

1. Airport management may remove and impound any aircraft or other vehicle found on state property if an owner has:
   a. Parked the aircraft or vehicle in an area designated and posted as a restricted area;
   b. Parked the aircraft or vehicle in violation of this Article;
   c. Abandoned the aircraft or vehicle on airport property for more than 14 days without prior notification and permission of airport management;
   d. Failed to pay parking fees for 15 days after the date a parking statement is attached to the aircraft or vehicle, indicating that a parking fee is due; or
   e. Parked the aircraft or vehicle in a manner or location that constitutes a hazard or impediment to the general public or to the movement and operation of aircraft or emergency equipment.
2. Notice of Impound.
   a. An authorized agent of the airport's management, at the time of removal for impound, shall post a Notice of Impound as near to the location from which the aircraft or vehicle was removed as is practical, and a copy of the notice shall be mailed to the address listed on the:
      i. Aircraft or vehicle,
      ii. Vehicle registration in the aircraft or vehicle, or
      iii. Airport records.
   b. If no address is available under subsection (2)(a), airport management, within a period of 10 business days from the date of impoundment, shall twice publish the Notice of Impound in a daily newspaper with a general circulation in Coconino County. The notice shall describe the:
      i. Aircraft or vehicle,
      ii. Parking violation that necessitated the impoundment,
      iii. Location to which the aircraft or vehicle was impounded,
      iv. Name and address of the person to contact regarding the impoundment, and
      v. Owner's right to file a request for a hearing under subsection (5).
3. Airport management shall ensure that:
   a. A vehicle is removed by a tow truck registered with the Department of Public Safety, and
   b. An aircraft is removed by a fixed base operator that has complied with R17-2-203.
4. Costs to the owner. The owner of an aircraft or vehicle is responsible for all costs involved in the removal, impoundment, and storage of the aircraft or vehicle, plus any costs incurred by publication of the Notice of Impound.
5. Hearing requests. Any person subject to a decision made by airport management under this Chapter may request a hearing with the Director. The person shall submit a written request for the hearing to the Department not more than 30 days after the action taken by airport management. The hearing shall be held in accordance with A.R.S. Title 41, Chapter 6, Article 6 and 17 A.A.C. 1, Article 5.

NOTICES OF PROPOSED EXPEDITED RULEMAKING

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

Expedited rulemaking is a rulemaking process that does not increase the cost of regulatory compliance, or increase a fee, or reduce procedural rights of persons regulated. Other requirements to conduct expedited rulemaking are listed under A.R.S. § 41-1027.

Under A.R.S. § 41-1027(C), the Governor's Regulatory Review Council also posts Notices of Proposed Expedited Rulemakings on its website and allows any person to provide written comment for at least 30 days after posting the notice.

Questions about the interpretation of expedited rules should be addressed to the agency promulgating the rules.

Refer to item 4 to contact the person charged with the rulemaking.

NOTICE OF PROPOSED EXPEDITED RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 7. DEPARTMENT OF HEALTH SERVICES RADIATION CONTROL

[R25-241]

PREAMBLE

1. Permission to proceed this proposed expedited rulemaking was granted under A.R.S. § 41-1039 by the governor on:

May 2, 2023

2. Article, Part or Section Affected (as applicable)	**Rulemaking Action**
R9-7-1302	Amend
R9-7-1401	Renumber
R9-7-1401	Amend
R9-7-1402	Renumber
R9-7-1402	Amend
R9-7-1403	Repeal
R9-7-1403	New Section
R9-7-1404	Amend
R9-7-1405	Repeal
R9-7-1405	New Section
R9-7-1406	Repeal
R9-7-1406	Renumber
R9-7-1406	Amend
R9-7-1407	Repeal
R9-7-1407	New Section
R9-7-1408	Repeal
R9-7-1408	New Section
R9-7-1409	Repeal
R9-7-1409	Renumber
R9-7-1409	Amend
R9-7-1410	Repeal
R9-7-1410	Renumber
R9-7-1410	Amend
R9-7-1411	Renumber
R9-7-1411	Amend
R9-7-1412	Repeal
R9-7-1412	Renumber
R9-7-1412	Amend
R9-7-1413	Repeal
R9-7-1413	Renumber
R9-7-1413	Amend
R9-7-1414	Repeal
R9-7-1414	Renumber
R9-7-1414	Amend
R9-7-1415	Repeal
R9-7-1415	Renumber
R9-7-1415	Amend
R9-7-1416	Repeal

R9-7-1416	Renumber
R9-7-1416	Amend
R9-7-1418	Repeal
R9-7-1421	Repeal
R9-7-1422	Repeal
R9-7-1423	Repeal
R9-7-1425	Renumber
R9-7-1426	Repeal
R9-7-1427	Repeal
R9-7-1429	Repeal
R9-7-1433	Repeal
R9-7-1434	Renumber
R9-7-1435	Repeal
R9-7-1436	Renumber
R9-7-1437	Repeal
R9-7-1438	Renumber
R9-7-1439	Renumber
R9-7-1440	Renumber
R9-7-1441	Renumber
R9-7-1442	Repeal
R9-7-1443	Repeal
R9-7-1444	Repeal
Appendix A	Repeal
Appendix B	Repeal
Appendix C	Renumber
Appendix D	Renumber

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

Authorizing statute: A.R.S. §§ 30-654(B)(5), 36-132(A)(1), 36-136(G)

Implementing statute: A.R.S. §§ 30-654, 30-657, 30-671, 30-672, 30-672.01, 30-673, 32-516, and 32-3233

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

Notice of Rulemaking Docket Opening: 31 A.A.R. 1908; Issue Date: June 13, 2025; Issue Number: 24; File Number: R25-116

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

Name: Brian D. Goretzki, Chief, Bureau of Radiation Control

Address: Arizona Department of Health Services
Public Health Licensing Services
4814 S. 40th St.
Phoenix, AZ 85040

Telephone: (602) 255-4840

Fax: (602) 437-0705

Email: Brian.Goretzki@azdhs.gov

or

Name: Stacie Gravito, Office Chief

Address: Arizona Department of Health Services
Office of Administrative Counsel and Rules
150 N. 18th Ave., Suite 540
Phoenix, AZ 85007

Telephone: (602) 542-1020

Fax: (602) 364-1150

Email: Stacie.Gravito@azdhs.gov

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

Arizona Revised Statutes (A.R.S.) § 30-654 specifies that the Arizona Department of Health Services (Department) shall regulate the use, storage, and disposal of sources of radiation. A.R.S. § 30-672 specifies that the Department may require registration of sources of radiation, including sources of nonionizing radiation. The Department has adopted rules related to sources of nonionizing radiation in Arizona Administrative Code (A.A.C.) Title 9, Chapter 7, Article 14. A.R.S. §§ 32-516 and 32-3233 specify requirements for the certification of laser technicians, for programs providing training to individuals enabling them to apply for certification, and for supervision of laser technicians. The rules for certification of laser technicians are now in 9 A.A.C. 16, Article 7, but requirements for programs providing training to individuals enabling them to apply for certification and for supervision of laser technicians remain in 9 A.A.C. 7, Article 14. As part of a five-year review for these rules, the Department determined the rules in 9 A.A.C. 7, Article 14, needed extensive revision to improve clarity, conciseness, and understandability, and the Department is undertaking a rulemaking to address these issues by expedited rulemaking. The proposed changes are consistent with the purpose of A.R.S. § 41-1027 in that this rulemaking does not increase the cost of regulatory compliance, does not increase a fee, or

reduce a procedural right of regulated persons. In addition, the rulemaking reduces steps, procedures, or processes and amends rules that are outdated and unnecessary, while protecting the health and safety of workers, patients, and the general public.

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

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

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

Not applicable

9. A statement that the agency is exempt from the requirements under A.R.S. § 41-1055(G) to obtain and file a preliminary summary of the economic, small business, and consumer impact under A.R.S. § 41-1055(D)(2):

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

10. Where, when, and how a person may provide written comments on the proposed expedited rule:

Close of record: Monday, November 3, 2025, 4:00 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 5.

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

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

The requirements in 9 A.A.C. 7, Article 7, Article 14, include provisions for registration of sources of nonionizing radiations and for those persons using these sources, as authorized by A.R.S. § 30-672. A general permit issued under the rules in 9 A.A.C. 7 applies to certain categories of facilities or devices, and specific permits are issued by rule for uses that are specific to the user and their training or scope of practice. The registrations, issued under R9-7-1302(F), include both general permits and specific permits, depending on the category of the source of nonionizing radiation.

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:

The rule is not more stringent than federal law. Applicable federal law includes 21 CFR 801.109, 21 CFR 1030.10, 21 CFR 1040.10, and 21 CFR 1040.20.

c. Whether a person submitted an analysis to the agency regarding the rule's impact on the competitiveness of businesses in this state as compared to the competitiveness of businesses in other states under A.R.S. § 41-1055(I). If yes, include the analysis with the rulemaking package:

No business competitiveness analysis was received by the Department.

12. List all incorporated by reference material as specified in A.R.S. § 41-1028 and include a citation to where the material is located:

Not applicable

13. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

CHAPTER 7. DEPARTMENT OF HEALTH SERVICES RADIATION CONTROL

ARTICLE 13. LICENSE AND REGISTRATION FEES

Section
R9-7-1302. License and Registration Categories

ARTICLE 14. REGISTRATION OF NONIONIZING RADIATION SOURCES AND STANDARDS FOR PROTECTION AGAINST NONIONIZING RADIATION

Section
~~R9-7-1402.~~R9-7-1401.Definitions
~~R9-7-1401.~~R9-7-1402.Registration ~~of~~ for Nonionizing Radiation Sources ~~and Service Providers~~
~~R9-7-1403. General Safety Provisions and Exemptions~~
R9-7-1403. Registration and Reporting Requirements for Persons Who Install or Service Devices that Produce Nonionizing Radiation
R9-7-1404. ~~Radio Frequency Equipment~~ Use of Radiofrequency Equipment and Microwave Ovens
~~R9-7-1405. Radio Frequency Radiation: Maximum Permissible Exposure~~
R9-7-1405. Sunlamp Products for Skin Tanning, Diagnostic Purposes, or Phototherapy
~~R9-7-1406. Radio Frequency Hazard Caution Signs, Symbols, Labeling, and Posting~~
~~R9-7-1425.~~R9-7-1406.Laser Product Classification
~~R9-7-1407. Microwave Ovens~~
R9-7-1407. Laser Equipment Safety

~~R9-7-1408.~~ ~~Reporting of Radio Frequency Radiation Incidents~~
R9-7-1408. Laser Operations
~~R9-7-1409.~~ ~~Medical Surveillance for Workers Who May Be Exposed to Radio Frequency Radiation~~
~~R9-7-1434.~~R9-7-1409.Laser Safety ~~Officer (LSO)~~ Officers
~~R9-7-1410.~~ ~~Radio Frequency Compliance Measurements~~
~~Appendix D.~~R9-7-1410.~~Laser Operator and~~ Laser Safety Officer Training Requirements
~~R9-7-1411.~~ ~~Reserved~~
~~R9-7-1436.~~R9-7-1411.Reporting ~~Laser~~ Incidents Involving Lasers or Intense Pulsed Light Devices
~~R9-7-1412.~~ ~~Tanning Operations~~
~~R9-7-1440.~~R9-7-1412.~~Medical Lasers~~ Use of Devices that Produce Nonionizing Radiation for Diagnostic or Therapeutic Purposes
~~R9-7-1413.~~ ~~Tanning Equipment Standards~~
~~Appendix C.~~R9-7-1413.~~Health Professional Training Program~~ Training for Health Professionals Using Lasers or Intense Pulsed Light Devices or Supervising Users of Lasers or Intense Pulsed Light Devices
~~R9-7-1414.~~ ~~Tanning Equipment Operators~~
~~R9-7-1438.~~R9-7-1414.~~Hair Removal and Other Cosmetic Procedures Using Laser and Intense Pulsed Light~~Use of Devices that Produce Nonionizing Radiation for Cosmetic Procedures
~~R9-7-1415.~~ ~~Tanning Facility Warning Signs~~
~~R9-7-1439.~~R9-7-1415.Laser Technician Training Programs
~~R9-7-1416.~~ ~~Reporting of Tanning Injuries~~
~~R9-7-1441.~~R9-7-1416.Laser Light Shows and Demonstrations
R9-7-1418. ~~High Intensity Mercury Vapor Discharge (HID) Lamps~~ Repealed
R9-7-1421. ~~Laser Safety~~ Repealed
R9-7-1422. ~~Laser Protective Devices~~ Repealed
R9-7-1423. ~~Laser Prohibitions~~ Repealed
R9-7-1425. Renumbered
R9-7-1426. ~~Laser and Collateral Radiation Exposure Limits~~ Repealed
R9-7-1427. ~~Laser Caution Signs, Symbols, and Labels~~ Repealed
R9-7-1429. ~~Posting of Laser Facilities~~ Repealed
R9-7-1433. ~~Laser Use Areas that are Controlled~~ Repealed
R9-7-1434. Renumbered
R9-7-1435. ~~Laser Protective Eyewear~~ Repealed
R9-7-1436. Renumbered
R9-7-1437. ~~Special Lasers~~ Repealed
R9-7-1438. Renumbered
R9-7-1439. Renumbered
R9-7-1440. Renumbered
R9-7-1441. Renumbered
R9-7-1442. ~~Measurements and Calculations to Determine MPE Limits for Lasers~~ Repealed
R9-7-1443. ~~Laser Compliance Measurement Instruments~~ Repealed
R9-7-1444. ~~Laser Classification Measurements~~ Repealed
Appendix A. ~~Radio Frequency Devices (Include, but are not limited to, the following)~~ Repealed
Appendix B. ~~Application Information~~ Repealed
Appendix C. ~~Health Professional Training Program~~ Renumbered
Appendix D. ~~Laser Operator and Laser Safety Officer Training~~ Renumbered

ARTICLE 13. LICENSE AND REGISTRATION FEES

R9-7-1302. License and Registration Categories

A. Category A licenses are those specific licenses that authorize a school, college, university, or other teaching facility to possess and use radioactive materials for instructional or research purposes.
1. A broad academic class A license is any category A license that meets the specifications of R9-7-310(A)(1).
2. A broad academic class B license is any category A license other than a broad academic class A license that meets the specifications of R9-7-310(A)(2).
3. A broad academic class C license is any category A license other than a broad academic class A or B license that meets the specifications of R9-7-310(A)(3).
4. A limited academic license is any category A license that authorizes only those radioisotopes, forms, and quantities individually specified in the license.

B. Category B licenses are those specific or general licenses that authorize the application of radioactive material or the radiation from it to a human being for medical diagnostic, therapeutic, or research purposes, or the use of radioactive material in medical laboratory testing. Except for a type B6, general medical license, the Department shall not combine a category B license with a license of any other category.
1. A broad medical license is any category B license that meets the specifications of R9-7-310(A)(1) and meets the requirements of 9 A.A.C. 7, Article 7. A broad medical license may authorize any medical use other than teletherapy.
2. A medical materials class A license is any specific category B license other than a broad medical license, that authorizes the use of radiopharmaceuticals and sealed sources containing radioactive materials for a therapeutic purpose in quantities that require hospitalization of the patient for radiation safety purposes. The license may authorize other radioactive materials and other medical uses, except teletherapy.

3. A medical materials class B license is any specific category B license that authorizes the diagnostic or therapeutic use, other than teletherapy, of radioactive materials only in limited quantities such that the patient need not be hospitalized for radiation safety purposes.
4. A medical materials class C license is any specific category B license that authorizes possession of specified radioisotopes only in the form of sealed sources for treatment of the eye or skin or for use in diagnostic medical imaging devices.
5. A medical teletherapy license is a specific category B license that solely authorizes radioisotopes in the form of multi-curie sealed sources for use in external beam therapy. The Department shall not combine a medical teletherapy license with any other type of category B license.
6. A general medical license is one that authorizes the use of radioactive material pursuant to R9-7-306(D) or R9-7-306(E). A general medical license may be combined into a broad medical, medical materials class A, or medical materials class B license.

C. Category C licenses are those specific or general licenses that authorize the use of radioactive materials in any activity other than those authorized by a category A, B, or D license. Except as specifically authorized in this Section, the Department shall not combine a category C license with any other type of license.

1. A broad industrial class A license is any category C license that meets the specifications of R9-7-310(A)(1). The Department may combine a broad industrial class A license with any other category C license except industrial radiography, open field irradiator, or well logging licenses.
2. A broad industrial class B license is any category C license other than a broad industrial class A license that meets the specifications of R9-7-310(A)(2). The Department may combine a broad industrial class B license with any other category C license except industrial radiography, open field irradiator, or well logging licenses.
3. A broad industrial class C license is any category C license other than a broad industrial class A or B license that meets the specifications of R9-7-310(A)(3). The Department may combine a broad industrial class C license with any other category C license except industrial radiography, open field irradiator, or well logging licenses.
4. A limited industrial license is a specific category C license that authorizes the possession of the radioactive materials authorized in R9-7-305(A), or R9-7-306(A), (C), or (F) for uses authorized in those subsections, but in quantities greater than authorized by those subsections.
5. A portable gauge license is a specific category C license that authorizes radioactive materials in the form of sealed sources for use in measuring or gauging devices designed and manufactured to be transported to the location of use. The Department may combine a portable gauge license with any broad scope industrial license or a fixed gauge class A license.
6. A fixed gauge class A license is a specific category C license that authorizes the possession of 50 or more measuring or gauging devices containing radioactive materials, where each device is permanently mounted for use at a single location.
7. A fixed gauge class B license is a specific category C license that authorizes the possession of 1 through 49 measuring or gauging devices containing radioactive materials, where each device is permanently mounted for use at a single location.
8. A leak detector license is a specific category C license that authorizes the use of radioisotopes in the form of a gas to test hermetic seals on electronic packages.
9. A gas chromatograph license is a specific category C license that authorizes the use of radioactive materials as ionization sources in gas chromatography or electron capture devices.
10. A general industrial license is one that authorizes the use of a material, source, or device generally licensed pursuant to R9-7-305 or R9-7-306, except R9-7-305(B), R9-7-306(D), or R9-7-306(E).
11. An industrial radiography class A license is a specific category C license that authorizes industrial radiography using sealed radioisotope sources at specific facilities identified in the license conditions or at temporary field job sites.
12. An industrial radiography class B license is a specific category C license that authorizes industrial radiography using sealed radioisotope sources only at specific facilities identified in the license conditions.
13. An open field irradiator license is a specific category C license that authorizes the use of radioisotopes in the form of sealed sources not permanently mounted within a shielding container, for irradiation of materials.
14. A self-shielded irradiator license is a specific category C license that authorizes the use of radioisotopes in the form of sealed sources for irradiation of materials in a shielding device from which the sources are not removed during irradiation. The Department may combine a self-shielded irradiator license with any broad license.
15. A well logging license is a specific category C license that authorizes the use of radioactive material in sealed or unsealed sources for wireline services or field tracer studies.
16. A research and development license is a specific category C license that authorizes a licensee to utilize radioactive material in unsealed and sealed form for industrial, scientific, or biomedical research, not including administration of radiation or radioactive material to human beings.
17. A laboratory license is a specific category C license that authorizes a licensee to perform specific in-vitro or in-vivo medical or veterinary testing, while possessing quantities of radioactive material greater than the general license quantities authorized in R9-7-306.

D. Category D licenses are the following specific or general radioactive material licenses. Except for type D4, general industrial; type D5, depleted uranium; type D8 and D9, health physics; and type D14, additional facilities licenses, the Department shall not combine a category D license with any other license.

1. A distribution license is one that authorizes the commercial distribution of radioactive materials or radioisotopes in products to persons holding an appropriate general or specific license. The Department shall ensure that a distribution license does not:
   a. Authorize distribution of radiopharmaceuticals or distribution to persons exempt from regulatory control, or
   b. Authorize any other use of the radioactive material. An appropriate category C license is required for possession of radioisotopes and their incorporation into products.
2. A nuclear pharmacy license is one that authorizes the preparation, compounding, packaging, or dispensing of radiopharmaceuticals for use by other licensees.
3. A nuclear laundry license is one that authorizes the collection and cleaning of items contaminated with radioactive materials.

4. A general industrial gauging device license is one that authorizes the use of a gauging device in accordance with R9-7-306(A). The Department may combine a general industrial gauging device license with a class A, B, or C broad industrial, limited industrial, portable gauge, or class A or B fixed gauge license.
5. A general depleted uranium license is one that authorizes the use of the general license authorized pursuant to R9-7-305(C) or the use of depleted uranium as a concentrated mass or as shielding for another radiation source within a device or machine. The Department may combine a general depleted uranium license with a medical teletherapy; class A, B, or C broad industrial; portable gauge; class A or B fixed gauge; class A or B industrial radiography; or self-shielded irradiator license. For licensing purposes, an applicant shall follow the requirements in R9-7-305(C).
6. A veterinary medicine license is one that authorizes the use of radioactive materials for specific applications in veterinary medicine as authorized in the license.
7. A general veterinary medicine license is one that authorizes the use of the general license authorized in R9-7-306(E) in veterinary medicine.
8. A health physics class A license is one that authorizes the use of radioactive materials for performing instrument calibrations, processing leak test or environmental samples, or providing radiation dosimetry services or the performance of maintenance on devices containing radioactive materials.
9. A health physics class B license is one that authorizes only the collection, possession, and transfer of radioactive materials in the form of leak test samples for processing by others.
10. A secondary uranium recovery license is one that authorizes the extraction of natural uranium or thorium from an ore stream or tailing that is being or has been processed primarily for the extraction of another mineral. The Department shall not combine a secondary uranium recovery license with any other license.
11. A low-level, radioactive waste disposal facility license is a license that is issued for a "disposal facility," as that term is used in R9-7-439 and R9-7-442, that has a closure or long-term care plan and is constructed and operated according to the requirements in 10 CFR 61, revised January 1, 2015, incorporated by reference, available under R9-7-101 and containing no future editions or amendments.
12. A waste processor class A license is one that authorizes the incineration, compaction, repackaging, or any other treatment or processing of low-level radioactive waste prior to transfer to another person authorized to receive or dispose of the waste. The Department shall not combine a waste processor class A license with any other license.
13. A waste processor class B license is one that authorizes a waste broker to receive prepackaged, low-level radioactive waste from other licensees; combine the waste into shipments; and transfer the waste without treating or processing the waste in any manner and without repackaging except to place damaged or leaking packages into overpacks. The Department shall not combine a waste processor class B license with any other license.
14. An additional storage and use site license is an endorsement, by license condition to an existing specific license, authorizing one or more additional separate facilities where radioactive material may be stored or used for a period exceeding six months.
15. A possession-only license is a license of any other category that authorizes only the possession in storage, but no use of, the authorized materials. A license that has been suspended as an enforcement action is not considered a possession-only license.
16. A reciprocal license is the general license authorized by R9-7-320. This license is subject to a special fee as provided by R9-7-1306(C) but is exempt from annual fees.
17. Reserved
18. An "unclassified" radioactive material license is one that authorizes radioisotopes, physical or chemical forms, possession limits, or uses not included in any other type of license specified in this Section.
19. A NORM commercial disposal site license is one that authorizes the receipt of waste material contaminated with naturally occurring radioactive material from other licensees for permanent disposal, provided the concentration of the radioactive material does not exceed 74kBq (2,000 picocuries)/gram.

E. Category E registrations are those that register the possession of x-ray machine(s) under 9 A.A.C. 7, Article 2. The Department shall not combine category E registrations with any other registration.

1. An X-ray machine class A registration is one authorizing the possession of X-ray machines in a hospital or other facility offering inpatient care.
2. An X-ray machine class B registration is one authorizing the possession of X-ray machines in a medical, osteopathic, or chiropractic office or clinic not offering inpatient care; or the possession of X-ray machines in a school, college, university, or other teaching facility.
3. An X-ray machine class C registration is one authorizing the possession of X-ray machines in dental, podiatry, or veterinarian offices or clinics.
4. An industrial radiation machine registration is one authorizing the possession of X-ray machines, or the possession of particle accelerators not capable of producing a high radiation area, in a nonmedical facility.
5. An accelerator facility registration is one authorizing the possession and operation of one or more particle accelerators of any kind capable of accelerating any particle and producing a high radiation area.
6. An "other" ionizing radiation machine registration is one authorizing possession or use of an ionizing radiation machine not included in any other category specified in subsection (E).

F. Category F registrations are those that register non-ionizing radiation producing sources regulated under 9 A.A.C. 7, Article 14. The Department shall not combine category F registrations with any other registration categories that have a difference in fee per unit.

~~1. A tanning registration authorizes the commercial operation of one or more tanning booths, beds, cabinets, or other devices in a single establishment.~~

1. A sunlamp product registration authorizes the operation of:
   a. One or more sunlamp products, such as tanning booths, tanning beds, or tanning cabinets, in a single facility; or
   b. One or more sunlamp products for phototherapy or diagnostic purposes.
2. A Class A laser registration authorizes the operation of one to 10 laser ~~devices~~ products subject to ~~R9-7-1433~~ R9-7-1408(C).

3. A Class B laser registration authorizes the operation of 11 to 49 laser ~~devices~~ products subject to ~~R9-7-1433~~ R9-7-1408(C).
4. A Class C laser registration authorizes operation of 50 or more laser ~~devices~~ products subject to ~~R9-7-1433~~ R9-7-1408(C).
5. A laser light show or laser demonstration registration authorizes the operation of ~~a~~ laser ~~devices~~ products subject to ~~R9-7-1441~~ R9-7-1416.
6. A medical laser or intense pulsed light device registration authorizes the operation of one or more ~~laser devices~~ Class II medical devices, as designated by the FDA and labeled by the manufacturer, that produce laser radiation or intense pulsed light, subject to ~~R9-7-1440~~ R9-7-1412.
7. A cosmetic ~~Class II surgical~~ laser or intense pulsed light device registration authorizes the operation of one or more Class II ~~surgical~~ medical devices, as designated by the FDA and labeled by the manufacturer, that produce laser radiation or intense pulsed light, subject to ~~R9-7-1438~~ R9-7-1414. ~~A device is designated as a Class II surgical device by the USFDA and is labeled as such by the manufacturer.~~
8. A cosmetic radiofrequency device registration authorizes the operation of one or more Class II medical devices, as designated by the FDA and labeled by the manufacturer, that produce radiofrequency ~~devices~~ radiation for ~~non-ionizing~~ nonionizing cosmetic procedures under R9-7-1414.
9. A class A industrial radiofrequency device registration authorizes the operation of one to five radiofrequency devices.
10. A class B industrial radiofrequency device registration authorizes the operation of six to 20 radiofrequency devices.
11. A class C industrial radiofrequency device registration authorizes the operation more than 20 radiofrequency devices.
12. A medical radiofrequency device registration authorizes the operation of one or more Class II medical devices, as designated by the FDA and labeled by the manufacturer, that produce radiofrequency ~~devices~~ radiation for ~~non-ionizing~~ nonionizing, non-cosmetic procedures under R9-7-1412.
13. An "other" non-ionizing radiation device registration authorizes the operation of a non-ionizing radiation device or other device not included in any other category specified in subsection (F).

