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ABOUT THIS PUBLICATION

The authenticated pdf of the *Administrative Register* (A.A.R.) posted on the Office of the Secretary of State's website is the official published version for rulemaking activity in the state of Arizona. The *Register* is published weekly by issue number, every Friday by the Administrative Rules Division.

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

The *Register* contains notices of docket openings, proposed, final, emergency, expedited, exempt, and terminated rules as defined in Arizona Revised Statutes known as the Arizona Administrative Procedure Act (APA), and A.R.S. Title 41, Chapter 6, Articles 1 through 10. Other "notice only" filings are published in the *Register* which includes Informal Public Meetings on an Open Rulemaking Docket, Formal Rulemaking Advisory Committees, Public Information, Oral Proceedings, Public Hearings, Public Meetings, Agency Guidance Documents, Substantive Policy Statements, Proposed Delegation Agreements, Final Delegation Agreements, and Agency Ombudsman.

ABOUT AMENDMENTS TO RULES

Rulemaking is defined in the APA. Rules can be made (all new text); amended (changed) or repealed (removed) as codified in the *Arizona Administrative Code*; or renumbered (moving rules to a different Section number). New rules published in the *Register*, whether proposed or made as a final rule, are underlined; repealed rules (text being removed), is stricken.

ABOUT THE TABLE OF CONTENTS

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.

ABOUT FILE NUMBERS

Notices filed in the Division are assigned a file number. This number is enclosed in brackets and located at the top right of the published documents in the *Register*. Original filed notices are available in pdf for free. For a copy, contact our Division with the file number.

ABOUT THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* (A.A.C.) contains codified text of rules. When published, the underling and striking of text in notices as published in the *Register* are removed. The codified rules have either been approved by the Governor's Regulatory Review Council or Attorney General as prescribed under the APA. The *Code* also contains rules exempt from the rulemaking process, and emergency rules. The authenticated pdf of *Code* Chapters posted on the Office of the Secretary of State's website are the official published version of rules in the A.A.C. The *Code* is posted online for free.

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

PUBLICATION DEADLINES
Publication dates are published in the
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Participate in Rulemaking

Review Published Notices

Those interested in participating in the rulemaking process should review notices published in the *Arizona Administrative Register*.

The Preamble at the beginning of a notice contains information about the rulemaking and provides agency justification and regulatory intent. Agency contact information is published in the Preamble for those interested in participating in the rulemaking process.

The Preamble 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.

Agency Contact Lists

Many agencies maintain stakeholder lists to contact those interested in proposed changes to rules. Check an agency's website and its newsletters for information about notices, oral proceedings, 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. Refer to A.R.S. § 41-1033 for more information.

Attend a Public Meeting

Stakeholders can attend an public meeting, known as an oral proceeding, being conducted by the agency on a Notice of Proposed Rulemaking. A proceeding may be listed in the Preamble of a Notice of Proposed Rulemaking or an agency may inform the public of the meeting in a Notice of Oral Proceeding. Attend the meeting and be prepared to speak and comment.

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

Refer to information in the Preamble.

Write the Agency

Put your comments in writing and send them 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, before the rules are filed with the Secretary of State.

THE REGULAR RULEMAKING PROCESS

Authority

An agency is given the authority to promulgate a rule under the APA, statute passed by the Legislature, or ballot proposition, which is passed by the voters.

An agency may be given certain exemptions to the APA or portions thereof.

Information about the exemptions are provided in the Preamble of the rulemaking.

Permission to Proceed

Before moving forward with any notice, an agency first receives permission from the governor's office to proceed with a rulemaking.

The governor's office provides the agency a written response to proceed that is filed with the notice.

Stakeholder and Public Notification

The agency opens a docket. It is filed as a Notice of Rulemaking Docket Opening for publication in the *Register*.

The notice includes agency contact information along with its intentions to make, amend, repeal, or renumber, a rule and its justification to perform the rulemaking action. Often an agency will file the docket with the proposed rulemaking.

An agency may decide not to proceed and not file final rule with G.R.R.C. within one year after proposed rule is published. A.R.S. § 41-1021(A)(4)

Agency Proposes Rules, Public Reviews Proposal

The agency files a Notice of Proposed Rulemaking and the notice is published in the *Register*.

The public is given the opportunity to comment on the proposed rules. The agency opens the comment period to last at least 30 days. Written comments are accepted informally.

The notice *may* contain information about oral proceedings.

A proceeding is held no sooner than 30 days after the notice is published.

If no proceeding is scheduled, the agency provides information on how a person may request to speak to the agency in person at an oral proceeding.

Oral Proceeding

A person requests an agency to conduct an oral proceeding based on the information provided in its Notice of Proposed Rulemaking.

The agency prepares a Notice of Oral Proceeding on Proposed Rulemaking, schedules one or more proceeding, and files the notice for publication in the *Register*.

When it occurs, an agency extends the public comment period.

Close of Record

After evaluating public comments and conducting an internal review of the rule, an agency:

1. Determines whether the rulemaking requires a substantial change. When an agency decides to make substantial changes to a proposed rule, it continues the process as outlined under the APA. The agency obtains permission to proceed as stated under #2 of this timeline. The agency prepares a Notice of Supplemental Proposed Rulemaking with the changes and files it for publication in the *Register*. Comments are once again solicited and reviewed by the agency.
2. Prepares and submits for review a Notice of Final Rulemaking for review and approval by G.R.R.C. or Attorney General. The Notice of Final Rulemaking must be submitted for review within 120 days after the close of record; or
3. Terminates the rulemaking. The agency may decide to terminate its docket and files a notice for publication in the *Register* notifying stakeholders of the termination. Refer to A.R.S. § 41-1021(A)(2).

