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Arizona Administrative REGISTER

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Arizona Administrative Register
Volume 32
Issue 47
November 20, 2026

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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 Rules can be made (all new text); amended (changed) or repealed (removed) as codified in the *Arizona Administrative Code*; or renumbered (moving rules to a different Section number). New rules published in the *Register*, whether proposed or made as a final rule, are underlined; repealed rules (text being removed), is stricken.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 REGISTER
This publication is available online for free at www.azsos.gov.

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

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

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

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 is 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 decided 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 complied 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

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 26. BOARD OF PSYCHOLOGIST EXAMINERS

File Number: R26-208

PREAMBLE

1. Permission to proceed with this proposed rulemaking was granted under A.R.S. § 41-1039 by the governor on:
October 27, 2026

2. Article, Part, or Section Affected (as applicable)	**Rulemaking Action**
R4-26-404.2	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. § 32-2063(A)(9)
Implementing statute: A.R.S. § 32-2091.03

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. 2993, November 20, 2026 (*in this issue*); File Number: R26-213

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

Name:	Heidi Herbst Paakkonen
Title:	Executive Director
Address:	1740 W. Adams St., Suite 2430 Phoenix, AZ 85007
Telephone:	(602) 542-8162
Fax:	(602) 542-8279
Email:	Heidi.Paakkonen@psychboard.az.us
Website:	psychboard.az.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:
On January 1, 2027, the Behavior Analyst Certification Board is increasing the maximum number of hours of supervised experience an individual may obtain during a month. A.R.S. § 32-2091(B) requires the Board to adopt supervised experience standards consistent with the standards set by a nationally recognized behavior analyst certification board. In this rulemaking, the Board amends the maximum number of hours of monthly supervised experience to be consistent with the new standard established by the BACB.

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

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:

An applicant for licensure as a behavior analyst must complete 1500 hours of supervised experience. With the rule change, an individual will theoretically be able to complete 1500 hours of supervised experience in 9.4 months rather than 11.5 months. An individual who is able to complete 160 hours of supervised experience each month will have a shorter training period and become licensed and practicing in a shorter amount of time. This will have positive economic benefits for the individual.

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

Name:	Heidi Herbst Paakkonen
Title:	Executive Director
Address:	1740 W. Adams St., Suite 2430 Phoenix, AZ 85007
Telephone:	(602) 542-8162
Fax:	(602) 542-8279
Email:	Heidi.Paakkonen@psychboard.az.us
Website:	psychboard.az.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:	Tuesday, December 22, 2026
Time:	9:00 a.m.
Location:	By Zoom: https://us02web.zoom.us/j/8293038042?omn=86242961847
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:

Behavior Analysts are required to be licensed (See A.R.S. § 32-2091.02). Under A.R.S. § 41-1037(A)(3), the required license is not a general permit because statute requires the Board to evaluate the qualifications of each individual including physical and mental capacity.

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

No federal law is directly applicable to the subject matter of the rule.

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:
Not applicable

14. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 26. BOARD OF PSYCHOLOGIST EXAMINERS

ARTICLE 4. BEHAVIOR ANALYSIS

Section
R4-26-404.2. Supervised Experience Requirement

ARTICLE 4. BEHAVIOR ANALYSIS

R4-26-404.2. Supervised Experience Requirement

A. Application of this Section: This Section does not apply to an individual who was certified by the BACB with at least 1500 hours of supervised experience before January 1, 2015.

B. To be licensed as a behavior analyst in Arizona, an individual shall have completed 1500 hours of supervised experience. The Board shall accept, for the purpose of licensure, hours of supervised experience obtained on or after January 1, 2015, that meet the following standards:
1. Supervised independent fieldwork. The supervisee shall be supervised at a frequency that meets the standards of the BACB at the time of supervision;
2. Practicum. The supervisee shall:
   a. Participate in a practicum in behavior analysis within a program approved by the BACB;
   b. Achieve a passing grade in the practicum;
   c. Obtain graduate-level academic credit for the practicum; and
   d. Be supervised at a frequency that meets the standard of the BACB at the time of supervision;
3. Intensive practicum. The supervisee shall:
   a. Participate in an intensive practicum in behavior analysis within a program approved by the BACB;
   b. Achieve a passing grade in the intensive practicum;
   c. Obtain graduate-level academic credit for the intensive practicum; and
   d. Be supervised at a frequency that meets the standards of the BACB at the time of supervision;
4. Combination of experience categories. The supervisee may accrue hours of supervised experience in a single category or may combine any two or three categories listed in subsections (B)(1) through (3). However, the supervisee shall accrue supervised experience in only one category in each supervisory period; and
5. For all categories of supervised experience, the supervisee shall accrue:
   a. No fewer than 20 hours and no more than ~~130~~ 160 hours, including time spent in supervision, each month; or
   b. The number of hours that meets the standards of the BACB at the time of supervision.

C. Standards for supervised experience.
1. Onset of supervised experience. The Board shall not accept, for the purpose of licensure, hours of supervised experience completed before attending courses required under R4-26-405. However, the Board shall accept hours of supervised experience completed concurrent with attending courses required under R4-26-405.
2. Appropriate activities. The Board shall accept, for the purpose of licensure, hours of supervised experience that demonstrate participation in supervised experiences with various populations, at various sites, with multiple supervisors, and including all of the following activity areas:
   a. Conducting assessments related to behavioral intervention;
   b. Designing, implementing, and monitoring skill-acquisition and behavior-reduction programs;
   c. Overseeing implementation of behavior-analytic programs by others;
   d. Training, designing behavioral systems, and managing performance; and
   e. Performing other activities directly related to behavior analysis such as attending planning meetings regarding the behavior analytic program, researching literature related to the program, and talking with others about the program.
3. Appropriate clients. The Board shall accept, for the purpose of licensure, hours of supervised experience with appropriate clients.
   a. An appropriate client is one for whom behavior-analytic services are suitable.
   b. A client is not appropriate if:
      i. The client is related to the supervisee,
      ii. The client's primary caretaker is related to the supervisee, or
      iii. The supervisee is the client's primary caretaker.
4. Supervisor qualifications. The Board shall accept, for the purpose of licensure, hours of supervised experience only if the supervisor:
   a. Was licensed by the state in which the supervision occurred during the period of supervised experience; or
   b. If licensure of behavior analysts was not available or not in effect in the state in which the supervision occurred or during the period of supervised experience, was certified as a behavior analyst by the BACB; and

c. Was not related to, subordinate to, or employed by the supervisee during the period of supervised experience. Employment does not include payment made to the supervisor by the supervisee for supervisory services.

5. Nature of supervision. The Board shall accept, for the purpose of licensure, hours of supervised experience that are effective in improving and maintaining the behavior-analytic, professional, and ethical skills of the supervisee.
   a. Effective supervision includes:
      i. Developing performance expectations for the supervisee;
      ii. Observing the supervisee and providing performance feedback on behavior-analytic activities with clients in the natural environment. In person, on-site observation is preferred but use of web cameras, video record, videoconferencing, or a similar means that provides synchronous or asynchronous observation is acceptable;
      iii. Modeling technical, professional, and ethical behavior for the supervisee;
      iv. Guiding behavioral case conceptualization, problem solving, and ~~decision making~~ decision-making skills of the supervisee;
      v. Reviewing written materials prepared by the supervisee such as behavior programs, data sheets, and reports;
      vi. Providing oversight and evaluation of the effects of the supervisee's delivery of behavioral service; and
      vii. Evaluating the effects of supervising the supervisee; and
   b. Effective supervision may be conducted:
      i. Individually for at least half of the total supervised hours in each supervisory period; and
      ii. In groups of two to 10 supervisees for no more than half of the total supervised hours in each supervisory period.
6. Supervision plan. The Board shall accept, for the purpose of licensure, hours of supervised experience for which the supervisee and supervisor executed a written plan before starting the supervised experience, which includes the following:
   a. States the responsibilities of both the supervisor and supervisee;
   b. Requires the supervisor to complete eight hours of supervision training provided by BACB;
   c. Includes a description of appropriate activities and instructional objectives;
   d. Specifies the measurable circumstance under which the supervisor will complete the supervisee's Experience Verification Form;
   e. Delineates the consequences if either supervisor or supervisee does not comply with the plan;
   f. Requires the supervisee to obtain written permission from the supervisee's employer or manager when applicable; and
   g. Requires both the supervisor and supervisee to comply with the ethical standard specified at R4-26-406.
7. Multiple supervisors or settings. The Board shall accept, for the purpose of licensure, hours of supervised experience provided by multiple supervisors or at multiple settings if all the hours of supervised experience meet the standards specified in subsections (C)(1) through (6).

NOTICE OF PROPOSED RULEMAKING

TITLE 13. PUBLIC SAFETY

CHAPTER 12. PRIVATE INVESTIGATOR AND SECURITY GUARD HEARING BOARD

File Number: R26-209

PREAMBLE

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

2. Article, Part, or Section Affected (as applicable)	**Rulemaking Action**
R13-12-101	Amend
R13-12-103	Renumber
R13-12-103	Amend
R13-12-104	Renumber
R13-12-104	Amend
R13-12-105	Renumber
R13-12-105	Amend
R13-12-106	Renumber
R13-12-106	Amend
R13-12-107	Renumber
R13-12-107	Amend
R13-12-108	Renumber
R13-12-108	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. § 41-1713(A)(4) specifies the Director shall make rules necessary for the operation of the

Department.

Implementing statute: A.R.S. § 32-2405(A)(4) specifies the Board shall adopt rules to establish good cause exceptions for the issuance of licenses or registrations.

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. 2994, November 20, 2026 (*in this issue*); File Number: R26-214

5. The agency's contact person who can answer questions about the rulemaking:
For questions specific to the Hearing Board:

Name:	Jenna Mitchell
Title:	Major, Program Manager
Division:	Technical Services Division
Physical Address:	2222 W. Encanto Blvd. Phoenix, AZ 85009
Mailing:	POB 6638, Mail Drop 3230 Phoenix, AZ 85005-6638
Telephone:	(602) 223-2611
Email:	jmitchell@azdps.gov
Website:	www.azdps.gov

For questions specific to rulemaking procedure:

Name:	Paul Swietek
Title:	Police Planner
Division:	Agency Support Division
Physical Address:	2102 W. Encanto Blvd. Phoenix, AZ 85009
Mailing:	POB 6638, Mail Drop 1205 Phoenix, AZ 85005-6638
Telephone:	(602) 223-2049
Email:	pswietek@azdps.gov
Website:	www.azdps.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 Department intends to amend this chapter to ameliorate economic burden on applicants and to clarify existing rules.

Throughout the rules *good-cause* was amended to *good cause* for consistency with statute and other rules and days were specified as either business or calendar for clarity.

The rules were renumbered to account for original Section R13-12-102 expiring in 2021.

Under A.R.S. § 41-1056 on October 5, 2021, R13-12-102 was expired, removing the prerequisites to be an applicant. As a result, the term and definition of *applicant* in R13-12-101 was orphaned and no longer required. As stated in R13-12-103(A) [renumbered to R13-12-102], there is an application process to apply for a good cause exception. Only a person who received the Department's notice of denial may apply for a good cause exception, so the term does not require separate definition.

A definition for *virtual* was added in R13-12-101.

The Department intends in R13-12-103(A) [renumbered to R13-12-102] to remove the requirement to provide eight copies of the materials listed in this section. The Department does not need eight copies to process an application for a good cause exception. This will directly reduce burden on the applicant in the form of reduced costs associated with producing and delivering eight copies and a reduction in the time to do so. Additionally, the Department provided clarification on how the number of days is calculated by specifying *calendar* and specified the means where an applicant can obtain and submit information to the Department and the Board. Specific addresses were added on where and how to obtain or submit documents.

The Department intends in R13-12-106 [renumbered to R13-12-105] to remove the requirement for the applicant or

witness to pay all costs resulting from a virtual testimony appearance. In today's modern business environment, virtual testimony is a normal and accepted business practice. Virtual conferencing platforms are technologies the Department already pays the cost for and maintains for a variety of uses Department-wide. The Department believes a hearing conducted using virtual testimony will have no significant impact on the Department's existing systems and platforms; therefore, there is no cost to pass to the applicant or applicant's witness. Additionally, the Department has no modern historical information showing a cost was charged to any applicant or witness previously. This change directly affects an applicant or witness by removing this potential economic burden allowing the applicant or witness to appear virtually as opposed to incurring travel and overall reduces a barrier to testimony. The 48-hour time period was amended to two business days as the 48-hour timeframe presents a compliance problem. For example, if an applicant has a hearing scheduled for 1:00 p.m on a Monday, then 48 hours before would be 1:00 p.m. on a Saturday. The functional area of the Department responsible for receiving the documentation does not work weekends and therefore would not be present to receive any documentation. By changing the timeframe to two business days, it ensures the Department is open for business to receive the applicant's documentation. The rule was restructured and renumbered to account for the amendments.

The Department made the same change in R13-12-105(B) [renumbered to R13-12-104(B)] for the same reason. A rescheduling request due 48 hours before a Monday hearing would be due on a Saturday, when the Department is not open to receive it.

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

The Department did not rely on any study.

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:

This rulemaking does not diminish any previous grants of authority.

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

This chapter applies only to a person denied a security guard or private investigator license or registration who applies to the Board for a good cause exception. R13-12-103 [renumbered R13-12-102] requires eight copies of the application package, which the Department does not use or retain. R13-12-106 [renumbered R13-12-105] makes the applicant or witness pay all costs of appearing other than in person and requires the request 48 hours before the hearing. The Board held 8 hearings covering 82 cases in 2022, 10 covering 76 in 2023, 9 covering 111 in 2024, 8 covering 186 in 2025, and 9 covering 129 in 2026 to date. Every applicant produced eight copies. No applicant or witness appeared other than in person in the last two years. The amendment to R13-12-101 changes no conduct.

Harm. Absent amendment, every applicant will continue producing seven unnecessary copies at roughly 70 cents per page for commercial copying, plus time and travel. Applicants and witnesses will remain liable for remote-appearance costs the Department does not incur and has no record of billing, which may deter testimony. The 48-hour deadline will continue to fall on days the Department is closed and cannot receive the request. The current rules compel these results, so they continue at current application volume.

Estimated change in frequency. Eight-copy submissions drop to zero, a reduction of seven copies per application. Applicant and witness cost liability drops to zero. The Department cannot estimate additional remote appearances, as none occurred in the last two years and earlier data is unavailable. The Department does not expect a change in the number of applications filed.

Summary of the impact statement. R13-12-101 has no economic impact. R13-12-103 [renumbered R13-12-102] reduces applicant cost and time. Copying businesses may lose a small amount of revenue and the state a small amount of sales tax, neither quantifiable because applicants may use home or employer equipment. R13-12-106 [renumbered R13-12-105] removes applicant and witness cost liability. The Department already pays for its conferencing platforms agency-wide, so there is no added Department cost and no new full-time employees. Political subdivisions are unaffected. Private investigator and security guard businesses, including small businesses, may see a small savings. The Department relied on no data and reviewed no study. The full statement is available from the contact in item 10.

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

Name: Jenna Mitchell
Title: Major, Program Manager

Division:	Technical Services Division
Address:	2222 W. Encanto Blvd. Phoenix, AZ 85009
Telephone:	(602) 223-2611
Email:	jmitchell@azdps.gov
Website:	www.azdps.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:	Thursday January 14, 2027
Time:	9:00 a.m.
Location:	1740 W. Adams St., Board Room B Phoenix, AZ 85007
Nature:	Agendized public comment meeting and board review for approval or disapproval of the proposed rulemaking.
Public comment period ends:	Thursday, January 14, 2027 at 5:00 p.m.
Close of record:	Thursday, January 14, 2027 at 5:00 p.m.

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:

There are no other matters prescribed by statute applicable to the Department or to this rulemaking.

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

This chapter 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:

Federal law is not applicable to this chapter.

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:

There are no incorporated by reference materials.