ARTICLE 14. REGISTRATION OF NONIONIZING RADIATION SOURCES AND STANDARDS FOR PROTECTION AGAINST NONIONIZING RADIATION

~~R9-7-1402.~~R9-7-1401.Definitions

~~General definitions:~~

~~"Controlled area" means any area to which human access is restricted for the purpose of protection from nonionizing radiation.~~

~~"Direct supervision" means that a licensed practitioner supervises the use of a source for medical purposes while the practitioner is present inside the facility where the source is being used.~~

~~"Indirect supervision" means: for lasers or IPL devices used for hair removal procedures, there is at a minimum, responsible supervision and control by a licensed practitioner who is easily accessible by telecommunication.~~

~~"Licensed practitioner" (See R9-7-102)~~

~~"Medical director" means a licensed practitioner, as defined in R9-7-102, who delegates a laser, IPL, or other light-emitting medical device procedure to a non-physician and is qualified to perform the procedure within the scope of practice of the license.~~

~~"Nonexempt nonionizing source" means any system or device that contains a nonionizing source listed in R9-7-1302(F).~~

~~"Operator" means a person who is trained in accordance with this Article and knowledgeable about the control and function of a nonionizing device regulated under this Article.~~

~~"Other cosmetic procedure" means a method of using medical lasers or intense pulse light (IPL) devices approved by the Federal Food and Drug Administration (FDA), for the cosmetic purpose of spider vein removal, skin rejuvenation, non-ablative skin resurfacing, skin resurfacing, port wine stain removal, epidermal pigmented skin lesion removal, or tattoo removal; and does not include hair removal.~~

~~Laser definitions:~~

~~"Accessible emission limit (AEL)" means the maximum accessible emission level of laser or collateral radiation permitted within a particular class.~~

~~"Accessible radiation" means laser or collateral radiation to which human access is possible.~~

~~"Angular subtense" means the apparent visual angle, a, as calculated from the source size and distance from the eye.~~

~~"Aperture" means an opening in the protective housing or other enclosure of a laser product, through which laser or collateral radiation is emitted, allowing human access to the radiation.~~

~~"Aperture stop" means an opening serving to limit the size and to define the shape of the area over which radiation is measured.~~

~~"Certified laser product" means that the product is certified by a manufacturer in accordance with the requirements of 21 CFR 1040.10, April 1, 2004, which is incorporated by reference, published by the Office of Federal Register National Archives and Records Administration, Washington, D.C. 20408, and on file with the Department. This incorporation by reference contains no future editions or amendments.~~

~~"CDRH" means the Center for Devices and Radiological Health.~~

~~"Classes of lasers" means the following categories of lasers, defined in 21 CFR 1040.10, April 1, 2004, which is incorporated by reference, published by the Office of Federal Register National Archives and Records Administration, Washington, D.C. 20408, and on file with the Department: Class 1, Class 2, Class 2a, Class 3, Class 3a, Class 3b, and Class 4. This incorporation by reference contains no future editions or amendments.~~

~~"Collateral radiation" means any electronic product radiation, except laser radiation, emitted by a laser product as a result of operation of the laser or any component of the laser product that is physically necessary for operation of the laser. The accessible emission limits for collateral radiation are specified in 21 CFR 1040.10, April 1, 2004, which is incorporated by reference, published by the Office of Federal Register National Archives and Records Administration, Washington, D.C. 20408, and on file with the Department. This incorporation by reference contains no future editions or amendments.~~

~~"Continuous wave" (cw) means the output of a laser that is operated in a continuous rather than a pulsed mode. For purposes of this Article, a laser operating with a continuous output for a period ≥ 0.25 seconds, is regarded as a cw laser.~~

~~"Cosmetic procedure protocol" means a delegated written authorization to select specific laser or IPL settings, initiate a laser or IPL procedure, and conduct necessary follow-up procedures.~~
~~"Demonstration laser" means any laser manufactured, designed, intended, or used for purposes of demonstration, entertainment, advertising display, or artistic composition.~~
~~"Embedded laser" means an enclosed laser with an assigned class number higher than the inherent capability of the laser system in which it is incorporated, where the system's lower classification is due to engineering features that limit accessible emission.~~
~~"Enclosed laser" means a laser that is contained within its own protective housing or the protective housing of a laser or laser system in which it is incorporated. Opening or removing the protective housing provides more access to laser radiation above the applicable MPE than is possible with the protective housing in place. (An embedded laser is a type of enclosed laser.)~~
~~"Federal performance standards for light-emitting products" means the regulations in 21CFR 1040.10, April 1, 2004, which is incorporated by reference, published by the Office of Federal Register National Archives, and Records Administration, Washington, D.C. 20408, and on file with the Department. This incorporation by reference contains no future editions or amendments.~~
~~"Human access" means the capacity to intercept laser or collateral radiation by any part of the human body.~~
~~"Incident" means an event or occurrence that results in actual or suspected accidental exposure to laser radiation that has caused or is likely to cause biological damage.~~
~~"Integrated radiance" means radiant energy per unit area of a radiating surface per unit solid angle of emission, expressed in joules per square centimeter per steradian.~~
~~"Irradiance" means the time-averaged radiant power incident on an element of a surface divided by the area of that element, expressed in watts per square centimeter.~~
~~"Laser" See the definition in Article 1.~~
~~"Laser energy source" means any device intended for use in conjunction with a laser to supply energy for the operation of the laser. General energy sources, such as electrical supply mains or batteries, are not considered laser energy sources by the Department.~~
~~"Laser facility" means a facility where one or more lasers are used. For purposes of this definition a Class 1 facility is a facility that has one or more Class 1 lasers; a Class 2 facility is a facility that has one or more Class 2 or 2a lasers; a Class 3 facility is a facility that has one or more Class 3, 3a, or 3b lasers, and a Class 4 facility is a facility that has one or more Class 4 lasers. Facilities that contain more than one laser class are classified according to the highest laser class in use at the facility.~~
~~"Laser product" means any manufactured product or assemblage of components that constitutes, incorporates, or is intended to incorporate a laser or laser system. A laser or laser system that is intended for use as a component of an electronic product is itself considered a laser product.~~
~~"Laser protective device" means any device used to reduce or prevent exposure of personnel to laser radiation. This includes: protective eyewear, garments, engineering controls, and operational controls.~~
~~"Laser radiation" means all electromagnetic radiation emitted by a laser product, within the spectral range specified in the definition of "laser," which is produced as a result of controlled stimulated emission or that is detectable with radiation so produced through the appropriate aperture stop and within the appropriate solid angle of acceptance.~~
~~"Laser Safety Officer (LSO)" - means any individual, qualified by training and experience in the evaluation and control of laser hazards, who is designated by the registrant and has the authority and responsibility to establish and administer the laser radiation protection program for a particular class of facility.~~
~~"Laser system" means a laser in combination with an appropriate laser energy source with or without additional incorporated components.~~
~~"Limited exposure duration (T_{max})" means an exposure duration that is specifically limited by design or intended use.~~
~~"Maintenance" means performance of those adjustments or procedures specified in operator information provided by the manufacturer with the laser product, which are to be performed by the operator to ensure the intended performance of the product. The term does not include operation or service as defined in this Section.~~
~~"Maximum permissible exposure (MPE)" means the level of laser radiation to which a person may be exposed without hazardous effect or adverse biological changes in the eye or skin. MPE values for eye and skin exposure are listed in ANSI Z136.1-2000, American National Standard for Safe Use of Lasers, 2000 edition, which is incorporated by reference, published by the Laser Institute of America, 13501 Ingenuity Drive, Suite 128, Orlando, FL 32826, and on file with the Department. This incorporation by reference contains no future editions or amendments.~~
~~"Medical laser product" means any laser product that is a medical device defined in 21 U.S.C. 321(h) and is manufactured, designed, intended, or promoted for in vivo laser irradiation of any part of the human body for the purpose of: diagnosis, surgery, therapy, or relative positioning of the human body.~~
~~"Operation" means the performance of the laser product over the full range of its function. It does not include maintenance or service as defined in this Section.~~
~~"Protective housing" means those portions of a laser product that are designed to prevent human access to laser or collateral radiation in excess of the prescribed accessible emission limits under conditions specified in this Article.~~
~~"Pulse duration" means the time increment measured between the half-peak-power points at the leading and trailing edges of a pulse.~~
~~"Pulse interval" means the period of time between identical points on two successive pulses.~~
~~"Radiance" means the time-averaged radiant power per unit area of a radiating surface per unit solid angle of emission, expressed in watts per square centimeter per steradian.~~
~~"Radiant energy" means energy emitted, transferred, or received in the form of radiation, expressed in joules.~~
~~"Radiant exposure" means the radiant energy incident on an element of a surface divided by the area of that element, expressed in joules per square centimeter.~~
~~"Radiant power" means the time-averaged power emitted, transferred, or received in the form of radiation, expressed in watts.~~

~~"Rule of nines" means a method for estimating the extent of burns, expressed as a percentage of total body surface. In this method the body is divided into sections of 9 percent or multiples of 9 percent, each: head and neck, 9 percent; anterior trunk, 18 percent; posterior trunk, 18 percent; upper limbs, 18 percent; lower limbs, 36 percent; and genitalia and perineum, 1 percent.~~

~~"Safety interlock" means a device associated with the protective housing of a laser product to prevent human access to excessive radiation.~~

~~"Sampling interval" means the time interval during which the level of accessible laser or collateral radiation is sampled by a measurement process. The magnitude of the sampling interval in units of seconds is represented by the symbol "t".~~

~~"Secured enclosure" means an area to which casual access is impeded by various means, such as a door secured by a lock, latch, or screws.~~

~~"Service" means the performance of those procedures or adjustments described in the manufacturer's service instructions that may affect any aspect of the product's performance. The term does not include maintenance or operation as defined in this Section.~~

~~"Tmax" See limited exposure duration.~~

~~"Uncertified laser product" means any laser that has not been certified in accordance with the requirements of 21CFR 1040.10, April 1, 2004, which is incorporated by reference, published by the Office of Federal Register National Archives and Records Administration, Washington, D.C. 20408, and on file with the Department. This incorporation by reference contains no future editions or amendments.~~

~~Radio frequency and microwave radiation definitions:~~

~~"Accessible emission level" means the level of radio frequency radiation emitted from any source, expressed in terms of power density in milliwatts per square centimeter or electric and magnetic field strength, as applicable, and to which human access is normally possible.~~

~~"Far field region" means the area in which locally uniform distribution of electric and magnetic field strengths exists in planes transverse to the direction of propagation. The far field region is presumed to exist at distances greater than $2D^2/\lambda$ from the antenna, where λ is the wavelength and D is the largest antenna aperture dimension.~~

~~"Maximum permissible exposure MPE" means the rms and peak electric and magnetic field strengths, their squares, or the plane wave equivalent power densities associated with these fields and the induced and contact currents to which a person may be exposed without harmful effect and with an acceptable safety factor.~~

~~"Near field region" means the area near an antenna in which the electric and magnetic field components vary considerably in strength from point to point. For most antennas the outer boundary of the region is presumed to exist at a distance $\lambda/2\pi$ from the antenna surface, where λ is the wavelength.~~

~~"Radio frequency controlled area" means any location to which access is controlled for the purpose of protection from radio frequency radiation.~~

~~"Radio frequency source" means a source or system that produces electromagnetic radiation in the radio frequency spectrum.~~

~~"Radio frequency radiation" means electromagnetic radiation (including microwave radiation) with frequencies in the range of 0.3 megahertz to 100 gigahertz.~~

~~"Root mean square (rms)" means the effective value, or the value associated with joule heating, of a periodic electromagnetic wave. The rms is obtained by taking the square root of the mean of the squared value of a function.~~

~~"Safety device" means any mechanism incorporated into a radio frequency source that is designed to prevent human access to excessive levels of radio frequency radiation.~~

~~Ultraviolet, high intensity light, and intense pulsed light source definitions:~~

~~"EPA" means the United States Environmental Protection Agency.~~

~~"FDA" means the United States Food and Drug Administration.~~

~~"High intensity mercury vapor discharge (HID) lamp" means any lamp, including a mercury vapor or metal halide lamp that incorporates a high pressure arc discharge tube with a fill that consists primarily of mercury and is contained within an outer envelope, except the tungsten filament self ballasted mercury vapor lamp.~~

~~"Intense pulsed light device (IPL)" means, for purposes of R9-7-1438, any lamp based device that produces an incoherent, filtered, and intense light.~~

~~"Maximum exposure time" means the greatest continuous exposure time interval recommended by the manufacturer of a product.~~

~~"Protective sunlamp eyewear" means any device designed to be worn by a user of a product to reduce exposure of the eyes to radiation emitted by the product.~~

~~"Sanitize" means treat the surfaces of equipment and devices using an EPA or FDA registered product that provides a specified concentration of chemicals, for a specified period of time, to reduce the bacterial count, including pathogens, to a safe level.~~

~~"Self extinguishing lamp" means any HID lamp that ceases operation in conformance with the requirements of the performance standard in 21 CFR 1040.30(d), April 1, 2004, which is incorporated by reference, published by the Office of Federal Register National Archives and Records Administration, Washington, D.C. 20408, and on file with the Department. This incorporation by reference contains no future editions or amendments.~~

~~"Sunlamp product" means any electronic product designed to incorporate one or more ultraviolet lamps and intended for irradiation of any part of the living human body, by ultraviolet radiation with wavelengths in air between 200 and 400 nanometers, to induce skin tanning.~~

~~"Timer" means any device incorporated into a product that terminates radiation emission after a preset time interval.~~

~~"Ultraviolet lamp" means any light source that produces ultraviolet radiation and that is intended for use in any sunlamp product.~~

~~"Ultraviolet radiation" means electromagnetic radiation in the wavelength interval from 200 to 400 nanometers in air.~~

~~"User" means any member of the public who is provided access to a tanning device in exchange for a fee or other compensation, or any individual who, in exchange for a fee or other compensation, is afforded use of a tanning device as a condition or benefit of membership or access.~~

A. The following definitions apply to the requirements for any device producing nonionizing radiation:
1. "Diagnostic" means relating to or aiding in the determination of the source or nature of a disease, injury, or congenital defect.
2. "Therapeutic" means relating to the treatment of a disease, injury, or congenital defect, including any interventions aiding in treatment.

B. The following definitions apply to the requirements for devices emitting radiofrequency radiation or microwave radiation:
1. "Far field region" means the area in which locally uniform distribution of electric and magnetic field strengths exists in planes transverse to the direction of propagation, presumed to exist at distances greater than $2D2/\lambda$ from the antenna, where λ is the wavelength and D is the largest antenna aperture dimension.
2. "Maximum permissible exposure" means the highest level of radiofrequency energy to which an individual may be exposed without harmful effect and with an acceptable safety factor.
3. "Near field region" means the area close to an antenna in which the electric and magnetic field components vary considerably in strength from point to point, the outer boundary of which is presumed to exist at a distance $\lambda/2\pi$ from the antenna surface, where λ is the wavelength.
4. "Radiofrequency controlled area" means any location to which access is limited or monitored for the purpose of protection from radiofrequency radiation.
5. "Radiofrequency device" means a source or system that produces electromagnetic radiation in the radiofrequency spectrum and may include, but is not limited to:
   a. Dielectric heaters and sealers,
   b. Medical diathermy units,
   c. Radar,
   d. Radiofrequency-activated alarm systems,
   e. Sputter devices,
   f. Radiofrequency-activated lasers,
   g. Edge gluers,
   h. Industrial microwave ovens and dryers,
   i. Asher-etcher equipment,
   j. Radiofrequency welding equipment,
   k. Medical surgical coagulators, and
   l. Class II cosmetic radiofrequency devices.
6. "Radiofrequency radiation" means electromagnetic radiation, including microwave radiation, with frequencies in the range of 3 kilohertz to 300 gigahertz.

C. The following definitions apply to the requirements for devices emitting ultraviolet light:
1. "Maximum exposure time" means the greatest continuous period that a human may be subject to ultraviolet light without harm, as recommended by the manufacturer of a sunlamp product.
2. "Phototherapy" means controlled exposure to ultraviolet light to treat a medical condition.
3. "Protective sunlamp eyewear" means any device designed to be worn by a user of a sunlamp product to reduce exposure of the eyes to radiation emitted by the sunlamp product.
4. "Sanitize" means to treat the surfaces of equipment and devices using a product, registered with the U.S. Environmental Protection Agency or U.S. Food and Drug Administration, that provides a specified concentration of chemicals, for a specified period of time, to reduce the bacterial count, including pathogens, to a safe level.
5. "Sunlamp product" means any electronic device designed to incorporate one or more ultraviolet light sources and intended for irradiation of any part of the living human body, by ultraviolet radiation, to induce skin tanning or for phototherapy.
6. "Timer" means any device incorporated into a sunlamp product that terminates radiation emission after a preset time interval.
7. "Ultraviolet radiation" means electromagnetic radiation in the wavelength interval from 200 to 400 nanometers in air.
8. "User" means any member of the public who:
   a. Is provided access to a sunlamp product for skin tanning in exchange for a fee or other compensation;
   b. Is afforded use of a sunlamp product for skin tanning as a condition or benefit of membership or access, in exchange for a fee or other compensation; or
   c. Is exposed to ultraviolet radiation for phototherapy.

D. In addition to the definitions in A.R.S. § 32-516, the following definitions apply to the requirements for devices producing laser radiation or intense pulsed light:
1. "Accessible emission level" means the magnitude of accessible laser or collateral radiation of a specific wavelength and emission duration at a particular point.
2. "Accessible emission limit" means the maximum accessible emission level of laser or collateral radiation permitted within a particular class.
3. "Aperture" means an opening in the protective housing or other enclosure of a laser product, through which laser radiation or collateral radiation is emitted, allowing human access to the radiation.
4. "Collateral radiation" means any electronic radiation, except laser radiation, emitted by a laser product as a result of operation of the laser product or any component of the laser product that is physically necessary for operation of the laser.
5. "Cosmetic procedure" means any of the following:
   a. Hair reduction,
   b. Skin rejuvenation,
   c. Non-ablative skin resurfacing,
   d. Spider vein reduction,
   e. Skin tightening,
   f. Wrinkle reduction,

g. Laser peel,
h. Telangiectasia reduction,
i. Acquired adult hemangioma reduction,
j. Facial erythema reduction,
k. Solar lentigo reduction (age spots),
l. Ephelis reduction (freckles),
m. Acne scar reduction,
n. Photo facial,
o. Tattoo removal,
p. Cellulite reduction, or
q. Other, as approved by the Department.

6. "Direct supervision" has the same meaning as "directly supervised" in A.R.S. § 32-3231.
7. "Health professional" means the same as in A.R.S. § 32-3201.
8. "Human access" means the capacity for laser radiation or collateral radiation to come into contact with any part of the human body.
9. "Indirect supervision" means the same as in A.R.S. § 32-3231.
10. "Intense pulsed light device" means any lamp-based device that produces an incoherent, filtered, and intense light.
11. "Laser" (light amplification by the stimulated emission of radiation) means any device that can produce or amplify electromagnetic radiation with wavelengths in the range of 180 nanometers to 1 millimeter, primarily by the process of controlled stimulated emission.
12. "Laser controlled area" means any area to which human access is restricted for the purpose of protection from laser radiation.
13. "Laser energy source" means any device intended for use in conjunction with a laser to supply energy for the operation o/f the laser, and does not include general energy sources, such as electrical supply mains or batteries.
14. "Laser facility" means a structure in which one or more lasers are used.
15. "Laser product" means any manufactured device or assemblage of components that constitutes, incorporates, or is intended to incorporate a laser or laser system. A laser or laser system that is intended for use as a component of an electronic product shall itself be considered a laser product.
16. "Laser radiation" means all electromagnetic radiation emitted by a laser product, within the spectral range specified in the definition of "laser."
17. "Laser Safety Officer" means an individual, qualified by training and experience in the evaluation and control of laser hazards, who is designated by a registrant to establish and administer a laser radiation safety program on behalf of the registrant.
18. "Laser system" means a laser in combination with an appropriate laser energy source, with or without additional incorporated components.
19. "Maximum permissible exposure" means the level of laser radiation to which an individual may be exposed without hazardous effect or adverse biological changes in the eye or skin.
20. "Prescribing health professional" means a health professional who is authorized by the health professional's regulatory board to independently order, within the health professional's scope of practice, the application of the nonionizing radiation from a Class II medical device, as designated by the FDA and labeled by the manufacturer, to an individual or living animal.
21. "Protective housing" means those portions of a laser product that are designed to prevent human access to laser radiation or collateral radiation in excess of the prescribed accessible emission limits under conditions specified in this Article.
22. "Safety interlock" means a device associated with the protective housing of a laser product to prevent human access to excessive radiation.

~~R9-7-1401.~~R9-7-1402.Registration ~~of~~ for Nonionizing Radiation Sources ~~and Service Providers~~

~~**A.** A person shall not use a nonexempt nonionizing radiation source, unless the source is registered by the Department.~~
~~**B.** A person who possesses a nonexempt nonionizing source shall submit to the Department an application for registration within 30 days of its first use.~~
~~1. A person who possesses a nonexempt source listed in R9-7-1302(F) shall register the source with the Department.~~
~~2. A person applying for the registration of a nonexempt source shall use an application form provided by the Department.~~
~~3. An applicant shall provide the information identified in Appendix B of this Article.~~
~~**C.** A registrant shall notify the Department within 30 days of any change to the information contained in the registration, or sale of a source that results in termination of the activities conducted under the registration.~~
~~**D.** In addition to the application form, an applicant shall remit the applicable registration fee, specified in R9-7-1306.~~
~~**E.** A person who is operating more than one facility, where one or more nonexempt nonionizing sources are used, shall apply for a separate registration for each facility.~~
~~**F.** A person in the business of installing or servicing nonexempt nonionizing sources shall apply to the Department for registration 30 days before furnishing the service. The person shall apply for registration on a form furnished by the Department and shall provide the information required by A.R.S. § 30-672.01.~~

A. Except as provided in subsection (B), a person shall not use a device that produces nonionizing radiation regulated under this Article unless the device is registered by the Department.
B. The following are exempt from the requirements in this Article:
1. A device that produces nonionizing radiation that is in storage or in transit to or from storage, and
2. A device designed to produce nonionizing radiation that has been rendered incapable of producing radiation.
C. A person shall submit to the Department an application in subsection (D) for registration of each facility operated by the person in which a device that produces nonionizing radiation is located:
1. For a new facility registration:
a. Within 30 calendar days after taking possession of the device, and

b. Before the first use of the device;
2. For registration renewal, at least 30 calendar days before the expiration of the registration; and
3. For a change in the name, address, or ownership of the facility or a point of contact in a current registration with the Department, within 30 calendar days after the change.

D. A person submitting to the Department an application for registration of a facility in which a device that produces nonionizing radiation is located shall include:
1. The following information, in a Department-provided format:
   a. Whether the application is for:
      i. A new facility registration;
      ii. A registration renewal; or
      iii. An amendment or change in the name, address, or ownership of the facility or a point of contact in a current registration with the Department and, if so, a description of the change;
   b. Except for a new facility registration, the registration number and the number of the current registration amendment;
   c. The legal business name of the facility and any other names under which the facility operates;
   d. The physical address of the facility and the mailing address and billing address, if different from the physical address;
   e. The name, title, telephone number, and email address of one or more contact individuals for:
      i. Questions about operation, and
      ii. Billing questions or issues;
   f. Whether the applicant is:
      i. A governmental entity and, if so, the type of governmental entity; or
      ii. A business organization and, if so, the type of business organization;
   g. If the applicant is a corporation:
      i. The name of the state of incorporation and, as applicable, either the Arizona Corporation Commission entity identification number or the similar entity identification number of the state of incorporation; and
      ii. The names of the owners of 10% or more of the corporation;
   h. If the applicant is a partnership, the name and address of each partner and percentage of ownership;
   i. If the applicant is a sole proprietorship, the name of the owner;
   j. The type of nonionizing radiation and application type for which the device that produces nonionizing radiation will be used;
   k. Whether the applicant agrees to allow the Department to submit supplemental requests for information under A.R.S. § 41-1075(A);
   l. An attestation that the applicant will comply with all applicable requirements of this Article;
   m. An attestation that the information and documents submitted to the Department are true and correct; and
   n. The name, signature, and date of signature of the individual submitting the application to the Department;
2. For a new facility registration application:
   a. For an individual named according to subsection (D)(1)(g)(ii), (h), or (i), as applicable, documentation that complies with A.R.S. § 41-1080;
   b. If the applicant is a governmental entity, documentation verifying the type of governmental entity;
   c. If the applicant is a corporation, a copy of the applicant's articles of incorporation or articles of organization;
   d. If the applicant is a partnership, a copy of the applicant's partnership documents, including the names, addresses, and percentage of ownership of all partners;
   e. The application for device registration in subsection (E);
   f. For an application for registration under R9-7-1302(F)(1), specific to phototherapy, the information and documents in subsection (G);
   g. For an application for registration under R9-7-1302(F)(2), (3), (4), or (5), the information and documents in subsection (F);
   h. For an application for registration under R9-7-1302(F)(6) or (7), the information and documents in subsections (F) and (G); and
   i. For an application for registration under R9-7-1302(F)(8) or (12), the information and documents in subsection (G);
3. As applicable for an application for registration renewal under:
   a. R9-7-1302(F)(1), specific to phototherapy, the information and documents in subsection (G);
   b. R9-7-1302(F)(2), (3), (4), or (5), the information and documents in subsection (F);
   c. R9-7-1302(F)(6) or (7), the information and documents in subsections (F) and (G); and
   d. R9-7-1302(F)(8) or (12), the information and documents in subsection (G);
4. For a change to the information specified in subsection (D)(1)(c), (d), or (e):
   a. The updated information in a Department-provided format; and
   b. If applicable, documentation to support the change; and
5. If applicable, the fee specified in Table 13.1.