Time Frame for Approval or Disapproval of the Notice

G.R.R.C. has 90 days to review and approve or return the rule package, in whole or in part; A.G. has 60 days.

The Approved Rule is Published in *Register* and Codified in the Code

After approval by G.R.R.C. or A.G., the rule becomes effective 60 days after filing the notice with the Office of the Secretary of State, unless otherwise indicated in the Preamble of the notice.

The Notice of Final Rulemaking is published in the *Register* and codified in the *Arizona Administrative Code*.

Definitions and Acronyms

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

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

Arizona Revised Statutes (A.R.S.): The statutes are made by the Arizona State Legislature during a legislative session. They are compiled by Legislative Council, with the official publication codified by Thomson Reuters. 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.

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NOTICES OF PROPOSED RULEMAKING

Volume 32, Issue 13, March 27, 2026

NOTICES OF PROPOSED RULEMAKING

The Administrative Procedure Act (APA) requires an agency file a Notice of Rulemaking Docket Opening which outlines its rulemaking intentions under A.R.S. § 41-1021. A docket opening and Notice of Proposed Rulemaking are often filed at the same time and published in the same *Register* issue. If they are not filed at the same time, information on where the docket opening was published is listed in the preamble of the proposed rulemaking.

An agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before scheduling any oral proceedings. Written public comments shall be accepted for at least 30 days after the published notice. Refer to A.R.S. §§ 41-1013, 41-1022 and 41-1023.

Questions about the notice can be answered by the person listed in item #5 of the preamble.

Refer to item #11 of the preamble for information on how to comment on this notice, the close of record to comment, and information related to oral proceedings.

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 23. BOARD OF PHARMACY

File Number: R26-35

PREAMBLE

- 1. Permission to proceed with this proposed rulemaking was granted under A.R.S. § 41-1039 by the governor on:**
February 24, 2026

<u>2. Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
R4-23-407	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. § 32-1904(A)(1)
Implementing statute: A.R.S. § 32-1901(87)

- 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: 32 A.A.R. 764, March 27, 2026 (*in this issue*); File Number: R26-37

- 5. The agency's contact person who can answer questions about the rulemaking:**
Name: Kamlesh Gandhi
Title: Executive Director
Address: 1110 W. Washington St., Suite 260
Phoenix, AZ 85007
Telephone: (602) 771-2727
Email: kgandhi@azpharmacy.gov
Website: www.azpharmacy.gov

- 6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**
The Board is amending the subsection dealing with transfer of prescription order information to ensure the requirements are consistent with recently amended federal law and to remove potential barriers for patients.

- 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:**
Not applicable

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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:

The Board determined the rulemaking will have minimal economic impact because it simply reiterates the requirements in federal law.

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

Name: Kamlesh Gandhi
Title: Executive Director
Address: 1110 W. Washington St., Suite 260
Phoenix, AZ 85007
Telephone: (602) 771-2727
Email: kgandhi@azpharmacy.gov
Website: www.azpharmacy.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:

Written comments about this proposed rulemaking will be accepted in person at the address provided under item #5, Monday through Friday from 8 a.m. to 5 p.m. except for state holidays. Comments will also be accepted via email at the email address provided under item #5. Mailed written comments shall be postmarked within 30 days of this published notice.

An oral proceeding is scheduled on this proposed rulemaking.

Date: Wednesday, April 29, 2026

Time: 9:00 a.m.

Location: 1110 W. Washington St., Suite 255
Phoenix, AZ 85007

Instructions for participating remotely will be posted on the Board's website.

Nature: Public meeting

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:

None

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

The amended 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:

The rule is not more stringent than federal law because it incorporates by reference the federal law regarding transfer of prescription order information.

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

Not applicable

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

R4-23-407(E)(5): 21 CFR, Chapter 2, Parts 1306 and 1311

14. The full text of the rules follows:

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TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 23. BOARD OF PHARMACY
ARTICLE 4. PROFESSIONAL PRACTICES