14. The full text of the rules follows:

TITLE 13. PUBLIC SAFETY

CHAPTER 12. PRIVATE INVESTIGATOR AND SECURITY GUARD HEARING BOARD

ARTICLE 1. PRIVATE INVESTIGATOR AND SECURITY GUARD HEARING BOARD

Section
R13-12-101. Definitions
~~R13-12-103~~R13-12-102.Application for a ~~Good-cause~~ Good Cause Exception
~~R13-12-104~~R13-12-103.Hearing on ~~Good-cause~~ Good Cause Exception
~~R13-12-105~~R13-12-104.Vacating, Rescheduling, or Continuing a Hearing
~~R13-12-106~~R13-12-105.~~Telephonic~~ Virtual Testimony
~~R13-12-107~~R13-12-106.Failure to Appear
~~R13-12-108~~R13-12-107.Notice of Decision

ARTICLE 1. PRIVATE INVESTIGATOR AND SECURITY GUARD HEARING BOARD

R13-12-101. Definitions

The following definitions apply to this Article:

~~"Applicant" means an individual who meets the prerequisites in R13-12-102.~~

"Board" means the Private Investigator and Security Guard Hearing Board.

"Department" means the Arizona Department of Public Safety.

"Department's notice" means a notice of denial issued by the Department under A.R.S. §§ 32-2640, 32-2641, or 32-2459.

"Virtual" means a communication environment that simulates an in-person meeting digitally over the Internet allowing people in different physical locations to interact in real time and which includes a telephone call-in option.

~~R13-12-103~~R13-12-102.Application for a ~~Good-cause~~ Good Cause Exception

A. To apply for a ~~good-cause~~ good cause exception, an applicant shall submit ~~eight copies of~~ the following materials to the Board within 60 calendar days from the date on the Department's notice:

1. A ~~good-cause~~ good cause exception application form, ~~which is~~ available from the Department that includes the following information about the applicant:
   a. Full legal name;
   b. Any other names ever used;
   c. Date of birth;
   d. Mailing address;
   e. Home and daytime telephone numbers;
   f. List of all of applicant's felony arrests not listed on the Department's notice;
   g. Detailed description of all of applicant's felony arrests including:
      i. Circumstances leading to the arrest;
      ii. Who else was involved in the event leading to the arrest;
      iii. Where and when the event occurred;
      iv. Mitigating circumstances, if any;
      v. Disposition of the charge;
      vi. Terms of sentencing, if any; and
      vii. Whether the sentencing terms have been completed satisfactorily; and
   h. Applicant's notarized signature certifying that the information provided is true and correct.
2. Two letters of reference, on a form prescribed by the Board, that attest to the applicant's rehabilitation and meet the following requirements:
   a. Both letters of reference are from individuals who have known the applicant at least one year; and
   b. At least one letter of reference is from the applicant's current or former employer or an individual who has known the applicant at least three years;
3. If the Department's notice indicates that the Department was unable to determine the disposition of a felony charge, a copy of documents from the appropriate court showing the disposition of the felony charge or showing that records regarding the felony charge against the applicant either do not exist or have been purged; and
4. For every felony conviction, regardless of whether the conviction is listed on the Department's notice, a copy of documents from the appropriate court showing that the applicant met all judicially imposed sentencing terms or that records regarding the applicant either do not exist or have been purged.

B. An applicant may submit other documents that the applicant wants the Board to consider in determining whether to grant a ~~good-cause~~ good cause exception.

C. A good cause exception form from the Department may be acquired either in person at 2222 W. Encanto Blvd., Phoenix, AZ 85009 during normal business hours Monday through Friday excluding holidays or online at www.azdps.gov.

D. A good cause application, request or evidence to the Board may be postal mailed to P.O. Box 6638, Mail Drop 3140, Phoenix, AZ 85005-6638, delivered in person during normal business hours Monday through Friday excluding holidays to 2222 W. Encanto Blvd., Phoenix, AZ 85009 or via email HearingRequests@azdps.gov.

~~R13-12-104~~R13-12-103.Hearing on ~~Good-cause~~ Good Cause Exception

A. The Board shall schedule a hearing regarding a ~~good-cause~~ good cause exception for an applicant to occur within 60 business days after receiving the materials described in ~~R13-12-103~~ R13-12-102.

B. The Board shall provide the applicant with at least 30 calendar days notice of the date, time, and location of the hearing on the applicant's application for a ~~good-cause~~ good cause exception.

C. The applicant may be represented at the hearing.

D. If the applicant plans to present written evidence at the hearing that was not included with the application, the applicant shall submit the written evidence to the Board through the Department at least five business days before the hearing.

E. The Board shall conduct the hearing in an informal manner without adherence to the rules of evidence required in a judicial proceeding.

F. At the hearing, the applicant shall show to the Board's satisfaction that the applicant:

1. Has never been convicted of an offense listed in A.R.S. § 41-1758.03(B), and
2. Is not awaiting trial on an offense listed in A.R.S. § 41-1758.03(B).

G. At the hearing, the applicant has the burden of persuading the Board that the applicant should be granted a ~~good-cause~~ good cause exception.

H. In deciding whether to grant a ~~good-cause~~ good cause exception, the Board shall consider:
1. The extent of the applicant's criminal record;
2. The length of time that has elapsed since the most recent offense was committed;
3. The nature of the offense;
4. Evidence supporting any applicable mitigating circumstances;
5. Evidence supporting the degree to which the applicant participated in the offense; and
6. Evidence supporting the extent of the applicant's rehabilitation, including:
   a. Completion of probation, parole, or community supervision;
   b. Whether the applicant paid restitution or other compensation for the offense;
   c. Evidence of positive action to change criminal behavior such as completing a drug-treatment program or counseling; and
   d. Personal references attesting to the applicant's rehabilitation.

~~R13-12-105~~R13-12-104.Vacating, Rescheduling, or Continuing a Hearing

A. Vacating a hearing. If an applicant withdraws the applicant's application for a ~~good-cause~~ good cause exception, the Board shall vacate the hearing regarding the application.

B. Rescheduling a hearing. The Board shall reschedule a hearing if the applicant submits a written request to the Board at least ~~48 hours~~ two business days before the scheduled hearing that demonstrates:
1. Attending the scheduled hearing is impossible using reasonable diligence or will cause undue hardship; and
2. Rescheduling the hearing will avoid prejudice.

C. Continuing a hearing. The Board shall continue a hearing if the continuance will serve administrative convenience, expedience, or economy and avoid prejudice.

~~R13-12-106~~R13-12-105.~~Telephonic~~ Virtual Testimony

The Board shall allow an applicant or a witness for the applicant to provide ~~telephonic~~ virtual testimony at the hearing on the applicant's application for a ~~good-cause~~ good cause exception if~~:~~ the applicant submits a written request to the Board at least two business days before the scheduled hearing that demonstrates:
1. Personal appearance at the hearing by the applicant or the applicant's witness will cause undue hardship; and
2. Virtual presence will not cause prejudice.
~~1. The applicant submits a written request to the Board at least 48 hours before the scheduled hearing that demonstrates:~~
   ~~a. Personal appearance at the hearing by the applicant or applicant's witness will cause undue hardship, and~~
   ~~b. Telephonic presence will not cause prejudice, and~~
~~2. The applicant pays all costs resulting from the telephonic appearance.~~

~~R13-12-107~~R13-12-106.Failure to Appear

If an applicant or the applicant's representative fails to appear at the scheduled hearing, the Board shall:
1. Conduct the hearing and decide whether to grant or deny the ~~good-cause~~ good cause exception based on the evidence previously submitted, or
2. Reschedule the hearing.

~~R13-12-108~~R13-12-107.Notice of Decision

A. Within seven business days after concluding the hearing regarding a ~~good-cause~~ good cause exception for an applicant, the Board shall provide written notice to the applicant that the ~~good-cause~~ good cause exception has been granted or denied.

B. The Board shall provide to the Department a copy of the written notice granting or denying a ~~good-cause~~ good cause exception so the Department can take any needed action regarding the applicant's application for licensure.

Volume 32, Issue 47, November 20, 2026

NOTICES OF PROPOSED EXPEDITED RULEMAKING

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).

A Notice of Proposed Expedited Rulemaking is filed by the agency and published in the *Register* and is also posted on an agency's website and the Governor's Regulatory Review Council's website to allow for written comments at least 30 days after posting the notice.

An agency shall also respond to written objections to these proposed expedited rules which are filed and published in the *Register.*

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

Refer to item #10 of the preamble for information on how to comment on this notice and the close of record to comment.

NOTICE OF PROPOSED EXPEDITED RULEMAKING

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 12. DEPARTMENT OF ENVIRONMENTAL QUALITY UNDERGROUND STORAGE TANKS

File Number: R26-210

PREAMBLE

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

April 23, 2026

2. Article, Part, or Section Affected (as applicable)	**Rulemaking Action**
R18-12-101	Amend
R18-12-103	Amend
R18-12-221	Amend
R18-12-237	Amend
R18-12-251	Amend
R18-12-261	Amend
R18-12-264	Amend
R18-12-280	Amend
R18-12-281	Amend
R18-12-501	Amend
R18-12-801	Amend
R18-12-806	Amend
R18-12-951	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. § 49-104(B)(4)

Implementing statute: A.R.S. § 49-1014(A)

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

Notice of Rulemaking Docket Opening: 32 A.A.R. 1145; Issue Date: May 22, 2026; Issue Number: 21; File Number: R26-72

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

Name: Shanneyvie Halk

Title: Rule Writer

Division:	Waste Programs
Address:	Arizona Department of Environmental Quality 1110 W. Washington Ave. Phoenix, AZ 85007
Telephone:	(602) 771-7545
Email:	halk.shanneyvie@azdeq.gov
Website:	https://azdeq.gov/rulemaking/UST5yrr-commitments-corrections

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

Summary

Pursuant to A.R.S. § 41-1027(A), ADEQ is engaged in this expedited rulemaking to incorporate the changes proposed in the Department's five-year review of 18 A.A.C. 12 Underground Storage Tanks approved by the Governor's Regulatory Review Council (GRRC) in July 2025. In that review, ADEQ identified the need to clarify existing regulatory requirements, correct citations and references, and address typographical and technical inconsistencies. In addition, this rulemaking corrects other minor typographical errors and makes updates to out-of-date citations identified in the course of this rulemaking.

Background

During the Five-Year Rule Review ("5YRR") for Chapter 12, the Department identified several rule references that require updating to clarify the location of applicable regulatory requirements and to reflect correct titles, terminology, and naming conventions. As recommended in the 5YRR, the Department proposes adding a reference to R18-12-263.02 in the definition of "CAP" in R18-12-101 to clarify the location of the requirements applicable to a Corrective Action Plan. The Department also proposes updating references in R18-12-103 and R18-12-281(F)(1) to accurately reflect the proper names and naming conventions of the Fiberglass Tank & Pipe Institute and American Petroleum Institute Recommended Practice 1632. In addition, the Department proposes revising the title "External Corrosion Protection Systems for Steel Underground Storage Tanks" in R18-12-281(D)(1) to "Standard for External Corrosion Protection Systems for Steel Underground Storage Tanks" to accurately reflect the title of the incorporated standard. In R18-12-281(O), the Department proposes revising the reference to "American Petroleum Institute Standard RP 1621" to "American Petroleum Institute Recommended Practice 1621" to reflect the publication's proper naming convention.

An expedited rulemaking is appropriate pursuant to A.R.S. § 41-1027(A)(3) as this rulemaking corrects typographical errors, updates citations, and clarifies language without changing the effect of the rules; it will not increase the cost of regulatory compliance, increase a fee, or reduce the procedural rights of those regulated.

ADEQ is also taking this opportunity to propose corrections to minor typographical, formatting, and technical corrections identified during this rulemaking. In R18-12-101, ADEQ proposes revising "soil receptivity" to "soil resistivity" in the definition of "Cathodic protection tester" to correct a typographical error. Soil resistivity is the correct term for measuring the electrical resistance of soil when evaluating cathodic protection systems. In the definition of "On the premises where stored," ADEQ also proposes revising the reference to A.R.S. § 49-1001(18)(b) to A.R.S. § 49-1001(21)(b) to reflect the renumbering of the statutory provision. In R18-12-221(A)(2), ADEQ proposes amending the reference to subsections (E) through (H) to subsections (F) through (I) to reflect the correct subsection citations. In R18-12-237(B)(2) and (C)(2) ADEQ proposes correcting duplicate subsection lettering. In R18-12-237(B)(2), the lettering currently proceeds from (a) through (e) and then incorrectly repeats (d) and (e); ADEQ proposes redesignating the repeated (d) and (e) as (f) and (g). In R18-12-237(C)(2), the lettering currently proceeds from (a) through (d) and then incorrectly repeats (d); ADEQ proposes redesignating the repeated (d) and the subsections that follow as (e) through (i).

In R18-12-251(A)(1)(b)(iii), ADEQ proposes revising the reference to R18-8-243(A) to R18-12-243(A) to reflect the correct chapter citation. In R18-12-261(C), ADEQ proposes revising the reference to R18-12-251(C)(3) to R18-12-251(C)(2) because subsection (C)(3) does not exist. In R18-12-264(A)(1), ADEQ proposes revising the reference to A.R.S. § 49-1053(F) to A.R.S. § 49-1001(15) to reflect the correct statutory citation. In R18-12-280(B)(3) ADEQ proposes revising the reference to R18-12-281(T) to R18-12-281(S) because subsection (T) does not exist. In R18-12-501(C)(2), ADEQ proposes revising the word "last" to "least" to clarify the rule requirements. In R18-12-801(A) and R18-12-806(A), ADEQ proposes removing the references to R18-12-802 because that rule has expired. Finally, In R18-12-951(B), ADEQ proposes revising the reference to R18-222 to R18-12-222 to reflect the correct chapter citation.

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

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

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

10. Where, when, and how a person may provide written comments on the proposed expedited rule:
A person may submit written comments to wasterulemaking@azdeq.gov or to the individual listed in item 5 no later than the close of record.

Close of Record:	30 days from publication in the *Administrative Register*.
Oral Proceeding:	No oral proceeding is scheduled. A hearing may be requested according to A.R.S. § 41-1023(C) by sending a request to wasterulemaking@azdeq.gov before the close of record.

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:
Not applicable

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

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:
Subtitle I of the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6991 through 6991m establishes the federal regulatory program for Underground Storage Tanks (USTs), including requirements for UST system design, construction, operation, release prevention, release detection, and corrective action. The EPA implemented these requirements through regulations codified in 40 CFR Part 280. ADEQ is authorized to administer the federal UST program.

The amendments in this rulemaking update references, correct naming conventions and citations, and clarify existing rule language associated with the state UST program. The rule is not more stringent than federal law because the amendments do not establish requirements beyond those required under Subtitle I of RCRA or 40 CFR Part 280.

c. Whether a person submitted an analysis to the agency regarding the rule's impact on the competitiveness of businesses in this state as compared to the competitiveness of businesses in other states under A.R.S. § 41-1055(I). If yes, include the analysis with the rulemaking package.
No analysis was submitted to the Department.