E. For each device that produces nonionizing radiation, a person shall:
1. Submit an application to the Department in any of the following situations:
   a. To add a device to a registration:
      i. Within 30 calendar days after taking possession of the device, and
      ii. Before the first use of the device;
   b. To remove a device from a registration, within 30 calendar days after the registrant no longer has possession of the device; or
   c. To replace one device with another device in a registration:
      i. Within 30 calendar days after taking possession of the new device, and

ii. Before the first use of the new device;

2. Include in the application in subsection (E)(1) the following information, in a Department-provided format:
   a. Whether the person is a current registrant with the Department and, if so, the registration number and the number of the current registration amendment;
   b. The name, address, telephone number, and email address of the facility where the device will primarily be located;
   c. If the device will be at the location temporarily as a rental, borrowed unit, or demonstration model, the dates during which the device will be located at the facility;
   d. The type of device;
   e. If adding or replacing a device, including a temporary device in subsection (E)(2)(c), information about the new device, including:
      i. The manufacturer of the device;
      ii. The model of the device, including a model number;
      iii. The name, address, and telephone number of the person from whom the device was purchased or otherwise obtained; and
      iv. The name and either the telephone number or email address of a point of contact for the person specified according to subsection (B)(1)(e)(i);
   f. If removing or replacing a device, including a temporary device in subsection (E)(2)(c), information about the device being removed or replaced, including:
      i. The manufacturer of the device;
      ii. The model of the device, including a model number;
      iii. The unit or line number of the device on the current registration amendment; and
      iv. The disposition of the device, including, if the device is being transferred, the name, address, telephone number, and email address of the person to which the device is being transferred;
   g. Whether the applicant agrees to allow the Department to submit supplemental requests for information under A.R.S. § 41-1075(A);
   h. An attestation that the information and documents submitted to the Department are true and correct; and
   i. The name and signature of the individual submitting the application to the Department and date of submission; and
3. If applicable, pay the fee specified in Table 13.1.

F. If required under subsection (D)(2) or (3), the Laser Safety Officer for a person registering a facility or renewing a facility registration shall submit to the Department:
1. The following information, in a Department-provided format:
   a. The name and address of the facility and, if applicable, the facility's registration number;
   b. The name, title, telephone number, and email address of the Laser Safety Officer;
   c. An attestation that the Laser Safety Officer understands the responsibilities of being a Laser Safety Officer and will comply with the requirements in R9-7-1409 and, if applicable, R9-7-1412; and
   d. The signature of the Laser Safety Officer and date signed; and
2. Either:
   a. Documentation of the Laser Safety Officer's completion of training that meets the requirements in R9-7-1410; or
   b. For a Laser Safety Officer for a facility under R9-7-1412 or R9-7-1414, an attestation, signed and dated by the prescribing health professional in subsection (G), that the Laser Safety Officer has completed training that complies with the requirements in R9-7-1410, including the location and date of the training.

G. If required under subsection (D)(2) or (3), the prescribing health professional, who is using or providing supervision for the use of a device producing nonionizing radiation for diagnostic or therapeutic purposes or for a cosmetic procedure for the person registering a facility or renewing a facility registration, shall submit to the Department:
1. The following information, in a Department-provided format:
   a. The name and address of the facility and, if applicable, the facility's registration number;
   b. The name, title, telephone number, email address, and professional license number of the prescribing health professional;
   c. An attestation that the prescribing health professional:
      i. Is permitted by the prescribing health professional's scope of practice to use the applicable device producing nonionizing radiation for diagnostic or therapeutic purposes or for a cosmetic procedure,
      ii. Has completed any training required by the prescribing health professional's regulatory board or rules adopted under this Article for the use of the device producing nonionizing radiation for diagnostic or therapeutic purposes or for a cosmetic procedure,
      iii. Is responsible for the use of the device producing nonionizing radiation for diagnostic or therapeutic purposes or for a cosmetic procedure, and
      iv. Will comply with the applicable requirements in this Article;
   d. If using the device producing nonionizing radiation for cosmetic procedures, an attestation that the prescribing health professional:
      i. Is qualified in accordance with A.R.S. § 32-3233 and R9-7-1414(D);
      ii. If applicable, will provide indirect supervision of a laser technician certified under 9 A.A.C. 16, Article 7, using the device producing nonionizing radiation for hair removal; and
      iii. If applicable, will provide direct supervision of a laser technician certified under 9 A.A.C. 16, Article 7, using the device producing nonionizing radiation for a cosmetic procedure other than hair removal; and
   e. The signature of the prescribing health professional and date signed;
2. A copy of the prescribing health professional's professional license; and
3. Proof of training applicable to the device and application.

H. The Department shall review an application and issue or deny a registration to an applicant as specified in R9-7-1223.
I. Except as provided in subsection (J), the registration of a facility or a device, issued according to subsection (H), expires at the end of the day on the expiration date stated on the registration.
J. If an application for renewal of registration is filed by the registrant at least 30 days before the expiration of the registration, the registration does not expire until a final determination is made by the Department on the renewal application.
K. A registrant shall notify the Department within 30 days of any change to the information contained in the registration.

~~**R9-7-1403. General Safety Provisions and Exemptions**~~
~~**A.** Based on consideration of the following factors, the Department may waive compliance with specific requirements of this Article:~~
~~1. Whether compliance requires product replacement or substantial modification of a product's current installation, and~~
~~2. Whether the registrant provided information requested by the Department to determine if there are alternative methods of achieving the same or a greater level of radiation protection.~~
~~**B.** The registrant shall:~~
~~1. Ensure that any nonionizing source is operated by an individual who is trained and has demonstrated competence in the safe use of the source.~~
~~2. Provide safety rules to each individual who operates a nonionizing radiation source and determine whether the individual is aware of operating restrictions and procedures associated with the safe use of the source.~~
~~3. Make, or cause to be made, any physical radiation surveys required by this Article.~~
~~4. Maintain the following records for three years for Department review:~~
~~a. Results of any physical survey or calibration required by this Article;~~
~~b. Radiation source inventories;~~
~~c. Maintenance, service, and modification records; and~~
~~d. Incident reports of known or suspected exposure to nonionizing radiation that exceeds any MPE specified in this Article.~~
~~**C.** A registrant shall not operate a nonionizing radiation source unless the source complies with all of the applicable requirements of this Article.~~

R9-7-1403. Registration and Reporting Requirements for Persons Who Install or Service Devices that Produce Nonionizing Radiation
A. For the purposes of this Section:
1. "Install" includes:
a. Assembling a device that produces nonionizing radiation, with or without any additional incorporated components, and selling and delivering the device to a customer in Arizona;
b. Distributing a device or components of a device that produces nonionizing radiation to a person that constructs, assembles, or sells the device to a customer in Arizona; or
c. Performing any of the activities in subsections (A)(1)(a) or (b) as part of renting a device that produces nonionizing radiation; and
2. "Service" includes:
a. Servicing a device that produces nonionizing radiation, usually requiring specialized tools or training, including making major adjustments or repairs, replacing a part, or calibrating the device; or
b. Conducting a radiation protection survey at the request of a registrant, including determining the maximum permissible exposure, classification or reclassification of a laser product or radiofrequency device, or establishing levels of nonionizing radiation at distances from a device that produces nonionizing radiation to enable the boundaries of a radiofrequency controlled area or laser controlled area to be determined.
B. As required by A.R.S. § 30-672.01, a person shall register with the Department if the person installs or services in Arizona devices producing nonionizing radiation that are registered under this Article.
C. A person registering with the Department to install or service devices that produce nonionizing radiation shall submit to the Department, at least 30 calendar days before beginning operations in Arizona:
1. The following information in a Department-provided format:
a. The legal business name of the person and any other names under which the person operates;
b. The physical address of the person's business facility and the mailing address, if different from the physical address;
c. The name, title, telephone number, and email address of one or more contact individuals for questions about operations;
d. If the person is a corporation:
i. The name of the state of incorporation and, as applicable, either the Arizona Corporation Commission entity identification number or the similar entity identification number of the state of incorporation; and
ii. The names of the owners of 10% or more of the corporation;
e. If the person is a partnership, the names, addresses, and percentage of ownership of all partners;
f. The names of individuals who will install or service in Arizona devices that produce nonionizing radiation;
g. An attestation that each individual who will be installing or servicing devices that produce nonionizing radiation has been trained and is competent to perform the assigned tasks;
h. The types of devices that produce nonionizing radiation that may be installed or serviced; and
i. The name and signature of the individual submitting the application to the Department and date of submission; and
2. Based on the types of devices that produce nonionizing radiation that may be installed or serviced, documentation specified by the Department establishing that the installation or servicing of the devices may be performed safely and in compliance with requirements in the Chapter.
D. As required by A.R.S. § 30-672.01(E), a registrant shall reregister with the Department, providing the information in subsection (C), when there is a change in any of the information provided according to subsection (C).
E. The Department shall:

1. If a person complies with the requirements in subsection (C), include the person on the list of registrants maintained according to A.R.S. § 30-672.01(D); and
2. If the Department learns of non-compliance with the requirements in this Article, remove the person from the list of registrants in subsection (E)(1).

F. Except as provided in subsection (G), a person registered with the Department to install devices that produce nonionizing radiation shall notify the Department, in a Department-provided format, within 30 days after the installation of a device that produces nonionizing radiation, including:
1. The name and registration number of the person notifying the Department;
2. The name and address of the person possessing the device that produces nonionizing radiation that was installed;
3. The manufacturer, model, and serial number of each device that produces nonionizing radiation; and
4. The date each device that produces nonionizing radiation was installed.

G. A person registered with the Department that rents, according to subsection (A)(1)(c), devices that produce nonionizing radiation shall notify the Department in writing within 30 days after the delivery or installation, whichever is later, of a device that produces nonionizing radiation, including:
1. The name and registration number of the person notifying the Department;
2. The name and address of the person renting the device that produces nonionizing radiation;
3. The manufacturer, model, and serial number of each device that produces nonionizing radiation;
4. The date each device that produces nonionizing radiation was delivered and set up; and
5. The rental time period for the device that produces nonionizing radiation.

R9-7-1404. ~~Radio Frequency Equipment~~ Use of Radiofrequency Equipment and Microwave Ovens

~~**A.** A registrant shall operate a radiation source that emits radio frequency radiation in a radio frequency controlled area, in a manner that will prevent human exposure that exceeds the MPE specified in IEEE Std C95.1-1999, Institute of Electrical and Electronics Engineers Standard for Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3kHz to 300 GHz, 1999 edition, which is incorporated by reference, published by the Institute of Electrical and Electronic Engineers, Inc., 345 East 47th Street, New York, NY 10017, and on file with the Department. This incorporation by reference contains no future editions or amendments. The registrant shall post each point of access into a radio frequency controlled area according to R9-7-1406.~~

~~**B.** If a registrant is required to operate a radio frequency source in a controlled area, the registrant shall employ visual or audible emission indicators that function only during production of radiation.~~

~~**C.** If a source of radio frequency emissions is physically separate from the source's means of activation by a distance greater than 2 meters, the registrant shall place a visual or an audible emission indicator at the source and the point of activation.~~

~~**D.** A registrant shall place each visual emission indicator so that the location of the indicator does not require human exposure to radio frequency radiation that exceeds the applicable MPE.~~

~~**E.** A registrant shall inspect each safety device designed to prevent human exposure to excessive radio frequency radiation for proper operation at intervals that do not exceed one month.~~

~~**F.** If a machine emits mechanically scanned radio frequency radiation, a registrant shall ensure that the machine cannot, as the result of scan failure or any other malfunction, cause a change in angular velocity or amplitude, allowing human exposure that exceeds the applicable MPE.~~

~~**G.** A registrant shall physically secure each radio frequency sources to prevent unauthorized use and tampering.~~

A. Except as specified in R9-7-1412 or R9-7-1414, the requirements in this Section do not apply to radiofrequency sources registered according to R9-7-1302(F)(8) or (12).

B. Radiofrequency Equipment Safety: A registrant shall:
1. Except as specified in subsection (C), operate a radiofrequency source regulated under this Article in a manner that will prevent human exposure that exceeds the applicable maximum permissible exposure specified in IEEE Std C95.1-2019, Institute of Electrical and Electronics Engineers Standard for Safety Levels with Respect to Human Exposure to Electric, Magnetic, and Electromagnetic Fields, 0 Hz to 300 GHz, which is incorporated by reference, is available at https://standards.ieee.org/ieee/C95.1/4940/, is on file with the Department, and includes no future editions or amendments;
2. Ensure that any individual operating a radiofrequency source has:
   a. Been trained on the safe use of the radiofrequency source, and
   b. Demonstrated competency in the safe use of the radiofrequency source;
3. Ensure that:
   a. A radiofrequency source is operated within the manufacturer's specifications, and
   b. The manufacturer's user manual for the radiofrequency source is available on-site;
4. Post each point of access to a radiofrequency controlled area with a sign, alerting a viewer, that meets the specifications in the IEEE standard incorporated in subsection (B)(1);
5. Ensure that a sign, required according to subsection (B)(4), is placed in a location so that viewing the sign does not require human exposure to radiofrequency radiation that exceeds the applicable maximum permissible exposure;
6. Post operating procedure restrictions or limitations, used to prevent unnecessary or excessive exposure to radiofrequency radiation, in a location visible to the operator;
7. If required to operate a radiofrequency device in a controlled area, employ visual or audible indicators of radiofrequency emission that function only during the production of radiation;
8. If a source of radiofrequency emissions is physically separate from the source's means of activation by a distance greater than two meters:
   a. Place a visual or an audible emission indicator at the source and the point of activation, and
   b. Ensure that each visual emission indicator is placed in a location so that viewing the indicator does not require human exposure to radiofrequency radiation that exceeds the applicable maximum permissible exposure;

9. Inspect each safety device, a mechanism incorporated into a radiofrequency device that is designed to prevent human exposure to excessive radiofrequency radiation, for proper operation at least once every six months and document the inspection;
10. If a machine emits radiofrequency radiation that can be rotated or moved to direct the radiofrequency beam in different directions for scanning purposes, ensure that the machine cannot, as the result of scan failure or any other malfunction, cause a change in angular velocity or amplitude, allowing human exposure that exceeds the applicable maximum permissible exposure; and
11. Physically secure each radiofrequency device to prevent unauthorized use and tampering.

C. A registrant may exceed the applicable maximum permissible exposure at frequencies between:
1. 300 kHz and 100 GHz, if exposure conditions can be shown by facility procedures to produce specific absorption rates (SARs) above 0.4 watts per kilogram, averaged over the whole body, and spatial peak SAR values above 8 watts per kilogram, averaged over 1 gram of tissue; or
2. 300 kHz and 1 GHz, if the radiofrequency input power to the radiating device is seven watts or less.

D. Radiofrequency Compliance Measurements: For obtaining measurements to determine compliance with subsection (B)(1) or (C), a registrant shall:
1. Use an instrument capable of measuring the field strength and frequency of radiation;
2. Ensure that each instrument used for compliance measurements is calibrated at least once every 12 months in a manner that meets the standards in the IEEE standard incorporated in subsection (B)(1);
3. Ensure that measurement of the electric and magnetic field strength is:
   a. Obtained at an emission frequency of 300 megahertz or less,
   b. Monitored at a distance of five centimeters or greater from any object,
   c. Averaged over a six-minute period for pulsed and continuous modes of radiofrequency emission and corrected for duty cycle in determining the average field strength, and
   d. Expressed in terms of power density;
4. For compliance measurements of exposure conditions in the near field region:
   a. Obtain measurements of both the electric and magnetic field components at an emission frequency of 300 megahertz or less; and
   b. Use the mean squared electric and magnetic field strengths, using the applicable maximum permissible exposure referenced according to subsection (B)(1), in calculating the applicable protection standards;
5. For compliance measurements of exposure conditions in the in far field region:
   a. Use measurements of power density in milliwatts per square centimeter or the calculated equivalent plane wave power density, based on measurement of either the electric or magnetic field strength; and
   b. Use the power density values, using the applicable maximum permissible exposure referenced according to subsection (B)(1), in calculating the applicable protection standards;
6. For mixed or broadband fields at frequencies for which there are different protection standards, determine the fraction of the applicable maximum permissible exposure incurring within each frequency interval, with the sum of all the fractions not exceeding unity (1); and
7. Maintain a record of compliance measurements for Department inspection for at least three years after the date of the compliance measurement.

E. Reporting of Radiofrequency Radiation Incidents: A registrant shall:
1. Immediately report to the Department a known or suspected personnel exposure to radiofrequency radiation that exceeds 500% of an applicable maximum permissible exposure;
2. Report to the Department, within 24 hours, a known or suspected personnel exposure to radiofrequency radiation that exceeds 150% of an applicable maximum permissible exposure and is less than 500% of the applicable maximum permissible exposure;
3. Report in writing to the Department, within 15 days, any other known or suspected personnel exposure to radiofrequency radiation that exceeds the applicable maximum permissible exposure; and
4. Maintain a record of the report of exposure for at least three years after the date of the report.

F. Medical Surveillance for Workers Who May Be Exposed to Radiofrequency Radiation: Upon a request by the Department, a registrant shall:
1. Offer to provide a medical examination to an individual exposed to radiofrequency radiation reported to the Department according to subsection (E); and
2. If an individual undergoes a medical examination, according to subsection (F)(1), provide a copy of the results of the medical examination to the Department.

G. Microwave Ovens: A person shall register with the Department any microwave oven that does not meet the requirements in 21 CFR 1030.10, January 20, 2002, which is incorporated by reference, is published by the Office of Federal Register National Archives and Records Administration, is available at https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?FR=1030.10, is on file with the Department, and includes no future editions or amendments.

~~R9-7-1405. Radio Frequency Radiation: Maximum Permissible Exposure~~

~~A.~~ ~~A registrant shall not expose a person to radio frequency radiation that exceeds the applicable MPE specified in IEEE Std C95.1-1999, Institute of Electrical and Electronics Engineers Standard for Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3kHz to 300 GHz, 1999 edition, which is incorporated by reference, published by the Institute of Electrical and Electronic Engineers, Inc., 345 East 47th Street, New York, NY 10017, and on file with the Department. This incorporation by reference contains no future editions or amendments.~~

~~B.~~ ~~At frequencies between 300 kHz and 100 GHz a registrant may exceed the applicable MPE if exposure conditions can be shown by laboratory procedures to produce specific absorption rates (SARs) above 0.4 watts per kilogram, averaged over the whole body, and spatial peak SAR values above 8 watts per kilogram, averaged over 1 gram of tissue.~~

~~C. At frequencies between 300 kHz and 1 GHz, a registrant may exceed the applicable MPE, if the radio frequency input power to the radiating device is seven watts or less.~~

R9-7-1405. Sunlamp Products for Skin Tanning, Diagnostic Purposes, or Phototherapy

A. Safety Standards for Sunlamp Product Equipment: A registrant operating a facility using sunlamp products shall:
1. Not use a sunlamp product regulated under this Article, unless the sunlamp product is registered by the Department according to R9-7-1402;
2. Except as provided in subsection (B), use sunlamp products that are certified by the manufacturer to comply with the following, which are incorporated by reference, are on file with the Department, and include no future editions or amendments:
   a. 21 CFR 878.4635, June 2, 2014, available at https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/cfr-search.cfm?fr=878.4635; and
   b. If applicable, CFR 1040.20, April 2, 2018, available at https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/cfr-search.cfm?fr=1040.20;
3. Ensure that:
   a. A sunlamp product is operated within the manufacturer's specifications, and
   b. The manufacturer's user manual for the sunlamp product is available on-site;
4. Replace burned-out or defective light sources or filters:
   a. Before any use of a sunlamp product; and
   b. With a light source or filter intended for use in that equipment:
      i. As specified on the sunlamp product label, or
      ii. That is equivalent to a light source or filter specified on the sunlamp product label under the FDA regulations and polices applicable to the sunlamp product at the time of manufacture;
5. If an equivalent light source or filter is used instead of the light source or filter specified on the product label, according to subsection (A)(4)(b)(ii), maintain a copy of the equivalency certification, provided by the supplier of the light source or filter, on file for review by Department inspectors for at least three years after the light source or filter is no longer in use;
6. Ensure that each sunlamp product for skin tanning:
   a. Has a timer and control system that complies with CFR 1040.20, part c, incorporated in subsection (A)(2)(b), and that:
      i. The timer interval does not exceed the manufacturer's maximum recommended exposure time,
      ii. The timer has multiple timer settings consistent with the manufacturer's recommended exposure time intervals,
      iii. The timer is functional and accurate to within +/- 10% of the maximum timer interval of the product,
      iv. The timer does not automatically reset and cause radiation emission to resume for a period greater than the unused portion of the timer cycle, and
      v. The timer is tested annually for accuracy;
   b. Has a remote control system for the timer installed before operation of a sunlamp product;
   c. Is equipped with an emergency shutoff mechanism that allows manual termination of the ultraviolet radiation exposure;
   d. Provides physical barriers between each light source of a sunlamp product and a user to protect users from injury caused by touching or breaking a light source;
   e. If the registrant employs a stand-up sunlamp product:
      i. Uses physical barriers, handrails, floor markings, or other methods to indicate the proper exposure distance between the source of ultraviolet radiation and the user's skin;
      ii. Constructs the sunlamp product for skin tanning so that it can withstand the stress of use and the impact of a falling individual;
      iii. Provides access to the sunlamp product for skin tanning with doors of rigid construction that open outward, handrails, and non-slip floors; and
      iv. Controls the interior temperature of a booth containing a sunlamp product so that it never exceeds 100 degrees Fahrenheit (38 degrees Centigrade); and
   f. Post a sign with lettering at least 10 millimeters high for all words requiring capital letters and at least 5 millimeters high for all lower-case letters, ensuring that the sign is clearly visible and easily viewed:
      i. At or near the entrance to a facility using a sunlamp product for skin tanning stating that "Persons Under Age 18 Are Required to Have an Authorization to Use a Sunlamp Product, Signed by a Parent or Legal Guardian in the Presence of an Operator of the Facility Using the Sunlamp Product"; and
      ii. Within 1 meter (39.37 inches) of each sunlamp product for skin tanning, by a user before the sunlamp product is operated, stating:
      "DANGER - Ultraviolet radiation. Follow instructions. Avoid overexposure. As with natural sunlight, overexposure can cause eye and skin injury and allergic reactions. Repeated exposure may cause premature aging of the skin and skin cancer. WEAR PROTECTIVE SUNLAMP EYEWEAR; FAILURE TO MAY RESULT IN SEVERE BURNS OR LONG-TERM INJURY TO THE EYES. Medications or cosmetics may increase your sensitivity to the ultraviolet radiation. Consult physician before using sunlamp if you are using medications or have a history of skin problems or believe yourself especially sensitive to sunlight. If you do not tan in the sun, you are unlikely to tan from the use of this product."; and
7. For a sunlamp product for use in phototherapy or for diagnostic purposes, ensure that the sunlamp product is only used according to an order by a physician licensed according to A.R.S. Title 32, Chapter 13 or 17, or by a registered nurse practitioner, as defined in A.R.S. § 32-1601.

B. For sunlamp products in use before February 5, 2005, the Department shall determine compliance based on the standard in effect at the time of manufacture, as shown on the equipment identification label.

C. Operations of Sunlamp Products: A registrant shall:

1. Establish and maintain written policies and procedures that are part of a radiation safety program to assure compliance with the requirements of this Section;
2. Ensure that at least one operator is present during operating hours;
3. Provide training to each operator that covers:
   a. The requirements of this Section;
   b. Facility operating procedures, including:
      i. Determination of skin type and associated duration of exposure;
      ii. Procedures for use of minor and adult user consent forms;
      iii. Potential harm associated with photosensitizing foods, cosmetics, and medications;
      iv. Requirements for use of protective sunlamp eyewear by users of the sunlamp product; and
      v. Proper sanitizing procedures for the sunlamp product and protective sunlamp eyewear;
   c. The manufacturer's procedures for operation and maintenance of the sunlamp product;
   d. Recognition of injury or overexposure; and
   e. Emergency procedures used in the case of an injury;
4. Maintain records of training for Department review, which include dates and material covered, for at least three years after the date the training is provided;
5. Ensure that any individual operating a sunlamp product has demonstrated competency in the safe use of the sunlamp product; and
6. For use of a sunlamp product for skin tanning:
   a. Maintain a list of operators at the facility;
   b. Before a user's first use in any continuous 12-month period, ensure that an operator:
      i. Requests that the user read a copy of the warnings in subsection (A)(6)(f);
      ii. For illiterate or visually handicapped persons, reads the warnings in subsection (A)(6)(f) to the user in the presence of a witness; and
      iii. Obtains the signature of the user and, if applicable, the witness required according to subsection (C)(6)(b)(ii) on a statement acknowledging that the user has read or heard and understands the warnings in subsection (A)(6)(f);
   c. Ensure that an operator:
      i. Limits the occupancy of the area with exposure to a sunlamp product to one individual when the sunlamp product is in use;
      ii. Prevents use of a sunlamp product by anyone under 18 years of age unless the individual has written permission from the individual's parent or guardian;
      iii. Provides a user with sanitized protective sunlamp eyewear and directions for use of the protective sunlamp eyewear;
      iv. Instructs the user on the maximum exposure time and correct distance from the light source as recommended by the manufacturer of the sunlamp product;
      v. Instructs the user about the location and correct operation of the emergency shutoff switch;
      vi. Before use of the sunlamp product, demonstrates the use of any physical aids, necessary to maintain correct exposure distance for the user, as recommended by the manufacturer of the sunlamp product; and
      vii. Sets the exposure timer so that the user is not exposed to excess radiation;
   d. Ensure that a sunlamp product's timer is controlled to limit exposure time:
      i. To the manufacturer's recommendation on the label on the sunlamp product or in the operator's manual for the sunlamp product; and
      ii. During a 24-hour period, to the maximum recommended for a 24-hour period by the manufacturer; and
   e. Maintain a record of each user's total number of sunlamp product uses and exposure times for Department inspection for at least three years after the last date in the record.