Section
R4-23-407. Prescription Requirements

ARTICLE 4. PROFESSIONAL PRACTICES

R4-23-407. Prescription Requirements

- A. Prescription orders. A pharmacist shall ensure that:
1. A prescription order the pharmacist uses to dispense a drug or device includes the following information:
 - a. Date of issuance;
 - b. Name and address of the patient for whom or the owner of the animal for which the drug or device is dispensed;
 - c. Drug name, strength, and dosage form or device name;
 - d. Name of the manufacturer or distributor of the drug or device if the prescription order is written generically or a substitution is made;
 - e. Prescribing medical practitioner's directions for use;
 - f. Date of dispensing;
 - g. Quantity prescribed and if different, quantity dispensed;
 - h. For a prescription order for a controlled substance, the medical practitioner's address and DEA number;
 - i. For a written prescription order, the medical practitioner's signature;
 - j. For an electronically transmitted prescription order, the medical practitioner's digital or electronic signature;
 - k. For an oral prescription order, the medical practitioner's name and telephone number; and
 - l. Name or initials of the dispensing pharmacist;
 2. A prescription order is kept by the pharmacist or pharmacy permittee as a record of the dispensing of a drug or device for seven years from the date the drug or device is dispensed;
 3. The dispensing of a drug or device complies with the packaging requirements of the official compendium and state and federal law; and
 4. If the drug dispensed is a schedule II controlled substance that is an opioid, the drug is placed in a container that has a red cap and a warning label stating "CAUTION: OPIOID, Risk of Overdose and Addiction" or other similarly clear language indicating the possibility of overdose and addiction. Under delegation from the Board, the Executive Director may waive the red-cap requirement if implementing the requirement is not feasible because of the specific dosage form or packaging type.
- B. Prescription refills. A pharmacist shall ensure that the following information is recorded on the back of a prescription order when it is refilled:
1. Date refilled,
 2. Quantity dispensed,
 3. Name or approved abbreviation of the manufacturer or distributor if the prescription order is written generically or a substitution is made, and
 4. The name or initials of the dispensing pharmacist.
- C. Prescription order adaptation. Except for a prescription order for a controlled substance, a pharmacist, using professional judgment, may make the following adaptations to a prescription order if the pharmacist documents the adaptation in the patient's record:
1. Change the prescribed quantity if the prescribed quantity is not a package size commercially available from the manufacturer;
 2. Change the prescribed dosage form or directions for use if the change achieves the intent of the prescribing medical practitioner;
 3. Complete missing information on the prescription order if there is sufficient evidence to support the change; and
 4. Extend the quantity of a maintenance drug for the limited quantity necessary to achieve medication refill synchronization for the patient.
- D. A pharmacist may furnish a copy of a prescription order to the patient for whom it is prescribed or to the authorized representative of the patient if the copy is clearly marked "COPY FOR REFERENCE PURPOSES ONLY" or other similar statement. A copy of a prescription order is not a valid prescription order and a pharmacist shall not dispense a drug or device from the information on a copy.
- E. Transfer of prescription order information between pharmacies including a pharmacy located in another jurisdiction. For a transfer of prescription order information to be valid, a pharmacy permittee or pharmacist in charge shall ensure that:
1. Both the original and the transferred prescription order are maintained for seven years after the last dispensing date; A pharmacist may delegate to an intern or pharmacy technician the transfer of prescription order information for a non-controlled substance. A pharmacist shall not delegate transfer of prescription order information for a controlled substance.
 2. The original prescription order information for a Schedule III, IV, or V controlled substance is transferred only as specified in 21 CFR 1306.25; A pharmacist shall initiate the transfer of prescription order information only when requested to do so by a patient or the patient's representative.
 3. The original prescription order information for a non-controlled substance drug is transferred without limitation only up to the number of originally authorized refills; A pharmacy permittee shall ensure records of a transfer of prescription order information are maintained in a computer system consistent with R4-23-408.
 4. For a transfer within Arizona: When prescription order information is transferred, both the transferring and receiving pharmacy shall maintain the prescription order information for seven years from the date on which the pharmacy last dispensed the pre-

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scription order. Both the transferring and receiving pharmacy shall ensure the maintained prescription order information includes:

- a. The prescription order transferred;
 - b. Identification of both the transferring and receiving pharmacy;
 - c. The date of transfer;
 - d. Identification of the individual who made the transfer; and
 - e. Status of the prescription order following transfer including canceling the prescription order at the transferring pharmacy.
 - a. ~~The transfer of original prescription order information for a non-controlled substance drug meets the following conditions:~~
 - i. ~~The transfer of information is communicated electronically, verbally, or by fax directly between:~~
 - (1) ~~Two licensed pharmacists;~~
 - (2) ~~A licensed pharmacist and a licensed intern, or~~
 - (3) ~~Two licensed interns;~~
 - ii. ~~The following information is recorded by the transferring pharmacist or intern:~~
 - (1) ~~The word "void" is written on the face of the invalidated original prescription unless it is an electronic or oral transfer and the transferred prescription order information is invalidated in the transferring pharmacy's computer system; and~~
 - (2) ~~The name and identification code, number, or address and telephone number of the pharmacy to which the prescription is transferred, the name of the receiving pharmacist or intern, the date of transfer, and the name of the transferring pharmacist or intern is written on the back of the prescription or entered into the transferring pharmacy's computer system; and~~
 - iii. ~~The following information is recorded by the receiving pharmacist or intern on the transferred prescription order:~~
 - (1) ~~The word "transfer;"~~
 - (2) ~~Date of issuance of the original prescription order;~~
 - (3) ~~Original number of refills authorized on the original prescription order;~~
 - (4) ~~Date of original dispensing;~~
 - (5) ~~Number of valid refills remaining and the date of the last refill;~~
 - (6) ~~Name and identification code, number, or address, telephone number, and original prescription number of the pharmacy from which the prescription is transferred;~~
 - (7) ~~Name of the transferring pharmacist or intern; and~~
 - (8) ~~Name of the receiving pharmacist or intern;~~
 - b. ~~The transfer of original prescription order information for a Schedule III, IV, or V controlled substance meets the following conditions:~~
 - i. ~~The transfer of information is communicated directly between two licensed pharmacists or interns electronically or verbally;~~
 - ii. ~~The following information is recorded by the transferring pharmacist or intern:~~
 - (1) ~~The word "void" is written on the face of the invalidated original prescription order unless it is an electronic or oral transfer and the transferred prescription order information is invalidated in the transferring pharmacy's computer system; and~~
 - (2) ~~The name, address, and DEA number of the pharmacy to which the prescription is transferred, the name of the receiving pharmacist, the date of transfer, and the name of the transferring pharmacist is written on the back of the prescription order or entered into the transferring pharmacy's computer system; and~~
 - iii. ~~The following information is recorded by the receiving pharmacist on the transferred prescription order:~~
 - (1) ~~The word "transfer;"~~
 - (2) ~~Date of issuance of original prescription order;~~
 - (3) ~~Original number of refills authorized on the original prescription order;~~
 - (4) ~~Date of original dispensing;~~
 - (5) ~~Number of valid refills remaining and the date of the last refill;~~
 - (6) ~~Name, address, DEA number, and original prescription number of the pharmacy from which the prescription is transferred;~~
 - (7) ~~Name of the transferring pharmacist; and~~
 - (8) ~~Name of the receiving pharmacist;~~
5. For a transfer from out of state: A pharmacist who transfers prescription order information for a controlled substance shall comply with the following federal law as in effect on August 28, 2023, which is incorporated by this reference and includes no later amendments or editions. The incorporated information is available on the Board's website.
- a. The transfer of original prescription order information for a non-controlled substance drug meets the conditions in subsections (E)(4)(a)(i) and (E)(4)(a)(iii); Schedule II controlled substances. 21 CFR, Chapter II, Parts 1306 and 1311, and
 - b. The transfer of original prescription order information for a Schedule III, IV, or V controlled substance meets the conditions in subsections (E)(4)(b)(i) and (E)(4)(b)(iii); and Schedule III, IV, and V controlled substances. 21 CFR, Chapter II, Part 1306, §§ 1306.08, 1306.23, and 1306.25.
6. For an electronic transfer, the electronic transfer of original prescription order information meets the following conditions: A pharmacist, intern, or pharmacy technician may transfer prescription order information for a non-controlled substance before or after the prescription order is initially filled. Only the remaining number of refills originally prescribed may be transferred. The receiving pharmacy shall ensure the total number of refills dispensed does not exceed the total number of refills originally prescribed.