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

40 CFR 280.10, revised October 13, 2015	R18-12-103
40 CFR 280.95(d), revised October 13, 2015	R18-12-103
40 CFR 280.96(c), revised October 13, 2015	R18-12-103
40 CFR 280.97(b)(1) and (2), revised October 13, 2015	R18-12-103
40 CFR 280.98(b), revised October 13, 2015	R18-12-103
40 CFR 280.99(b), revised October 13, 2015	R18-12-103
40 CFR 280.103(b)(1) and (2), revised October 13, 2015	R18-12-103
40 CFR 280.104(d) and (e), revised October 13, 2015	R18-12-103
40 CFR 280.105(c), revised October 13, 2015	R18-12-103
40 CFR 280.106(d) and (e), revised October 13, 2015	R18-12-103

40 CFR 280.107(d), revised October 13, 2015	R18-12-103
40 CFR 280.111(b)(11)(i), revised October 13, 2015	R18-12-103
40 CFR 280.112(b)(2)(i), revised October 13, 2015	R18-12-103
40 CFR 144.63, revised October 13, 2015	R18-12-103
40 CFR 264.147(f)(1), revised October 13, 2015	R18-12-103
American Petroleum Institute Recommended Practice 1007, First Edition, March 2001, reaffirmed February 2011	R18-12-103
American Petroleum Institute Recommended Practice 1604, Third Edition	R18-12-103
American Petroleum Institute Publication 1615, Sixth Edition, April 2011	R18-12-103
American Petroleum Institute Recommended Practice 1621, Fifth Edition	R18-12-103
American Petroleum Institute Recommended Practice 1626, Second Edition	R18-12-103
American Petroleum Institute Recommended Practice 1631, Fifth Edition	R18-12-103
American Petroleum Institute Recommended Practice 1632, Third Edition	R18-12-103
American Petroleum Institute Standard 2015, Eighth Edition	R18-12-103
American Petroleum Institute Recommended Practice 2016, First Edition	R18-12-103
American Petroleum Institute Recommended Practice 2200, Fifth Edition	R18-12-103
American Society for Testing and Materials Standard D975-18	R18-12-103
American Society for Testing and Materials Standard D4547-15	R18-12-103
American Society for Testing and Materials Standard D4700-15	R18-12-103
American Society for Testing and Materials Standard D4840-99 (2018)e1	R18-12-103
American Society for Testing and Materials Standard D5088-15a	R18-12-103
American Society for Testing and Materials Standard G158-98	R18-12-103
ATA Airport Fuel Facility Operations and Maintenance Guidance Manual revision 2004.1	R18-12-103
Department of Defense Manual 4140.25-M, Volume 9	R18-12-103
Fiberglass Tank & Pipe Institute Protocol RP 2007-2	R18-12-103
Fiberglass Tank & Pipe Institute Recommended Practice T-95-1	R18-12-103
Low Level Hydrostatic Testing for UST containment Sumps amended Oct. 9, 2018	R18-12-103
NACE International Standard Practice SP0169, revised 2024	R18-12-103
NACE International Standard Practice SP0285, reaffirmed 2021	R18-12-103
NACE International Standard Test Method TM0101-2012	R18-12-103
NACE International Standard Test Method TM0497, revised 2022	R18-12-103
National Fire Protection Association Publication 385, revised 2022	R18-12-103
National Fire Protection Association Standard 30, amended 2026	R18-12-103
National Fire Protection Association Standard 30A, amended 2024	R18-12-103
National Fire Protection Association Standard 326, revised 2025	R18-12-103
National Leak Prevention Association Standard 631, revised 2009	R18-12-103
Petroleum Equipment Institute Publication PEI/RP100, revised 2022	R18-12-103
Petroleum Equipment Institute Publication RP 900, revised 2021	R18-12-103
Petroleum Equipment Institute Publication RP 1200, revised 2024	R18-12-103
Steel Tank Institute ACT-100 Specification, revised May 2018	R18-12-103
Steel Tank Institute ACT-100U Specification F961, revised February 2017	R18-12-103
Steel Tank Institute Recommended Practice R012, revised July 2016	R18-12-103
Steel Tank Institute Recommended Practice R051, revised April 2017	R18-12-103
Steel Tank Institute Recommended Practice R892, revised January. 2006	R18-12-103
Steel Tank Institute Recommended Practice R972, revised December 2010	R18-12-103
Steel Tank Institute Specification F922, revised February 2017	R18-12-103
Steel Tank Institute Standard F841, revised January 2006	R18-12-103
Steel Tank Institute sti-P3, revised May 2018	R18-12-103
National Institute for Occupational Safety and Health Publication 80-106 amended as of December 1979	R18-12-103
Underwriters Laboratories Standard 58, revised January 31, 2018	R18-12-103

Underwriters Laboratories Standard 1316, revised May 9, 2024	R18-12-103
Underwriters Laboratories Standard 1746, revised December 19, 2014	R18-12-103
Underwriters Laboratories Subject 971A, revised 2022	R18-12-103
Underwriters Laboratories Subject 971, revised May 12, 2021	R18-12-103
Underwriters Laboratories of Canada CAN/ULC-S603.1, revised June 2022	R18-12-103
Underwriters Laboratories of Canada CAN/ULC-S603, reaffirmed November 2022	R18-12-103
Underwriters Laboratories of Canada S615-14, Third Edition	R18-12-103
Underwriters Laboratories of Canada Standard S631-05, amended July 2005	R18-12-103
Underwriters Laboratories of Canada Standard S660, published May 1, 2008	R18-12-103
Unified Facilities Criteria (UFC) 3-460-01, revised June 8, 2023	R18-12-103

13. The full text of the rules follows:

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 12. DEPARTMENT OF ENVIRONMENTAL QUALITY UNDERGROUND STORAGE TANKS

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ARTICLE 9. UST SYSTEMS WITH FIELD-CONSTRUCTED TANKS AND AIRPORT HYDRANT FUEL DISTRIBUTION SYSTEM

Section
R18-12-951. General Requirements

ARTICLE 1. DEFINITIONS; APPLICABILITY

R18-12-101. Definitions

In addition to the definitions prescribed in A.R.S. §§ 49-1001 and 49-1001.01, the following definitions apply in this Chapter:

"Aboveground release" means any release to the surface of the land or to surface water. This includes, but is not limited to, releases from the aboveground portion of an UST system and aboveground releases associated with overfills and transfer operations as the regulated substance moves to or from an UST system.

"Accidental release" means, with respect to Article 3 only, any sudden or nonsudden release of petroleum arising from operating an UST system that is neither expected nor intended by the UST system owner or operator, that results in a need for one or more of the following:

Corrective action,

Compensation for bodily injury, or

Compensation for property damage.

"Airport hydrant fuel distribution system" or "airport hydrant system" means a petroleum UST system which fuels aircraft and operates under high pressure with large diameter piping that typically terminates into one or more hydrants (fill stands). The airport hydrant system begins where fuel enters one or more tanks from an external source such as a pipeline, barge, rail car, or other motor fuel carrier.

"Ancillary equipment" means any device used to distribute, dispense, meter, monitor, or control the flow of regulated substances to and from an UST system.

"Annual" means, with respect to R18-12-240 through R18-12-245 only, a calendar period of 12 consecutive months.

"Aviation fuel," for the purpose of Article 4 only, has the definition at A.R.S. § 28-101.

"Belowground release" means any release to the subsurface of the land or to groundwater. This includes, but is not limited to, releases from the belowground portions of an underground storage tank system and belowground releases associated with overfills and transfer operations as the regulated substance moves to or from an underground storage tank. "Bodily injury" means injury to the body, sickness, or disease sustained by any person, including death resulting from any of these at any time.

"CAP" means a corrective action plan prepared in accordance with the requirements of R18-12-263.02.

"Cathodic protection" means a technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell.

"Cathodic protection tester" means a person who can demonstrate an understanding of the principles and measurements of all common types of cathodic protection systems as applied to buried or submerged metal piping and tank systems. At a minimum, such a person shall have education and experience in soil ~~receptivity~~ resistivity, stray current, structure-to-soil potential, and component electrical isolation measurements of buried metal piping and tank systems.

"CERCLA" means the federal Comprehensive Environmental Response, Compensation, and Liability Act as defined in A.R.S. § 49-201.

"CFR" means the Code of Federal Regulations, with standard references in this Chapter by Title and Part, so that "40 CFR 280" means Title 40 of the Code of Federal Regulations, Part 280.

"Change-in-service" means changing the use of an UST system from the storage of a regulated substance to the storage of a non-regulated substance.

"Chemical of concern" means any regulated substance detected in contamination from the LUST site that is evaluated for potential impacts to public health and the environment.

"Chief financial officer" means, with respect to local government owners and operators, the individual with the overall authority and responsibility for the collection, disbursement, and use of funds by the local government.

"Class A operator" means the individual who has primary responsibility to operate and maintain the UST system in accordance with applicable requirements established by this Chapter and A.R.S. Title 49, Chapter 6. The Class A operator typically manages resources and personnel, such as establishing work assignments, to achieve and maintain compliance with regulatory requirements.

"Class B operator" means the individual who has day-to-day responsibility for implementing applicable regulatory requirements established by this Chapter and A.R.S. Title 49, Chapter 6. The Class B operator typically implements in-field aspects of operation, maintenance, and associated recordkeeping for the UST system.

"Class C operator" means the individual responsible for initially addressing emergencies presented by a spill or release from an UST system. The Class C operator typically controls or monitors the dispensing or sale of regulated substances.

"Clean Water Act" has the definition at A.R.S. § 49-201.

"Compatible" means the ability of two or more substances to maintain their respective physical and chemical properties upon contact with one another under conditions likely to be encountered in the UST during the operational life of the UST system.

"Conceptual site model" means a written and visual representation of the complete current and potential exposure pathways, based on existing and reasonably anticipated future use.

"Connected piping" means all underground piping including valves, elbows, joints, flanges, and flexible connectors that are attached to a tank system and through which regulated substances flow. For the purpose of determining how much piping is connected to an individual UST system, the piping that joins multiple tanks shall be divided equally between the tanks.

"Consultant" means a person who performs environmental services in an advisory, investigative, or remedial capacity.

"Containment sump" means a liquid-tight container that protects the environment by containing leaks and spills of regulated substances from piping, dispensers, pumps and related components in the containment area. Containment sumps may be single walled or secondarily contained and located at the top of tank (tank top or submersible turbine pump sump), underneath the dispenser (under-dispenser containment sump), or at other points in the piping run (transition or intermediate sump).

"Contamination" means the analytically determined existence of a regulated substance within environmental media outside the confines of an UST system, which originated from the UST system.

"Contractor" means a person who is required to obtain and hold a valid license from the Arizona Registrar of Contractors which permits bidding and performance of removal, excavation, repair, or construction services associated with an UST system.

"Controlling interest" means direct ownership of at least 50 percent of a firm, through voting stock, or otherwise.

"Corrective action services" means any service that is provided to fulfill the statutory requirements of A.R.S. § 49-1005 and the rules made under A.R.S. § 49-1005.

"Corrective action standard" means the concentration of the chemical of concern in the medium of concern that is protective of public health and welfare and the environment based on either pre-established non-site-specific assumptions or site-specific data, including any applied environmental use restriction.

"Corrosion expert" means a person who, by reason of thorough knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. The person shall be accredited or certified as being qualified by the National Association of Corrosion Engineers or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control of buried or submerged metal piping systems and metal tanks.

"Current assets" means assets which can be converted to cash within one year and are available to finance current operations or to pay current liabilities.

"Current liabilities" means those liabilities which are payable within one year.

"Decommissioning" means, with respect to Article 8 only, activities described in R18-12-271(D)(1) through R18-12271(D)(4).

"De minimis" means that quantity of regulated substance which is described by one of the following:

When mixed with another regulated substance, is of such low concentration that the toxicity, detectability, or corrective action requirements of the mixture are the same as for the host substance.

When mixed with a non-regulated substance, is of such low concentration that a release of the mixture does not pose a threat to public health or the environment greater than that of the host substance.

"Department" means the Arizona Department of Environmental Quality.

"Derived waste" means any excavated soil, soil cuttings, and other soil waste; fluids from well drilling, aquifer testing, well purging, sampling, and other fluid wastes; or disposable decontamination, sampling, or personal protection equipment generated as a result of release confirmation, LUST site investigation, or other corrective action activities.

"Dielectric material" means a material that does not conduct electrical current and that is used to electrically isolate UST systems or UST system parts from surrounding soils or portions of UST systems from each other.

"Diesel" means, with respect to Article 4 only, a liquid petroleum product that meets the specifications in American Society for Testing and Materials Standard D975-18, "Standard Specification for Diesel Fuel Oils."

"Director" means the Director of the Arizona Department of Environmental Quality.

"Dispenser" means equipment located aboveground that dispenses regulated substances from the UST system.

"Dispenser system" means the dispenser and the equipment necessary to connect the dispenser to the underground storage tank system.

"Electrical equipment" means underground equipment that contains dielectric fluid that is necessary for the operation of equipment such as transformers and buried electrical cable.

"Emergency power generator" means a power generator which is used only when the primary source of power is interrupted. The interruption of the primary source of power shall not be due to any action or failure to take any action by the owner or operator of either the emergency generator or of the UST system which stores fuel for the emergency generator.

"Engineering Control" for soil, surface water and groundwater contamination has the definition at R18-7-201.

"Excavation zone" means the volume that contains or contained the tank system and backfill material and is bounded by the ground surface, walls, and floor of the pit and trenches into which the UST system is placed at the time of installation.

"Excess lifetime cancer risk level" for soil, surface water, and groundwater contamination, has the definition at R18-7-201.

"Existing tank system" means a tank system used to contain an accumulation of regulated substances on or before December 22, 1988, or for which installation has commenced on or before December 22, 1988.

"Exposure" for soil, surface water, and groundwater contamination, has the meaning defined in R18-7-201.

"Exposure assessment" means the qualitative or quantitative determination or estimation of the magnitude, frequency, duration, and route of exposure or potential for exposure of a receptor to chemicals of concern from a release.

"Exposure pathway" for soil, surface water, and groundwater contamination, has the meaning defined in R18-7-201.

"Exposure route" for soil, surface water, and groundwater contamination, has the definition at R18-7-201.

"Facility" means a single parcel of property and any contiguous or adjacent property on which one or more UST systems are located.

"Facility identification number" means the unique number assigned to a facility by the Department either after the initial notification requirements of A.R.S. § 49-1002 are satisfied, or after a refund claim is submitted and approved under R18-12409.

"Facility location," for the purpose of Article 4 only, means the street address or a description of the location of a storage facility.

"Facility name" means the business or operational name associated with a storage facility.

"Farm tank" means a tank system located on a tract of land devoted to the production of crops or raising animals, including fish, and associated residences and improvements. A farm tank shall be located on the farm property. The term "farm" includes fish hatcheries, rangeland, and nurseries with growing operations.

"Field-constructed tank" means a tank constructed in the field. For example, a tank constructed of concrete that is poured in the field, or a steel or fiberglass tank primarily fabricated in the field is considered field-constructed.

"Financial reporting year" means the latest consecutive 12-month period, either fiscal or calendar, for which financial statements used to support the financial test of self-insurance under R18-12-305 are prepared, including the following, if applicable:

A 10-K report submitted to the Securities and Exchange Commission.

An annual report of tangible net worth submitted to Dun and Bradstreet.

Annual reports submitted to the Energy Information Administration or the Rural Utilities Service.

"Firm" means any for-profit entity, nonprofit or not-for-profit entity, or local government. An individual doing business as a sole proprietor is a firm for purposes of this Chapter.

"Flow-through process tank" means a tank that forms an integral part of a production process through which there is a steady, variable, recurring, or intermittent flow of materials during the operation of the process. The term "flow-through process tank" does not include a tank used for the storage of materials prior to their introduction into the production process or for the storage of finished products or byproducts from the production process.

"Free product" means a mobile regulated substance that is present as a nonaqueous phase liquid (e.g. liquid not dissolved in water).

"Gathering lines" means any pipeline, equipment, facility, or building used in the transportation of oil or gas during oil or gas production or gathering operations.

"Groundwater" means water in an aquifer as defined at A.R.S. § 49-201.

"Hazard Index" for soil, surface water, and groundwater contamination, has the definition at R18-7-201.

"Hazard quotient" for soil, surface water, and groundwater contamination, has the definition at R18-7-201.

"Hazardous substance UST system" means an UST system that contains a hazardous substance as defined in A.R.S. § 49-1001 or any mixture of such substance and petroleum, which is not a petroleum UST system.

"Heating oil" means petroleum that is No. 1, No. 2, No. 4light, No. 4-heavy, No. 5-light, No. 5-heavy, or No. 6 technical grades of fuel oil; other residual fuel oils (including Navy Special Fuel Oil and Bunker C); and other fuels when used as substitutes for one of these fuel oils for heating purposes.

"Hydraulic lift tank" means a tank holding hydraulic fluid for a closed-loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators, and other similar devices.

"ICC" means the International Code Council.

"Implementing agency" means, with respect to Article 3 only, the Arizona Department of Environmental Quality for UST systems subject to the jurisdiction of the state of Arizona, or the EPA for other jurisdictions or, in the case of a state with a program approved under 42 U.S.C. 6991 (or pursuant to a memorandum of agreement with EPA), the designated state or local agency responsible for carrying out an approved UST program.