D. Reporting of Sunlamp Product-Related Injuries: A registrant shall provide to the Department a written report:
1. Of an incident involving:
   a. Eye injury;
   b. Skin burn;
   c. Fall injury, if the fall occurred within the sunlamp product or while entering or exiting the sunlamp product;
   d. Laceration;
   e. Infection believed to have been transmitted by use of the sunlamp product; or
   f. Any other injury reasonably related to the use of the sunlamp product;
2. Within 10 working days after:
   a. The occurrence, or
   b. The date the registrant became aware of the incident; and
3. Including the following information in the report of the incident:
   a. The name of the user;
   b. The name and location of the tanning facility;
   c. The date and time of the incident;
   d. A description of and the circumstances associated with the incident;
   e. The name and address of the health care provider treating the user, if any; and
   f. Any other information the registrant considers relevant to the incident.

~~**R9-7-1406. Radio Frequency Hazard Caution Signs, Symbols, Labeling, and Posting**~~

~~**A.** A registrant shall post each point of access to a controlled area with caution signs of the type designated in Figure 1~~.

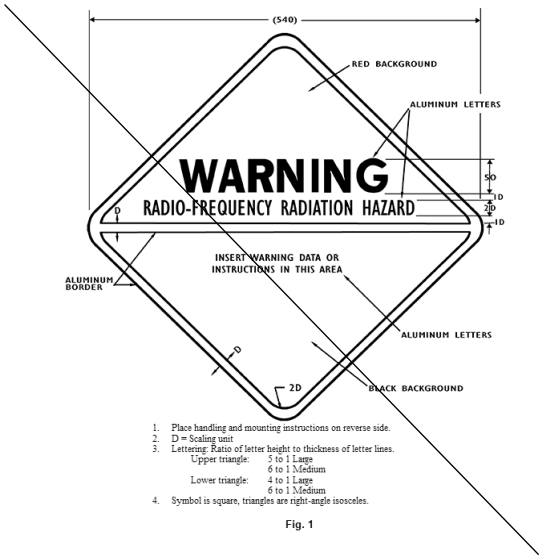


Fig. 1

~~**B.** A registrant shall post operating procedure restrictions or limitations, used to prevent unnecessary or excessive exposure to radio frequency radiation, in a location visible to the operator.~~

~~**C.** A registrant shall place each warning sign or label so that an observer is not exposed to radio frequency radiation that exceeds the applicable MPE~~.

~~R9-7-1425.~~R9-7-1406.Laser Product Classification

~~**A.** Each laser product is classified on the basis of emission level, emission duration, and wavelength of accessible laser radiation emitted over the full range of resulting operational capability, any time during the useful life of the product, according to the federal performance standards for light-emitting products contained in 21 CFR 1040.10, April 1, 2004, which is incorporated by reference, published by the Office of Federal Register National Archives and Records Administration, Washington, D.C. 20408, and on file with the Department. This incorporation by reference contains no future editions or amendments.~~

~~**B.** Any person that modifies a certified laser product in a manner that affects any aspect of performance or intended functions of the product, shall recertify and reidentify the product in accordance with 21 CFR 1040.10, April 1, 2004, which is incorporated by reference, published by the Office of Federal Register National Archives and Records Administration, Washington, D.C. 20408, and on file with the Department. This incorporation by reference contains no future editions or amendments.~~

~~**C.** Any laser system that is incorporated into a laser product that is subject to the requirements of this Article, and capable, without modification, of producing laser radiation when removed from the laser product, is considered a laser product, subject to the applicable requirements of this Article. Upon removal of the laser system described in this subsection, the laser product is classified on the basis of accessible laser radiation emission.~~

A. Each laser product is classified on the basis of emission level, emission duration, and wavelength of accessible laser radiation emitted over the full range of resulting operational capability according to the federal performance standards for light-emitting products contained in 21 CFR 1040.10, April 2, 2018, which is incorporated by reference, is published by the Office of Federal Register National Archives and Records Administration, is available at https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/cfrsearch.cfm?FR=1040.10, is on file with the Department, and includes no future editions or amendments.

B. A registrant shall only use a laser product that has been:

1. Certified by the manufacturer according to subsection (A) as conforming to a specific classification; or
2. If modified in a manner that affects any aspect of performance or intended functions of the laser product, recertified and reclassified by the person that modified the laser product according to subsection (A).

C. If a laser system that is incorporated into a laser product that is subject to the requirements of this Article is capable, without modification, of producing laser radiation when removed from the laser product, the laser system is itself:

1. Considered a laser product;
2. Subject to the applicable requirements of this Article; and
3. Upon removal from the laser product in which the laser system was incorporated, classified on the basis of the laser system's accessible laser radiation emission.

D. A laser facility is classified according to the highest laser product class in use at the laser facility, such that a laser facility having one or more:

1. Class 1 laser products is a Class 1 laser facility, which is not regulated by the Department;
2. Class 2 or 2a laser products is a Class 2 laser facility, which is not regulated by the Department;
3. Class 3 or 3a laser products is a Class 3 laser facility, which is not regulated by the Department;
4. Class 3b laser products is a Class 3 laser facility, which is regulated by the Department; or
5. Class 4 laser products is a Class 4 laser facility, which is regulated by the Department.

~~R9-7-1407. Microwave Ovens~~

~~A person shall register with the Department any microwave oven that does not meet the requirements in 21 CFR 1030.10, April 1, 2004, which is incorporated by reference, published by the Office of Federal Register National Archives and Records Administration, Washington, D.C. 20408, and on file with the Department. This incorporation by reference contains no future editions or amendments.~~

R9-7-1407. Laser Equipment Safety

A. If maximum permissible exposure values for eye and skin exposure have not been determined by the manufacturer of a laser, a registrant shall take measurements from the laser to determine maximum permissible exposure values for eye and skin exposure in a manner consistent with the procedures contained in one of the following, as applicable:
1. ANSI Z136.1-2022, American National Standard for Safe Use of Lasers, which is incorporated by reference, is published by the Laser Institute of America, is available through https://webstore.ansi.org, and includes no future editions or amendments; or
2. ANSI Z136.3-2024, American National Standard for Safe Use of Lasers in Health Care, which is incorporated by reference, is published by the Laser Institute of America, is available through https://webstore.ansi.org, and includes no future editions or amendment.

B. A registrant shall ensure that the radiation output measurement to determine the maximum permissible exposure is performed:
1. In accordance with the laser product manufacturer's calibration procedure and frequency;
2. With an instrument that:
   a. Is calibrated and designed for use with the laser product that is being evaluated for compliance; and
   b. Has an attached, legible, clearly visible label specifying the date of calibration, accuracy of calibration, wavelength range, and power or energy of calibration;
3. Under the operational conditions and procedures that maximize accessible emission levels, including start up, stabilized operation, and shutdown of the laser or laser facility;
4. With all controls and adjustments listed in the operating and service instructions adjusted for the maximum accessible emission level of laser radiation that is not expected to be detrimental to the functional integrity of the laser or enclosure;
5. At all points in space to which human access is possible for a given laser configuration, including, if applicable during operations, points accessible upon removal of portions of the protective housing or enclosure or if the defeat of safety interlocks is possible;
6. With the measuring instrument detector positioned so that the maximum possible radiation is measured by the instrument; and
7. With the laser coupled to the type of laser energy source specified as compatible by the laser manufacturer and producing the maximum emission of accessible laser radiation.

C. Except as provided in subsection (J), a registrant shall ensure that:
1. A laser product is operated within the manufacturer's specifications, and
2. The manufacturer's user manual for the laser product is available on-site.

D. A registrant shall ensure that:
1. A laser from the lowest class that will enable the registrant to perform the intended function is used;
2. Each laser product that exceeds the exposure limits for Class 1 lasers, determined according to R9-7-1406(A):
   a. Has a protective housing to prevent human access during operation to laser radiation or collateral radiation that exceed the limits of Class I lasers, except when human access and resulting exposure are necessary to perform the intended function of the laser product; and
   b. If a portion of the protective housing is designed to be removed or displaced during operation or maintenance, has a safety interlock associated with the portion of the protective housing to prevent exposure to laser radiation or collateral radiation in excess of the accessible emission limit;
3. Service, testing, or maintenance of a laser does not render an interlock inoperative or increase radiation outside the protective housing to levels that exceed the applicable maximum permissible exposure, unless a laser controlled area is established as specified in R9-7-1408(D)(1);
4. For pulsed lasers, interlocks are designed to prevent the laser from firing;
5. For Class 3b and Class 4 continuous wave (cw) laser products, which produce a continuous output for 0.25 seconds or more, interlocks turn off the power supply or interrupt the beam to prevent accidental exposure;
6. An interlock prevents exposure to radiation emission above the applicable maximum permissible exposure when the interlock is closed; and
7. Multiple safety interlocks or a means to preclude removal or displacement of the interlocked portion of the protective housing are provided if failure of a single interlock could result in:
   a. Human access to levels of laser radiation that exceed the accessible emission limit of radiant power, defined as the time averaged power, expressed in watts, emitted, transferred, or received in the form of radiation for a Class 3a laser; or
   b. Laser radiation exceeding the accessible emission limit for a Class 2 laser, being emitted directly through the opening created by removal or displacement of a portion of the protective housing.

E. A registrant shall ensure that:
1. A laser product with viewing ports, viewing optics, or display screens, included as an integral part of the protective housing of the laser or laser system, has suitable means to attenuate laser and collateral radiation transmitted through the optical system to less than the accessible emission limit for collateral radiation according to R9-7-1408(A)(2)(b); and
2. If there is an increased hazard to the eye or skin associated with the use of an optical system, such as in lenses, telescopes, or microscopes, the policies and procedures, developed by the Laser Safety Officer according to R9-7-1409(1), include use controls, such as interlocks or filters.

F. A registrant operating a laser system with an unenclosed beam path shall:
1. Conduct an evaluation before operating the laser to determine the expected beam path and the potential hazards from surfaces where the laser radiation exceeds an applicable maximum permissible exposure;
2. Based on the evaluation in subsection (F)(1), exclude from the beam path surfaces that could reflect or scatter light if hit by the laser beam;

3. Evaluate the stability of the laser platform to determine the constraints placed upon the beam traverse and the extent of the range of control; and
4. Refrain from operating or making a laser ready for operation until the area along all points of the beam path, where the laser radiation will exceed the applicable maximum permissible exposure, is clear of individuals, unless the individuals are wearing the appropriate protective devices.

G. A registrant shall ensure that each Class 3b or Class 4 laser product provides a visual or audible indication before the emission of accessible laser radiation that exceeds the limits for Class 1, as follows:
1. Except for a Class 3 laser product that allows access to less than 5 milliwatts peak visible laser radiation, the indication occurs before the emission of the radiation and allows enough time for action to avoid exposure;
2. Any visual indicator is clearly visible through protective eyewear designed specifically for the wavelength of the emitted laser radiation;
3. If the laser and laser energy source are housed separately and can be operated at a separation distance of greater than two meters, both the laser and laser energy source incorporate visual or audible indicators; and
4. Any visual indicator is placed in a location so that viewing the visual indicator does not require human exposure to laser radiation that exceeds the applicable maximum permissible exposure.

H. Except as otherwise authorized by the Department, a registrant shall:
1. Post signs in the laser facility in accordance with ANSI Z136.1-2022 or ANSI Z136.3-2024, as applicable, incorporated in subsection (A);
2. Use labels that:
   a. Are clearly visible, legible, and permanently attached to a laser product; and
   b. Use the design and colors specified according to ANSI Z136.1-2022 or ANSI Z136.3-2024, as applicable, incorporated in subsection (A);
3. Use signs that:
   a. Are clearly visible and legible on the laser facility; and
   b. Have the design and colors specified according to ANSI Z136.1-2022 or ANSI Z136.3-2024, as applicable, incorporated in subsection (A);
4. Position any label placed on laser products or signs posted in laser facilities so that reading the label or sign does not require human exposure to laser radiation or collateral radiation that exceeds the applicable maximum permissible exposure or accessible emission limit while reading the label or sign;
5. Ensure that a permanent and legible label is affixed to each laser or laser system, identifying the classification of the laser in accordance with 21 CFR 1040.10, incorporated under R9-7-1406(A);
6. For a Class 3b or Class 4 laser product, ensure that the label required in subsection (H)(5) specifies:
   a. The maximum output of laser radiation;
   b. The pulse duration, the time increment measured between the half-peak-power points at the leading and trailing edges of a pulse, if applicable; and
   c. The laser medium or emitted wavelength;
7. For a Class 3b or Class 4 laser product used for diagnostic or therapeutic purposes according to R9-7-1412, ensure that the label required in subsection (H)(5) provides one or more of the following warnings near each aperture that emits laser radiation or collateral radiation that exceeds the applicable maximum permissible exposure, as follows:
   a. "AVOID EXPOSURE - Laser radiation is emitted from this aperture" if the radiation emitted through the aperture is laser radiation,
   b. "AVOID EXPOSURE - Hazardous electromagnetic radiation is emitted from this aperture" if the radiation emitted through the aperture is collateral radiation, or
   c. "AVOID EXPOSURE - Hazardous x-rays are emitted from this aperture" if the radiation emitted through the aperture is collateral x-ray radiation;
8. Ensure that a label is affixed to each non-interlocked or defeatable interlocked portion of the protective housing or enclosure allowing human access to laser radiation or collateral radiation that includes one or more of the following warnings, as applicable:
   a. For laser radiation that exceeds the applicable accessible emission limit for a Class 1 or Class 2 laser, but does not exceed the applicable accessible emission limit for a Class 3 laser, the warning: "DANGER - Laser radiation when open, AVOID DIRECT EXPOSURE TO THE BEAM";
   b. For laser radiation that exceeds the applicable accessible emission limit for a Class 3 laser, the warning: "DANGER - Laser radiation when open, AVOID EYE OR SKIN EXPOSURE TO DIRECT OR SCATTERED RADIATION"; and
   c. For collateral radiation that exceeds an applicable accessible emission limit:
      i. If the applicable limit for collateral laser radiation is exceeded, the warning: "CAUTION - Hazardous electromagnetic radiation when open"; and
      ii. If the applicable limit for collateral x-ray radiation is exceeded, the warning: "CAUTION - Hazardous x-ray radiation"; and
9. If a protective housing or an enclosure has a defeatable interlock, ensure that the warning label includes "and interlock defeated" in addition to the applicable warning in subsections (G)(8)(a) through (c).

I. In addition to the information signs, symbols, and labels required in subsection (H), a registrant shall provide, near the signs, symbols, and labels within the laser facility, operating procedure restrictions and any other safety information required to ensure compliance with this Article and minimize exposure to laser and collateral radiation.

J. If a laser product is to be used in a research environment in a university or industrial setting, a registrant may request that the Department grant a waiver from the requirements that the laser product is used in accordance with the manufacturer's classification and instructions:

1. If the following conditions are met:
   a. Certain engineering controls are impractical during manufacture or research and development activities, and
   b. The Laser Safety Officer is able to specify alternate requirements to obtain equivalent laser safety protection; and
2. By submitting the following:
   a. The name and registration number of the registrant;
   b. The following information about the laser product:
      i. The manufacturer of the laser product; and
      ii. The model of the laser product, including a model number;
   c. A description of how the manufacturer's engineering controls for the laser product are impractical;
   d. A description of the alternate requirements specified by the Laser Safety Officer to obtain equivalent laser safety protection; and
   e. The signatures of the registrant and Laser Safety Officer and date signed.

K. If the Department receives a request according to subsection (J), the Department may waive compliance with specific requirements of this Article based on whether:
1. Compliance requires replacement or substantial modification of a laser product's current installation, and
2. The information provided by the registrant about alternative methods required by the Laser Safety Officer are sufficient to achieve the same or a greater level of radiation protection.

~~**R9-7-1408. Reporting of Radio Frequency Radiation Incidents**~~

~~**A.** A registrant shall report in writing to the Department within 15 days of a known or suspected personnel exposure to radiation that exceeds the applicable MPE incorporated by reference in R9-7-1405.~~

~~**B.** A registrant shall report to the Department within 24 hours of a known or suspected personnel exposure to radiation that exceeds 150% of an applicable MPE incorporated by reference in R9-7-1405.~~

~~**C.** A registrant shall immediately report to the Department a known or suspected personnel exposure to radiation that exceeds 500% of an applicable MPE incorporated by reference in R9-7-1405.~~

R9-7-1408. Laser Operations

A. A registrant shall:
1. Not use a laser product regulated under this Article, unless the laser product is registered by the Department according to R9-7-1402.
2. Not use or allow the use of a laser product that will result in a human exposure that exceeds:
   a. The applicable maximum permissible exposure, determined according to ANSI Z136.1-2022 or ANSI Z136.3-2024, as applicable, incorporated in R9-7-1407(A); or
   b. The accessible emission limit, determined according to 21 CFR 1040.10, incorporated under R9-7-1406(A);
3. Not allow an individual to do any of the following if the intensity of the beam or the beam's reflections exceeds the applicable maximum permissible exposure:
   a. Look directly into a laser beam,
   b. Look directly at reflected light from a laser beam, or
   c. Align a laser by eye while looking along the axis of the laser beam;
4. Not allow an individual to enter a laser controlled area if the skin exposure exceeds the applicable maximum permissible exposure, unless the registrant provides and requires the use of protective clothing, gloves, and shields; and
5. Ensure that any laser product, emitting spatially scanned laser radiation, does not, as a result of scan failure or any other failure that causes a change in angular velocity or amplitude, allow human access to laser radiation that exceeds the accessible emission limits applicable to that class of laser product.

B. A registrant shall not allow exposure to collateral radiation that exceeds an accessible emission limit determined according to subsection (A)(2)(b).

C. A registrant shall:
1. Designate a Laser Safety Officer;
2. Ensure the Laser Safety Officer has training that covers the subjects listed in R9-7-1410;
3. Ensure that an individual operating a laser product is trained and has demonstrated competence in the safe use of the laser product through training that:
   a. Is specific to the laser product to be used and the procedures to be performed, including:
      i. Laser and laser system classifications;
      ii. A description of the laser product to be used, including construction, operating information, and other basic information;
      iii. Fundamentals of laser radiation, including physical principles and the significance of reflected or scattered light from a laser beam;
      iv. Typical laser settings for the procedures to be performed; and
      v. Responsibilities of operators of a laser product and of individuals supervising the operator;
   b. Addresses hazards associated with laser product use, including:
      i. The potential biological effects of laser radiation on the eye and skin, including absorption and wavelength effects;
      ii. Explosive, electrical, chemical, and other hazards;
      iii. Thermal effects; and
      iv. Ionizing radiation hazards, including x-rays from power sources and target interactions, if applicable; and
   c. Addresses safety considerations and methods to minimize the hazards associated with laser product use, including:
      i. Controlled access to an area while the laser product is in use;
      ii. Use of protective eyewear or other protective devices, as applicable;

iii. Other methods to minimize the hazards associated with laser product use and to improve safety; and
iv. Medical surveillance practices, if applicable;

4. If an individual operating a laser product is a health professional, ensure that the individual is operating the laser product within the individual's scope of practice;
5. Provide policies and procedures developed by the Laser Safety Officer to ensure safe operation of the laser to each individual who operates a laser;
6. Ensure that an individual who operates a laser is aware of operating restrictions and procedures associated with the safe use of the laser;
7. Establish and maintain a laser radiation safety program;
8. If required by subsection (D) to establish a laser controlled area, conduct a laser radiation protection survey as follows to ensure compliance with subsection (D) before initial use of a laser, following system modifications, and at intervals that do not exceed six months:
   a. Determine whether each laser protective device required in R9-7-1407 is labeled according to R9-7-1407(H), is functioning within the design specifications, and meets the standards in 21 CFR 1040.10, incorporated under R9-7-1406(A), according to the type and class of laser in use;
   b. Determine whether each visual or audible indicator required according to R9-7-1407(G) is functioning within design specifications;
   c. Determine whether the laser controlled area is identified, controlled, and posted with accurate warning signs in accordance with R9-7-1407;
   d. Reevaluate potential hazards from surfaces that are associated with Class 3b and Class 4 beam paths; and
   e. Evaluate a laser and collateral radiation hazard incident to the use of lasers;
9. Require that protective eyewear, as specified by the Laser Safety Officer, be worn by an individual who has access to:
   a. Class 4 laser radiation, or
   b. Class 3b laser radiation; and
10. Provide protective eyewear that is:
   a. Marked with a label that indicates the optical density protection afforded for the relevant laser wavelength,
   b. Maintained so that the protective properties of the eyewear are preserved,
   c. Inspected at intervals that do not exceed six months to ensure integrity of the protective properties, and
   d. Removed from service if the protective properties of the eyewear fall below the optical density on the label.

D. If it is possible for an individual to be exposed to laser radiation that exceeds the applicable maximum permissible exposure in subsection (A)(2)(a) or accessible emission limit in subsection (A)(2)(b) from either a Class 3b laser with visible peak power of at least 5 milliwatts or a Class 4 laser, a registrant shall:
1. Establish a laser controlled area for the laser; and
2. Ensure that:
   a. The Laser Safety Officer establishes conditions to restrict access to the laser-controlled area;
   b. The Laser Safety Officer is responsible for the laser controlled area;
   c. The laser controlled area is posted in accordance with R9-7-1407(H);
   d. The Laser Safety Officer or a trained, designated representative authorizes access to the laser controlled area;
   e. Except for an indoor laser controlled area associated with a Class 4 laser used under R9-7-1412 or R9-7-1414, the laser controlled area is:
      i. Equipped with latches, interlocks, or another means of preventing unexpected entry into the laser controlled area;
      ii. Equipped with a control-disconnect switch, panic button, or an equivalent device for deactivating the laser during an emergency;
      iii. Operated so that the operator of a laser in the laser controlled area can momentarily override the safety interlocks during tests that require continuous operation to provide access to other personnel if there is no optical radiation hazard at the point of entry and the entering personnel are wearing required protective devices; and
      iv. Except as specified in subsection (D)(2)(f), controlled in a way that reduces the transmitted values of laser radiation through optical paths, such as windows, to levels at or below the applicable ocular maximum permissible exposure and accessible emission limit determined according to subsection (A)(2); and
   f. If a laser beam with an irradiance or radiant-exposure above the applicable maximum permissible exposure or accessible emission limit will exit an indoor laser controlled area, such as for exterior atmospheric beam paths, the beam path is limited to the air space or ground space controlled by the laser facility.

E. If a panel or protective cover of a laser is removed or an interlock bypassed for service, testing, or maintenance, a registrant shall:
1. Establish an accessible laser controlled area; and
2. Through a Laser Safety Officer or a designated representative, comply with laser safety requirements in this Section and R9-7-1407 for all potentially-exposed individuals.

F. A registrant shall maintain the following records for Department inspection for at least three years after the last date on the record:
1. Results of all physical surveys made to determine compliance with this Article;
2. Radiation source inventories for all sources of laser radiation possessed by the registrant;
3. Maintenance, service, and modification records;
4. Records of protective eyewear maintenance, inspection, and removal from service;
5. Any restriction in operating procedures necessary to prevent unnecessary or excessive exposure to laser radiation or collateral radiation;
6. Incident reports of known or suspected exposure to laser radiation or collateral radiation that exceeds the maximum permissible exposure for a laser possessed by the registrant; and

7. Results of medical surveillance to determine extent of injury resulting from exposure to laser radiation or collateral radiation.

~~**R9-7-1409. Medical Surveillance for Workers Who May Be Exposed to Radio Frequency Radiation**~~

~~**A.** Upon request by the Department, a registrant shall provide a medical examination to an individual exposed to radiation reported to the Department according to R9-7-1408.~~

~~**B.** A registrant shall provide a copy of the results to the Department if an individual undergoes a medical examination, requested under subsection (A).~~

~~**R9-7-1434.**~~**R9-7-1409.** **Laser Safety ~~Officer (LSO)~~ Officers**

~~**A.** Each registrant shall designate a Laser Safety Officer (LSO).~~

~~**B.** The LSO shall administer the laser radiation protection program and shall:~~

A Laser Safety Officer shall:

1. Develop, maintain, and implement policies and procedures that contain:
   a. Instructions for the safe use of each laser product in the possession of a registrant;
   b. Maintenance and servicing of each laser product;
   c. Restrictions on use, specific to the laser; and
   d. Restrictions on access to laser controlled areas;
2. Administer the laser radiation safety program established according to R9-7-1408(C)(7);
~~1.~~3. Ensure that maintenance or service for Class 3b and Class 4 lasers is performed only by ~~technicians trained to provide the maintenance or service by either the manufacturer's service organization or the registrant~~ a person registered with the Department according to R9-7-1403;
~~2. Approve or reject written service, maintenance, and operating procedures;~~
~~3.~~4. Investigate, document, and report all incidents involving lasers or intense pulsed light devices, as required by ~~R9-7-1436~~ R9-7-1411;
~~4.~~5. Select protective eyewear as required by ~~R9-7-1435~~ R9-7-1408(C)(9) and (10), along with any other protective equipment;
~~5.~~6. For ~~health care facilities~~ laser products and intense pulsed light devices under R9-7-1412 or R9-7-1414, establish authorization and operating procedures, including preoperative and postoperative checklists for patient care, for use by ~~operating room~~ personnel authorized to operate the laser product or intense pulsed light devices;
~~6.~~7. Ensure that authorized personnel are trained in the assessment and control of laser hazards according to R9-7-1408(C)(3);
~~7.~~8. Select signs, symbols, and labels as required by ~~R9-7-1427~~ R9-7-1407;
~~8.~~9. Perform laser radiation protection surveys as required by ~~R9-7-1421 and R9-7-1441~~ R9-7-1408(C)(8);
~~9.~~10. Classify or verify the classification, according to R9-7-1406, of lasers and laser systems used under the ~~LSO's~~ Laser Safety Officer's jurisdiction; and
~~10.~~11. Evaluate the hazard of laser use areas, treatment areas, and laser controlled areas, as required by ~~R9-7-1421(C)~~ R9-7-1408(D).