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- a. ~~The electronic transfer is between pharmacies owned by the same company using a common or shared database;~~
 - b. ~~The electronic transfer of original prescription order information for a non-controlled substance drug is performed by a pharmacist or intern, pharmacy technician trainee, or pharmacy technician under the supervision of a pharmacist;~~
 - e. ~~The electronic transfer of original prescription order information for a controlled substance is performed between two licensed pharmacists;~~
 - d. ~~The electronic transfer of original prescription order information for a non-controlled substance drug meets the following conditions:~~
 - i. ~~The transferring pharmacy's computer system:~~
 - (1) ~~Invalidate~~s the transferred original prescription order information;
 - (2) ~~Records~~ the identification code, number, or address of the pharmacy to which the prescription order information is transferred;
 - (3) ~~Records~~ the name or identification code of the receiving pharmacist, intern, pharmacy technician trainee, or pharmacy technician; and
 - (4) ~~Records~~ the date of transfer; and
 - ii. ~~The receiving pharmacy's computer system:~~
 - (1) ~~Records~~ that a prescription transfer occurred;
 - (2) ~~Records~~ the date of issuance of the original prescription order;
 - (3) ~~Records~~ the original number of refills authorized on the original prescription order;
 - (4) ~~Records~~ the date of original dispensing;
 - (5) ~~Records~~ the number of valid refills remaining and the date of the last refill;
 - (6) ~~Records~~ the identification code, number, or address and original prescription number of the pharmacy from which the prescription is transferred;
 - (7) ~~Records~~ the name or identification code of the receiving pharmacist or intern, pharmacy technician trainee, or pharmacy technician; and
 - (8) ~~Records~~ the date of transfer;
 - e. ~~The electronic transfer of original prescription order information for a controlled substance meets the following conditions:~~
 - i. ~~The transferring pharmacy's computer system:~~
 - (1) ~~Invalidate~~s the transferred original prescription order information;
 - (2) ~~Records~~ the identification code, number, or address, and DEA number of the pharmacy to which the prescription order information is transferred;
 - (3) ~~Records~~ the name or identification code of the receiving pharmacist;
 - (4) ~~Records~~ the date of transfer; and
 - (5) ~~Records~~ the name or identification code of the transferring pharmacist; and
 - ii. ~~The electronic prescription order information received by the computer system of the receiving pharmacy includes the information required in subsection (E)(4)(b)(iii); and~~
 - f. ~~In addition to electronic documentation of a transferred prescription order in the computer system, an original prescription order containing the requirements of this Section is filed in compliance with A.R.S. § 32-1964.~~
7. Method of transfer.
- a. A pharmacist who transfers prescription order information for a controlled substance shall ensure the information is transferred in a manner consistent with the federal law incorporated by reference in subsection (E)(5);
 - b. A pharmacist, intern, or pharmacy technician who transfers prescription order information for a non-controlled substance may use any lawful method of transfer that maintains the integrity, confidentiality, and traceability of the prescription order information; and
 - c. If prescription order information is transferred electronically, the computer system:
 - i. Of the transferring pharmacy shall cancel the prescription order upon transfer; and
 - ii. Of the receiving pharmacy shall record receipt of the transferred prescription order information.
8. The transferring and receiving pharmacy are independently responsible for complying with subsection (E).
9. Both the transferring and receiving pharmacy shall maintain records regarding the transfer of prescription order information according to A.R.S. § 32-1964 and make the records available to the Board on request.
- F. Transmission of a prescription order from a medical practitioner to a pharmacy by fax.
- 1. A medical practitioner or medical practitioner's agent may transmit a prescription order for a Schedule III, IV, or V controlled substance, prescription-only drug, or nonprescription drug to a pharmacy by fax under the following conditions:
 - a. The prescription order is faxed only to the pharmacy of the patient's choice;
 - b. The faxed prescription order:
 - i. Contains all the information required for a prescription order in A.R.S. §§ 32-1968 and 36-2525; and
 - ii. Is only faxed from the medical practitioner's practice location, except that a nurse in a hospital, long-term care facility, or inpatient hospice may send a fax of a prescription order for a patient of the facility; and
 - c. The faxed prescription order shall contain the following additional information:
 - i. The date the prescription order is faxed;
 - ii. The fax number of the prescribing medical practitioner or the facility from which the prescription order is faxed, and the telephone number of the facility; and
 - iii. The name of the person who transmits the fax, if other than the medical practitioner.
 - 2. A medical practitioner or medical practitioner's agent may fax a prescription order for a Schedule II controlled substance for information purposes only, unless the faxed prescription order meets the requirements of A.R.S. § 36-2525(F) and (G).