"Indian country" means, under 18 U.S.C. 1151, all of the following:

All land within the limits of an Indian reservation under the jurisdiction of the United States government which is also located within the borders of this state, notwithstanding the issuance of any patent, and including rights-of way running through the reservation.

All dependent Indian communities within the borders of the state whether within the original or subsequently acquired territory of the state.

All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments.

"Induration" means the consolidation of a rock or rock material by the action of heat, pressure, or the introduction of some cementing material not commonly contained in the original mass. Induration also means the hardening of a soil horizon by chemical action to form hardpan (caliche).

"Installation" means the placement and preparation for placement of any UST system or UST system part into an excavation zone. Installation is considered to have commenced if both of the following exist:

The owner and operator has obtained all federal, state, and local approvals or permits necessary to begin physical construction of the site or installation of the UST system.

The owner and operator has begun a continuous on-site physical construction or installation program or has entered into contractual obligations, which cannot be canceled or modified without substantial loss, for physical construction at the site or installation of the UST system to be completed within a reasonable time.

"Institutional control" for soil, surface water, and groundwater contamination, has the definition at R18-7-201.

"Legal defense cost" means, with respect to Article 3 only, any expense that an owner or operator, or provider of financial assurance incurs in defending against claims or actions brought under any of the following circumstances:

By EPA or a state to require corrective action or to recover the costs of corrective action;

By or on behalf of a 3rd party for bodily injury or property damage caused by an accidental release; or

By any person to enforce the terms of a financial assurance mechanism.

"Liquid trap" means sumps, well cellars, and other traps used in association with oil and gas production, gathering, and extraction operations (including gas production plants), for the purpose of collecting oil, water, and other liquids. These liquid

traps may temporarily collect liquids for subsequent disposition or reinjection into a production or pipeline stream, or may collect and separate liquids from a gas stream.

"Local government" means a county, city, town, school district, water and aqueduct management district, irrigation district, power district, electrical district, agricultural improvement district, drainage and flood control district, tax levying public improvement district, local government public transportation system, and any political subdivision defined in A.R.S. § 49-1001.

"LUST" means leaking UST, or one that has leaked.

"LUST case" means all of the documentation related to a specific LUST number, which is maintained on file by the Department.

"LUST number" means the unique number assigned to a release by the Department after the notification requirements of A.R.S. § 49-1004(A) are met.

"LUST site" means the UST facility from which a release has occurred.

"Maintenance" means those actions necessary to ensure the proper working condition of an UST system or equipment used in corrective actions.

"Motor vehicle fuel," for the purpose of Article 4 only, has the definition at A.R.S. § 28-101.

"Natural attenuation" means a reduction in mass or concentration of a chemical of concern in groundwater over time or distance from the release point due to naturally occurring physical, chemical, and biological processes, such as: biodegradation, dispersion, dilution, sorption, and volatilization.

"Nature of the regulated substance" means the chemical and physical properties of the regulated substance stored in the UST, and any changes to the chemical and physical properties upon or after release.

"Nature of the release" means the known or estimated means by which the contents of the UST was dispersed from the UST system into the surrounding media, and the conditions of the UST system and media at the time of release.

"New tank system" means a tank system that will be used to contain an accumulation of regulated substances and for which installation has commenced after December 22, 1988. "On-site control" means, for the purpose of Article 8 only, being at the location where tank service is being performed while tank service is performed.

"On the premises where stored" means, with respect to A.R.S. § ~~49-1001(18)(b)~~ 49-1001(21)(b) only, a single parcel of property or any contiguous or adjacent parcels of property.

"Operational life" means the period beginning when installation of the tank system has begun and ending when the tank system is properly closed under R18-12-271 through R18-12-274.

"Overfill release" means a release that occurs when a tank is filled beyond its capacity, resulting in a discharge of a regulated substance to the environment.

"Owner identification number" means the unique number assigned to the owner of an UST by the Department after the initial notification requirements of A.R.S. § 49-1002 are satisfied, or after a refund claim is submitted and approved pursuant to R18-12-409.

"Petroleum marketing facility" means a facility at which petroleum is produced or refined and all facilities from which petroleum is sold or transferred to other petroleum marketers or to the public.

"Petroleum UST system" means an UST system that contains or contained petroleum or a mixture of petroleum with de minimis quantities of other regulated substances. These systems include those containing motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils.

"Pipe" or "Piping" means a hollow cylinder or tubular conduit that is constructed of non-earthen materials.

"Pipeline facility" means new or existing pipe rights-of-way and any associated equipment, gathering lines, facilities, or buildings.

"Point of compliance" means the geographic location at which the concentration of the chemical of concern is to be at or below the risk-based corrective action standard determined to be protective of public health and the environment.

"Point of exposure" for soil, surface water, and groundwater contamination, has the definition at R18-7-201 for "exposure point."

"Property damage" means physical injury to, destruction of, or contamination of tangible property, including all resulting loss of use of that property; or loss of use of tangible property that is not physically injured, destroyed, or contaminated, but has been evacuated, withdrawn from use, or rendered inaccessible.

"Provider of financial assurance" means an entity that provides financial assurance to an owner or operator of an UST through one of the mechanisms listed in R18-12-305 through R18-12-317, including a guarantor, insurer, risk retention group, surety, or issuer of a letter of credit.

"RCRA" means the Resource Conservation and Recovery Act.

"Receptor" means persons, enclosed structures, subsurface utilities, waters of the state, or water supply wells and wellhead protection areas.

"Release confirmation" means free product discovery, or reported laboratory analytical results of samples collected and analyzed in accordance with the sampling requirements of R18-12-280 and A.A.C. Title 9, Chapter 14, Article 6 which indicate a release of a regulated substance from the UST system.

"Release confirmation date" means the date that an owner or operator first confirms the release, or the date that the owner or operator is informed of a release confirmation made by another person.

"Release detection" means determining whether a release of a regulated substance has occurred from the UST system into the environment or a leak has occurred into the interstitial space between the UST system and its secondary barrier or secondary containment around it.

"Remediation" for soil, surface water, and groundwater contamination, has the definition at A.R.S. § 49-151.

"Repair" means to restore to proper operating condition a tank, pipe, spill prevention equipment, overfill prevention equipment, corrosion protection equipment, release detection equipment or other UST system component that has caused or may cause a release of regulated substance from the UST system or has failed to function properly.

"Replaced" means:

(a) For a tank - to remove a tank and install another tank.

(b) For piping - removing and replacing any piping component.

"Residential tank" means an UST system located on property used primarily for dwelling purposes.

"Retrofit" means to add to an UST system, equipment or parts that were not originally included or installed as part of the UST system.

"Risk characterization" means the qualitative and quantitative determination of combined risks to receptors from individual chemicals of concern and exposure pathways, and the associated uncertainties.

"Routinely contains product" or "routinely contains regulated substance" means the part of an UST system which is designed to contain regulated substances and includes all internal areas of the tank and all internal areas of the piping, excluding only the vent piping.

"SARA" means the Superfund Amendments and Reauthorization Act of 1986, P.L. 99-499.

"Secondary containment" or "Secondarily contained" means a release prevention and release detection system for a tank or piping. This system has an inner and outer barrier with an interstitial space that is monitored for leaks. This term includes containment sumps when used for interstitial monitoring of piping.

"Septic tank" means a water-tight covered receptacle designed to receive or process, through liquid separation or biological digestion, the sewage discharged from a building sewer. The effluent from such receptacle is distributed for disposal through the soil and settled solids and scum from the tank are pumped out periodically and hauled to a treatment facility.

"Site location map" means a representation by means of signs and symbols on a planar surface, at an established scale, of the streets, wells, and general use of the land for properties within at least one-quarter mile of the facility boundaries, with the direction of orientation indicated.

"Site plan" means a representation by means of signs and symbols on a planar surface, at an established scale, of the physical features (natural, artificial, or both) of the facility and surrounding area necessary to meet the requirements under which the site plan is prepared, with the direction of orientation indicated.

"Site vicinity map" means a representation by means of signs and symbols on a planar surface, at an established scale, of the natural and artificial physical features, used in the exposure assessment, that occur within at least 500 feet of the facility boundaries, with the direction of orientation indicated.

"Solid Waste Disposal Act" for the purposes of this Chapter means the "federal act" as defined by A.R.S. § 49-921.

"Source area" means either the location of the release from an UST, the location of free product, the location of the highest soil and groundwater concentration of chemicals of concern, or the location of a soil concentration of chemicals of concern which may continue to impact groundwater or surface water.

"Source of contamination" means with respect to this Chapter, the conditions described in A.R.S. § 49-1053(J).

"Spill" means the loss of regulated substance during the transfer of a regulated substance to an UST system.

"Storage facility" means, for the purpose of Article 4 only, the common, identifiable, location at which deliveries of regulated substances are made to an UST, an above ground storage tank, or to a group of underground and above ground storage tanks, and to which the Department has assigned a single facility identification number.

"Storm-water or wastewater collection system" means piping, pumps, conduits, and any other equipment necessary to collect and transport the flow of surface water run-off resulting from precipitation, or of domestic, commercial, or industrial wastewater to and from retention areas or any areas where treatment is designated to occur. The collection of storm water and wastewater does not include treatment except where incidental to conveyance.

"Substantial business relationship" means the extent of a business relationship necessary under Arizona law to make a guarantee contract issued incident to that relationship valid and enforceable. A guarantee contract is issued "incident to that relationship" if it arises from and depends on existing economic transactions between the guarantor and the owner or operator.

"Substantial governmental relationship" means the extent of a governmental relationship necessary under Arizona law to make an added guarantee contract issued incident to that relationship valid and enforceable. A guarantee contract under R18-12-316 is issued "incident to that relationship" if it arises from a clear commonality of interest in the event of an UST release such as coterminous boundaries, overlapping constituencies, common groundwater aquifer, or other relationship other than monetary compensation that provides a motivation for the guarantor to provide a guarantee.

"Supplier" means, for the purpose of Article 4 only, with respect to collection of the UST excise tax, a person who is described by either A.R.S. § 28-6001(A) or (B). The term "supplier" includes a distributor, as defined in A.R.S. § 28-5601, who is required to be licensed by A.R.S. Title 28, Chapter 16, Article 1.

"Supplier identification number" means, for the purpose of Article 4 only, the unique number assigned to the supplier by the Department of Transportation for the purpose of administering the motor vehicle fuel tax under A.R.S. Title 28, Chapter 16, Article 1.

"Surface impoundment" means a natural topographic depression, artificial excavation, or diked area formed primarily of earthen materials, but which may be lined with artificial materials, that is not an injection well.

"Surface water" has the definition at R18-11-101.

"Surficial soil" means any soil occurring between the current surface elevation and extending to that depth for which reasonably foreseeable construction activities may excavate and relocate soils to surface elevation, and any stockpiles generated from soils of any depth.

"Suspected release discovery date" means the day an owner or operator first has reason to believe, through direct discovery or being informed by another person, that a suspected release exists.

"Suspected release notification date" means the day the Department informs an owner or operator, as evidenced by the return receipt, that a UST may be the source of a release.

"Tangible net worth" means, for purposes of R18-12-101 and R18-12-305, the tangible assets that remain after deducting liabilities; such assets do not include intangibles such as goodwill and rights to patents or royalties. For purposes of this definition, "assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity as a result of past transactions.

"Tax" means, for the purpose of Article 4 only, the excise tax on the operation of USTs levied by A.R.S. Title 49, Chapter 6, Article 2.

"Taxpayer" means, for the purpose of Article 4 only, the owner or operator of an UST who pays the tax.

"Training program" means any program that provides information to and evaluates the knowledge of a Class A, Class B, or Class C operator through testing, practical demonstration, or another approach acceptable to the Department regarding requirements for UST systems that meets the requirements of A.R.S.§ 49-1083 and this Chapter.

"Under-dispenser containment" or "UDC" means containment underneath a dispenser system designed to prevent leaks from the dispenser and piping within or above the UDC from reaching soil or groundwater.

"Underground area" means an underground room, such as a basement, cellar, shaft, or vault that provides enough space for physical inspection of the exterior of the tank, situated on or above the surface of the floor.

"Underground storage tank" has the definition at A.R.S. § 49-1001.

"Upgrade" means the addition to or retrofit of an UST system or UST system parts, under R18-12-221, to improve the ability to prevent release of a regulated substance.

"UST" means an underground storage tank as defined at A.R.S. § 49-1001.

"UST regulatory program" means the program established by and described in A.R.S. Title 49, Chapter 6 and the rules promulgated under that program.

"UST system" or "tank system" means an UST, connected underground piping, impact valve and connected underground ancillary equipment and containment system, if any.

"Vadose zone" has the definition at A.R.S. § 49-201.

"Volatile regulated substance" means any regulated substance that generally has the following chemical characteristics: a vapor pressure of greater than 0.5 mmHg at 20° C, a Henry's Law Constant of greater than 1 x 10-5 atm m3/mol, and which has a boiling point of less than 250° - 300° C.

"Wastewater treatment tank" means a tank system that is designed to receive and treat an influent wastewater through physical, chemical, or biological methods.

R18-12-103. Material Incorporated by Reference

The following materials are incorporated by reference and applicable in this Chapter unless specifically stated otherwise. The materials include no future editions or amendments, are on file with the Department, and are also available as indicated below:

40 CFR 280.10, 40 CFR 280.95(d), 40 CFR 280.96(c), 40 CFR 280.97(b)(1) and (2), 40 CFR 280.98(b), 40 CFR 280.99(b), 40 CFR 280.103(b)(1) and (2), 40 CFR 280.104(d), 40 CFR 280.104(e), 40 CFR 280.105(c), 40 CFR 280.106(d), 40 CFR 280.106(e), 40 CFR 280.107(d), 40 CFR 280.111(b)(11)(i), 40 CFR 280.112(b)(2)(i), 40 CFR 144.63, and 40 CFR 264.147(f)(1), amended as of October 13, 2015 and available at www.ecfr.gov; American Petroleum Institute Recommended Practice 1007, "Loading and Unloading of MC 306/DOT 406 Cargo Tank Motor Vehicles," 1st edition, amended as of March 2001, reaffirmed February 2011, available at www.techstreet.com;

American Petroleum Institute Recommended Practice 1604, "Closure of Underground Petroleum Storage Tanks," 3rd edition, available at www.techstreet.com;

American Petroleum Institute Publication 1615, "Installation of Underground Hazardous Substances or Petroleum Storage Systems," 6th edition, April 2011, available at www.techstreet.com; American Petroleum Institute Recommended Practice 1621, "Bulk Liquid Stock Control At Retail Outlets," 5th edition, available at www.techstreet.com;

American Petroleum Institute Recommended Practice 1626, "Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Filling Stations," 2nd edition, available at www.techstreet.com;

American Petroleum Institute Recommended Practice 1631, "Interior Lining and Periodic Inspection of Underground Storage Tanks," 5th edition, available at www.techstreet.com;

American Petroleum Institute Recommended Practice 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," 3rd edition, available at www.techstreet.com;

American Petroleum Institute Standard 2015, "Requirements for Safe Entry and Cleaning of Petroleum Storage Tanks," 8th edition, available at www.techstreet.com;

American Petroleum Institute Recommended Practice 2016, "Guidelines and Procedures for Entering and Cleaning Petroleum Storage Tanks," 1st edition, available at www.techstreet.com;

American Petroleum Institute Recommended Practice 2200, "Repairing Hazardous Liquid Pipelines," 5th edition, available at www.techstreet.com;

American Society for Testing and Materials Standard D975-18, "Standard Specification for Diesel Fuel Oils," available at www.techstreet.com;

American Society for Testing and Materials Standard D4547-15: "Standard Guide for Sampling Waste and Soils for Volatile Organic Compounds," available at www.techstreet.com;

American Society for Testing and Materials Standard D4700-15, "Standard Guide for Soil Sampling from the Vadose Zone," available at www.techstreet.com;

American Society for Testing and Materials Standard D4840-99 (2018)e1, "Standard Guide for Sample Chain-of-Custody Procedures," available at www.techstreet.com;

American Society for Testing and Materials Standard D5088-15a, "Standard Practice for Decontamination of Field Equipment Used at Waste Sites," available at www.techstreet.com;