~~**R9-7-1410. Radio Frequency Compliance Measurements**~~

~~**A.** For obtaining measurements to determine compliance with R9-7-1405, the Department shall use an instrument capable of measuring the field strength and frequency of radiation.~~

~~**B.** The Department shall ensure that each instrument used for compliance measurements is calibrated every 12 months. The calibration shall be performed in a manner that meets the standards in IEEE Std C95.1-1999, incorporated by reference in R9-7-1404(A).~~

~~**C.** For compliance measurements of exposure conditions in the near field, the Department shall obtain measurements of both the electric and magnetic field components. The applicable protection standards for near field measurements are the mean squared electric and magnetic field strengths (using the applicable MPE) referenced in R9-7-1405.~~

~~**D.** If the Department is obtaining measurements to determine compliance in far field exposure conditions, the Department may use measurements of power density in milliwatts per square centimeter or the calculated equivalent plane wave power density, based on measurement of either the electric or magnetic field strength. The applicable protection standards are the power density values (using the applicable MPE) referenced in R9-7-1405.~~

~~**E.** In obtaining measurements in accordance with this Section, the Department shall measure the electric and magnetic field strength:~~
~~1. Obtained at an emission frequency of 300 megahertz or less; and~~
~~2. Expressed in terms of power density.~~

~~**F.** For mixed or broadband fields at frequencies for which there are different protection standards, the Department shall determine the fraction of the applicable MPE incurred within each frequency interval. To achieve compliance the sum of all the fractions shall not exceed unity (1).~~

~~**G.** The Department shall obtain compliance measurements at a distance of five centimeters or greater from any object.~~

~~**H.** A registrant shall obtain measurements that are averaged over a six-minute period for pulsed and non-pulsed modes of radio frequency emission and make a correction for duty cycle in determining the average field strength.~~

~~**Appendix D.**~~**R9-7-1410.** ~~**Laser Operator and**~~ **Laser Safety Officer Training Requirements**

~~1.~~ Operators and personnel that work around lasers:
   ~~a.~~ Fundamentals of laser operation (for example: physical principles, construction, and other basic information)
   ~~b.~~ Bioeffects of laser radiation on the eye and skin
   ~~c.~~ Significance of specular and diffuse reflections
   ~~d.~~ Non-beam hazards of lasers (for example: electrical, chemical, and reaction byproducts)
   ~~e.~~ Ionizing radiation hazards (includes information regarding x-rays from power sources and target interactions, if applicable)
   ~~f.~~ Laser and laser system classifications
   ~~g.~~ Control measures
   ~~h.~~ Responsibilities of managers and operators
   ~~i.~~ Medical surveillance practices (if applicable)

~~j. CPR for personnel servicing lasers with exposed high voltages, the capability of producing potentially lethal electrical currents, or both.~~

~~2. The LSO or other individual responsible for the safety program, evaluation of hazards, and implementation of control measures, or any others, if directed by management to obtain a thorough knowledge of laser safety:~~

~~a. The subjects covered in subsection (1)~~
~~b. Laser terminology~~
~~c. Laser types, wavelengths, pulse shapes, modes, power and energy~~
~~d. Basic radiometric units and measurement devices~~
~~e. MPE levels for eye and skin under all conditions~~
~~f. Laser hazard evaluations, range equations, and other calculations~~

~~3. Technical Considerations~~

~~a. Laser and IPL device descriptions~~
~~b. Definitions~~
~~c. Laser and IPL device radiation fundamentals~~
~~d. Laser mediums, types of lasers, and other light-emitting devices (includes information regarding diodes and solid, liquid, gas, and IPL devices)~~
~~e. Biological effects of laser or IPL device light~~
~~f. Damage mechanisms~~
~~i. Eye hazard~~
~~ii. Skin hazard (includes information regarding skin type and skin anatomy)~~
~~iii. Absorption and wavelength effects~~
~~iv. Thermal effects~~
~~g. Photo chemistry~~
~~h. Photosensitive medications~~
~~i. Criteria for setting the Maximum Permissible Exposure (MPE) levels for eye and skin associated hazards~~
~~j. Explosive, electrical, and chemical hazards~~
~~k. Fire, ionizing radiation, cryogenic hazards, and other hazards as applicable~~

A registrant shall ensure that an individual has completed training in all of the following before the individual is designated as a Laser Safety Officer, according to R9-7-1408(C)(1):

1. The topics required under R9-7-1408(C)(3);
2. The physics of laser radiation and radiation from intense pulsed light devices, including:
   a. Definitions;
   b. Laser terminology;
   c. Fundamentals of laser radiation and intense pulsed light device radiation;
   d. Basic radiometric units and measurement devices;
   e. Categories of lasers and other light-emitting devices, including information regarding:
      i. Laser diodes;
      ii. Solid-state, liquid, and gas lasers; and
      iii. Intense pulsed light devices;
   f. Laser types, wavelengths, pulse shapes, modes, power, and energy produced; and
   g. Descriptions and uses of lasers and intense pulsed light devices; and
3. Hazards and methods to mitigate damage and to increase safety, including:
   a. Biological effects of laser or intense pulsed light device light;
   b. Laser hazard evaluations, range equations, and other calculations;
   c. Damage mechanisms, including:
      i. Eye hazards;
      ii. Skin hazards, including information regarding skin types and skin anatomy;
      iii. Absorption and wavelength effects; and
      iv. Thermal effects;
   d. Criteria for setting the maximum permissible exposure levels for eye and skin associated hazards;
   e. Photochemistry;
   f. Photosensitive medications;
   g. Explosive, electrical, and chemical hazards;
   h. Fire, ionizing radiation, cryogenic hazards, and other hazards as applicable; and
   i. Methods to minimize hazards.

~~R9-7-1411. Reserved~~

~~R9-7-1436.~~R9-7-1411.Reporting ~~Laser~~ Incidents Involving Lasers or Intense Pulsed Light Devices

A. A registrant shall notify the Department, and provide as much of the information required in subsection (C)(2) as is available at the time of the notification, by telephone or email within 24 hours ~~of~~ after any incident that has caused or may have caused:

1. Permanent loss of sight in either eye; or
2. Third-degree burns of the skin involving more than ~~5~~ five percent of the body surface as estimated by the ~~rule of nines~~ following method:
   a. The body is divided into sections; and
   b. Each body section is assigned a percentage, as follows, of total body surface:
      i. The head and neck, 9 percent;

ii. Anterior trunk, 18 percent;
iii. Posterior trunk, 18 percent;
iv. Upper limbs, 18 percent;
v. Lower limbs, 36 percent; and
vi. Genitalia and perineum, 1 percent.

B. A registrant shall notify the Department, and provide as much of the information required in subsection (C)(2) as is available at the time of the notification, by telephone or email within five working days ~~of~~ after any incident that has or may have caused:
1. Any second-degree burn of the skin larger than one inch (2.54 centimeter) in greatest diameter~~;~~, ~~or~~
2. Any third-degree burn of the skin~~;~~, or
3. An eye injury with any potential loss of sight.

C. ~~Each~~ A registrant shall ~~file~~ submit to the Department a written report ~~with the Department of any known exposure of an individual to laser radiation or collateral radiation~~:
1. ~~within~~ Within 30 days ~~of~~ after ~~the discovery, describing~~:
~~1.~~ ~~Each exposure of the individual to laser radiation or collateral radiation that exceeds the applicable MPE; and~~
~~2.~~a. Any incident that triggered a notice requirement in ~~subsections~~ subsection (A) or (B)~~.~~, or
b. Any other known exposure of an individual to laser radiation or collateral radiation that exceeded the applicable maximum permissible exposure; and
2. In the written report, provide the following information:
a. The registrant's name and registration number,
b. The date and time of the incident,
c. The name and contact information for each individual exposed to laser radiation or collateral radiation that exceeded the applicable maximum permissible exposure,
d. The name and contact information for any other individual present at the time of the incident,
e. An estimate of the extent of exposure of each individual named according to subsection (C)(2)(c),
f. The level of laser radiation or collateral radiation involved,
g. The cause of the exposure,
h. A description of any immediate medical care provided to an exposed individual,
i. A description of subsequent medical care required for an exposed individual,
j. Any immediate steps taken to prevent further exposure or a recurrence,
k. Any subsequent corrective steps or planned to prevent recurrence, and
l. Any other pertinent information.

~~**D.** Each report required by subsection (C) shall describe the extent of exposure to each individual, including:~~
~~1. An estimate of the individual's exposure;~~
~~2. The level of laser or collateral radiation involved;~~
~~3. The cause of the exposure; and~~
~~4. The corrective steps taken or planned to prevent a recurrence.~~

~~**E.** A registrant shall not operate or allow the operation of any laser product or system that does not meet the applicable requirements in this Article.~~

~~**R9-7-1412. Tanning Operations**~~
~~A registrant shall establish and maintain written policies and procedures that are part of a radiation safety program to assure compliance with the requirements in R9-7-1412 through R9-7-1416.~~

~~**R9-7-1440.**~~**R9-7-1412.** ~~**Medical Lasers**~~ **Use of Devices that Produce Nonionizing Radiation for Diagnostic or Therapeutic Purposes**

~~**A.** A registrant shall ensure that a Class 3 and Class 4 laser product used in the practice of medicine has a means for measuring the level of laser radiation with an error in measurement of no greater than +20%, when calibrated in accordance with the laser product manufacturer's calibration procedure.~~

~~**B.** A registrant shall calibrate a laser used in the practice of medicine according to the manufacturer's specified calibration procedure, at intervals that do not exceed those specified by the manufacturer.~~

~~**C.** In a medical facility where several medical disciplines or a number of different practitioners use Class 3b and Class 4 lasers, a registrant shall form a Laser Safety Committee to govern laser activity, establish use criteria, and approve operating procedures, as follows:~~
~~1. With regard to membership of the committee the registrant shall include at least one representative of the Nursing staff, the LSO, one management representative, and one representative of each medical discipline that uses the lasers;~~
~~2. The committee shall review actions by the LSO related to hazard evaluation and the monitoring and control of laser hazards; and~~
~~3. The committee shall approve or deny requests by potential operators and ancillary personnel to operate or assist in the operation of a laser under the direction of a licensed practitioner.~~

~~**D.** A registrant shall use Class 3b and Class 4 Lasers that have a guard mechanism on the switch to control patient exposure and prevent inadvertent exposure.~~

~~**E.** A registrant shall establish a written laser safety training program that provides a thorough understanding of established procedures for each type of laser in use and the medical procedures associated with use of the laser. The registrant shall make program documentation available for Department review and, at minimum, address all of the following in the documentation:~~
~~1. Regulatory requirements and the laser classification system;~~
~~2. Fundamentals of laser operation and the significance of specular and diffuse reflections;~~
~~3. Biological effects of laser radiation on the eye and skin;~~
~~4. Non-beam hazards (for example: electrical, chemical, and reaction by-product hazards) and ionizing radiation hazards (for example: x-rays from power sources and target interactions, if applicable) of lasers; and~~

~~5. Responsibilities of management and employees regarding control measures.~~

A. A registrant shall ensure the use of a radiofrequency source regulated under this Article for diagnostic or therapeutic purposes complies with the requirements in R9-7-1404(B)(2) and (3) and (E).

B. A registrant shall ensure that the use of a sunlamp product regulated under this Article for diagnostic or therapeutic purposes complies with applicable requirements in R9-7-1405.

C. A registrant shall ensure that:

1. The use of an intense pulsed light device regulated under this Article for diagnostic or therapeutic purposes complies with applicable requirements and manufacturer's specifications, and
2. The manufacturer's user manual for the intense pulsed light device is available on-site.

D. In addition to the requirements in R9-7-1407, a registrant shall ensure that a Class 3b or Class 4 laser product used for diagnostic or therapeutic purposes:

1. Is appropriate for the diagnostic or therapeutic purpose for which the laser product is used;
2. Has a means for measuring the level of laser radiation with an error in measurement of no greater than +20%, when calibrated in accordance with the laser product manufacturer's calibration procedure;
3. Is calibrated according to the manufacturer's specified calibration procedure, at intervals that do not exceed those specified by the manufacturer; and
4. Has a guard mechanism on the switch to control patient exposure and prevent inadvertent exposure.

E. A registrant shall:

1. Ensure that policies and procedures are established, documented, and implemented to protect the health and safety of a patient that comply with requirements in R9-7-1409(6) and R9-7-1413;
2. Comply with R9-7-1408(D) and R9-7-1411;
3. In a facility where a Class 3b or Class 4 laser product is used for diagnostic or therapeutic purposes, ensure that a laser safety training program is established, documented, and maintained that:
   a. Provides for a thorough understanding of established procedures for the use of each type of laser product and the diagnostic or therapeutic procedures associated with the use of the laser; and
   b. Is consistent with R9-7-1408(C)(3) or R9-7-1413, as applicable to the user; and
4. Make documentation of the laser safety training program in subsection (E)(3) available to the Department upon request.

F. In a facility where two or more medical disciplines or a number of different health professionals use Class 3b and Class 4 laser products for diagnostic or therapeutic purposes, a registrant shall:

1. Form a laser safety committee to govern laser activity, establish use criteria, and approve operating procedures;
2. Ensure that the laser safety committee is comprised of at least one registered nurse as defined in A.R.S. § 32-1601, the Laser Safety Officer, one management representative, and one representative of each medical discipline that uses a laser;
3. Ensure that the laser safety committee meets at least once each calendar year;
4. Ensure that the laser safety committee reviews actions by the Laser Safety Officer related to hazard evaluation and the monitoring and control of laser hazards, consistent with requirements in R9-7-1409 and the policies and procedures in subsection (E)(1);
5. Ensure that the laser safety committee approves policies and procedures, consistent with R9-7-1408(C)(3) or R9-7-1413, as applicable, and the laser safety training program in subsection (E)(3), that describe the appropriate training and competency of an individual who may be approved to operate or assist in the operation of a laser; and
6. Ensure that the laser safety committee approves or denies requests to operate or assist in the operation of a laser, based on the policies and procedures in subsection (F)(5), by:
   a. A health professional, or
   b. A potential operator of a laser product under the direction and supervision of a prescribing health professional.

~~R9-7-1413. Tanning Equipment Standards~~

~~A.~~ ~~A registrant operating a tanning facility shall use sunlamp products that are certified by the manufacturer to comply with 21 CFR 1040.20, April 1, 2004, which is incorporated by reference, published by the Office of Federal Register National Archives and Records Administration, Washington, D.C. 20408, and on file with the Department. This incorporation by reference contains no future editions or amendments. For sunlamp products in use before the effective date of this Article, the Department shall determine compliance based on the standard in effect at the time of manufacture, as shown on the equipment identification label.~~

~~B.~~ ~~A registrant shall replace burned-out or defective lamps or filters, before any use of a tanning device.~~

~~C.~~ ~~A registrant shall replace a burned-out or defective lamp or filter with a lamp or filter intended for use in that equipment, as specified on the sunlamp product label, or that is equivalent to a lamp or filter specified on the sunlamp product label under the FDA regulations and polices applicable to the sunlamp product at the time of manufacture. If an equivalent lamp or filter is used instead of the Original Equipment Manufacturer (OEM) lamp or filter specified on the product label, the registrant shall maintain a copy of the equivalency certification, provided by the lamp supplier, on file for review by Department inspectors.~~

~~D.~~ ~~A registrant shall ensure that each sunlamp product has a timer and control system that complies with 21 CFR 1040.20(c), April 1, 2004, which is incorporated by reference, published by the Office of Federal Register National Archives and Records Administration, Washington, D.C. 20408, and on file with the Department. This incorporation by reference contains no future editions or amendments. In addition the registrant shall ensure that:~~

1. ~~The timer interval does not exceed the manufacturer's maximum, recommended exposure time;~~
2. ~~The timer is functional and accurate to within +/- 10% of the maximum timer interval of the product;~~
3. ~~The timer does not automatically reset and cause radiation emission to resume for a period greater than the unused portion of the timer cycle;~~
4. ~~The timer is tested annually for accuracy;~~
5. ~~For a new facility (including existing facilities with change of ownership) a remote timer control system is installed before operation of sunlamp products. For an existing facility that has sunlamp products not equipped with a remote timer control system, a~~

~~remote timer control system (outside of the sunlamp product room) is installed no later than 6 months after the effective date of this Section; and~~

~~6. Each sunlamp product is equipped with an emergency shutoff mechanism that allows manual termination of the UV exposure by the user.~~

~~**E.** A registrant shall provide physical barriers between each sunlamp product to protect users from injury caused by touching or breaking a lamp.~~

~~**F.** A registrant that employs a stand-up sunlamp product shall:~~

~~1. Use physical barriers, handrails, floor markings, or other methods to indicate the proper exposure distance between the ultraviolet lamps and the user's skin;~~

~~2. Construct each tanning booth so that it can withstand the stress of use and the impact of a falling person;~~

~~3. Provide access to a tanning booth with doors of rigid construction that open outward, handrails, and non-slip floors; and~~

~~4. Control the interior temperature of a sunlamp product so that it never exceeds 100 degrees Fahrenheit (38 degrees Centigrade).~~

~~Appendix C.~~R9-7-1413.~~Health Professional Training Program~~ Training for Health Professionals Using Lasers or Intense Pulsed Light Devices or Supervising Users of Lasers or Intense Pulsed Light Devices

~~1. General Considerations. An applicant shall ensure that:~~

~~a. The training program is specific to the medical laser or IPL device in use and the clinical procedures to be performed;~~

~~b. Program content is consistent with facility policy and procedure and applicable federal and state law; and~~

~~c. The training program addresses hazards associated with laser or IPL device use.~~

~~2. Technical Considerations. The applicant's training program shall cover all of the following technical subjects:~~

~~a. Laser and IPL device descriptions~~

~~b. Definitions~~

~~c. Laser and IPL device radiation fundamentals~~

~~d. Laser mediums, types of lasers, and other light-emitting devices – solid, liquid, gas, and IPL devices~~

~~e. Biological effects of laser or IPL device light~~

~~f. Damage mechanisms~~

~~i. Eye hazard~~

~~ii. Skin hazard (includes information regarding skin type and skin anatomy)~~

~~iii. Absorption and wavelength effects~~

~~iv. Thermal effects~~

~~g. Photo chemistry~~

~~h. Criteria for setting the Maximum Permissible Exposure (MPE) for eye and skin associated hazards~~

~~i. Explosive, electrical, and chemical hazards~~

~~j. Photosensitive medications~~

~~k. Fire, ionizing radiation, cryogenic hazards, and other hazards, as applicable~~

~~3. Medical Considerations. The applicant's training program shall cover all of the following medical subjects:~~

~~a. Local anesthesia techniques, including ice, EMLA cream, and other applicable topical treatments~~

~~b. Typical laser and IPL device settings for hair removal and cosmetic procedures~~

~~c. Expected patient response to treatment~~

~~d. Potential adverse reactions to treatment~~

~~e. Anatomy and physiology of skin areas to be treated~~

~~f. Indications and contraindications for use of pigment and vascular-specific lasers for cutaneous procedures~~

~~4. General Laser or IPL device safety. The applicant's training program shall cover the following general safety subjects:~~

~~a. Laser and IPL device classifications~~

~~b. Control measures (includes information regarding protective equipment)~~

~~c. Manager and operator responsibilities~~

~~d. Medical surveillance practices~~

~~e. Federal and state legal requirements~~

~~f. Related safety issues~~

~~i. Controlled access~~

~~ii. Plume management~~

~~iii. Equipment testing, aligning, and troubleshooting~~

A registrant shall ensure that a health professional has completed training in all of the following before the health professional is authorized by the registrant to apply or supervise the application of nonionizing radiation from a laser or intense pulsed light device to a patient:

1. Federal and state regulatory requirements, including requirements of the applicable health profession regulatory board, as defined in A.R.S. § 32-3201;
2. The fundamentals of laser radiation and the laser classification system;
3. The selection of different lasers or laser classifications for different diagnostic or therapeutic purposes;
4. Information specific to each laser product in use and the clinical procedures to be performed, including:
   a. Fundamentals of laser operation and the significance of reflected or scattered light from a laser beam,
   b. Typical settings for the clinical procedures to be performed, and
   c. Equipment testing and troubleshooting;
5. The potential biological effects of laser light, including absorption and wavelength effects;
6. Non-beam hazards of lasers, such as:
   a. Electrical, chemical, and reaction by-product hazards; and
   b. Ionizing radiation hazards, such as x-rays from power sources and target interactions, if applicable;
7. Measures to control or mitigate hazards of laser use;

8. Any patient health and safety concerns specific to the type of laser product and each diagnostic or therapeutic procedure to be performed; and
9. The health professional's responsibility for management of laser use and operator supervision.

~~R9-7-1414. Tanning Equipment Operators~~

~~A.~~ ~~A registrant shall ensure that at least one operator is present during operating hours. The operator shall:~~
1. ~~Limit the occupancy of the tanning room to one person when the tanning equipment is in use~~;
2. ~~Prevent use of the tanning equipment by anyone under 18 years of age unless the person has written permission from a parent or guardian;~~
3. ~~Limit exposure time to the manufacturer's recommendation on the equipment label or in the operator's manual~~;
4. ~~Limit exposure time during a 24-hour period to the maximum recommended for a 24-hour period by the manufacturer; and~~
5. ~~Maintain a record of each user's total number of tanning visits and exposure times for Department inspection. The registrant shall maintain the records for three years from the date on the record.~~

~~B.~~ ~~Before use of tanning equipment, an operator shall:~~
1. ~~Provide the user sanitized protective sunlamp eyewear and directions for its use;~~
2. ~~Demonstrate the use of any physical aids, necessary to maintain correct exposure distance for the user, as recommended by the manufacturer of the tanning equipment~~;
3. ~~Set the exposure timer so that the user is not exposed to excess radiation~~;
4. ~~Instruct the user on the maximum exposure time and correct distance from the radiation source as recommended by the manufacturer of the tanning equipment; and~~
5. ~~Instruct the user about the location and correct operation of the emergency shutoff switch.~~

~~C.~~ ~~An operator shall control a sunlamp's timer. A registrant shall:~~
1. ~~Provide training to operators that covers:~~
   a. ~~The requirements of this Section;~~
   b. ~~Facility operating procedures, including~~:
      i. ~~Determination of skin type and associated duration of exposure;~~
      ii. ~~Procedures for use of minor and adult user consent forms;~~
      iii. ~~Potential harm associated with photosensitizing foods, cosmetics, and medications;~~
      iv. ~~Requirements for use of protective eyewear by users of the equipment; and~~
      v. ~~Proper sanitizing procedures for the facility, equipment, and eyewear;~~
   c. ~~The manufacturer's procedures for operation and maintenance of tanning equipment;~~
   d. ~~Recognition of injury or overexposure; and~~
   e. ~~Emergency procedures used in the case of an injury.~~
2. ~~Maintain records of training for Department review, which include dates and material covered, for three years from the date the training is provided.~~
3. ~~Post a list of operators at the facility.~~

~~D.~~ ~~Before the first use of a tanning facility in each calendar year by a user:~~
1. ~~An operator shall request that the user read a copy of the warnings in R9-7-1415(A);~~
2. ~~The operator shall obtain the user's signature on a statement as an acknowledgment that the user has heard or read and understands the warnings in R9-7-1415(A); and~~
3. ~~For illiterate or visually handicapped persons, the operator shall read the warnings in R9-7-1415(A) in the presence of a witness. Both the witness and the operator shall sign the statement described in subsection (D)(2).~~

~~R9-7-1438.~~R9-7-1414.~~Hair Removal and Other Cosmetic Procedures Using Laser and Intense Pulsed Light~~ Use of Devices that Produce Nonionizing Radiation for Cosmetic Procedures

~~A.~~ ~~In addition to the definitions in A.R.S. § 32-516 and R9-7-102 and R9-7-1402, the following definitions apply in this Section and R9-7-1439 unless otherwise specified:~~
1. ~~"Prescribing health professional" means a health professional who is authorized by the health professional's regulatory board to order and use a "prescription-only device," as defined in A.R.S. § 32-1901.~~
2. ~~"Cosmetic procedure" means any of the following:~~
   a. ~~Hair reduction,~~
   b. ~~Skin rejuvenation,~~
   c. ~~Non-ablative skin resurfacing,~~
   d. ~~Spider vein reduction,~~
   e. ~~Skin tightening,~~
   f. ~~Wrinkle reduction,~~
   g. ~~Laser peel,~~
   h. ~~Telangiectasia reduction,~~
   i. ~~Acquired adult hemangioma reduction,~~
   j. ~~Facial erythema reduction,~~
   k. ~~Solar lentigo reduction (age spots),~~
   l. ~~Ephelis reduction (freckles),~~
   m. ~~Acne scar reduction,~~
   n. ~~Photo facial,~~
   o. ~~Tattoo removal,~~
   p. ~~Cellulite reduction, or~~

~~q. Another, as approved by the Department after consultation with other health professional boards as defined in A.R.S. § 32-516(F)(3) or 32-3233(D)(1).~~

~~**B.** A person who seeks to perform hair removal or other cosmetic procedures shall apply for registration, under R9-7-1302(F)(7), of any medical laser or IPL device that is a Class II surgical device, certified by the manufacturer as complying with the labeling standards in 21 CFR 801.109, revised June 15, 2016, incorporated by reference, available under R9-7-101 and including no future editions or amendments.~~

~~**C.** An applicant for registration shall submit to the Department:~~

~~1. The following information, in a Department-provided format:~~

~~a. The name, mailing address, billing address if different from the mailing address, telephone number, and e-mail address of the applicant;~~

~~b. Any other names by which the applicant is known;~~

~~c. The applicant's type of business organization, including:~~

~~i. For a corporation, information as registered with the Arizona Corporation Commission;~~

~~ii. For a partnership, the name and address of each partner and percentage of ownership;~~

~~iii. For a sole proprietorship, the name of the owner; and~~

~~iv. For a governmental entity, documentation showing the applicant is a governmental entity;~~

~~d. The type of facility;~~

~~e. For the medical laser or IPL device, as applicable:~~

~~i. The class and type, and~~

~~ii. The name of the manufacturer and model of the medical laser or IPL device;~~

~~f. The physical address of the location at which the medical laser or IPL device, as applicable, will be used;~~

~~g. The name, title, telephone number, and e-mail address of:~~

~~i. A point of contact for the applicant at the location of use, and~~

~~ii. A billing point of contact;~~

~~h. The name, telephone number, and e-mail address of the prescribing health professional who will be responsible for the use of the medical laser or IPL device in subsection (C)(1)(e), including the prescribing health professional's regulatory board and professional license number;~~

~~i. The name, telephone number, and e-mail address of the Laser Safety Officer required in R9-7-1434;~~

~~j. Whether the applicant agrees to allow the Department to submit supplemental requests for information under A.R.S. § 41-1075(A);~~

~~k. Attestation that the prescribing health professional in subsection (C)(1)(h):~~

~~i. Is qualified in accordance with A.R.S. § 32-516 or 32-3233 and subsection (E);~~

~~ii. Is responsible for the use of the medical laser or IPL device;~~

~~iii. If applicable, will provide indirect supervision of a laser technician certified under 9 A.A.C. 16, Article 7, using the medical laser or IPL device for hair removal; and~~

~~iv. If applicable, will provide direct supervision of a laser technician certified under 9 A.A.C. 16, Article 7, using the medical laser or IPL device for a cosmetic procedure other than hair removal;~~

~~l. Attestation that the information or documents submitted to the Department are true and correct; and~~

~~m. The signature of both the applicant and prescribing health professional and the date signed;~~

~~2. Documentation for the individual specified according to subsection (C)(1)(c)(iii) or (g)(i), as applicable, that complies with A.R.S. § 41-1080;~~

~~3. Documentation demonstrating that the prescribing health professional in subsection (C)(1)(h) meets the requirements in subsection (E);~~

~~4. Documentation demonstrating that the Laser Safety Officer in subsection (C)(1)(i) has completed the training specified according to Appendix D; and~~

~~5. The fee in Table 13.1(F)(7).~~

A. A person shall apply for registration, under R9-7-1302(F)(7), of a medical laser or an intense pulsed light device for performing hair removal or other cosmetic procedures if the medical laser or intense pulsed light device is a FDA-designated Class II medical device, certified by the manufacturer as complying with the labeling standards in 21 CFR 801.109, June 15, 2016, which is incorporated by reference, is available at https://www.ecfr.gov/current/title-21/chapter-I/subchapter-H/part-801/subpart-D/section-801.109, is on file with the Department, and includes no future editions or amendments.