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3. A pharmacy may receive a faxed prescription order for a Schedule II controlled substance for information purposes only, except a faxed prescription order for a Schedule II controlled substance that meets the requirements of A.R.S. § 36-2525(F) and (G) may serve as the original written prescription order.
 4. To meet the seven-year record retention requirement of A.R.S. § 32-1964, a pharmacy shall receive a faxed prescription order on plain paper or may make a photocopy of the faxed prescription order.
 5. A medical practitioner or the medical practitioner's agent may fax refill authorizations to a pharmacy if the faxed authorization includes the medical practitioner's telephone and fax numbers, the medical practitioner's signature or medical practitioner's agent's name, and date of authorization.
- G.** Electronic transmission of a prescription order from a medical practitioner to a pharmacy.
1. Unless otherwise prohibited by law, a medical practitioner or medical practitioner's agent may transmit a prescription order by electronic means, directly or through an intermediary, including an E-prescribing network, to the dispensing pharmacy as specified in A.R.S. § 32-1968.
 2. For electronic transmission of a Schedule II, III, IV, or V controlled substance prescription order, the medical practitioner and pharmacy shall ensure the transmission complies with any security or other requirements of federal law.
 3. The medical practitioner and pharmacy shall ensure all electronic transmissions comply with all the security requirements of state or federal law related to the privacy of protected health information.
 4. In addition to the information required to be included on a prescription order as specified in A.R.S. § 32-1968, a medical practitioner shall ensure an electronically transmitted prescription order includes:
 - a. The date of transmission; and
 - b. If the individual transmitting the prescription is not the medical practitioner, the name of the medical practitioner's authorized agent who transmits the prescription order.
 5. A pharmacy receiving an electronically transmitted prescription order shall maintain the prescription order as specified in A.R.S. § 32-1964 or R4-23-408(H)(2).
 6. A medical practitioner or medical practitioner's agent shall transmit an electronic prescription order only to the pharmacy of the patient's choice.
- H.** Exceptions under A.R.S. § 36-2525 regarding electronic prescribing requirements:
1. Medical practitioner exceptions. A medical practitioner who is authorized to prescribe a controlled substance may furnish a written prescription order in accordance with R4-23-407 rather than an electronically transmitted prescription order if the prescription order is written:
 - a. In this state to be filled in a jurisdiction outside this state;
 - b. For a medication that requires compounding two or more ingredients;
 - c. For a medication that is not in the E-prescribing database;
 - d. For an individual who is detained by or in custody of an Arizona or federal law enforcement agency; or
 - e. Under A.R.S. § 36-2525(N) or (O); and
 2. Pharmacist exceptions. A pharmacist may dispense a controlled substance from a written rather than electronically transmitted prescription order if the prescription order:
 - a. Is written by a medical practitioner who is not licensed in this state but rather, is licensed in a jurisdiction outside this state. The pharmacist is not required to verify whether the medical practitioner is licensed;
 - b. Is written for a medication that requires compounding two or more ingredients;
 - c. Is written for a medication that is not in the E-prescribing database;
 - d. Is written for an individual who is detained by or in custody of an Arizona or federal law enforcement agency; or
 - e. Is received under A.R.S. § 36-2525(D).

NOTICES OF FINAL EXPEDITED RULEMAKING

Volume 32, Issue 13, March 27, 2026

NOTICES OF FINAL EXPEDITED RULEMAKING

An agency submits a Notice of Final Expedited Rulemaking to the Governor’s Regulatory Review Council for review and approval under A.R.S. § 41-1027(E).

The Notice of Final Expedited Rulemaking as published in this section has been filed with a certificate of approval from the Council.

An agency may conduct expedited rulemaking if the rulemaking does not increase the cost of regulatory compliance, increase a fee or reduce procedural rights of persons regulated. Other requirements to conduct expedited rulemaking are listed under A.R.S. § 41-1027(A)(1) through (8).

The effective date of this notice is published in item #4 of the preamble.

Questions about the notice can be answered by the person listed in item #6 of the preamble.

The codified version of Notices of Final Expedited Rulemaking are published in the Arizona Administrative Code by title and chapter.

NOTICE OF FINAL EXPEDITED RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 7. DEPARTMENT OF HEALTH SERVICES
RADIATION CONTROL

File Number: R26-36

PREAMBLE

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

December 22, 2025

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

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R9-7-1414	Repeal
R9-7-1414	Repeal
R9-7-1414	Repeal
R9-7-1415	Repeal
R9-7-1415	Repeal
R9-7-1415	Repeal
R9-7-1416	Repeal
R9-7-1416	Repeal
R9-7-1416	Repeal
R9-7-1418	Repeal
R9-7-1421	Repeal
R9-7-1422	Repeal
R9-7-1423	Repeal
R9-7-1425	Repeal
R9-7-1426	Repeal
R9-7-1427	Repeal
R9-7-1429	Repeal
R9-7-1433	Repeal
R9-7-1434	Repeal
R9-7-1435	Repeal
R9-7-1436	Repeal
R9-7-1437	Repeal
R9-7-1438	Repeal
R9-7-1439	Repeal
R9-7-1440	Repeal
R9-7-1441	Repeal
R9-7-1442	Repeal
R9-7-1443	Repeal
R9-7-1444	Repeal
Appendix A	Repeal
Appendix B	Repeal
Appendix C	Repeal
Appendix D	Repeal

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. The effective date of the rule:

March 5, 2026 (*immediately upon filing with the Office of the Secretary of State*)

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

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

Notice of Proposed Expedited Rulemaking: 31 A.A.R. 4098; October 24, 2025; Issue Number 43; File Number: R25-241

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

Name: Brian D. Goretzki
Title: Bureau Chief
Division: 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
Title: Office Chief
Division: Office of Administrative Counsel and Rules
Address: Arizona Department of Health Services
Office of Administrative Counsel and Rules

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150 N. 18th Ave., Suite 540
Phoenix, AZ 85007

Telephone: (602) 542-1020
Fax: (602) 364-1150
Email: ACR@azdhs.gov

7. 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.