American Society for Testing and Materials Standard G158-98, "Standard Guide for Three Methods of Assessing Buried Steel Tanks," available at www.techstreet.com;

ATA Airport Fuel Facility Operations and Maintenance Guidance Manual, revision 2004.1, available at https://publications.airlines.org;

Department of Defense Directive 4140.25-M, volume 9, available at available at www.esd.whs.mil/Directives/issuances/dodm;

Fiberglass Tank ~~and~~ & Pipe Institute Protocol RP 2007-2, "Field Test Protocol for Testing the Annular Space of Installed Underground Fiberglass Double and Triple-Wall Tanks with Dry Annular Space," available at www.fiberglasstankandpipe.com;

Fiberglass Tank ~~and~~ & Pipe Institute Recommended Practice T-95-1, "Remanufacturing of Fiberglass Reinforced Plastic (FRP) Underground Storage Tanks," available at www.fiberglasstankandpipe.com;

"Low Level Hydrostatic Testing for Underground Storage Tank Containment Sumps," amended October 9, 2018, available at ADEQ;

NACE International Standard Practice SP0169-2013, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems," available at www.techstreet.com;

NACE International Standard Practice SP0285-2011, "Corrosion Control of Underground Storage Tank Systems by Cathodic Protection," available at www.techstreet.com;

NACE International Standard Test Method TM01012012, "Measurement Techniques Related to Criteria for Cathodic Protection of Underground Storage Tank Systems," available at www.techstreet.com;

NACE International Standard Test Method TM04972012, "Measurement Techniques Related to Criteria for Cathodic Protection on Underground or Submerged Metallic Piping Systems," available at www.techstreet.com;

National Fire Protection Association Publication 385, "Standard for Tank Vehicles for Flammable and Combustible Liquids," amended as of 2017, available at www.nfpa.org;

National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code," 2018 edition, available at www.nfpa.org;

National Fire Protection Association Standard 30A, "Code for Motor Fuel Dispensing Facilities and Repair Garages," 2018 edition, available at www.nfpa.org;

National Fire Protection Association Standard 326, "Standard for the Safeguarding of Tanks and Containers for Entry, Cleaning, or Repair," 2015 edition, available at www.nfpa.org;

National Leak Prevention Association Standard 631, "Chapter A, Entry, Cleaning, Interior Inspection, Repair and Lining of Underground Storage Tanks"; and Chapter B, "10 And 5 Year Inspection for Lined Tanks without Cathodic Protection," 2009 revision, available at www.nlpa-online.org;

National Leak Prevention Association Standard 631, Chapter A, "Entry, Cleaning, Interior Inspection, Repair and Lining of Underground Storage Tanks," (2009 revision), available at www.nlpa-online.org;

National Leak Prevention Association Standard 631, Chapter C, "Internal Inspection of Steel Tanks for Retrofit of Cathodic Protection," 2009 revision, available at www.nlpa-online.org;

Petroleum Equipment Institute Publication PEI/RP10017, "Recommended Practices for Installation of Underground Liquid Storage Systems," available at www.techstreet.com;

Petroleum Equipment Institute Publication RP1200-17, "Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities," available at www.techstreet.com;

Petroleum Equipment Institute RP900-17, "Recommended Practices for the Inspection and Maintenance of UST Systems," available at www.techstreet.com;

Steel Tank Institute ACT-100, "Specification for External Corrosion Protection of FRP Composite Steel Underground Storage Tanks-F894," revised May 2018, available at www.steeltank.com;

Steel Tank Institute ACT-100U Specification F961, "Specification for External Corrosion Protection of Composite Steel Underground Storage Tanks," February 2017, available at www.steeltank.com;

Steel Tank Institute Recommended Practice R012, "Recommended Practice for Interstitial Tightness Testing of Existing Underground Double Wall Steel Tanks," revised July 2016, available at www.steeltank.com;

Steel Tank Institute Recommended Practice R051, "Cathodic Protection Testing Procedures for ~~STI-P3®~~ sti-P3® USTs," April 2017, available at www.steeltank.com;

Steel Tank Institute Recommended Practice R892, "Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems," revised January 2006, available at www.steeltank.com;

Steel Tank Institute Recommended Practice R972, "Recommended Practice for the Addition of Supplemental Anodes to ~~STI-P3®~~ sti-P3® USTs," December 2010, available at www.steeltank.com;

Steel Tank Institute Specification F922, "Steel Tank Institute Specification for Permatank®," February 2017, available at www.steeltank.com;

Steel Tank Institute Standard F841, "Standard for Dual Wall Underground Steel Storage Tanks," January 2006, available at www.steeltank.com;

Steel Tank Institute sti-P3 "Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks," revised May 2018, available at www.steeltank.com;

The National Institute for Occupational Safety and Health Publication 80-106, "Criteria for a Recommended Standard: Working in Confined Spaces," amended as of December 1979, available at www.cdc.gov/niosh;

Underwriters Laboratories 971, "Standard for Nonmetallic Underground Piping for Flammable Liquids," 2nd edition, June 17, 2008, available at www.shopulstandards.com;

Underwriters Laboratories of Canada CAN/ULCS603.1:2017, "Standard for External Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids," amended as of February 2017, available at www.techstreet.com;

Underwriters Laboratories of Canada CAN/ULC-S60314, "Standard for Steel Underground Tanks for Flammable and Combustible Liquids," amended as of October 2014, available at https://canada.ul.com/ulcstandards/;

Underwriters Laboratories of Canada S615-14, "Standard for Fiber Reinforced Plastic Underground Tanks for Flammable and Combustible Liquids," available at www.techstreet.com;

Underwriters Laboratories of Canada Standard S631-05, "Isolating Bushings for Steel Underground Tanks Protected with External Corrosion Protection Systems," amended as of July 2005, available at www.techstreet.com;

Underwriters Laboratories of Canada Standard S660 "Standard for Nonmetallic Underground Piping for Flammable and Combustible Liquids," 1st edition, May 1, 2008, available at www.techstreet.com;

Underwriters Laboratories Standard 58, "Standard for Steel Underground Tanks for Flammable and Combustible Liquids," 10th edition, amended as of January 31, 2018, available at www.shopulstandards.com;

Underwriters Laboratories Standard 1316, "Glass-Fiber Reinforced Plastic Underground Storage Tanks for Petroleum Products, Alcohols, and Alcohol-Gasoline Mixtures," 3rd edition, available at www.techstreet.com;

Underwriters Laboratories Standard 1746, "Standard for External Corrosion Protection Systems for Steel Underground Storage Tanks," 3rd edition, amended December 19, 2014, available at www.techstreet.com;

Underwriters Laboratories Subject 971A, "Outline of Investigation for Metallic Underground Fuel Pipe," 1st edition, October 18, 2006, available at www.shopulstandards.com;

Unified Facilities Criteria (UFC) 3-460-01, Petroleum Fuel Facilities Design, With Change 2, revised 6/17/15, available at www.wbdg.org.

ARTICLE 2. TECHNICAL REQUIREMENTS

R18-12-221. Upgrading of Existing UST Systems

A. Owners and operators shall permanently close (in accordance with R18-12-270 through R18-12-274) any UST system that does not meet the new UST system performance standards in R18-12-220 or has not been upgraded in accordance with subsections (F) through (I). This does not apply to previously deferred UST systems described in Article 9 and where an upgrade is determined to be appropriate by the Department. All existing UST systems shall comply with one of the following requirements:

1. New UST system performance standards under R18-12-220;
2. The upgrading requirements described in subsections ~~(E)~~ (F) through (I) ~~(H)~~;
3. Closure requirements under R18-12-270 through R18-12-274, including applicable requirements for release reporting and corrective action under R18-12-250 through R1812-264.01.

B. No change

1. No change

2. No change
3. No change
4. No change
5. No change

C. No change

D. No change

1. No change
2. No change

E. No change

F. No change

1. No change
   a. No change
   b. No change
2. No change
   a. No change
   b. No change
   c. No change
   d. No change
3. No change
   a. No change
   b. No change

G. No change

H. No change

I. No change

J. No change

1. No change
2. No change
3. No change
4. No change

K. No change

R18-12-237. Operator Training

A. No change

1. No change
2. No change
3. No change

B. Class A operator training shall include all of the following:

1. The requirements associated with notification under A.R.S. § 49-1002, release detection under A.R.S. § 491003, reporting requirements under A.R.S. § 49-1004, financial responsibility under A.R.S. § 49-1006, closure under A.R.S. § 49-1008, underground storage tank performance under A.R.S. § 49-1009, delivery prohibition under A.R.S. § 49-1023, operator training under A.R.S. § 49-1083, and the rules adopted under those sections, as applicable.
2. The purpose, methods, and function of:
   a. Spill and overfill prevention
   b. Release detection;
   c. Corrosion protection;
   d. Emergency response;
   e. Product and equipment compatibility and demonstration;
   ~~d~~f. Temporary closure;
   ~~e~~g. Environmental and regulatory consequences of releases; and
3. Class B and C operator requirements.

C. Class B operator training shall include all of the following:

1. The requirements associated with release detection under A.R.S. § 49-1003, reporting requirements under A.R.S. § 49-1004, underground storage tank performance under A.R.S. § 49-1009, delivery prohibition under A.R.S. § 49-1023, and the rules adopted under those sections, as applicable.
2. The purpose, methods, and function of:
   a. Operation and maintenance;
   b. Spill and overfill prevention;
   c. Release detection and related reporting;
   d. Corrosion protection;
   ~~d~~e. Emergency response;
   ~~e~~f. Product and equipment compatibility and demonstration;
   ~~f~~g. Reporting, recordkeeping, testing, and inspections;
   ~~g~~h. Environmental and regulatory consequences of releases;
   ~~h~~i. Training requirements for Class C operators,

D. No change
E. No change
1. No change
2. No change
3. No change

F. No change
1. No change
2. No change
3. No change

G. No change
1. No change
2. No change
3. No change
4. No change

H. No change

R18-12-251. Suspected Releases; Secondary Containment Leaks

A. Twenty-four-hour notifications. An owner or operator shall notify the Department within 24 hours of either of the following:
1. Discovery of a suspected release, except for:
   a. A spill or overfill of 25 gallons or less of petroleum, or a hazardous substance that is less than its reportable quantity under CERCLA, contained and cleaned up within 24 hours, or
   b. Monitoring results, including investigation of an alarm, from a release detection method required under R18-12-241, R18-12-242 or R18-12-243(G) that indicate a release may have occurred if one of the following is true:
      i. The monitoring device is found to be defective, and is immediately repaired, recalibrated or replaced, and additional monitoring does not confirm the initial result; or
      ii. The leak is contained in the secondary containment and:
         (1) Except as provided for in R18-12-243(G)(2)(d), any liquid in the interstitial space not used as part of the interstitial monitoring method (for example, brine filled) is immediately removed, and
         (2) Any defective system equipment or component is immediately repaired or replaced; or
      iii. In the case of inventory control described in ~~R18-8-243(A)~~ R18-12-243(A), a second month of data does not confirm the initial result, or the investigation determines no release has occurred; or
      iv. The alarm was investigated and determined to be a non-release event (for example, from a power surge or caused by filling the tank during release detection testing).
2. Discovery of liquid in the interstitial space of secondarily contained systems unless the leak is contained in the secondary containment and all of the following are true:
   a. The system equipment or component is found not to be releasing regulated substances to the environment;
   b. Any defective system equipment or component is immediately repaired or replaced; and
   c. For secondarily contained systems, except as provided for in R18-12-243(G)(2)(d), any liquid in the interstitial space not used as part of the interstitial monitoring method (for example, brine filled) is immediately removed.

B. No change
1. No change
2. No change
3. No change
4. No change
5. No change

C. No change
1. No change
2. No change
   a. No change
   b. No change
   c. No change
   d. No change
   e. No change

D. No change
E. No change
1. No change
2. No change
3. No change
4. No change

F. No change
1. No change
2. No change
3. No change
4. No change

5. No change
6. No change
7. No change
8. No change
9. No change

G. No change

R18-12-261. Initial Response, Abatement, and Site Characterization

A. No change

B. No change

1. No change
2. No change
3. No change
4. No change

C. Initial site characterization required. An owner or operator shall develop, from readily available sources, initial site characterization information on site-specific geology, hydrology, receptors, potential sources of the contamination, artificial pathways for contaminant migration, and occupancies of the facility and surrounding area. Information on any discovered free product shall be gathered and a site check, meeting the requirements of R18-12-251(C)~~(3)~~(2), shall be performed, unless conducted as part of the investigation of a suspected release.

D. No change

1. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. No change
8. No change
9. No change
10. No change
11. No change
12. No change
13. No change
14. No change

R18-12-264. General Reporting Requirements

A. Standard first page. An owner or operator making a written submission to the Department under R18-12-251 through R18-12-263.04 shall prepare a cover page, on a Department provided form, that contains the following:

1. The name, address, and daytime telephone number of the person responsible for submitting the document, identified as owner, operator, a political subdivision under A.R.S. § ~~49-1053(F)~~ 49-1001(15), or other person notifying the Department of a release or suspected release or conducting corrective actions under A.R.S. § 49-1016(C)(2) or (4), and any identifying number assigned to the person by the Department;
2. Identification of the type of document or request being submitted;
3. The LUST number assigned by the Department to the release that is the subject of the document. If no LUST number is assigned, the date the release or suspected release was reported to the Department;
4. The name and address of the facility, and the facility identification number;
5. The name, address, daytime telephone number, and any identification number assigned by the Department of the owner and operator and the owner of the property that contains LUST; and
6. A certification statement signed by the owner or operator or the person conducting the corrective actions under A.R.S. § 49-1016(C) that reads: "I hereby certify, under penalty of law, that this submittal and all attachments are, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for knowing violations."

B. No change

R18-12-280. Sampling Requirements

A. No change

1. No change
2. No change
3. No change

B. No change

1. No change
2. No change
3. Follow chain-of-custody procedures under ~~R18-12-281(T)~~ R18-12-281(S), for all required sampling, including the condition and temperature of the samples received by the laboratory on the chain-of-custody record; and
4. No change

C. No change
1. No change
2. No change
3. No change
4. No change

D. No change
1. No change
2. No change
3. No change
4. No change
5. No change

E. No change
1. No change
2. No change
3. No change

R18-12-281. UST System Codes of Practice and Performance Standards

A. No change
1. No change
2. No change
3. No change
4. No change

B. No change
1. No change
2. No change

C. No change
1. No change
2. No change
3. No change
4. No change
5. No change

D. Owners and operators may use one of the following to comply with R18-12-220(B)(3):
1. Underwriters Laboratories Standard 1746, "Standard for External Corrosion Protection Systems for Steel Underground Storage Tanks," 3rd edition, amended December 19, 2014;
2. Steel Tank Institute ACT-100, "Specification for External Corrosion Protection of FRP Composite Steel Underground Storage Tanks-F894," revised May 2018;
3. Steel Tank Institute ACT-100U Specification F961, "Specification for External Corrosion Protection of Composite Steel Underground Storage Tanks," February 2017; or
4. Steel Tank Institute Specification F922, "Steel Tank Institute Specification for Permatank," February 2017.

E. No change
1. No change
2. No change

F. Compliance with R18-12-220(C)(2) may be determined by utilization of one of the following:
1. American Petroleum Institute Recommended Practice ~~Publication~~ 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," 3rd edition;
2. Underwriters Laboratories Subject 971A, "Outline of Investigation for Metallic Underground Fuel Pipe"; 1st edition, October 18, 2006;
3. Steel Tank Institute Recommended Practice R892, "Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems," January 2006;
4. NACE International Standard Practice SP0169-2013, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems"; or
5. NACE International Standard Practice SP0285-2011, "Corrosion Control of Underground Storage Tank Systems by Cathodic Protection".