B. A registrant shall ensure that:

1. The use of an intense pulsed light device regulated under this Article for hair removal or other cosmetic procedures complies with applicable requirements and manufacturer's specifications, and
2. The manufacturer's user manual for the intense pulsed light device is available on-site.

~~D.~~C. If a registrant is using a medical laser or an ~~IPL~~ intense pulsed light device in subsection (A), the registrant shall:

1. Designate a Laser Safety Officer, as required in ~~R9-7-1434~~ R9-7-1408(C)(1), who:
   a. May be the registrant or the prescribing health professional; and
   b. Has completed the training in ~~Appendix D~~ R9-7-1410, as required in ~~R9-7-1421(E)~~ R9-7-1408(C)(2);
2. Ensure that policies and procedures are developed, documented, and implemented that:
   a. Address the applicable requirements in ~~R9-7-1403, R9-7-1421, R9-7-1427, R9-7-1429, R9-7-1433; R9-7-1434, R9-7-1435, and R9-7-1436~~ R9-7-1407, R9-7-1408, and R9-7-1411;
   b. Include procedures to ensure that the prescribing health professional orders the use of a medical laser or ~~IPL~~ intense pulsed light device;
   c. If applicable, cover situations in which the prescribing health professional is not present in the facility, according to subsection ~~(D)(8)~~ (C)(8); and

d. Cover the knowledge, skills, and experience of individuals authorized to use the medical laser or ~~IPL~~ intense pulsed light device;

3. Ensure that the prescribing health professional:
   a. Has established a written protocol for the application of radiation to a patient for each cosmetic procedure that may be conducted using the medical laser or ~~IPL~~ intense pulsed light device, including follow-up instructions for the patient;
   b. Reviews and, as necessary, revises~~,~~ the written protocols in subsection ~~(D)(3)(a)~~ (C)(3)(a) at least annually; and
   c. Documents the review in subsection ~~(D)(3)(b)~~ (C)(3)(b) with a signature and date of signature;
4. Ensure that the registrant has a written order from the prescribing health professional before the application of radiation to a patient;
5. Ensure that the medical laser or ~~IPL~~ intense pulsed light device is only used by:
   a. A health professional described in A.R.S. ~~§§~~ § ~~32-516(F)(3) and~~ 32-3233(D)(1) who meets the requirements in subsection ~~(E)~~ (D);
   b. A laser technician, certified under 9 A.A.C. 16, Article 7, for the cosmetic procedure to be performed, who:
      i. When performing a hair removal procedure, is working under the indirect supervision of a prescribing health professional ~~described~~ as specified in A.R.S. ~~§§~~ § ~~32-516(C)(1) and 32-3233(D)~~ 32-3233(D)(1) and (H)(1); and
      ii. When performing a cosmetic procedure other than hair removal, is working under the direct supervision of a prescribing health professional ~~described~~ as specified in A.R.S. ~~§§~~ § ~~32-516(C)(1) and 32-3233(D)~~ 32-3233(D)(1) and ~~(H)(1)~~ (H)(2); ~~or~~
   c. A laser technician, certified under 9 A.A.C. 16, Article 7, for hair removal only, who is receiving hands-on training in the use of a medical laser or intense pulsed light device for a cosmetic procedure other than hair removal under the supervision of:
      i. A health professional who is qualified according to A.R.S. § 32-3233 and subsection (D) and who is present in the room with the laser technician; or
      ii. Another laser technician, who is certified under 9 A.A.C. 16, Article 7, with a minimum of 100 hours of hands-on experience using the medical laser or IPL intense pulsed light device for the cosmetic procedure; who is present in the room with the laser technician receiving hands-on training; and who is receiving direct supervision from a prescribing health professional;
   ~~e.~~d. An individual who has a provisional certificate for course completion issued according to ~~R9-7-1439(E)(3)~~ R9-7-1415(E)(3) and is receiving hands-on training in the use of a medical laser or intense pulsed light device for hair removal under the supervision of:
      ~~i. Is receiving hands-on training under the supervision of an individual qualified according to R9-7-1439(F)(2); and~~
      ~~ii. If applicable, when a prescribing health professional is providing indirect supervision to a supervising laser technician in R9-7-1439(F)(2)(b);~~
      i. A health professional, who is qualified according to A.R.S. § 32-3233 and subsection (D) and who is present in the room with the individual; or
      ii. A laser technician, who is certified under 9 A.A.C. 16, Article 7, with a minimum of 100 hours of hands-on experience using the medical laser or IPL intense pulsed light device for hair removal; who is present in the room with the individual; and who is receiving indirect supervision from a prescribing health professional; or
   e. An individual who has a provisional certificate for course completion issued according to R9-7-1415(E)(3), has documentation of successful completion of at least 24 hours of hands-on training in the use of a medical laser or intense pulsed light device for hair removal according to R9-7-1415(F)(2) and (G), and is receiving hands-on training for a cosmetic procedure other than hair removal under the supervision of:
      i. A health professional, who is qualified according to A.R.S. § 32-3233 and subsection (D) and who is present in the room with the individual; or
      ii. A laser technician, who is certified under 9 A.A.C. 16, Article 7, with a minimum of 100 hours of hands-on experience using the medical laser or IPL intense pulsed light device for the cosmetic procedure; who is present in the room with the individual; and who is receiving direct supervision from a prescribing health professional;
6. Ensure that a laser technician follows the applicable written protocol established by the prescribing health professional according to subsection ~~(D)(3)(a)~~ (C)(3)(a) when applying radiation to a patient using the medical laser or ~~IPL~~ intense pulsed light device;
7. Ensure that, at least every six months, the prescribing health professional:
   a. Observes each laser technician, while the laser technician is performing a hair removal procedure, for adherence to the applicable written protocol in subsection ~~(D)(3)(a)~~ (C)(3)(a); and
   b. Documents the observation and the assessment in subsection ~~(D)(7)(a)~~ (C)(7)(a);
8. If the registrant is authorized by the Department to conduct hair removal procedures or other cosmetic procedures without a prescribing health professional being present in the facility:
   a. Establish a method for emergency medical care of a patient; and
   b. Assume legal liability for the services rendered in the facility by:
      i. An indirectly-supervised certified laser technician performing hair removal procedures, or
      ii. A health professional performing any cosmetic procedure;
9. Ensure that a laser technician using the medical laser or ~~IPL~~ intense pulsed light device displays a valid original certificate, as issued by the Department under A.A.C. R9-16-703, R9-16-704, or R9-16-705, in a location that is viewable by the public;
10. Ensure that labels and signs are used, according to the applicable requirements in ~~R9-7-1427 and R9-7-1429~~ R9-7-1407(H);
11. Comply with R9-7-1411; and
~~11.~~12. Maintain on the premises of the facility:
   a. The policies and procedures in subsection ~~(D)(2)~~ (C)(2)~~,~~;

b. The written protocols in subsection ~~(D)(3)(a)~~ (C)(3)(a)~~,~~;
c. Documentation of the review of the written protocols in subsection ~~(D)(3)(b)~~ (C)(3)(b) for at least three years after the date of the review~~,~~;
d. Documentation of the observation and assessment in subsection ~~(D)(7)(b)~~ (C)(7)(b) for at least three years after the date of the assessment~~,~~;
e. Documentation of the radiation safety training required in subsection (F) for at least three years after the last date of employment~~,~~; and
f. Documentation of the training for an individual, required in subsection ~~(D)(1)(b)~~ (C)(1)(b), for as long as the individual is acting as a Laser Safety Officer.

~~E.~~**D.** A registrant shall verify that a health professional, including a prescribing health professional, is qualified to perform a cosmetic procedure using a medical laser or ~~IPL~~ intense pulsed light device by obtaining documentation that the health professional:
1. Meets the requirements in A.R.S. ~~§§~~ § ~~32-516(F)(3) and~~ 32-3233(D)(1); and
2. Has:
   a. ~~A certificate of completion of 24 hours of didactic training issued to the health professional by a training program according to Appendix C~~ Documentation of completing at least 24 hours of didactic training on the subjects in R9-7-1413; or
   b. ~~Has been~~ Been in practice since before October 1, 2010 and has at least 24 hours of training on the subjects in ~~Appendix C~~ in R9-7-1413.

E. If a registrant is using a radiofrequency source that is a FDA-designated Class II medical device for performing a cosmetic procedure, the registrant shall:
1. Ensure that policies and procedures are developed, documented, and implemented that:
   a. Address the requirements in R9-7-1404(B)(2) and (3) and (E);
   b. Include procedures to ensure that the prescribing health professional orders the use of a radiofrequency source; and
   c. Cover the knowledge, skills, training, and experience of individuals authorized to use the radiofrequency source;
2. Ensure that the prescribing health professional:
   a. Has established a written protocol for the application of radiation to a patient for each cosmetic procedure that may be conducted using the radiofrequency source, including follow-up instructions for the patient;
   b. Reviews and, as necessary, revises, the written protocols in subsection (E)(2)(a) at least annually; and
   c. Documents the review in subsection (E)(2)(b) with a signature and date of signature;
3. Ensure that the registrant has a written order from the prescribing health professional before the application of radiofrequency radiation to a patient;
4. Ensure that the radiofrequency source is only used by an individual who meet the requirements in subsection (E)(1)(c);
5. Ensure that an individual applying radiofrequency radiation to a patient follows the applicable written protocol established by the prescribing health professional; and
6. Maintain on the premises of the facility:
   a. The policies and procedures in subsection (E)(1),
   b. The written protocols in subsection (E)(2)(a),
   c. Documentation of the review of the written protocols in subsection (E)(2)(b) for at least three years after the date of the review, and
   d. Documentation that an individual using a radiofrequency device for performing a cosmetic procedure meets the requirements in subsection (E)(1)(c) for at least three years after the last date of employment.

F. A registrant shall:
1. Provide radiation safety training, specific to the facility and separate from training requirements in R9-7-1404(B)(2), R9-7-1408(C)(3), R9-7-1413, or R9-7-1415, as applicable, to all individuals involved with performing cosmetic procedures with a device that produces nonionizing radiation under subsection ~~(D)~~ (C) or (E), consistent with the individual's knowledge, skills, and duties; and
2. Document the radiation safety training, including the date of the training, topics covered, name and qualifications of the individual providing the training, and names of individuals receiving the training.

G. A registrant shall ensure that:
1. A ~~medical laser or IPL~~ device that produces nonionizing radiation is secured so that the ~~medical laser or IPL~~ device cannot be removed from the facility~~,~~; and
2. The on/off switch is turned to the "off" position with the key removed or otherwise disabled, such as through requiring the entry of a code before use, so the device cannot be operated while ~~when a laser technician or~~ a health professional or other individual authorized to use a device that produces nonionizing radiation is not present in the room where the ~~medical laser or IPL~~ device is located.

~~**R9-7-1415. Tanning Facility Warning Signs**~~

~~**A.** A registrant shall post the warning sign shown in this subsection within 1 meter (39.37 inches) of each tanning device, ensuring that the sign is clearly visible and easily viewed by the user before the tanning device is operated.~~

~~**B.** A registrant shall post a warning sign, which contains the statement shown, at or near the reception area.~~
~~PERSONS UNDER AGE 18 ARE REQUIRED TO HAVE~~
~~PARENT OR LEGAL GUARDIAN SIGN AN AUTHORIZATION~~
~~TO TAN IN THE PRESENCE OF A TANNING~~
~~FACILITY OPERATOR~~

~~**C.** The lettering on each warning sign shall be at least 10 millimeters high for all words shown in capital letters and at least 5 millimeters high for all lower case letters.~~

****

DANGER - ULTRAVIOLET RADIATION

1. Follow instructions.
2. Avoid overexposure. As with natural sunlight, exposure can cause eye and skin injury and allergic reactions. Repeated exposure may cause premature aging of the skin, dryness, wrinkling, and skin cancer.
3. Wear protective eyewear.

FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT IN SEVERE BURNS OR LONG TERM INJURY TO THE EYES.

4. Medications or cosmetics may increase your sensitivity to the ultraviolet radiation. Consult a physician before using a sunlamp if you are using medications or have a history of skin problems or believe you are especially sensitive to sunlight.
5. If you do not tan in the sun, you are unlikely to tan from use of this device.

~~R9-7-1439.~~R9-7-1415.Laser Technician Training Programs

A. The Department shall maintain a list of Department-certified training programs for laser technicians according to A.R.S. § 32-3233 on the Department's website at https://www.azdhs.gov/licensing/radiation-regulatory/index.php#laser-schools-students.

B. An applicant may request to become a Department-certified training program for laser technicians or renew approval as a Department-certified training program for laser technicians by submitting to the Department an application ~~packet~~ that contains:
1. The following information, in a Department-provided format:
   a. The name and address of the school providing the training program;
   b. The name, title, telephone number, and e-mail address of the administrator or designee of the school;
   c. A list of each training course for which approval is being requested;
   d. A statement that the applicant will comply with the requirements in subsection (E); and
   e. The signature and date of signature of the individual specified according to subsection (B)(1)(b);
2. A copy of the syllabus for each course that contains:
   a. The course title and course description,
   b. The number of hours of instruction provided,
   c. The duration of the course,
   d. The subjects covered,
   e. Any included learning activities, and
   f. The name and license number or other credentials of each instructor for the course; and
3. A nonrefundable fee of $100.

C. The Department shall:
1. Review each application ~~packet~~ specified in subsection (B) according to R9-7-1223;
2. If the application is approved:
   a. Notify the applicant that certification is issued for 12 months and expires on the last day of the month;
   b. For an initial certification, add the applicant's school to the list of Department-certified training programs in subsection (A); and
   c. For a renewal of certification, retain the applicant's school on the list of Department-certified training programs in subsection (A); and
3. If the Department learns of non-compliance with the requirements in subsection (E) or, if applicable (F), remove the training program's school from the list of Department-certified training programs in subsection (A).

D. A Department-certified training program may provide a course in any of the cosmetic procedures included in the definition in ~~R9-7-1438(A)(2)~~ R9-7-1401.

E. The administrator of a Department-certified training program shall ensure that:
1. A course to prepare an individual to become a laser technician:
   a. Includes at least 40 hours of didactic training;
   b. Includes federal and state legal requirements;
   c. Is specific to the medical laser or ~~IPL~~ intense pulsed light device in use and the clinical procedures to be performed, including:
      i. A description of the medical laser or ~~IPL~~ intense pulsed light device;
      ii. Fundamentals of laser radiation or ~~IPL~~ intense pulsed light device radiation;
      iii. The potential biological effects of laser or ~~IPL~~ intense pulsed light device light, including absorption and wavelength effects;
      iv. Operation of the medical laser or ~~IPL~~ intense pulsed light device;
      v. Typical laser or ~~IPL~~ intense pulsed light device settings for hair removal or cosmetic procedures; and
      vi. Criteria for setting the levels of ~~Maximum Permissible Exposure (MPE)~~ maximum permissible exposure for eye and skin associated hazards;
   d. Addresses hazards associated with laser or ~~IPL~~ intense pulsed light device use, including:
      i. The bioeffects of laser radiation on the eye and skin;

ii. Explosive, electrical, chemical, and other hazards; and
iii. Thermal effects;
e. Addresses safety considerations and methods to minimize the hazards associated with laser or ~~IPL~~ intense pulsed light device use, including:
i. Controlled access to an area while the laser or ~~IPL~~ intense pulsed light device is in use;
ii. Use of protective eyewear or other protective devices, as applicable; and
iii. Other methods to minimize the hazards associated with laser or ~~IPL~~ intense pulsed light device use and to improve safety;
f. Addresses treatment considerations, including:
i. Anatomy and physiology of skin areas to be treated,
ii. Pre- and post-care of a patient,
iii. Expected patient response to treatment, and
iv. Potential adverse reactions to treatment;
g. Is provided by a:
i. Health professional acting within the health professional's scope of practice; or
ii. Laser technician, who is certified under 9 A.A.C. 16, Article 7, with a minimum of 100 hours of hands-on experience using a medical laser or ~~IPL~~ intense pulsed light device; and
h. Includes an examination for the course that consists of at least 50 multiple-choice questions on the subjects covered;
2. The minimum score for passing the examination in subsection (E)(1)(h) is 80%;
3. An individual who completes the course in subsection (E)(1) and achieves a score of at least 80% on the examination required according to subsection (E)(1)(h) is provided with a provisional certificate for course completion, as specified in A.R.S. § 32-3233(E)(1), that includes:
a. Identification of the training program,
b. Identification of the 40-hour didactic course completed,
c. The name of the individual who completed the course,
d. The date the individual completed all course requirements,
e. Attestation that the individual has met all course requirements, and
f. The signature or electronic signature of the training program administrator and the date of signature or electronic signature; and
4. Documentation related to a course is maintained for at least three years after the end of a course session and includes:
a. The syllabus for the course,
b. The name and credentials of the individual providing the course,
c. The name and attendance record of each individual taking the course, and
d. The results of the examination for each individual taking the course.

F. ~~A~~ If a Department-certified training program ~~may offer~~ offers hands-on training in the use of a medical laser or ~~IPL~~ intense pulsed light device ~~if~~, the Department-certified training program shall ensure that:
1. The individual receiving the hands-on training has a provisional certificate for course completion issued according to subsection (E)(3);
~~2. The hands-on training is supervised by a:~~
~~a. Health professional acting within the health professional's scope of practice; or~~
~~b. Laser technician, who is certified under 9 A.A.C. 16, Article 7, with a minimum of 100 hours of hands-on experience using a medical laser or IPL device;~~
~~3.~~2. For hands-on training in the use of a medical laser or ~~IPL~~ intense pulsed light device for hair removal:
~~a. The hands-on training includes at least 24 hours of use of a medical laser or IPL device by the individual while the supervising health professional or laser technician in subsection (F)(2) is present in the room with the individual,~~
a. The hands-on training:
i. Includes at least 24 hours of use of a medical laser or intense pulsed light device for hair removal, and
ii. Is supervised according to R9-7-1414(C)(5)(d); and
b. The supervising health professional or laser technician verifies the successful completion of the hands-on training by the individual according to subsection (G);
~~4.~~3. For hands-on training in the use of a medical laser or ~~IPL~~ intense pulsed light device for a cosmetic procedure other than hair removal:
a. The individual receiving the hands-on training has documentation of the successful completion of the hands-on training in subsection ~~(F)(3)~~ (F)(2);
b. The individual specifies the types of cosmetic procedures~~, as specified in~~ according to subsection (D), on which the individual will receive hands-on training and for which the individual will request certification;
c. The hands-on training:
i. ~~includes~~ Includes at least 24 hours of use of a medical laser or ~~IPL~~ intense pulsed light device for each type of cosmetic procedure specified according to subsection ~~(F)(4)(b) while the supervising health professional or laser technician in subsection (F)(2) is present in the room with the individual~~ (F)(3)(b)~~;~~, and
ii. Is supervised according to R9-7-1414(C)(5)(e);
d. The individual performs at least 10 cosmetic procedures of each type specified according to subsection ~~(F)(4)(b)~~ (F)(3)(b); and
e. The supervising health professional or laser technician verifies the successful completion of the hands-on training by the individual according to subsection (G); and

~~5.~~4. Documentation related to the hands-on training is maintained for at least three years after the end of the hands-on training and includes:
   a. The type of cosmetic procedure,
   b. The type of each medical laser or ~~IPL~~ intense pulsed light device used during the hands-on training,
   c. The name and credentials of the individual providing the hands-on training,
   d. The name of each individual taking the hands-on training, and
   e. Any assessments by the individual providing the hands-on training of an individual taking the hands-on training.

G. A supervising health professional or laser technician ~~in subsection (F)(2)~~ verifying the successful completion of an individual's hands-on training according to subsection (F)(2)(b) or (3)(e), as applicable, shall specify the following:
1. The name of the individual completing the hands-on training;
2. The name, title, e-mail address, and telephone number of the supervising health professional or laser technician, including, as applicable:
   a. The health professional's professional license number, or
   b. The laser technician's certification number;
3. The type of license or certification held by the supervising health professional or laser technician;
4. Each type of cosmetic procedure on which the individual has completed hands-on training;
5. An attestation by the supervising health professional or laser technician that:
   a. The individual specified according to subsection (G)(1) has completed the training according to subsection ~~(F)(3) or (4)~~ (F)(2) or (3), as applicable, for each cosmetic procedure specified according to subsection (G)(4);
   b. The supervising health professional or laser technician was present in the room during the use of a medical laser or ~~IPL~~ intense pulsed light device by the individual;
   c. The supervising health professional or laser technician is qualified, according to A.R.S. § 32-3233, to provide the supervision; and
   d. The supervising health professional or laser technician understands that, if the Department determines that the supervising health professional or laser technician has falsified documentation related to the hands-on training, the Department may, as applicable:
      i. Report the falsification to the health professional's licensing board, or
      ii. Take disciplinary action against the laser technician; and
6. The signature of the supervising health professional or laser technician and date of signing.

~~**R9-7-1416. Reporting of Tanning Injuries**~~

~~**A.** A registrant shall report any incident involving an eye injury; skin burn; fall injury, if the fall occurs within the tanning device or while entering or exiting the device; laceration; infection believed to have been transmitted by use of the tanning device; or any other injury reasonably related to the use of the tanning device.~~

~~**B.** A registrant shall provide a written report of an incident to the Department within 10 working days of its occurrence or within 10 working days of the date the registrant became aware of the incident.~~

~~**C.** The report shall include:~~
~~1. The name of the user;~~
~~2. The name and location of the tanning facility;~~
~~3. A description of and the circumstances associated with the injury;~~
~~4. The name and address of the health care provider treating the user, if any; and~~
~~5. Any other information the registrant considers relevant to the incident.~~

~~**R9-7-1441.**~~**R9-7-1416.Laser Light Shows and Demonstrations**

~~**A.** Before a conducting laser light show or laser demonstration, a registrant shall provide documentation to the Department that a variance from 21 CFR 1040.10 has been obtained from the FDA.~~

~~**B.** A registrant shall notify the Department in writing, at least three working days in before a proposed laser light show or demonstration, and include all of the following information:~~
~~1. The location, time, and date of the light show or demonstration;~~
~~2. Sketches showing the locations of each laser, operator, performer, laser beam path, viewing screen, wall, mirror ball, or any other reflective or diffuse surface that could be hit by or reflect the laser beam;~~
~~3. Scanning beam patterns, scan velocity, and frequency in occupied areas; and~~
~~4. Physical surveys and calculations made to comply with this Article.~~

~~**C.** A registrant shall supply any additional information required by the Department for the safety evaluation of the proposed activity.~~

~~**D.** Before an outdoor laser light show, a registrant shall notify the Federal Aviation Administration of the proposed show.~~

~~**E.** If a light show or demonstration involves laser radiation emissions outside the spectral range of 400 to 700 nanometers, a registrant shall prevent the emissions from exceeding the applicable Class 1 accessible emission limit.~~

~~**F.** If it is likely that an audience member or any operator, performer, or employee will view laser or collateral radiation, a registrant shall prevent the radiation from exceeding the applicable Class 1 accessible emission limit.~~

~~**G.** Even if it is unlikely that an individual, including any operator, performer, or employee in the vicinity of a laser light show or demonstration will view or be exposed to laser or collateral radiation, a registrant shall prevent the radiation from exceeding the applicable Class 2 accessible emission limit.~~

~~**H.** A registrant shall identify any area where levels of laser radiation exceed the applicable Class 2 accessible emission limit by posting warning signs and using barriers or guards to prevent entry.~~

~~**I.** If a registrant uses a scanning device, the registrant shall not use a device which, as a result of scan failure or any other failure, can change its angular velocity or amplitude, permitting audience exposure to laser radiation that exceeds the applicable Class 1 accessible emission limit.~~

~~**J.** If a mirror ball is used with a scanning laser, a registrant shall meet the requirements of subsections (F) and (G) when the mirror ball is stationary or during any failure mode that results in a change in the rotational speed of the mirror ball.~~

~~**K.** A registrant shall ensure that an operator is at all times directly and personally supervising a laser light show or demonstration, except in cases where the maximum laser power output level is less than 5 milliwatts (all spectral lines) and the laser beam path is located at all times at least 6 meters above any surface upon which an individual in the audience is permitted to stand, and at any point, more than 2.5 meters in lateral separation from any position where an individual in the audience is permitted during the performance.~~

~~**L.** A registrant shall prevent laser radiation levels from exceeding the applicable Class 2 accessible emission limit at any point less than three meters above any surface upon which an individual in the audience is permitted to stand and 2.5 meters in lateral separation from any position where an individual in the audience is permitted, unless physical barriers are present that prevent human access to the radiation.~~

~~**M.** A registrant shall limit the maximum power output of any laser to a level sufficient to produce the desired effect.~~

~~**N.** If a registrant is required to limit output power to a level less than the available power to meet the requirements of this Article, the registrant shall adjust, measure, and record the laser output power before the laser light show or demonstration.~~

~~**O.** A registrant shall functionally test and evaluate all safety devices and procedures necessary to comply with this Article after setup, and before a laser light show or demonstration.~~

~~**P.** A registrant shall secure a laser system, when not in use, against unauthorized operation or tampering.~~

~~**Q.** A registrant shall perform laser alignment procedures with the laser output power reduced to the lowest practicable level, and ensure that any operator, performer, or other employee wears protective eyewear as necessary to prevent exposure to radiation levels that exceed the applicable MPE. The registrant shall only allow individuals who are performing the alignment be present during alignment procedures.~~

~~**R.** A registrant shall not conduct a laser light show or demonstration unless the Department has specifically exempted the show or demonstration from the requirements of 21 CFR 1040.10, April 1, 2004, which is incorporated by reference, published by the Office of Federal Register National Archives and Records Administration, Washington, D.C. 20408, and on file with the Department. This incorporation by reference contains no future editions or amendments.~~

A. At least three working days before a proposed laser light show or laser demonstration, a registrant shall:

1. Notify the Department in writing of the location, time, and date of the proposed laser light show or laser demonstration; and
2. Provide to the Department:
   a. Sketches showing the locations of each laser, operator, performer, laser beam path, viewing screen, wall, mirror ball, or any other surface that could reflect or scatter light if hit by the laser beam;
   b. Scanning beam patterns, including scan velocity and frequency in occupied areas; and
   c. Documentation that:
      i. A variance from 21 CFR 1040.10, incorporated under R9-7-1406(A), has been obtained from the U.S. Food and Drug Administration; and
      ii. If the laser light show or laser demonstration will take place outdoors, the Federal Aviation Administration has approved of the proposed show.