8. 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.

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 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.

11. A description of any change between the proposed expedited rulemaking, to include a supplemental proposed notice, and the final rulemaking:

No changes were made between the proposed expedited rulemaking and the final expedited rulemaking.

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

No comments were received.

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:

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 that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No business competitiveness analysis was received by the Department.

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

The following are incorporated by reference:

In R9-7-1302(D)(11) - 10 CFR 61, January 1, 2015.

In R9-7-1404(B)(1) - 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.

In R9-7-1404(G) - 21 CFR 1030.10, January 20, 2002.

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In R9-7-1405(A)(2) - 21 CFR 878.4635, June 2, 2014, and 21 CFR 1040.20, April 2, 2018.

In R9-7-1406(A) - 21 CFR 1040.10, April 2, 2018.

In R9-7-1407(A) - ANSI Z136.1-2022, American National Standard for Safe Use of Lasers and ANSI Z136.3-2024, American National Standard for Safe Use of Lasers in Health Care.

In R9-7-1414(A) - 21 CFR 801.109, June 15, 2016.

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) state where the text was changed between the emergency and the final expedited rulemaking package:

The rule was not previously made as an emergency rule.

16. 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

~~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

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- 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.

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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

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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.

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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, α , 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 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.
“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.

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“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

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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 $2D^2/\lambda$ 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.

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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.

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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:~~

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- 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.

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- 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:

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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

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- 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

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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

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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:

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- 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.



- 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/cfr-search.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

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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

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- 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:

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- 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:

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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;

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- 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);
 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. Investigate, document, and report all incidents involving lasers or intense pulsed light devices, as required by R9-7-1436 R9-7-1411;
 4. Select protective eyewear as required by R9-7-1435 R9-7-1408(C)(9) and (10), along with any other protective equipment;
 5. 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. Ensure that authorized personnel are trained in the assessment and control of laser hazards according to R9-7-1408(C)(3);
 7. Select signs, symbols, and labels as required by R9-7-1427 R9-7-1407;
 8. Perform laser radiation protection surveys as required by R9-7-1421 and R9-7-1441 R9-7-1408(C)(8);
 9. 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. 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.

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- 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;

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- 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.~~

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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;

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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 policies 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(e), 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

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- 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
 - e- 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)
 - e- 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

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- v. Proper sanitizing procedures for the facility, equipment, and eyewear;
 - e. 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)(c), including the prescribing health professional's regulatory board and professional license number;

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- 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)(e)(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

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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;

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- 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.

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~~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 ~~HPL~~ intense pulsed light device in use and the clinical procedures to be performed, including:
 - i. A description of the medical laser or ~~HPL~~ intense pulsed light device;
 - ii. Fundamentals of laser radiation or ~~HPL~~ intense pulsed light device radiation;
 - iii. The potential biological effects of laser or ~~HPL~~ intense pulsed light device light, including absorption and wavelength effects;
 - iv. Operation of the medical laser or ~~HPL~~ intense pulsed light device;
 - v. Typical laser or ~~HPL~~ 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 ~~HPL~~ 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 ~~HPL~~ intense pulsed light device use, including:
 - i. Controlled access to an area while the laser or ~~HPL~~ 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 ~~HPL~~ 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 ~~HPL~~ intense pulsed light device; and

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- 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;

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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.

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- ~~Q.~~ 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.

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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.

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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".

NOTICES OF FINAL EXPEDITED RULEMAKING

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;
 - e. 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

NOTICES OF FINAL EXPEDITED RULEMAKING

- 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

NOTICES OF FINAL EXPEDITED RULEMAKING

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

Arizona Administrative Register
NOTICES OF RULEMAKING DOCKET OPENING

Volume 32, Issue 13, March 27, 2026

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires an agency file a Notice of Rulemaking Docket Opening which outlines its rulemaking intentions under [A.R.S. § 41-1021](#).

A docket opening and Notice of Proposed Rulemaking are often filed at the same time and published in the same *Register* issue.

If a Notice of Proposed Rulemaking is not published in this *Register* that corresponds with a published docket in this week's issue, it simply means the agency has not filed the notice for consideration and public review.

An agency has one year from the publishing of this notice to propose a rule; after one year the docket expires. Questions about the notice can be answered by the person listed in item #5 of the preamble.

Refer to item #6 in the preamble for information on how to comment on this notice.

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF PHARMACY

File Number: R26-37

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

February 24, 2026

2. Title and its heading:

4. Professions and Occupations

Chapter and its heading:

23. Board of Pharmacy

Article and its heading:

4. Professional Requirements

Section number:

R4-23-407

Sections may be added, amended, repealed, or renumbered as necessary.

3. The subject matter of the proposed rule:

The Board is amending the subsection dealing with transfer of prescription order information to ensure the requirements are consistent with recently amended federal law and to remove potential barriers for patients.

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

Notice of Proposed Rulemaking: 32 A.A.R. 715, March 27, 2026 (*in this issue*); File Number: R26-35

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

Name: Kamlesh Gandhi

Title: Executive Director

Address: Board of Pharmacy
1110 W. Washington St., Suite 260
Phoenix, AZ 85007

Telephone: (602) 771-2727

Email: kgandhi@azpharmacy.gov

Website: www.azpharmacy.gov

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

Written comments about this proposed rulemaking will be accepted in person at the address provided under item #5, Monday

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NOTICES OF RULEMAKING DOCKET OPENING

through Friday from 8 a.m. to 5 p.m. except for state holidays. Comments will also be accepted via email at the email address provided under item #5. Information regarding an oral proceeding is included in the Notice of Proposed Rulemaking in this issue.