G. No change
1. No change
2. No change
3. No change

H. No change
1. No change
2. No change
3. No change
4. No change

I. No change
1. No change

2. No change
3. No change

J. Compliance with R18-12-231(B)(2) may be determined by utilization of one of the following:
1. NACE International Standard Practice SP0285-2011, "Corrosion Control of Underground Storage Tank Systems by Cathodic Protection"; 2. 3. 4. 5.
2. NACE International Standard Test Method TM01012012, "Measurement Techniques Related to Criteria for Cathodic Protection of Underground Storage Tank Systems";
3. NACE International Standard Test Method TM04972012, "Measurement Techniques Related to Criteria for Cathodic Protection on Underground or Submerged Metallic Piping Systems";
4. Steel Tank Institute Recommended Practice R051, "Cathodic Protection Testing Procedures for ~~STI-P3®~~ sti-P3® USTs," April 2017; or
5. NACE International Standard Practice SP0169-2013, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems".

K. No change

L. Compliance with R18-12-233(A)(1) may be determined by utilization of the following codes of practice, as applicable:
1. National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code," 2018 edition;
2. American Petroleum Institute Recommended Practice 2200, "Repairing Hazardous Liquid Pipelines," 5th edition;
3. American Petroleum Institute Recommended Practice 1631, "Interior Lining and Periodic Inspection of Underground Storage Tanks," 5th edition;
4. National Fire Protection Association Standard 326, "Standard for the Safeguarding of Tanks and Containers for Entry, Cleaning, or Repair," 2015 edition;
5. National Leak Prevention Association Standard 631, Chapter A, "Entry, Cleaning, Interior Inspection, Repair and Lining of Underground Storage Tanks," (2009 revision);
6. Steel Tank Institute Recommended Practice R972, "Recommended Practice for the Addition of Supplemental Anodes to ~~STI-P3®~~ sti-P3® USTs," December 2010;
7. NACE International Standard Practice SP0285-2011, "Control of Underground Storage Tank Systems by Cathodic Protection"; and
8. Fiberglass Tank ~~and~~ & Pipe Institute Recommended Practice T-95-1, "Remanufacturing of Fiberglass Reinforced Plastic (FRP) Underground Storage Tanks".

M. No change

N. Compliance with R18-12-233(B)(1) may be determined by utilization of the following, as applicable:
1. Steel Tank Institute Recommended Practice R012, "Recommended Practice for Interstitial Tightness Testing of Existing Underground Double Wall Steel Tanks," revised July 2016;
2. Fiberglass Tank ~~and~~ & Pipe Institute Protocol RP 2007-2, "Field Test Protocol for Testing the Annular Space of Installed Underground Fiberglass Double and Triple-Wall Tanks with Dry Annular Space"; or
3. Petroleum Equipment Institute Recommended Practice RP1200-17, "Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities".

O. Compliance with R18-12-243(A) may be determined by utilization of American Petroleum Institute Recommended Practice ~~Standard RP~~ 1621, "Bulk Liquid Stock Control At Retail Outlets," 5th edition.

P. No change
1. No change
2. No change
3. No change
4. No change
5. No change
6. No change

Q. No change

R. No change
1. No change
2. No change

S. No change

ARTICLE 5. FEES

R18-12-501. Fees

A. No change

B. No change

C. An owner and operator of an underground storage tank may request in writing that the Department approve an alternate schedule for paying the fee required by A.R.S. § 49-1020. The Department will approve an alternate schedule if the following conditions are met:
1. The owner and the operator request and receive approval of the schedule from the Department before March 15 of the year for which the schedule is requested.
2. Each partial payment made under the schedule will equal to at ~~last~~ least 25% of the total payment due on March 15.
3. The first partial payment is made on March 15 of the year for which the schedule is requested.
4. The total amount due is paid by September 15 of the year for which the schedule is requested.

ARTICLE 8. TANK SERVICE PROVIDER CERTIFICATION

R18-12-801. Applicability

A. A person shall not perform tank service on an underground storage tank system unless the person is certified under this Article by the Department or is supervised by a person certified under this Article by the Department in accordance with ~~R18-12-802 or~~ R18-12-806. The certification requirements of this Article shall not apply to the site assessment or sampling requirements of this Chapter.

B. A person who performs or supervises tank service shall present to the Department proof of certification when requested by the Department.

R18-12-806. Application; Certification

A. ~~Except as provided in R18-12-802, a~~ A person who seeks to supervise or perform any category of tank service under R18-12-803 shall obtain and submit a completed application to the Department on the form prescribed by the Department. A person who seeks certification for more than one category shall submit a separate application form for each category.

B. No change

1. No change
2. No change
3. No change
4. No change
5. No change

C. No change

ARTICLE 9. UST SYSTEM WITH FIELD-CONSTRUCTED TANKS AND AIRPORT HYDRANT FUEL DISTRIBUTION SYSTEM

R18-12-951. General Requirements

A. No change

1. No change
2. No change

B. All owners of previously deferred UST systems shall submit a notification form under ~~R18-222~~ R18-12-222 to the Department and shall demonstrate financial responsibility at the time of submission of the notification form.

C. No change

D. No change

Volume 32, Issue 47, November 20, 2026

NOTICES OF FINAL EXEMPT RULEMAKING

An agency shall prepare and file a Notice of Final Exempt Rulemaking to be published in the *Register* as specified in the Arizona Administrative Procedure Act (APA), by the Arizona State Legislature in statute, or under a referendum or initiative passed into law by Arizona voters.

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

Notices of Final Exempt Rulemaking as published in this section have been made under specific conditions, such as requiring a Notice of Proposed Exempt Rulemaking to be published in the *Register* or on an agency's website for public comment.

The authority authorizing the exemption is provided under item #3 of the preamble.

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 Exempt Rulemaking are published in the *Arizona Administrative Code* by title and chapter.

NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS) ADMINISTRATION

File Number: R26-211

PREAMBLE

1. Permission to proceed with this final rulemaking was granted under A.R.S. § 41-1039 by the governor on:
October 30, 2026

2. Article, Part, or Section Affected (as applicable)	**Rulemaking Action**
R9-22-730	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. § 36-2901.08
Implementing statute: A.R.S. § 36-2901.08
Statute or session law authorizing the exemption: A.R.S. § 41-1005(A)(31)

4. The effective date of the rule:
October 30, 2026

AHCCCS selected an immediate effective date upon filing of the Notice of Final Rulemaking with the Secretary of State's Office under A.R.S. § 41-1032(A) to comply with deadlines and amendments to the agency's governing statutes and federal programs, and to implement the rules in accordance with the contract year which begins October 1, 2026.

5. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the current record of the final exempt rule:
Notice of Exempt Rulemaking Docket Opening: 32 A.A.R. 2422; Issue Date: October 2, 2026; Issue Number: 40, File Number: R26-174

Notice of Proposed Exempt Rulemaking: 32 A.A.R. 2400; Issue Date: October 2, 2026; Issue Number: 40; File Number: R26-176

6. The agency's contact person who can answer questions about the rulemaking:
Name: Sam McCue
Title: Senior Rules Analyst

Division: AHCCCS Office of the General Counsel
Address: 150 N. 18th Ave.
Phoenix, AZ 85007
Telephone: (602) 417-4232
Fax: (602) 253-9115
Email: AHCCCSRules@azahcccs.gov
Website: www.azahcccs.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:

Rulemaking for the Hospital Assessment was initially approved under Executive Order 2012-03, and this regulation was subsequently revised in April 2015 and each year thereafter. This rulemaking will continue the practice of modifying the regulation by adjusting the per-discharge assessments and net patient outpatient revenue contributions from various hospital types, effective with invoices issued on October 15, 2026. Under A.R.S. § 36-2901.08, the Administration is responsible for administering and collecting hospital assessments to fund the non-federal share of costs for eligible persons enrolled under A.R.S. § 36-2901.01 (Proposition 204 population) and A.R.S. § 36-2901.07 (adults with incomes between 106% and 138% of the Federal Poverty Level).

The rulemaking aligns with federal regulation 42 CFR 433.68, which includes a hold harmless provision. Under Arizona's current agreement with the federal government (the State Plan), the state is required to maintain this coverage unless the plan is amended. The Hospital Assessment serves as a funding mechanism for persons covered under Proposition 204, including those in federally mandated groups such as the elderly, blind, disabled, and certain parents. Without approval from the Centers for Medicare & Medicaid Services, Arizona would not receive federal funding to support healthcare coverage for these populations. Failure to secure funding could lead to a significant loss of health coverage for Arizona residents or require hospitals to contribute more than necessary to the assessment.

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

AHCCCS 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 summary of the economic, small business, and consumer impact, if applicable to the exemption:

The AHCCCS program is jointly funded by the state and the federal government through the Medicaid program. Depending on the eligibility category of the person, the federal government provides between two-thirds and 100% of the cost of care for persons described in A.R.S. § 36.2901.08(A). The Administration will use the amounts collected from the assessment combined with the federal financial participation to fund the cost of health care coverage for nearly 700,000 persons described in A.R.S. § 36.2901.08(A) through direct payments to health care providers and capitation payments to managed care organizations that, in turn, make payments to health care providers that render care to AHCCCS members. Many of these providers are small businesses located in Arizona. A.R.S. § 36-2901.08 prohibits the assessed hospitals from passing the cost of the assessment to patients or third parties who pay for care in the hospital.

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

There were no changes between the proposed exempt rulemaking and the final exempt rulemaking.

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

AHCCCS did not receive any public or stakeholder comments on this rulemaking.

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

There are no other matters prescribed by statute applicable specifically to the Administration or this specific rulemak-

ing.

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:
The rule does not require the issuance of a regulatory 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:
These rules are governed by the Code of Federal Regulations, Title 42, Chapter IV, Subchapter C. The rule is not more stringent than federal law.

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

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

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

16. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS) ADMINISTRATION

ARTICLE 7. STANDARDS FOR PAYMENTS

Section
R9-22-730. Hospital Assessment Fund - Hospital Assessment

ARTICLE 7. STANDARDS FOR PAYMENTS

R9-22-730. Hospital Assessment Fund - Hospital Assessment

A. ~~For purposes of this Section, the following terms are defined as provided below~~ In addition to definitions contained in R9-22-101 and A.R.S. § 36-2901, the words and phrases in this Section have the following meanings unless the context ~~specifically~~ explicitly requires another meaning:

1. "~~2023~~ 2024 Medicare Cost Report" means~~: The~~ the Medicare Hospital Provider Cost Report for ~~the hospital~~ a hospital's fiscal year ending in calendar year ~~2023~~ 2024 as reported in the CMS Healthcare ~~Provider~~ Cost Reporting Information System (HCRIS) release dated January ~~5, 2025.~~ 3, 2026.
2. "~~2023~~ 2024 Uniform Accounting Report" means the Uniform Accounting Report submitted to ~~the Arizona Department of Health Services~~ ADHS as of ~~December 15, 2024~~ November 19, 2025, for ~~the~~ a hospital's fiscal year ending in calendar year ~~2023.~~ 2024.
3. "Annualized" means divided by a ratio equal to the number of months of data divided by 12 months.
~~3. "Quarter" means the a three-month period beginning January 1, April 1, July 1, and October 1each year.~~
4. ~~A "new~~ "New hospital" means a licensed hospital that did not hold a license from ~~the Arizona Department of Health Services~~ ADHS prior to January 1, ~~2025.~~ 2026.
5. "Outpatient ~~Net Patient Revenues~~" net patient revenues" means an amount, calculated using data in ~~the~~ a hospital's ~~2023~~ 2024 Uniform Accounting Report or other data sources specified by subsection (N), that is equal to the hospital's ~~2023~~ 2024 total net patient revenue multiplied by the ratio of the hospital's ~~2023~~ 2024 gross outpatient revenue to the hospital's ~~2023~~ 2024 total gross patient revenue.
6. "Quarter" means a three-month period beginning January 1, April 1, July 1, and October 1, each year.

B. Beginning January 1, 2014, ~~for each~~ an Arizona licensed hospital not excluded under subsection (L) shall be subject to an assessment payable on a quarterly basis. The assessment shall be levied against the legal owner of ~~each~~ the hospital as of the first day of the quarter, ~~and~~ except as otherwise required by subsections (D)~~, (E), (F), (G), (H) and~~ through (I). For the period beginning October 1, ~~2025,~~ 2026, the assessment for ~~each~~ the hospital shall be amount equal to the sum of: ~~(1) the~~

1. The number of discharges reported on the hospital's ~~2023~~ 2024 Medicare Cost Report, excluding discharges reported on the Medicare Cost Report as "Other Long Term Care Discharges," multiplied by the following rates appropriate to the hospital's peer group; and ~~(2) the~~
2. The amount of outpatient net patient revenues multiplied by the following rate appropriate to the hospital's peer group:
~~1.~~a. ~~$628.25~~ $801.75 per discharge and ~~1.0634%~~ 1.3548 percent of outpatient net patient revenues for a hospital located in a county with a population less than 500,000 that are designated as type: hospital, subtype: short-term.

~~2.~~b. ~~$628.25~~ $801.75 per discharge and ~~0.4431%~~ 0.5645 percent of outpatient net patient revenues for ~~hospitals~~ a hospital designated as type: hospital, subtype: critical access hospital.

~~3.~~c. ~~$157.25~~ $200.50 per discharge and ~~0.4431%~~ 0.5645 percent of outpatient net patient revenues for ~~hospitals~~ a hospital designated as type: hospital, subtype: long term.

~~4.~~d. ~~$157.25~~ $200.50 per discharge and ~~0.4431%~~ 0.5645 percent of outpatient net patient revenues for ~~hospitals~~ a hospital designated as type: hospital, subtype: psychiatric, that reported 2,500 or more discharges on the ~~2023~~ 2024 Medicare Cost Report.

~~5.~~e. ~~$502.75~~ $641.50 per discharge and ~~1.1520%~~ 1.4677 percent of outpatient net patient revenues for ~~hospitals~~ a hospital designated as type: hospital, subtype: short-term with ~~20%~~ 20 percent of total licensed beds licensed as pediatric, pediatric intensive care and neonatal intensive care as reported in the hospital's ~~2023~~ 2024 Uniform Accounting Report.

~~6.~~f. ~~$565.50~~ $721.50 per discharge and ~~1.3292%~~ 1.6935 percent of outpatient net patient revenues for ~~hospitals~~ a hospital designated as type: hospital, subtype: short-term with at least ~~10%~~ 10 percent but less than ~~20%~~ 20 percent of total licensed beds licensed as pediatric, pediatric intensive care and neonatal intensive care as reported in the hospital's ~~2023~~ 2024 Uniform Accounting Report.

~~7.~~g. ~~$125.75~~ $160.50 per discharge and ~~0.3545%~~ 0.4516 percent of outpatient net patient revenues for ~~hospitals~~ a hospital designated as type: hospital, subtype: children's.

~~8.~~h. ~~$628.25~~ $801.75 per discharge and ~~1.7723%~~ 2.2580 percent of outpatient net patient revenues for ~~hospitals~~ a hospital designated as type: hospital, subtype: short-term not included in another peer group.

C. ~~Peer groups~~ A peer group for the four quarters beginning October 1 of each year ~~are~~ is established based on ~~hospitals~~ a hospital's license type and subtype designated in the Provider & Facility Database for Arizona Medical Facilities posted by ~~the Arizona Department of Health Services~~ ADHS Division of Licensing Services on its website on January 1, ~~2025.~~ 2026.

D. ~~Notwithstanding~~ Except as provided in subsection (B), psychiatric discharges from a hospital that reported having a psychiatric sub-provider in the hospital's ~~2023~~ 2024 Medicare Cost Report, are assessed a rate of ~~$157.25~~ $200.50 for each discharge from the psychiatric sub-provider as reported in the ~~2023~~ 2024 Medicare Cost Report. All discharges other than those reported as discharges from the psychiatric sub-provider are assessed at the rate required by subsection (B).

E. ~~Notwithstanding~~ Except as provided in subsection (B), rehabilitative discharges from a hospital that reported having a rehabilitative sub-provider in the hospital's ~~2023~~ 2024 Medicare Cost Report, are assessed a rate of $0 for each discharge from the rehabilitative sub-provider as reported in the ~~2023~~ 2024 Medicare Cost Report. All discharges other than those reported as discharges from the rehabilitative sub-provider are assessed at the rate required by subsection (B).