B. A registrant shall supply any additional information required by the Department for the safety evaluation of the proposed laser light show or laser demonstration.

C. A registrant shall not conduct a laser light show or laser demonstration unless the Department has specifically approved the laser light show or laser demonstration as exempt from the requirements in 21 CFR 1040.10, incorporated under R9-7-1406(A).

D. A registrant shall limit the maximum power output of any laser to a level sufficient to produce the desired effect.

E. A registrant shall prevent the laser radiation emissions during a laser light show or laser demonstration from exceeding the applicable Class 1 accessible emission limit:

1. If the laser light show or laser demonstration involves laser radiation emissions outside the spectral range of 400 to 700 nanometers, or
2. If it is likely that an audience member or any operator, performer, or employee will view laser radiation or collateral radiation.

F. Except as specified in subsection (G), a registrant shall ensure that the laser radiation emissions during the laser light show or laser demonstration does not exceed the applicable Class 2 accessible emission limit at any point:

1. Less than three meters above any surface upon which an individual in the audience is permitted to stand, or
2. Less than 2.5 meters in lateral separation from any position where an individual in the audience is permitted.

G. If levels of laser radiation may exceed the applicable Class 2 accessible emission limit in any area in the vicinity of a laser light show or laser demonstration, a registrant shall identify the area by posting warning signs and using barriers or guards to prevent entry.

H. If a registrant uses a scanning device during a laser light show or laser demonstration, the registrant shall not use a device that, as a result of scan failure or any other failure, can change the angular velocity or amplitude, permitting audience exposure to laser radiation that exceeds the applicable Class 1 accessible emission limit.

I. If a registrant is required to limit output power of a laser to a level less than the available power to meet the requirements of this Section, the registrant shall adjust, measure, and record the laser output power before the laser light show or laser demonstration.

J. A registrant shall functionally test and evaluate all safety devices and procedures necessary to comply with this Section after setup, and before a laser light show or laser demonstration.

K. A registrant shall ensure that an operator is at all times directly and personally supervising a laser light show or demonstration, except in cases where:

1. The maximum laser power output level is less than 5 milliwatts (all spectral lines);
2. The laser beam path is located at all times at least six meters above any surface upon which an individual in the audience is permitted to stand, and
3. There is more than 2.5 meters in lateral separation between the laser beam path and any position where an individual in the audience is permitted during the performance.

L. A registrant shall secure a laser system, when not in use, against unauthorized operation or tampering.

M. A registrant shall ensure that laser alignment procedures are performed with:
1. The laser output power reduced to the lowest practicable level;
2. Only individuals who are performing the alignment present during alignment procedures; and
3. Any operator, performer, or other employee wearing protective eyewear, as necessary, to prevent exposure to laser radiation or collateral radiation levels that exceed the applicable maximum permissible exposure.

R9-7-1418. ~~High Intensity Mercury Vapor Discharge (HID) Lamps~~ Repealed

~~A person shall register with the Department any HID lamp that does not meet the requirements in 21 CFR 1040.30, April 1, 2004, which is incorporated by reference, published by the Office of Federal Register National Archives and Records Administration, Washington, D.C. 20408, and on file with the Department. This incorporation by reference contains no future editions or amendments.~~

R9-7-1421. ~~Laser Safety~~ Repealed

~~**A.** The requirements contained in this Section apply to laser products that are used in accordance with the manufacturer's classification and instructions. If certain engineering controls are impractical during manufacture or research and development activities, the LSO shall specify alternate requirements to obtain equivalent laser safety protection.~~

~~**B.** A registrant shall establish and maintain a laser radiation safety program.~~

~~**C.** If R9-7-1433 is applicable, a registrant shall conduct a laser radiation protection survey to ensure compliance with R9-7-1433 before initial use, following system modifications, and at intervals that do not exceed six months. During a survey the registrant shall:~~
~~1. Determine whether each laser protective device is labeled correctly, functioning within the design specifications, and meets required standards for the type and class of laser in use;~~
~~2. Determine whether each warning device is functioning within design specifications;~~
~~3. Determine whether each controlled area is identified, controlled, and posted with accurate warning signs in accordance with this Article;~~
~~4. Reevaluate potential hazards from surfaces that are associated with Class 3 and Class 4 beam paths; and~~
~~5. Evaluate the laser and collateral radiation hazard incident to the use of lasers.~~

~~**D.** The registrant shall maintain records of:~~
~~1. Results of all physical surveys made to determine compliance with this Article;~~
~~2. Any restriction in operating procedures necessary to prevent unnecessary or excessive exposure to laser or collateral radiation;~~
~~3. Any incident for which reporting to the Department is required pursuant to R9-7-1436;~~
~~4. Results of medical surveillance to determine extent of injury resulting from exposure to laser or collateral radiation;~~
~~5. Inventory to account for all sources of radiation possessed by the licensee.~~

~~**E.** A registrant shall provide the Laser Safety Officer with training that covers the subjects listed in Appendix D.~~

R9-7-1422. ~~Laser Protective Devices~~ Repealed

~~**A.** A registrant shall ensure that each laser product has a protective housing that prevents access to laser and collateral radiation if it exceeds the exposure limits for Class 1 lasers in R9-7-1426. If a laser's accessible emission levels must exceed the limits for Class 1 lasers, the registrant shall use a laser from the lowest class that will enable the registrant to perform the intended function.~~

~~**B.** To prevent access to radiation above the applicable MPE, a registrant shall ensure that each laser has a safety interlock, which prevents operation of the laser if a person has removed any portion of the protective housing that can be removed or displaced without the use of tools during normal operation or maintenance. The registrant shall ensure that:~~
~~1. Service, testing, or maintenance of a laser does not render the interlocks inoperative or increase radiation outside the protective housing to levels that exceed the applicable MPE, unless a controlled area is established as specified in R9-7-1433;~~
~~2. For pulsed lasers, interlocks are designed to prevent the laser from firing;~~
~~3. For Class 3b and 4 continuous wave (cw) lasers, interlocks turn off the power supply or interrupt the beam.~~
~~4. An interlock does not allow automatic accessibility to radiation emission above the applicable MPE when the interlock is closed; and~~
~~5. Multiple safety interlocks or a means to preclude removal or displacement of the interlocked portion of the protective housing is provided if failure of a single interlock could result in:~~
~~a. Human access to levels of laser radiation that exceed the radiant power accessible emission limit for Class 3a laser radiation, or~~
~~b. Laser radiation that exceeds the accessible emission limit for Class 2, emitted directly through the opening created by removal or displacement of a portion of the protective housing.~~

~~**C.** A registrant shall ensure that a laser with viewing ports, viewing optics, or display screens, included as an integral part of the enclosed laser or laser system has:~~
~~1. A suitable means to attenuate laser and collateral radiation transmitted through the optical system to less than the accessible emission limit for collateral radiation required by 21 CFR 1040.10, April 1, 2004, which is incorporated by reference, published by the Office of Federal Register National Archives and Records Administration, Washington, D.C. 20408, and on file with the Department. This incorporation by reference contains no future editions or amendments; and~~
~~2. Specific written administrative procedures developed by the LSO, and use controls, such as interlocks or filters, if there is increased hazard to the eye or skin associated with the use of optical systems such as lenses, telescopes, or microscopes.~~

~~**D.** A registrant shall ensure that each Class 3 or 4 laser product provides a visual or audible indication before the emission of accessible laser radiation that exceeds the limits for Class 1, as follows:~~
~~1. For Class 3, except for laser products that allow access to less than 5 milliwatts peak visible laser radiation, and Class 4 lasers, the indication occurs before the emission of the radiation and allows enough time for action to avoid exposure;~~
~~2. Any visual indicator is clearly visible through protective eyewear designed specifically for the wavelength of the emitted laser radiation;~~

~~3. If the laser and laser energy source are housed separately and can be operated at a separation distance of greater than 2 meters, both the laser and laser energy source incorporate visual or audible indicators; and~~

~~4. Any visual indicators are positioned so that viewing does not require human access to laser radiation that exceeds the applicable MPE.~~

~~E. In addition to the information signs, symbols, and labels prescribed in R9-7-1427, R9-7-1428, and R9-7-1429, each registrant shall provide, near the signs, symbols, and labels within the laser facility, operating procedure restrictions and any other safety information required to ensure compliance with this Article and minimize exposure to laser and collateral radiation.~~

R9-7-1423. ~~Laser Prohibitions~~ Repealed

~~A. A registrant shall not require or permit an individual to look directly into a laser beam or directly at specular reflections of a laser beam, or align a laser by eye while looking along the axis of the laser beam if the intensity of the beam or the beam's reflections exceeds the applicable MPE.~~

~~B. A registrant shall not permit an individual to enter a controlled area if the skin exposure exceeds the applicable MPE, unless the registrant provides and requires the use of protective clothing, gloves, and shields.~~

~~C. A registrant shall ensure that any laser product, emitting spatially scanned laser radiation, does not, as a result of scan failure or any other failure that causes a change in angular velocity or amplitude, permit human access to laser radiation that exceeds the accessible emission limits applicable to that class of product.~~

R9-7-1425. Renumbered

R9-7-1426. ~~Laser and Collateral Radiation Exposure Limits~~ Repealed

~~A. A registrant shall not use, or permit the use of a laser product that will result in a human exposure that exceeds the applicable MPE or accessible emission limit (AEL) listed in ANSI Z136.1-2000, American National Standard for Safe Use of Lasers, 2000 edition, which is incorporated by reference, published by the Laser Institute of America, 13501 Ingenuity Drive, Suite 128, Orlando, FL 32826, and on file with the Department. Accessible emission limits are listed in 21 CFR 1040.10, April 1, 2004, which is incorporated by reference, published by the Office of Federal Register National Archives and Records Administration, Washington, D.C. 20408, and on file with the Department. These incorporations by reference contain no future editions or amendments.~~

~~B. A registrant shall not allow exposure to collateral radiation that exceeds any accessible emission limit in 21 CFR 1040.10, April 1, 2004, which is incorporated by reference, published by the Office of Federal Register National Archives and Records Administration, Washington, D.C. 20408, and on file with the Department. This incorporation by reference contains no future editions or amendments.~~

R9-7-1427. ~~Laser Caution Signs, Symbols, and Labels~~ Repealed

~~A. Except as otherwise authorized by the Department, a registrant shall use signs, symbols, and labels prescribed by this Section and the design and colors specified in ANSI Z136.1-2000, American National Standard for Safe Use of Lasers, 2000 edition, which is incorporated by reference, published by the Laser Institute of America, 13501 Ingenuity Drive, Suite 128, Orlando, FL 32826, and on file with the Department. This incorporation by reference contains no future editions or amendments.~~

~~B. A registrant shall ensure that the word "invisible" immediately precedes the word "radiation" on labels and signs required by this Section for lasers that only produce wavelengths of laser and collateral radiation that are outside of the range of 400 to 710 nanometers.~~

~~C. A registrant shall ensure that the words "visible and invisible" immediately precede the word "radiation" on labels and signs required by this Section for lasers that produce wavelengths of laser and collateral radiation that are both within and outside the range of 400 to 710 nanometers.~~

~~D. A registrant shall position any label placed on lasers or signs posted in laser facilities so that the reader of the label or sign is not exposed to laser or collateral radiation that exceeds the applicable MPE or accessible emission limit while reading the label or sign.~~

~~E. A registrant shall use labels and signs that are clearly visible, legible, and permanently attached to the laser or facility.~~

~~F. A registrant shall ensure that a permanent and legible label is affixed to each laser, identifying the classification of the laser in accordance with 21 CFR 1040.10, April 1, 2004, which is incorporated by reference, published by the Office of Federal Register National Archives and Records Administration, Washington, D.C. 20408, and on file with the Department. This incorporation by reference contains no future editions or amendments.~~

~~G. For a Class 3 or Class 4 laser a registrant shall ensure that a permanent and legible label is affixed to each laser, specifying the maximum output of laser radiation, the pulse duration if applicable, and the laser medium or emitted wavelength.~~

~~H. For a Class 3 or Class 4 laser, used in the practice of medicine, a registrant shall ensure that a permanent and legible label is affixed to each laser providing one or more of the following warnings near each aperture that emits laser radiation or collateral radiation that exceeds the applicable MPE, as follows:~~

~~1. "AVOID EXPOSURE - Laser radiation is emitted from this aperture" if the radiation emitted through the aperture is laser radiation;~~

~~2. "AVOID EXPOSURE - Hazardous electromagnetic radiation is emitted from this aperture" if the radiation emitted through the aperture is collateral radiation; or~~

~~3. "AVOID EXPOSURE - Hazardous x-rays are emitted from this aperture" if the radiation emitted through the aperture is collateral x-ray radiation.~~

~~I. A registrant shall ensure that there is a label on each non-interlocked or defeatable interlocked portion of the protective housing or enclosure that permits human access to laser or collateral radiation. The label shall include one or more of the following warnings, as applicable:~~

~~1. For laser radiation that exceeds the applicable accessible emission limit for a Class 1 or Class 2 laser, but does not exceed the applicable accessible emission limit for a Class 3 laser, the warning: "DANGER - Laser radiation when open, AVOID DIRECT EXPOSURE TO THE BEAM."~~

~~2. For laser radiation that exceeds the applicable accessible emission limit for a Class 3 laser, the warning: "DANGER - Laser radiation when open, AVOID EYE OR SKIN EXPOSURE TO DIRECT OR SCATTERED RADIATION."~~

3. For collateral radiation that exceeds an applicable accessible emission limit:
   a. If the applicable limit for collateral laser radiation is exceeded, the warning: "CAUTION - Hazardous electromagnetic radiation when open"; and
   b. If the applicable limit for collateral x-ray radiation is exceeded, the warning: "CAUTION - Hazardous x-ray radiation".
4. For a protective housing or an enclosure that has a defeatable interlock, the warning "and interlock defeated" in addition to the warnings in subsections (1) through (3).

R9-7-1429. Posting of Laser Facilities Repealed

Unless other methods are approved by the Department, a registrant shall post each laser facility in accordance with ANSI Z136.1-2000, American National Standard for Safe Use of Lasers, 2000 edition, which is incorporated by reference, published by the Laser Institute of America, 13501 Ingenuity Drive, Suite 128, Orlando, FL 32826, and on file with the Department. This incorporation by reference contains no future editions or amendments.

R9-7-1433. Laser Use Areas that are Controlled Repealed

A. A registrant shall establish a controlled area for a laser if it is possible for a person to be exposed to laser radiation from a Class 3b laser, except a Class 3b laser of less than 5 milliwatts visible peak power, or a Class 4 laser that exceeds the applicable MPE or AEL in R9-7-1426.

B. A registrant shall ensure that a controlled area associated with a Class 3b laser is:
1. The responsibility of a LSO;
2. Posted in accordance with this Article; and
3. Access controlled by the LSO or a trained, designated representative.

C. A registrant shall ensure that a controlled area associated with a Class 4 laser is:
1. The responsibility of a LSO;
2. Posted in accordance with this Article;
3. Access controlled by the LSO or a trained, designated representative; and
4. If an indoor controlled area:
   a. Equipped with latches, interlocks, or another means of preventing unexpected entry into the controlled area;
   b. Equipped with a control disconnect switch, panic button, or an equivalent device for deactivating the laser during an emergency;
   c. Operated so that the person in charge of the controlled area can momentarily override the safety interlocks during tests that require continuous operation to provide access to other personnel if there is no optical radiation hazard at the point of entry and the entering personnel are wearing required protective devices; and
   d. Controlled in a way that reduces the transmitted values of laser radiation through optical paths such as windows, to levels at or below the applicable ocular MPE and AEL in R9-7-1426. If a laser beam with an irradiance or radiant exposure above the applicable MPE or AEL will exit the indoor controlled area (as in the case of exterior atmospheric beam paths), the registrant and the operator are responsible for ensuring that the beam path is limited to controlled air space or controlled ground space.

D. If a panel or protective cover is removed or an interlock bypassed for service, testing, or maintenance, a registrant shall establish an accessible controlled area. The registrant, through a LSO or a designated representative, shall comply with laser safety requirements for all potentially exposed individuals.

R9-7-1434. Renumbered

R9-7-1435. Laser Protective Eyewear Repealed

A. A registrant shall require that protective eyewear, as specified by the LSO, be worn by an individual who has access to:
1. Class 4 laser radiation; or
2. Class 3b laser radiation.

B. A registrant shall, through the LSO, provide protective eyewear that is:
1. Marked with a label that indicates the optical density protection afforded for the relevant laser wavelength;
2. Maintained so that the protective properties of the eyewear are preserved;
3. Inspected at intervals that do not exceed six months to ensure integrity of the protective properties; and
4. Removed from service if the protective properties of the eyewear fall below the optical density on the label.

C. A registrant shall maintain records of protective eyewear maintenance, inspection, and removal from service for five years.

R9-7-1436. Renumbered

R9-7-1437. Special Lasers Repealed

A registrant operating a laser system with an unenclosed beam path shall:
1. Conduct an evaluation before operating the laser to determine the expected beam path and the potential hazards from reflective surfaces. Based on the evaluation the registrant shall exclude reflective surfaces from the beam path at all points where the laser radiation exceeds an applicable MPE;
2. Evaluate the stability of the laser platform to determine the constraints placed upon the beam traverse and the extent of the range of control; and

~~3. Refrain from operating or making a laser ready for operation until the area along all points of the beam path, where the laser radiation will exceed the applicable MPE, is clear of individuals, unless the individuals are wearing the correct protective devices.~~

R9-7-1438. Renumbered

R9-7-1439. Renumbered

R9-7-1440. Renumbered

R9-7-1441. Renumbered

R9-7-1442. ~~Measurements and Calculations to Determine MPE Limits for Lasers~~ Repealed

~~A registrant shall take measurements to determine MPE values in a manner consistent with the procedures contained in ANSI Z136.1-2000, American National Standard for Safe Use of Lasers, 2000 edition, which is incorporated by reference, published by the Laser Institute of America, 13501 Ingenuity Drive, Suite 128, Orlando, FL 32826, and on file with the Department. This incorporation by reference contains no future editions or amendments.~~

R9-7-1443. ~~Laser Compliance Measurement Instruments~~ Repealed

~~A registrant shall ensure that the radiation output measurement is performed with an instrument that is calibrated and designed for use with the laser that is being evaluated for compliance. The registrant shall specify the date of calibration, accuracy of calibration, wavelength range, and power or energy of calibration on a legible, clearly visible label attached to the instrument.~~

R9-7-1444. ~~Laser Classification Measurements~~ Repealed

~~A.~~ ~~A registrant shall measure accessible emission for classification:~~

~~1. Under the operational conditions and procedures that maximize accessible emission levels, including start-up, stabilized operation, and shutdown of the laser or laser facility;~~

~~2. With all controls and adjustments listed in the operating and service instructions adjusted for the maximum accessible emission level of laser radiation that is not expected to be detrimental to the functional integrity of the laser or enclosure;~~

~~3. At points in space to which human access is possible for a given laser configuration. If operations include the defeat of safety interlocks or removal of portions of the protective housing or enclosure, the registrant shall measure accessible emission at points accessible in that configuration;~~

~~4. With the measuring instrument detector positioned so that the maximum possible radiation is measured by the instrument; and~~

~~5. With the laser coupled to the type of laser energy source specified as compatible by the laser manufacturer and producing the maximum emission of accessible laser radiation.~~

~~B.~~ ~~A registrant shall perform measurements of accessible emission levels, used to classify laser and collateral radiation in accordance with 21 CFR 1040.10, April 1, 2004, which is incorporated by reference, published by the Office of Federal Register National Archives and Records Administration, Washington, D.C. 20408, and on file with the Department. This incorporation by reference contains no future editions or amendments.~~

Appendix A. ~~Radio Frequency Devices (Include, but are not limited to, the following)~~ Repealed

~~Dielectric heaters and sealers~~
~~Medical diathermy units~~
~~Radar~~
~~R.F. activated alarm systems~~
~~Sputter devices~~
~~R.F. activated lasers~~
~~Edge gluers~~
~~Industrial microwave ovens and dryers~~
~~Asher etcher equipment~~
~~R.F. welding equipment~~
~~Medical surgical coagulators~~

Appendix B. ~~Application Information~~ Repealed

~~The Department shall issue a registration if an applicant provides the following information and fee as required in R9-7-1401(D). The Department shall provide an application form to the applicant with a guide and upon request, assist the applicant to ensure that correct information is provided on the application form.~~

~~Name and mailing address of applicant~~
~~Person responsible for radiation safety program~~
~~Type of facility~~
~~Legal structure and ownership~~
~~Radiation source information~~
~~Shielding information~~
~~Equipment operator instructions and restrictions~~
~~Classification of professional in charge~~
~~Type of request: amendment, new, or renewal~~
~~Protection survey results, if applicable~~
~~Radiation Safety Officer name, if applicable~~
~~Laser class and type, if applicable~~
~~Information required by Article 14 for the specific source~~

~~Use location~~
~~Telephone number~~
~~Facility subtype~~
~~Signature of certifying agent~~
~~Equipment identifiers~~
~~Scale drawing~~
~~Physicist name and training, if applicable~~
~~Contact person~~
~~Applicable fee listed in Article 13 schedule~~

Appendix C. Renumbered

Appendix D. Renumbered

NOTICES OF RULEMAKING DOCKET OPENING

This section of the *Arizona Administrative Register* contains Notices of Rulemaking Docket Opening under A.R.S. § 41-1021.

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

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

Under the APA, effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process. An agency may file the Notice of Rulemaking Docket Opening along 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

CORPORATION COMMISSION
FIXED UTILITIES

[R25-242]

1. Permission to proceed with this docket was granted under A.R.S. § 41-1039 by the governor on:

Not applicable (*under A.R.S. § 41-1039(E)(2)(b)*)

2. Title and its heading:

14, Public Service Corporations; Corporations and Associations; Securities Regulation

Chapter and its heading:

2, Corporation Commission - Fixed Utilities

Article and its heading:

24, Electric Energy Efficiency Standards

Section number:

R14-2-2401 through R14-2-2404, Table 1, Table 2, Table 3, Table 4, R14-2-2405 through R14-2-2419

3. The subject matter of the proposed rule:

The agency docket number, if applicable: Docket No. RE-00000A-24-0025; Decision No. 81496

Subject Matter: Repeal of Electric Energy Efficiency Standards Rules - Article 24

4. A citation to all published notices relating to the current proceeding:

Notice of Proposed Rulemaking: 31 A.A.R. 4079, October 24, 2025 (*in this issue*); File Number: R25-239

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

Name:	Barbara Keene
Title:	Utility Resource Specialist
Division:	Utilities
Address:	Arizona Corporation Commission 1200 W. Washington St. Phoenix, AZ 85007
Telephone:	(602) 542-0853
Email:	Bkeene@azcc.gov
Website:	www.azcc.gov
	or
Name:	Nicole M. Layton
Title:	Senior Associate General Counsel
Division:	Office of General Counsel
Address:	Arizona Corporation Commission 1200 W. Washington St. Phoenix, AZ 85007
Telephone:	(602) 542-3402
Email:	nlayton@azcc.gov
Website:	www.azcc.gov

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

The Commission has scheduled two oral proceedings to receive public comments on the Notice of Proposed Rulemaking on:

Date:	December 2, 2025
Time:	9:00 a.m.
Telephone:	1-877-309-3457, passcode to speak 801972877##
Location:	Arizona Corporation Commission 1200 W. Washington St. Phoenix, AZ 85007
Date:	December 4, 2025
Time:	1:00 p.m.
Telephone:	1-877-309-3457 passcode to speak 801972877##
Location:	Arizona Corporation Commission 1200 W. Washington St. Phoenix, AZ 85007

Interested persons can submit written comments on the proposed rulemaking to the Commission's Docket Control at 1200 W. Washington St., Phoenix, AZ 85007, or through the Commission's website (azcc.gov). To submit a comment electronically, go to azcc.gov, select the header "Meetings & Cases" and select "Make a Public Comment in a Docket." This leads to a fillable form that can be submitted electronically. An interested person also can "eFile" written comments and "Follow a Docket" to receive notice of all filings made in this rulemaking by going to azcc.gov, selecting the header "Meetings & Cases" and selecting "eDocket" then "eFiling." Creation of a free ACC Portal account is required to eFile or Follow a Docket.