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

Unknown

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR POLLUTION CONTROL**

File Number: R26-38

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

February 7, 2024

2. Title and its heading:

18. Environmental Quality

Chapter and its heading:

2. Department of Environmental Quality – Air Pollution Control

Article and its heading:

6. Emissions from Existing and New Nonpoint Sources

13. State Implementation Plan Rules for Specific Locations

Section number:

R18-2-613, R18-2-613.01, R18-2-E1301, R18-2-E1302, R18-2-E1303, Appendix

Sections may be added, amended, repealed, or renumbered as necessary.

3. The subject matter of the proposed rule:

Subject Matter: The Arizona Department of Environmental Quality (ADEQ) proposes to enact new rules applicable to the Yuma PM10 (particulate matter 10 microns or less in diameter) “Moderate” Nonattainment Area (NAA) in order to control fugitive dust that contributes to PM10 levels in the area that exceed the federal air quality standard. ADEQ is required under the Clean Air Act to develop a State Implementation Plan (SIP) revision to control PM10 in Yuma as a result of a “SIP Call” action from the federal Environmental Protection Agency (EPA) published on May 17, 2022, which reinstated Moderate plan requirements for Yuma. 87 FR 29830. This rulemaking is necessary to develop and adopt new regulations in order to meet federal Clean Air Act requirements for Moderate NAAs, including implementation of reasonably available control measures (RACM), to prevent the Yuma NAA from being reclassified as “Serious” and improve air quality to protect human health.

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

Not applicable

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

Name: Lexi Ahmad

Title: Environmental Science Specialist II

Division: Air Quality Division

Address: ADEQ
1110 W. Washington St.
Phoenix, AZ 85007

Telephone: (602) 771-4149

Email: airplanning@azdeq.gov

NOTICES OF RULEMAKING DOCKET OPENING

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:

To be announced in the Notice of Proposed Rulemaking.

NOTICES OF SUBSTANTIVE POLICY STATEMENT

Volume 32, Issue 13, March 27, 2026

NOTICES OF SUBSTANTIVE POLICY STATEMENT

Summaries and Location of Documents

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\(B\)\(9\)](#).

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.

For additional information about these notices, contact the person listed under Item #6 of this notice.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

A.R.S. § 41-1013(B)(9)

STATE REAL ESTATE DEPARTMENT

File Number: M26-15

1. **Statement title and policy number:**
No. 2026.01 - Fingerprint Clearance Card Requirement for Licensees
2. **Is this a new policy or revision:**
New
3. **Date issued and effective date (if different from the date issued):**
March 6, 2026
4. **Policy summary:**
Provides guidance to real estate licensees on fingerprint clearance card requirements.
5. **Authority (include the federal or state constitutional provision or statute, administrative rule, or regulation; or final court judgment):**
A.R.S. §§ 32-2101, 32-2108, 32-2123
6. **Agency contact information:**
Name: Susan Nicolson
Title: Commissioner
Division: Administration
Address: 100 N. 15th Ave., Suite 201
Phoenix, AZ 85007
Telephone: (602) 771-7779
Email: snicolson@azre.gov
Website: <https://www.azre.gov>
7. **An electronic copy of the complete policy can be viewed at:**
Website: <https://azre.gov/substantive-policy-statements-sps>
8. **A paper copy of the complete policy can be obtained at:**
Physical Address: 100 N. 15th Ave., Suite, 201, Phoenix, AZ 85007
Copy or other fees: None

2026 REGISTER INDEXES

The Register is published by volume in a calendar year. Refer to the “Information” pages in the front of each issue for more details. 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

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EXP = Rules have expired
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RULEMAKING ACTIVITY INDEX

Volume 32, Issue 13, March 27, 2026

RULEMAKING ACTIVITY INDEX

THIS INDEX INCLUDES RULEMAKING ACTIVITY THROUGH ISSUE 12 OF VOLUME 32.

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Arizona Administrative Register
RULES EFFECTIVE DATES CALENDAR

Volume 32, Issue 13, March 27, 2026

RULES EFFECTIVE DATES CALENDAR

A.R.S. § 41-1032(A), as amended by Laws 2002, Ch. 334, § 8 (effective August 22, 2002), states 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 notice's preamble for effective dates.

January

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

February

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

March

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

Arizona Administrative Register
RULES EFFECTIVE DATES CALENDAR

April

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

May

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

June

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

Arizona Administrative Register
RULES EFFECTIVE DATES CALENDAR

July

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

August

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

September

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

Arizona Administrative Register
RULES EFFECTIVE DATES CALENDAR

October

Date Filed		Effective Date
October 1	effective	November 30
October 2	effective	December 1
October 3	effective	December 2
October 4	effective	December 3
October 5	effective	December 4
October 6	effective	December 5
October 7	effective	December 6
October 8	effective	December 7
October 9	effective	December 8
October 10	effective	December 9
October 11	effective	December 10
October 12	effective	December 11
October 13	effective	December 12
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October 15	effective	December 14
October 16	effective	December 15
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October 19	effective	December 18
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October 24	effective	December 23
October 25	effective	December 24
October 26	effective	December 25
October 27	effective	December 26
October 28	effective	December 27
October 29	effective	December 28
October 30	effective	December 29
October 31	effective	December 30

November

Date Filed		Effective Date
November 1	effective	December 31
November 2	effective	January 1
November 3	effective	January 2
November 4	effective	January 3
November 5	effective	January 4
November 6	effective	January 5
November 7	effective	January 6
November 8	effective	January 7
November 9	effective	January 8
November 10	effective	January 9
November 11	effective	January 10
November 12	effective	January 11
November 13	effective	January 12
November 14	effective	January 13
November 15	effective	January 14
November 16	effective	January 15
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November 19	effective	January 18
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November 23	effective	January 22
November 24	effective	January 23
November 25	effective	January 24
November 26	effective	January 25
November 27	effective	January 26
November 28	effective	January 27
November 29	effective	January 28
November 30	effective	January 29