F. ~~Notwithstanding~~ Except as provided in subsection (B), for ~~any~~ a hospital that reported more than 22,800 discharges on the hospital's ~~2023~~ 2024 Medicare Cost Report, discharges ~~in excess of~~ greater than 22,800 are assessed a rate of ~~$63.00~~ $80.25. ~~for each discharge in excess of 22,800.~~ The initial 22,800 discharges are assessed at the rate required by subsection (B).

G. ~~Notwithstanding~~ Except as provided in subsection (B), for ~~any~~ a hospital that reported pediatric outpatient net patient revenues greater than $375,000,000 on the hospital's ~~2023~~ 2024 Uniform Accounting Report, pediatric outpatient net patient revenues greater than $375,000,000 are assessed a rate of ~~.0354%~~ 0.0452 percent for pediatric outpatient net patient revenues greater than $375,000,000 from a hospital designated as subtype children's. The initial $375,000,000 ~~of~~ in pediatric outpatient net patient revenues are assessed at the rate required by subsection (B).

H. ~~Notwithstanding~~ Except as provided in subsection (B), for ~~any~~ a short-term hospital with at least ~~10%~~ 10 percent but less than ~~20%~~ 20 percent of total licensed beds licensed as pediatric, pediatric intensive care and neonatal intensive care as reported in the hospital's ~~2023~~ 2024 Uniform Accounting Report that reported outpatient net patient revenues greater than $375,000,000 on the hospital's ~~2023~~ 2024 Uniform Accounting Report, outpatient net patient revenues greater than $375,000,000 are assessed a rate of ~~.0354%~~ 0.1693 percent for outpatient net patient revenues greater than $375,000,000 from a short-term hospital with at least ~~10%~~ 10 percent but less than ~~20%~~ 20 percent of total licensed beds licensed as pediatric, pediatric intensive care and neonatal intensive care as reported in the hospital's ~~2023~~ 2024 Uniform Accounting Report. The initial $375,000,000 of outpatient net patient revenues are assessed at the rate required by subsection (B).

I. ~~Notwithstanding~~ Except as provided in subsection (B), for ~~any~~ a short-term hospital not included in another peer group that reported outpatient net patient revenues greater than $375,000,000 on the hospital's ~~2023~~ 2024 Uniform Accounting Report, outpatient net patient revenues greater than $375,000,000 are assessed a rate of ~~.1772%~~ 0.2258 percent for outpatient net patient revenues greater than $375,000,000 from a short-term hospital not included in another peer group. The initial $375,000,000 ~~of~~ in outpatient net patient revenues are assessed at the rate required by subsection (B).

J. Assessment notice. On or before the 15th day of the first month of the quarter or upon CMS approval, whichever is later, the Administration shall send ~~to each~~ a hospital ~~a~~ notification that ~~the~~ a Hospital Assessment Fund assessment invoice is available ~~to be viewed~~ on a secure website. The invoice shall include the hospital's peer group assignment and the assessment due for the quarter.

K. Assessment due date. ~~The Hospital Assessment Fund assessment must be~~ A hospital shall ensure that the assessment is received by the Administration no later than:

1. The 15th day of the second month of the quarter~~.~~;; or
2. In the event CMS approves the assessment after the 15th day of the first month of the quarter, 30 days after notification by the Administration that the assessment invoice is available.

L. Excluded hospitals. The following hospitals are excluded from the assessment based on the hospital's ~~2023~~ 2024 Medicare Cost Report and ~~Provider & Facility Database for Arizona Medical Facilities~~ ADHS Public Health Data Portal posted by the ~~Arizona Department of Health Services~~ ADHS Division of Licensing Services on ~~its~~ the ADHS website for January 1, ~~2025:~~ 2026:

1. ~~Hospitals~~ A hospital owned and operated by the state, the United States, or an Indian tribe.
2. ~~Hospitals~~ A hospital designated as type: hospital, subtype: short-term that ~~have~~ has a license number beginning ~~"SH".~~ "SH."

3. ~~Hospitals~~ A hospital designated as type: hospital, subtype: psychiatric that reported fewer than 2,500 discharges on the ~~2023~~ hospital's 2024 Medicare Cost Report.
4. ~~Hospitals~~ A hospital designated as type: hospital, subtype; rehabilitation.
5. ~~Hospitals~~ A hospital designated as type: hospital, subtype: special hospitals, not including subtype: children's.
6. ~~Hospitals~~ A hospital designated as type: hospital, subtype: short-term located in a city with a population greater than one million, which on average have at least 15 percent of inpatient days for patients who reside outside of Arizona, and at least 50 percent of discharges as reported on the ~~2023~~ 2024 Medicare Cost Report are reimbursed by Medicare.
7. ~~Hospitals~~ A hospital designated as type: hospital, subtype: short-term that ~~have~~ has at least 25 percent Medicare swing beds as percentage of total Medicare days, ~~per~~ according to the ~~2023~~ hospital's 2024 Medicare Cost Report.
8. ~~Hospitals~~ A hospital designated as type: hospital, subtype: short-term that ~~are~~ is an urban public acute care hospital.

M. New hospitals. For ~~hospitals~~ a hospital that did not file a ~~2023~~ 2024 Medicare Cost Report because of the date the hospital began operations:

1. If the hospital was open on the January 2 preceding the October assessment start date, the hospital assessment ~~will~~ shall begin on October 1 following the date the hospital began operating.
2. If the hospital began operating between January 3 and September 30, the assessment ~~will~~ shall begin on October 1 of the following calendar year.
3. A hospital is not considered a new hospital based on a change in ownership.
4. The assessment ~~will~~ shall be based on the discharges reported in the hospital's first Medicare Cost Report and Uniform Accounting Report, which includes 12 ~~months-worth~~ months of data, except when any of the following apply~~:~~:
   a. If there is not a complete 12 ~~months-worth~~ months of data available, the assessment ~~will~~ shall be based on the annualized number of discharges from the date hospital operations began through December 31 preceding the October assessment start date. The hospital shall ~~self-report~~ report the discharge data and all other data requested by the Administration necessary to determine the appropriate assessment to the Administration no later than January preceding the assessment start date for ~~the~~ a new ~~hospitals.~~ hospital. ~~"Annualized" means divided by a ratio equal to the number of months of data divided by 12 months.~~
   b. If more than 12 months of data is available, the assessment ~~will~~ shall be based on the most recent 12 months of ~~self-reported~~ data reported by the hospital, as of December 31~~;~~.
5. ~~For purposes of~~ In calculating ~~subpart 4,~~ subsection (M)(4), if a new hospital shares a Medicare Identification Number with an existing hospital, the Administration shall base an assessment amount ~~will be based~~ on ~~self-reported~~ the reported data from the new hospital instead of the Medicare Cost Report. The ~~data~~ new hospital shall include the number of discharges and all other data requested by the Administration necessary to determine the appropriate assessment.
6. For ~~hospitals providing self-reported~~ a hospital reporting data~~,~~ described in ~~subpart 4 and 5:~~ subsections (M)(4) and (5):
   a. Psychiatric discharges ~~will~~ shall be annualized to determine if subsections ~~(B)(4)~~ (B)(2)(d) or (L)(3) apply to the assessment amount.
   b. Discharges ~~will~~ shall be annualized to determine if subsection (F) applies to the assessment amount.

N. Changes ~~of~~ in ownership. ~~The parties~~ Parties to a change ~~of~~ in ownership shall promptly provide written notice to the Administration of a change ~~of~~ in ownership and any agreement regarding ~~the~~ payment of ~~the~~ an assessment. The assessed amount ~~will~~ shall continue at the same amount applied to the prior owner. ~~Assessments are~~ The assessment is the responsibility of the owner of record as of the first day of the quarter.~~; however, this~~ This Section is not intended to prohibit the parties to a change ~~of~~ in ownership from entering into an agreement for a new owner to assume the assessment responsibility of the owner of record as of the first day of the prior quarter.

O. Hospital closures. ~~Hospitals~~ A hospital that ~~close~~ closes shall pay a proportion of ~~the~~ a quarterly assessment equal to that portion of the quarter during which the hospital operated.

P. Required information for ~~the~~ an inpatient assessment. For ~~any~~ a hospital that has not filed a ~~2023~~ 2024 Medicare Cost ~~report,~~ Report, or if the ~~2023~~ 2024 Medicare Cost ~~report~~ Report does not include ~~the~~ reliable information sufficient for the Administration to calculate ~~the~~ an inpatient assessment, the Administration shall use data reported on the ~~2023~~ 2024 Uniform Accounting Report filed by the hospital in place of the ~~2023~~ 2024 Medicare Cost ~~report~~ Report to calculate the assessment. If the ~~2023~~ 2024 Uniform Accounting Report filed by the hospital does not include reliable information sufficient for the Administration to calculate the inpatient assessment ~~amounts,~~ amount, the hospital shall provide the Administration with data specified by the Administration ~~necessary~~ in place of the ~~2023~~ 2024 Medicare Cost ~~report~~ Report to calculate the assessment.

Q. Required information for ~~the~~ an outpatient assessment. For ~~any~~ a hospital that has not filed a ~~2023~~ 2024 Uniform Accounting Report, if the ~~2023~~ 2024 Uniform Accounting Report does not include reliable information sufficient for the Administration to calculate ~~the~~ an outpatient assessment ~~amounts,~~ amount, or if the ~~2023~~ 2024 Uniform Accounting Report does not reconcile to ~~2023~~ 2024 Audited Financial Statements, the Administration shall use the data reported on ~~2023~~ 2024 Audited Financial Statements to calculate the outpatient assessment. If the ~~2023~~ 2024 Audited Financial Statements do not include ~~the~~ reliable information sufficient for the Administration to calculate the outpatient assessment, the Administration shall use data reported on the ~~2023~~ 2024 Medicare Cost ~~report.~~ Report. If the Medicare Cost ~~report~~ Report does not include reliable information sufficient for the Administration to calculate the outpatient assessment amounts, the hospital shall provide the Administration with data specified by the Administration ~~necessary~~ in place of the ~~2023~~ 2024 Medicare Cost ~~report~~ Report to calculate the outpatient assessment.

R. The Administration will review and update as necessary rates and peer groups periodically to ensure the assessment is sufficient to fund the state match obligation to cover the cost of the populations as specified in A.R.S. § 36-2901.08.

S. Enforcement. If a hospital does not comply with this Section, the ~~director~~ Director may suspend or revoke the hospital's provider agreement. If the hospital does not comply within 180 days after the hospital's provider agreement is suspended or revoked, the ~~direc-~~

~~tor~~ Director shall notify the director of ~~the Department of Health Services who shall~~ ADHS to suspend or revoke the hospital's license.

NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS) ADMINISTRATION

File Number: R26-212

PREAMBLE

1. Permission to proceed with this final rulemaking was granted under A.R.S. § 41-1039 by the governor on:
October 30, 2026

2. Article, Part, or Section Affected (as applicable)	**Rulemaking Action**
R9-22-731	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. § 36-2999.72
Implementing statute: A.R.S. § 36-2999.72
Statute or session law authorizing the exemption: Laws, 2026, Ch. 132, § 20

4. The effective date of the rule:
October 30, 2026
AHCCCS selected an immediate effective date upon filing of the Notice of Final Rulemaking with the Secretary of State's Office under A.R.S. § 41-1032(A) to comply with deadlines and amendments to the agency's governing statutes and federal programs, and to implement the rules in accordance with the contract year which begins October 1, 2026.

5. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the current record of the final exempt rule:
Notice of Exempt Rulemaking Docket Opening: 32 A.A.R. 2423; Issue Date: October 2, 2026; Issue Number: 40; File Number: R26-175
Notice of Proposed Exempt Rulemaking: 32 A.A.R. 2405; Issue Date: October 2, 2026; Issue Number: 40; File Number: R26-177

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

Name:	Sam McCue
Title:	Senior Rules Analyst
Division:	AHCCCS Office of the General Counsel
Address:	150 N. 18th Ave. Phoenix, AZ 85007
Telephone:	(602) 417-4232
Fax:	(602) 253-9115
Email:	AHCCCSRules@azahcccs.gov
Website:	www.azahcccs.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:
Pursuant to A.R.S. § 36-2999.72, AHCCCS is required to adopt rules that establish, administer and collect an assessment on hospital revenues. Through this rulemaking, the Administration amends R9-22-731, including a request to modify the regulation to adjust per discharge assessments and net patient outpatient revenue contributions from various hospital types. These changes take effect with invoices issued for the time period beginning October 1, 2026. The adjustments incorporate data from newly established hospitals and consider feedback received from existing hospitals.

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:

A study was not referenced or relied upon when revising these rules.

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

Not applicable

10. A summary of the economic, small business, and consumer impact, if applicable to the exemption:

The AHCCCS Health Care Investment Fund hospital assessment established in A.R.S. § 36-2999.72 is matched by federal funds. The majority of the assessment funds and accompanying federal funds will be used to provide an increase for base reimbursement for services reimbursed under the dental fee schedule and physician fee schedule and for quarterly directed payments to Arizona hospitals. Many of the providers of that medical care are considered small businesses located in Arizona. A.R.S. § 36-2999.72 prohibits the assessed hospitals from passing the cost of the assessment on to patients or third parties who pay for care in the hospital.

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

There were no changes between the proposed exempt rulemaking and the final exempt rulemaking.

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

AHCCCS did not receive any public or stakeholder comments on this rulemaking.

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

There are no other matters prescribed by statute applicable specifically to the Administration or this specific rulemaking.

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

The rule does not require the issuance of a regulatory 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 governed by the Code of Federal Regulations, Title 42, Chapter IV, Subchapter C. The rule is not more stringent than federal law.

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

Not applicable

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

Not applicable

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

Not applicable

16. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS) ADMINISTRATION

ARTICLE 7. STANDARDS FOR PAYMENTS

Section
R9-22-731. Health Care Investment Fund - Hospital Assessment

ARTICLE 7. STANDARDS FOR PAYMENTS

R9-22-731. Health Care Investment Fund - Hospital Assessment

A. ~~For purposes of this Section, terms~~ Terms used in this Section are the same as defined in ~~A.A.C.~~ R9-22-730 unless the context ~~specifically~~ explicitly requires another meaning.

B. Beginning October 1, ~~2025,~~ 2026, ~~for each~~ an Arizona licensed hospital not excluded under subsection (L) shall be subject to an assessment payable on a quarterly basis. The assessment shall be levied against the legal owner of ~~each~~ the hospital as of the first day of the quarter, ~~and~~ except as otherwise required by subsections (D)~~, (E), (F), (G), (H) and~~ through (I). For the period beginning October 1, ~~2025,~~ 2026, the assessment for ~~each~~ the hospital shall be amount equal to the sum of: ~~(1) the~~

1. The number of discharges reported on the hospital's ~~2023~~ 2024 Medicare Cost Report, excluding discharges reported on the Medicare Cost Report as "Other Long Term Care Discharges," multiplied by the following rates appropriate to the hospital's peer group; and ~~(2) the~~
2. The amount of outpatient net patient revenues multiplied by the following rate appropriate to the hospital's peer group:
   ~~1.~~a. ~~$1,110.50~~ $1,033.00 per discharge and ~~5.0464%~~ 4.9114 percent of outpatient net patient revenues for a hospital located in a county with a population less than 500,000 ~~that are~~ and designated as type: hospital, subtype: short-term.
   ~~2.~~b. ~~$1,110.50~~ $1,033.00 per discharge and ~~2.1026%~~ 2.0464 percent of outpatient net patient revenues for ~~hospitals~~ a hospital designated as type: hospital, subtype: critical access hospital.
   ~~3.~~c. ~~$277.75~~ $258.25 per discharge and ~~2.1026%~~ 2.0464 percent of outpatient net patient revenues for ~~hospitals~~ a hospital designated as type: hospital, subtype: long term.
   ~~4.~~d. ~~$277.75~~ $258.25 per discharge and ~~2.1026%~~ 2.0464 percent of outpatient net patient revenues for ~~hospitals~~ a hospital designated as type: hospital, subtype: psychiatric, that reported 2,500 or more discharges on the ~~2023~~ 2024 Medicare Cost Report.
   ~~5.~~e. ~~$888.25~~ $826.50 per discharge and ~~5.4669%~~ 5.3207 percent of outpatient net patient revenues for ~~hospitals~~ a hospital designated as type: hospital, subtype: short-term with ~~20%~~ 20 percent of total licensed beds licensed as pediatric, pediatric intensive care and neonatal intensive care as reported in the hospital's ~~2022~~ 2024 Uniform Accounting Report.
   ~~6.~~f. ~~$999.25~~ $929.75 per discharge and ~~6.3079%~~ 6.1393 percent of outpatient net patient revenues for ~~hospitals~~ a hospital designated as type: hospital, subtype: short-term with at least ~~10%~~ 10 percent but less than ~~20%~~ 20 percent of total licensed beds licensed as pediatric, pediatric intensive care and neonatal intensive care as reported in the hospital's ~~2023~~ 2024 Uniform Accounting Report.
   ~~7.~~g. ~~$222.25~~ $206.75 per discharge and ~~1.6821%~~ 1.6371 percent of outpatient net patient revenues for ~~hospitals~~ a hospital designated as type: hospital, subtype: children's.
   ~~8.~~h. ~~$1,110.50~~ $1,033.00 per discharge and ~~8.4106%~~ 8.1857 percent of outpatient net patient revenues for ~~hospitals~~ a hospital designated as type: hospital, subtype: short-term not included in another peer group.