Please reference Docket No. RE-00000A-24-0025 on all documents. The Commission requests that written comments be filed by December 4, 2025. Oral comments may be provided during the oral proceedings to be held on December 2, 2025, and December 4, 2025.

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

A timetable has not been determined.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ENVIRONMENTAL QUALITY
PERMIT AND COMPLIANCE FEES

[R25-243]

1. Permission to proceed with this docket was granted under A.R.S. § 41-1039 by the governor on:

May 6, 2024 and September 22, 2025

2. Title and its heading:

18, Environmental Quality

Chapter and its heading:

14, Department of Environmental Quality – Permit and Compliance Fees

Article and its heading:

1, Water Quality Protection Fees
2, Public Water System – Design Review Fees
3, Certified Operator Fees

Section number:

R18-14-101, R18-14-102, R18-14-104, R18-14-106, R18-14-108 through R18-14-113, R18-14-202, R18-14-301
Sections may be added, deleted, or modified as necessary

3. The subject matter of the proposed rule:

The Arizona Department of Environmental Quality (ADEQ) is opening this docket in anticipation of proposing amendments to Title 18, Chapter 14 of the *Arizona Administrative Code*, to revise the methodology for annual Consumer Price Index (CPI) adjustments to water quality program fees to be consistent with ADEQ's standard approach. The amendments that will be proposed in this rulemaking docket are not expected to significantly change current fees, and in most cases, will reduce fees as compared to the current methodology.

Additionally, the proposed amendments to R18-14-101, R18-14-106, and R18-14-113 are limited to repealing an outdated, redundant, or otherwise no longer necessary rule and implementing a course of action proposed in a five-year rule report approved by the Governor's Regulatory Review Council.

The two primary changes to be proposed in this rulemaking are: (1) updating the CPI calculation method used for annual fee adjustments from an "annual average" CPI to a "point-to-point" CPI measure, and (2) changing the fee rounding rule from rounding to the nearest $10 to rounding down to the nearest cent for all CPI-adjusted fees. These changes will apply to all relevant fees in Chapter 14, including annual fees for water quality protection services (Article 1), public water system design review fees (Article 2), and certified operator fees (Article 3). The amended rules are intended to take effect by August 1, 2026, in advance of the scheduled annual fee adjustments on that date.

The proposed amendment to R18-14-104(A) also adds a reference to A.R.S. § 49-242(F) to clarify how annual registration fees should be calculated. The proposed amendment to R18-14-104(F) addresses annual adjustment of fees relative to changes in the Consumer Price Index (CPI) for the most recent year, and the proposed amendment adds an exception for Underground Injection Control (UIC) annual waste disposal fees that adjust CPI rounding from the nearest $10 to the nearest 100th of a cent and the nearest 10th of a cent, respectively.

4. A citation to all published notices relating to the current proceeding:

No notices relating to this current proceeding have been published previously.

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

Name:	Matthew O'Donnell
Title:	Attorney
Division:	Office of Administrative Counsel
Address:	Arizona Department of Environmental Quality Office of Administrative Counsel 1110 W. Washington St. Phoenix, AZ 85007
Telephone:	(602) 809-4869
Email:	waterqualityrulecorrections@azdeq.gov
Website:	https://azdeq.gov/

6. 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.

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

The amended rules are intended to take effect by August 1, 2026, in advance of the scheduled annual fee adjustments on that date.

NOTICES OF SUBSTANTIVE POLICY STATEMENT

SUMMARIES AND LOCATION OF STATEMENTS

Substantive policy statements are written expressions that inform the general public of an agency's current approach to rule or regulation practice as defined under A.R.S. § 41-1001(24).

Agencies are required to prepare a Notice of Substantive Policy Statement and publish the titles of its substantive policy statements, a summary of statements, and its website where full statements can be reviewed under A.R.S. § 41-1013(B)(9). These notices are published in this section of the *Register*.

Substantive policy statements are advisory only. A substantive policy statement does not include internal procedural documents that only affect an agency's internal procedures and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the APA.

Any person may petition an agency under A.R.S. § 41-1033(A)(2) to review an existing agency practice or substantive policy statement that the petitioner alleges to constitute a rule.

Contact the agency liaison listed under Item #6.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

A.R.S. § 41-1013(B)(9)

DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS

[M25-83]

1. Statement title and policy number:

Regulatory Bulletin 2025-07 (INS): Solicitation and Sale of Health Insurance Products

2. Is this a new policy or revision:

This is a new policy

3. Date issued and effective date (if different from the date issued):

Date issued and effective: October 3, 2025

4. Policy summary:

The purpose of this Substantive Policy Statement is to address regulatory requirements for individuals and entities soliciting and selling health insurance policies to Arizona consumers. The Substantive Policy Statement highlights prohibited practices under Arizona law, and what Arizona's insurance framework requires of licensed entities and individuals engaging in the solicitation and selling of insurance policies.

5. Authority (include the federal or state constitutional provision or statute, administrative rule, or regulation; or final court judgment):

A.R.S. §§ 20-106, 20-107 and 20-281 *et seq*.

6. Agency contact information:

Name:	Alena Caravetta
Title:	Regulatory Legal Affairs Officer
Division:	Enforcement, Innovation and Regulatory Policy Division
Address:	100 N. 15th Ave., Suite 261 Phoenix, AZ 85007
Telephone:	(602) 364-0286
Email:	alena.caravetta@difi.az.gov
Website:	https://difi.az.gov

7. An electronic copy of the complete policy can be viewed at:

Website: https://difi.az.gov/bulletins

8. A paper copy of complete policy can be obtained at:

Please contact the person listed in paragraph #6 for instructions on how to download this substantive policy statement for printing from the webpage listed in paragraph #7 at no cost.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

A.R.S. § 41-1013(B)(9)

DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS

[M25-84]

1. Statement title and policy number:

Regulatory Bulletin 2025-08 (INS): Stop Loss Products

2. Is this a new policy or revision:

This is a new policy.

3. Date issued and effective date (if different from the date issued):

Date issued and effective: October 7, 2025

4. Policy summary:

The purpose of this Substantive Policy Statement is to address regulatory requirements for specific products referred to as stop loss coverage. This Substantive Policy Statement outlines the Arizona Department of Insurance and Financial Institutions' regulation of such products and what regulations entities should comply with when offering stop loss in Arizona.

5. Authority (include the federal or state constitutional provision or statute, administrative rule, or regulation; or final court judgment):

A.R.S. §§ 20-209, 20-252 and 20-253

6. Agency contact information:

Name:	Alena Caravetta
Title:	Regulatory Legal Affairs Officer
Division:	Enforcement, Innovation and Regulatory Policy Division
Address:	100 N. 15th Ave., Suite 261 Phoenix, AZ 85007
Telephone:	(602) 364-0286
Email:	alena.caravetta@difi.az.gov
Website:	https://difi.az.gov

7. An electronic copy of the complete policy can be viewed at:

Website: https://difi.az.gov/bulletins

8. A paper copy of complete policy can be obtained at:

Please contact the person listed in paragraph #6 for instructions on how to download this substantive policy statement for printing from the webpage listed in paragraph #7 at no cost.

REGISTER INDEXES

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

Abbreviations for rulemaking activity in this Index include:

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

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

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

SUMMARY RULEMAKING
PROPOSED SUMMARY
PSMN = Proposed Summary new Section
PSMM = Proposed Summary amended Section
PSMR = Proposed Summary repealed Section
PSM# = Proposed Summary renumbered Section
FINAL SUMMARY
FSMN = Final Summary new Section
FSMM = Final Summary amended Section
FSMR = Final Summary repealed Section
FSM# = Final Summary renumbered Section

EXPEDITED RULEMAKING
PROPOSED EXPEDITED
PEN = Proposed Expedited new Section
PEM = Proposed Expedited amended Section
PER = Proposed Expedited repealed Section
PE# = Proposed Expedited renumbered Section
SUPPLEMENTAL EXPEDITED
SPEN = Supplemental Proposed Expedited new Section
SPEM = Supplemental Proposed Expedited amended Section
SPER = Supplemental Proposed Expedited repealed Section
SPE# = Supplemental Proposed Expedited renumbered Section
FINAL EXPEDITED
FEN = Final Expedited new Section
FEM = Final Expedited amended Section
FER = Final Expedited repealed Section
FE# = Final Expedited renumbered Section

EXEMPT RULEMAKING
EXEMPT
XN = Exempt new Section
XM = Exempt amended Section
XR = Exempt repealed Section
X# = Exempt renumbered Section
EXEMPT PROPOSED
PXN = Proposed Exempt new Section
PXM = Proposed Exempt amended Section
PXR = Proposed Exempt repealed Section
PX# = Proposed Exempt renumbered Section
EXEMPT SUPPLEMENTAL PROPOSED
SPXN = Supplemental Proposed Exempt new Section
SPXR = Supplemental Proposed Exempt repealed Section
SPXM = Supplemental Proposed Exempt amended Section
SPX# = Supplemental Proposed Exempt renumbered Section
FINAL EXEMPT RULEMAKING
FXN = Final Exempt new Section
FXM = Final Exempt amended Section
FXR = Final Exempt repealed Section
FX# = Final Exempt renumbered Section

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

RECODIFICATION OF RULES
RC = Recodified

REJECTION OF RULES
RJ = Rejected by the Attorney General

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

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

CORRECTIONS
C = Corrections to Published Rules

2025 *Arizona Administrative Register*
Volume 31 Page Guide

RULEMAKING ACTIVITY INDEX

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

THIS INDEX INCLUDES RULEMAKING ACTIVITY THROUGH ISSUE 42 OF VOLUME 31.

Behavioral Health Examiners, Board of

Charter Schools, State Board for

Child Safety, Department of - Administration

Child Safety, Department of - Permanency and Support Services

Health Care Cost Containment System, Arizona (AHCCCS) - Administration

Health Care Cost Containment System, Arizona (AHCCCS) - Arizona Long-term Care System

Health Care Cost Containment System, Arizona (AHCCCS) - Behavioral Health Services for Persons with Serious Mental Illness

Health Care Cost Containment System, Arizona (AHCCCS) - Medicare Cost Sharing Program

Health Services, Department of - Child Care Facilities

Health Services, Department of - Communicable Diseases and Infestations

R9-10-122. PN-703; FN-2085
R9-10-123. PN-703; FN-2085
R9-10-124. PN-703; FN-2085
R9-10-125. PN-703; FN-2085
R9-10-126. PN-703; FN-2085
Table 1.2. PM-703; FN-2085
R9-10-201. PM-152; FM-2457
R9-10-202. PM-152; FM-2457
R9-10-203. PM-152; FM-2457
R9-10-209. PM-152; FM-2457
R9-10-212. PM-152; FM-2457
R9-10-215. PM-152; FM-2457
R9-10-218. PM-152; FM-2457
R9-10-234. PM-152; FM-2457
R9-10-303. PM-152; FM-2457
R9-10-307. PM-152; FM-2457
R9-10-320. PM-152; FM-2457
R9-10-321. PM-152; FM-2457
R9-10-402. PM-152; FM-2457
R9-10-403. PM-152; FM-2457
R9-10-406. PM-152; FM-2457
R9-10-410. PM-152; FM-2457
R9-10-411. PM-152; FM-2457
R9-10-413. PM-152; FM-2457
R9-10-414. PM-152; FM-2457
R9-10-421. PM-152; FM-2457
R9-10-423. PM-152; FM-2457
R9-10-426. PM-152; FM-2457
R9-10-501. PEM-384; FEM-1263
R9-10-503. PEM-384; FEM-1263
R9-10-506. PEM-384; FEM-1263
R9-10-507. PEM-384; FEM-1263
R9-10-508. PEM-384; FEM-1263
R9-10-509. PEM-384; FEM-1263
R9-10-510. PEM-384; FEM-1263
R9-10-511. PEM-384; FEM-1263
R9-10-512. PEM-384; FEM-1263
R9-10-514. PEM-384; FEM-1263
R9-10-515. PEM-384; FEM-1263
R9-10-516. PEM-384; FEM-1263
R9-10-518. PEM-384; FEM-1263
R9-10-520. PEM-384; FEM-1263
R9-10-522. PEM-384; FEM-1263
R9-10-525. PEM-384; FEM-1263
R9-10-606. PM-152; FM-2457
R9-10-613. PM-152; FM-2457
R9-10-701. PM-246; TM-2775
R9-10-702. PM-246; TM-2775
R9-10-703. PM-246; TM-2775
R9-10-706. PM-246; TM-2775
R9-10-707. PM-246; TM-2775
R9-10-709. PM-246; TM-2775
R9-10-710. PM-246; TM-2775
R9-10-712. PM-246; TM-2775
R9-10-713. PM-246; TM-2775
R9-10-715. PM-246; TM-2775
R9-10-716. PM-246; TM-2775
R9-10-717. PM-246; TM-2775
R9-10-718. PM-246; TM-2775
R9-10-719. PM-246; TM-2775
R9-10-720. PM-246; TM-2775
R9-10-722. PM-246; TM-2775
R9-10-801. PM-703; FM-2085
R9-10-802. PM-246; TM-2775
R9-10-803. PM-246; PM-703; FM-2085; TM-2775
R9-10-806. PM-246; PM-703; FM-2085; TM-2775
R9-10-807. PM-246; TM-2775
R9-10-808. PM-703; FM-2085
R9-10-809. PM-246; TM-2775
R9-10-810. PM-246; TM-2775
R9-10-811. PM-246; PM-703; FM-2085; TM-2775
R9-10-815. PM-703; FM-2085
R9-10-816. PM-246; PR-703; PN-703; FR-2085; FN-2085
R9-10-817. PM-246; PN-703; FN-2085; TM-2775
R9-10-818. P#-703; F#-2085; TM-2775
R9-10-819. P#-703; PM-703; F#-2085; FM-2085
R9-10-820. PM-246; P#-703; F#-2085
R9-10-821. P#-703; F#-2085; TM-2775
R9-10-901. PM-152; FM-2457
R9-10-902. PM-152; FM-2457
R9-10-905. PM-152; FM-2457
R9-10-911. PM-152; FM-2457
R9-10-914. PM-152; FM-2457
R9-10-918. PM-152; FM-2457
R9-10-1003. PM-152; FM-2457
R9-10-1008. PM-152; FM-2457
R9-10-1010. PM-152; FM-2457
R9-10-1011. PM-152; FM-2457
R9-10-1012. PM-152; FM-2457
R9-10-1017. PM-152; FM-2457
R9-10-1018. PM-152; FM-2457

R17-4-508.	FM-1954	R17-4-705.	FM-1954
R17-4-702.	FM-1954	R17-4-707.	FM-1954

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 42 OF VOLUME 31.

Substantive Policy Statement, Notices of

2025 RULES EFFECTIVE DATES CALENDAR

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

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

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

REGISTER PUBLISHING DEADLINES

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

Deadline Date Friday, 5:00 p.m. *(**early submission date due to holiday)*	***Register* Publication Date**	**Oral Proceeding may be scheduled on or after** *(*later date due to holiday)*
May 16, 2025	June 6, 2025	July 7, 2025
May 23, 2025	June 13, 2025	July 14, 2025
May 30, 2025	June 20, 2025	July 21, 2025
June 6, 2025	June 27, 2025	July 28, 2025
June 13, 2025	July 4, 2025	August 4, 2025
June 20, 2025	July 11, 2025	August 11, 2025
June 27, 2025	July 18, 2025	August 18, 2025
**July 3, 2025	July 25, 2025	August 25, 2025
July 11, 2025	August 1, 2025	*September 2, 2025
July 18, 2025	August 8, 2025	September 8, 2025
July 25, 2025	August 15, 2025	September 15, 2025
August 1, 2025	August 22, 2025	September 22, 2025
August 8, 2025	August 29, 2025	September 29, 2025
August 15, 2025	September 5, 2025	October 6, 2025
August 22, 2025	September 12, 2025	*October 14, 2025
August 29, 2025	September 19, 2025	October 20, 2025
September 5, 2025	September 26, 2025	October 22, 2025
September 12, 2025	October 3, 2025	November 3, 2025
September 19, 2025	October 10, 2025	November 10, 2025
September 26, 2025	October 17, 2025	November 17, 2025
October 3, 2025	October 24, 2025	November 24, 2025
October 10, 2025	October 31, 2025	December 1, 2025
October 17, 2025	November 7, 2025	December 8, 2025
October 24, 2025	November 14, 2025	December 15, 2025
October 31, 2025	November 21, 2025	December 22, 2025
November 7, 2025	November 28, 2025	December 29, 2025
November 14, 2025	December 5, 2025	January 5, 2026
November 21, 2025	December 12, 2025	January 12, 2026
November 28, 2025	December 19, 2025	January 19, 2026

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 https://grrc.az.gov.

GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES FOR 2025/2026

(MEETING DATES ARE SUBJECT TO CHANGE)

[M24-54/M25-79]

*Materials must be submitted by **5 P.M.** on dates listed as a deadline for placement on a particular agenda. Placement on a particular agenda is not guaranteed.

DEADLINE FOR PLACEMENT ON AGENDA*	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
Tuesday September 23, 2025	*Tuesday* October 21, 2025	*Tuesday* October 28, 2025	*Tuesday* November 4, 2025
Tuesday October 21, 2025	*Tuesday* November 18, 2025	*Tuesday* November 25, 2025	*Tuesday* December 2, 2025
Tuesday December 23, 2025	***Wednesday*** January 21, 2026	*Tuesday* January 27, 2026	*Tuesday* February 3, 2026
Tuesday January 20, 2026	*Tuesday* February 17, 2026	*Tuesday* February 24, 2026	*Tuesday* March 3, 2026
Tuesday February 17, 2026	*Tuesday* March 24, 2026	*Tuesday* March 31, 2026	*Tuesday* April 7, 2026
Tuesday March 24, 2026	*Tuesday* April 21, 2026	*Tuesday* April 28, 2026	*Tuesday* May 5, 2026
Tuesday April 21, 2026	*Tuesday* May 19, 2026	***Wednesday*** May 27, 2026	*Tuesday* June 2, 2026
Tuesday May 19, 2026	*Tuesday* June 23, 2026	*Tuesday* June 30, 2026	*Tuesday* July 7, 2026
Tuesday June 23, 2026	*Tuesday* July 21, 2026	*Tuesday* July 28, 2026	*Tuesday* August 4, 2026
Tuesday July 21, 2026	*Tuesday* August 18, 2026	*Tuesday* August 25, 2026	*Tuesday* September 1, 2026
Tuesday August 18, 2026	*Tuesday* September 22, 2026	*Tuesday* September 29, 2026	*Tuesday* October 6, 2026
Tuesday September 22, 2026	*Tuesday* October 20, 2026	*Tuesday* October 27, 2026	*Tuesday* November 3, 2026
Tuesday October 20, 2026	*Tuesday* November 17, 2026	*Tuesday* November 24, 2026	*Tuesday* December 1, 2026
Tuesday November 17, 2026	*Tuesday* December 22, 2026	*Tuesday* December 29, 2026	*Tuesday* January 5, 2027
Tuesday December 22, 2026	*Tuesday* January 19, 2027	*Tuesday* January 26, 2027	*Tuesday* February 2, 2027

GOVERNOR'S REGULATORY REVIEW COUNCIL

NOTICE OF ACTION TAKEN AT THE OCTOBER 7, 2025 MEETING

[M25-85]

A. CONSENT AGENDA ITEMS:

Rulemakings

1. INDUSTRIAL COMMISSION OF ARIZONA
Title 20, Chapter 5, Articles 1, 2, 3, & 7

Renumber: R20-5-109, R20-5-110, R20-5-111, R20-5-112, R20-5-113, R20-5-114, R20-5-115, R20-5-116, R20-5-117, R20-5-118, R20-5-119, R20-5-120, R20-5-121, R20-5-122, R20-5-123, R20-5-124, R20-5-125, R20-5-126, R20-5-127, R20-5-128, R20-5-129, R20-5-130, R20-5-131, R20-5-132, R20-5-137, R20-5-138, R20-5-139, R20-5-140, R20-5-141, R20-5-142, R20-5-143, R20-5-144, R20-5-145, R20-5-148, R20-5-149, R20-5-150, R20-5-151, R20-5-152, R20-5-153, R20-5-154, R20-5-155, R20-5-156, R20-5-157, R20-5-158, R20-5-159, R20-5-160, R20-5-161, R20-5-162, R20-5-163, R20-5-164, R20-5-165, R20-5-204, R20-5-205, R20-5- 206, R20-5-207, R20-5-209, R20-5-210, R20-5-211, R20-5-212, R20-5-213, R20-5-215, R20-5-216, R20-5-217, R20-5-218, R20-5-219, R20-5-220, R20-5-221, R20-5-222, R20-5-223, R20-5-224, R20-5-229, R20-5-230, R20-5-231, R20-5-232, R20-5-233, R20-5-234, R20-5-235, R20-5-301, R20-5-302, R20-5-303, R20-5-701

Amend: Article 1, R20-5-101, R20-5-102, R20-5-103, R20-5-104, R20-5-105, R20-5-106, R20-5-107, R20-5-108, R20-5-109, R20-5-110, R20-5-112, R20-5-113, R20-5-114, R20-5-115, R20-5-116, R20-5-117, R20-5-118, R20-5-120, R20-5-121, R20-5-122, R20-5-123, R20-5-124, R20-5-127, R20-5-128, R20-5-129, R20-5-130, R20-5-131, R20-5-137, R20-5-139, R20-5-140, R20-5-141, R20-5-142, R20-5-143, R20-5-144, R20-5-145, R20-5-148, R20-5-149, R20-5-150, R20-5-152, R20-5-155, R20-5-158, R20-5-159, R20-5-160, R20-5-163, R20-5-164, R20-5-204, R20-5-206, R20-5-207, R20-5-209, R20-5-210, R20-5-211, R20-5-212, R20-5-213, R20-5-215, R20-5-216, R20-5-217, R20-5-219, R20-5-220, R20-5-223, R20-5-224, R20-5-231, R20-5-232 R20-5-301, R20-5-302, R20-5-701

New Article: Article 2, Article 3, Article 7

New Section: R20-5-201, R20-5-202, R20-5-203, R20-5-208, R20-5-225, R20-5-226, R20-5-227, R20-5-228, R20-5-236, R20-5-702, R20-5-703, R20-5-704, R20-5-705, R20-5-706

Repeal: R20-5-133, R20-5-134, R20-5-135, R20-5-147

2. ARIZONA DEPARTMENT OF AGRICULTURE
Title 3, Chapter 6, Article 1

Amend: R3-6-101

3. ARIZONA DEPARTMENT OF TRANSPORTATION
Title 17, Chapter 2, Articles 1 & 2

Amend: R17-2-101, R17-2-201, R17-2-203, R17-2-204, R17-2-205, R17-2-206

Five-Year Review Reports

4. ARIZONA DEPARTMENT OF OF TRANSPORTATION
Title 17, Chapter 5, Article 9

5. ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
Title 18, Chapter 12, Articles 1-5, 8, & 9

6. ARIZONA STATE RETIREMENT SYSTEM
Title 2, Chapter 8, Articles 1, 2, 4, & 5

COUNCIL ACTION: CONSENT AGENDA APPROVED

B. CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION ON RULEMAKINGS:

1. ARIZONA DEPARTMENT OF REAL ESTATE
Title 4, Chapter 28

Amend: R4-28-101, R4-28-102, R4-28-103, R4-28–104, Table 1, R4-28-301, R4-28-302, R4-28-303, R4-28-304, R4-28-305, R4-28-306, R4-28-401, R4-28-402, R4-28-404, R4-28-502, R4-28-504, R4-28-701, R4-28-802, R4-28-803, R4-28-804, R4-28-805, R4-28-1101, R4-28-1102, R4-28-1103, R4-28-A1201, R4-28-A1202, R4-28-A1203, R4-28-A1204, R4-28-A1205, R4-28-A1206, R4-28-A1207, R4-28-A1208, R4-28-A1209, R4-28-A1210, R4-28-A1211, R4-28-A1212, R4-28-A1213, R4-28-A1214, R4-28-A1215, R4-28-A1216, R4-28-A1217, R4-28-A1218, R4-28-A1222, R4-28-B1202, R4-28-B1203, R4-28-B1206, R4-28-B1207, R4-28-B1209, R4-28-B1210, R4-28-1302, R4-28-1303, R4-28-1304, R4-28-1305

New Section: R4-28-307

COUNCIL ACTION: APPROVED

2. ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
Title 18, Chapter 4, Article 3

Amend: R18-4-301, R18-4-302, R18-4-303, R18-4-304, R18-4-305

New Table: Table 1

COUNCIL ACTION: APPROVED

C. CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION ON FIVE-YEAR REVIEW REPORTS:

1. DEPARTMENT OF ECONOMIC SECURITY
Title 6, Chapter 6, Articles 1, 3, 4, 6, 8, 9, 10, 11, 12, Appendix A; Articles 13, 15, 16, 18, 20, 21, 22, & 23

COUNCIL ACTION: APPROVED

D. CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION ON FIVE-YEAR REVIEW REPORT RESCHEDULE REQUEST FROM THE ARIZONA BARBERING & COSMETOLOGY BOARD FOR TITLE 4, CHAPTER 10, ARTICLES 1-4

COUNCIL ACTION: COUNCIL VOTED TO APPROVE 2-YEAR RESCHEDULE REQUEST TO SUBMIT BOARD FIVE-YEAR REVIEW REPORT WITH NEW DUE DATE OF OCTOBER 31, 2027.