December

Date Filed		Effective Date
December 1	effective	January 30
December 2	effective	January 31
December 3	effective	February 1
December 4	effective	February 2
December 5	effective	February 3
December 6	effective	February 4
December 7	effective	February 5
December 8	effective	February 6
December 9	effective	February 7
December 10	effective	February 8
December 11	effective	February 9
December 12	effective	February 10
December 13	effective	February 11
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December 20	effective	February 18
December 21	effective	February 19
December 22	effective	February 20
December 23	effective	February 21
December 24	effective	February 22
December 25	effective	February 23
December 26	effective	February 24
December 27	effective	February 25
December 28	effective	February 26
December 29	effective	February 27
December 30	effective	February 28
December 31	effective	March 1

Arizona Administrative Register
RULES EFFECTIVE DATES CALENDAR

REGISTER DEADLINES

The Secretary of State’s Office publishes the *Register* weekly. There is a three-week delay between the deadline date to file a notice and the *Register* date in which the notice is published. The weekly deadline dates are listed in the first column and issue dates are provided in the second column. Listed in the third column 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*. Governor Regulatory Review Council meetings and *Register* deadlines do not correlate.

Deadline Date Friday, 5:00 p.m.	<i>Register</i> Publication Date	Oral Proceeding may be scheduled on or after
January 9, 2026	January 30, 2026	March 2, 2026
January 16, 2026	February 6, 2026	March 9, 2026
January 23, 2026	February 13, 2026	March 16, 2026
January 30, 2026	February 20, 2026	March 23, 2026
February 6, 2026	February 27, 2026	March 30, 2026
February 13, 2026	March 6, 2026	April 6, 2026
February 20, 2026	March 13, 2026	April 13, 2026
February 27, 2026	March 20, 2026	April 20, 2026
March 6, 2026	March 27, 2026	April 27, 2026
March 13, 2026	April 3, 2026	May 4, 2026
March 20, 2026	April 10, 2026	May 11, 2026
March 27, 2026	April 17, 2026	May 18, 2026
April 3, 2026	April 24, 2026	May 26, 2026 Earlier date due to a holiday
April 10, 2026	May 1, 2026	June 1, 2026
April 17, 2026	May 8, 2026	June 8, 2026
April 24, 2026	May 15, 2026	June 15, 2026
May 1, 2026	May 22, 2026	June 22, 2026
May 8, 2026	May 29, 2026	June 29, 2026
May 15, 2026	June 5, 2026	July 6, 2026
May 22, 2026	June 12, 2026	July 13, 2026
May 29, 2026	June 19, 2026	July 20, 2026
June 5, 2026	June 26, 2026	July 27, 2026
June 12, 2026	July 3, 2026	August 3, 2026

GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES

Volume 32, Issue 13, March 27, 2026

GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES

MEETING DATES ARE SUBJECT TO CHANGE

The deadlines provided in the following table apply to all Five-Year Review Reports and any rulemaking notice submitted for review to the Governor’s Regulatory Review Council (Council). The Office publishes these deadlines under A.R.S. [41-1013\(B\)\(15\)](#).

Council meetings and *Register* deadlines do not correlate.

All rulemaking notices submitted for review 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 the Council’s website at <https://grrc.az.gov>.

File Number: M25-79

DEADLINE FOR PLACEMENT ON AGENDA 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.	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
<i>Tuesday</i> January 20, 2026	<i>Tuesday</i> February 17, 2026	<i>Tuesday</i> February 24, 2026	<i>Tuesday</i> March 3, 2026
<i>Tuesday</i> February 17, 2026	<i>Tuesday</i> March 24, 2026	<i>Tuesday</i> March 31, 2026	<i>Tuesday</i> April 7, 2026
<i>Tuesday</i> March 24, 2026	<i>Tuesday</i> April 21, 2026	<i>Tuesday</i> April 28, 2026	<i>Tuesday</i> May 5, 2026
<i>Tuesday</i> April 21, 2026	<i>Tuesday</i> May 19, 2026	Wednesday May 27, 2026	<i>Tuesday</i> June 2, 2026
<i>Tuesday</i> May 19, 2026	<i>Tuesday</i> June 23, 2026	<i>Tuesday</i> June 30, 2026	<i>Tuesday</i> July 7, 2026
<i>Tuesday</i> June 23, 2026	<i>Tuesday</i> July 21, 2026	<i>Tuesday</i> July 28, 2026	<i>Tuesday</i> August 4, 2026
<i>Tuesday</i> July 21, 2026	<i>Tuesday</i> August 18, 2026	<i>Tuesday</i> August 25, 2026	<i>Tuesday</i> September 1, 2026
<i>Tuesday</i> August 18, 2026	<i>Tuesday</i> September 22, 2026	<i>Tuesday</i> September 29, 2026	<i>Tuesday</i> October 6, 2026
<i>Tuesday</i> September 22, 2026	<i>Tuesday</i> October 20, 2026	<i>Tuesday</i> October 27, 2026	<i>Tuesday</i> November 3, 2026
<i>Tuesday</i> October 20, 2026	<i>Tuesday</i> November 17, 2026	<i>Tuesday</i> November 24, 2026	<i>Tuesday</i> December 1, 2026
<i>Tuesday</i> November 17, 2026	<i>Tuesday</i> December 22, 2026	<i>Tuesday</i> December 29, 2026	<i>Tuesday</i> January 5, 2027
<i>Tuesday</i> December 22, 2026	<i>Tuesday</i> January 19, 2027	<i>Tuesday</i> January 26, 2027	<i>Tuesday</i> February 2, 2027