C. ~~Peer groups~~ A peer group for the four quarters beginning October 1 of each year ~~are~~ is established based on ~~hospitals~~ a hospital's license type and subtype designated in the Provider & Facility Database for Arizona Medical Facilities posted by ~~the Arizona Department of Health Services~~ ADHS Division of Licensing Services on ~~its~~ the ADHS website on January 1, ~~2025.~~ 2026.

D. ~~Notwithstanding~~ Except as provided in subsection (B), psychiatric discharges from a hospital that reported having a psychiatric sub-provider in the hospital's ~~2023~~ 2024 Medicare Cost Report, are assessed a rate of ~~$277.75~~ $258.25 for each discharge from the psychiatric sub-provider as reported in the ~~2023~~ 2024 Medicare Cost Report. All discharges other than those reported as discharges from the psychiatric sub-provider are assessed at the rate required by subsection (B).

E. ~~Notwithstanding~~ Except as provided in subsection (B), rehabilitative discharges from a hospital that reported having a rehabilitative sub-provider in the hospital's ~~2023~~ 2024 Medicare Cost Report, are assessed a rate of $0 for each discharge from the rehabilitative sub-provider as reported in the ~~2023~~ 2024 Medicare Cost Report. All discharges other than those reported as discharges from the rehabilitative sub-provider are assessed at the rate required by subsection (B).

F. ~~Notwithstanding~~ Except as provided in subsection (B), for ~~any~~ a hospital that reported more than 22,800 discharges on the hospital's ~~2023~~ 2024 Medicare Cost Report, discharges ~~in excess of~~ greater than 22,800 are assessed a rate of ~~$111.25~~ $103.50. ~~for each discharge in excess of 22,800.~~ The initial 22,800 discharges are assessed at the rate required by subsection (B).

G. ~~Notwithstanding~~ Except as provided in subsection (B), for ~~any~~ a hospital that reported pediatric outpatient net patient revenues greater than $375,000,000 on the hospital's ~~2023~~ 2024 Uniform Accounting Report, pediatric outpatient net patient revenues greater than $375,000,000 are assessed a rate of ~~.1682%~~ 0.1637 percent for pediatric outpatient net patient revenues greater than $375,000,000 from a hospital designated as subtype: children's. The initial $375,000,000 ~~of~~ in pediatric outpatient net patient revenues are assessed at the rate required by subsection (B).

H. ~~Notwithstanding~~ Except as provided in subsection (B), for ~~any~~ a short-term hospital with at least ~~10%~~ 10 percent but less than ~~20%~~ 20 percent of total licensed beds licensed as pediatric, pediatric intensive care and neonatal intensive care as reported in the hospital's ~~2023~~ 2024 Uniform Accounting Report that reported outpatient net patient revenues greater than $375,000,000 on the hospital's ~~2023~~ 2024 Uniform Accounting Report, outpatient net patient revenues greater than $375,000,000 are assessed a rate of ~~.6308%~~ 0.6139 percent for outpatient net patient revenues greater than $375,000,000 from a short-term hospital with at least ~~10%~~ 10 percent but less than ~~20%~~ 20 percent of total licensed beds licensed as pediatric, pediatric intensive care and neonatal intensive care as reported in the hospital's ~~2023~~ 2024 Uniform Accounting Report. The initial $375,000,000 ~~of~~ in outpatient net patient revenues are assessed at the rate required by subsection (B).

I. ~~Notwithstanding~~ Except as provided in subsection (B), for ~~any~~ a short-term hospital not included in another peer group that reported outpatient net patient revenues greater than $375,000,000 on the hospital's ~~2023~~ 2024 Uniform Accounting Report, outpatient net patient revenues greater than $375,000,000 are assessed a rate of ~~.8411%~~ 0.8186 percent for outpatient net patient revenues greater than $375,000,000 from a short-term hospital not included in another peer group. The initial $375,000,000 ~~of~~ in outpatient net patient revenues are assessed at the rate required by subsection (B).

J. Assessment notice. On or before the 10th day of the first month of the quarter or upon CMS approval, whichever is later, the Administration shall send ~~to each~~ a hospital ~~a~~ notification that ~~the~~ a Health Care Investment Fund assessment invoice is available ~~to be viewed~~ on a secure website. The invoice shall include the hospital's peer group assignment and the assessment due for the quarter.

K. Assessment due date. ~~The~~ A hospital shall ensure that the assessment ~~must be~~ is received by the Administration no later than the 10th day of the second month of the quarter.

L. Excluded hospitals. The following hospitals are excluded from the assessment based on the hospital's ~~2023~~ 2024 Medicare Cost Report and ~~Provider & Facility Database for Arizona Medical Facilities~~ ADHS Public Health Data Portal posted by the ~~Arizona Department of Health Services~~ ADHS Division of Licensing Services on ~~its~~ the ADHS website for January 1, ~~2025:~~ 2026:

1. ~~Hospitals~~ A hospital owned and operated by the state, the United States, or an Indian tribe.
2. ~~Hospitals~~ A hospital designated as type: hospital, subtype: short-term that ~~have~~ has a license number beginning ~~"SH".~~ "SH."
3. ~~Hospitals~~ A hospital designated as type: hospital, subtype: psychiatric that reported fewer than 2,500 discharges on the ~~2023~~ hospital's 2024 Medicare Cost Report.
4. ~~Hospitals~~ A hospital designated as type: hospital, subtype; rehabilitation.
5. ~~Hospitals~~ A hospital designated as type: hospital, subtype: special hospitals, not including subtype: children's.
6. ~~Hospitals~~ A hospital designated as type: hospital, subtype: short-term located in a city with a population greater than one million, which on average ~~have~~ has at least 15 percent of inpatient days for patients who reside outside of Arizona, and at least 50 percent of discharges as reported on the ~~2023~~ 2024 Medicare Cost Report are reimbursed by Medicare.
7. ~~Hospitals~~ A hospital designated as type: hospital, subtype: short-term that ~~have~~ has at least 25 percent Medicare swing beds as percentage of total Medicare days, ~~per~~ according to the ~~2023~~ hospital's 2024 Medicare Cost Report.
8. ~~Hospitals~~ A hospital designated as type: hospital, subtype: short-term that ~~are~~ is an urban public acute care hospital.

M. New hospitals. For ~~hospitals~~ a hospital that did not file a ~~2023~~ 2024 Medicare Cost Report because of the date the hospital began operations:

1. If the hospital was open on the January 2 preceding the October assessment start date, the hospital assessment ~~will~~ shall begin on October 1 following the date the hospital began operating.
2. If the hospital began operating between January 3 and September 30, the assessment ~~will~~ shall begin on October 1 of the following calendar year.
3. A hospital is not considered a new hospital based on a change in ownership.
4. The assessment ~~will~~ shall be based on the discharges reported in the hospital's first Medicare Cost Report and Uniform Accounting Report, ~~which~~ that includes 12 ~~months-worth~~ months of data, except when any of the following apply~~:~~:
   a. If there is not a complete 12 ~~months-worth~~ months of data available, the assessment ~~will~~ shall be based on the annualized number of discharges from the date hospital operations began through December 31 preceding the October assessment start date. The hospital shall ~~self-report~~ report the discharge data and all other data requested by the Administration necessary to determine the appropriate assessment to the Administration no later than January preceding the assessment start date for ~~the~~ a new ~~hospitals.~~ hospital. ~~"Annualized" means divided by a ratio equal to the number of months of data divided by 12 months~~s.
   b. If more than 12 months of data is available, the assessment ~~will~~ shall be based on the most recent 12 months of ~~self-reported~~ data reported by the hospital, as of December 31~~;~~.
5. ~~For purposes of~~ In calculating ~~subpart 4,~~ subsection (M)(4), if a new hospital shares a Medicare Identification Number with an existing hospital, the Administration shall base an assessment amount ~~will be based~~ on ~~self-reported~~ the reported data from the new hospital instead of the Medicare Cost Report. The ~~data~~ new hospital shall include the number of discharges and all other data requested by the Administration necessary to determine the appropriate assessment.
6. For ~~hospitals providing self-reported~~ a hospital reporting data~~,~~ described in ~~subpart 4 and 5:~~ subsections (M)(4) and (5):
   a. Psychiatric discharges ~~will~~ shall be annualized to determine if subsections ~~(B)(4)~~ (B)(2)(d) or (L)(3) apply to the assessment amount.
   b. Discharges ~~will~~ shall be annualized to determine if subsection (F) applies to the assessment amount.

N. Changes ~~of~~ in ownership. ~~The parties~~ Parties to a change ~~of~~ in ownership shall promptly provide written notice to the Administration of a change ~~of~~ in ownership and any agreement regarding ~~the~~ payment of ~~the~~ an assessment. The assessed amount ~~will~~ shall continue at the same amount applied to the prior owner. ~~Assessments are~~ The assessment is the responsibility of the owner of record as of the first day of the quarter~~; however, this~~. This Section is not intended to prohibit the parties to a change ~~of~~ in ownership from entering into an agreement for a new owner to assume the assessment responsibility of the owner of record as of the first day of the prior quarter.

O. Hospital closures. ~~Hospitals~~ A hospital that ~~close~~ closes shall pay a proportion of ~~the~~ a quarterly assessment equal to that portion of the quarter during which the hospital operated.

P. Required information for ~~the~~ an inpatient assessment. For ~~any~~ a hospital that has not filed a ~~2023~~ 2024 Medicare Cost ~~report,~~ Report, or if the ~~2023~~ 2024 Medicare Cost ~~report~~ Report does not include ~~the~~ reliable information sufficient for the Administration to calculate ~~the~~ an inpatient assessment, the Administration shall use data reported on the ~~2023~~ 2024 Uniform Accounting Report filed by the hospital in place of the ~~2023~~ 2024 Medicare Cost ~~report~~ Report to calculate the assessment. If the ~~2023~~ 2024 Uniform Accounting Report filed by the hospital does not include reliable information sufficient for the Administration to calculate the inpatient assess-

ment ~~amounts,~~ amount, the hospital shall provide the Administration with data specified by the Administration ~~necessary~~ in place of the ~~2023~~ 2024 Medicare Cost ~~report~~ Report to calculate the assessment.

Q. Required information for ~~the~~ an outpatient assessment. For ~~any~~ a hospital that has not filed a ~~2023~~ 2024 Uniform Accounting Report, if the ~~2023~~ 2024 Uniform Accounting Report does not include reliable information sufficient for the Administration to calculate ~~the~~ an outpatient assessment ~~amounts,~~ amount, or if the ~~2023~~ 2024 Uniform Accounting Report does not reconcile to ~~2023~~ 2024 Audited Financial Statements, the Administration shall use the data reported on ~~2023~~ 2024 Audited Financial Statements to calculate the outpatient assessment. If the ~~2023~~ 2024 Audited Financial Statements do not include ~~the~~ reliable information sufficient for the Administration to calculate the outpatient assessment, the Administration shall use data reported on the ~~2023~~ 2024 Medicare Cost ~~report.~~ Report. If the Medicare Cost ~~report~~ Report does not include reliable information sufficient for the Administration to calculate the outpatient assessment ~~amounts,~~ amount, the hospital shall provide the Administration with data specified by the Administration ~~necessary~~ in place of the ~~2023~~ 2024 Medicare Cost ~~report~~ Report to calculate the outpatient assessment.

R. Enforcement. If a hospital does not comply with this Section, the ~~director~~ Director may suspend or revoke the hospital's provider agreement. If the hospital does not comply within 180 days after the hospital's provider agreement is suspended or revoked, the ~~director~~ Director shall notify the director of ~~the Department of Health Services who shall~~ ADHS to suspend or revoke the hospital's license.

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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 PSYCHOLOGIST EXAMINERS

File Number: R26-213

1. Permission to proceed with this docket was granted under A.R.S. § 41-1039 by the governor on:
October 27, 2026

2. Title and its heading:
4. Professions and Occupations

Chapter and its heading:
26. Board of Psychologist Examiners

Article and its heading:
4. Behavior Analysis

Section number:
R4-26-404.2
Sections may be added, amended, repealed, or renumbered as necessary.

3. The subject matter of the proposed rule:
On January 1, 2027, the Behavior Analyst Certification Board is increasing the maximum number of hours of supervised experience an individual may obtain during a month. A.R.S. § 32-2091(B) requires the Board to adopt supervised experience standards consistent with the standards set by a nationally recognized behavior analyst certification board. In this rulemaking, the Board amends the maximum number of hours of monthly supervised experience to be consistent with the new standard established by the BACB.

4. A citation to all published notices relating to the current proceeding:
Notice of Proposed Rulemaking: 32 A.A.R. 2955, November 20, 2026 (*in this issue*); File Number: R26-208

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

Name:	Heidi Herbst Paakkonen
Title:	Executive Director
Address:	1740 W. Adams St., Suite 2430 Phoenix, AZ 85007
Telephone:	(602) 542-8162
Fax:	(602) 542-8279
Email:	Heidi.Paakkonen@psychboard.az.us
Website:	psychboard.az.gov
Name:	First and Last Name

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

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

An oral proceeding is scheduled for December 22, 2026. Details are provided in the Notice of Proposed Rulemaking.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF PUBLIC SAFETY
PRIVATE INVESTIGATOR AND SECURITY GUARD HEARING BOARD

File Number: R26-214

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

October 1, 2026

2. Title and its heading:

13. Public Safety

Chapter and its heading:

12. Private Investigator and Security Guard Hearing Board

Article and its heading:

1. Private Investigator and Security Guard Hearing Board

Section number:

R13-12-101, R13-12-103 through R13-12-108
Sections may be added, amended, repealed, or renumbered as necessary.

3. The subject matter of the proposed rule:

The Department intends to amend rules to lessen economic burden on applicants and to neaten the rules through renumbering and grammatical changes.

Under A.R.S. § 41-1056 on October 5, 2021, R13-12-102 was expired removing the prerequisites to be an applicant. As a result, the term and definition of *applicant* in R13-12-101 was orphaned. As stated in R13-12-103(A), there is an application process to apply for a good-cause exception. Intuitively only security guard and private investigator applicants would be applying for such exception when their application or certification is turned down. Therefore, there is no need to define *applicant*.

The Department intends in R13-12-103(A) to remove the requirement to provide eight copies of the materials listed in this section. The Department does not need eight copies to process an application for a good-cause exception. This will directly reduce burden on the applicant in the form of reduced costs associated with producing and delivering eight copies and a reduction in the time to do so. Additionally, the Department provided clarification on how the number of days is calculated by specifying *calendar* and specified the address where an applicant can obtain the paper application. The application is not available online.

The Department intends in R13-12-106 to remove the requirement for the applicant to pay all costs resulting from a telephonic appearance. In today's modern business environment, telephonic and video conferencing is a normal and accepted business practice. Telephone and video conferencing platforms are technologies the Department already pays the cost for and maintains for a variety of uses Department-wide. The Department believes a hearing conducted using telephonic or video conferencing will have no significant impact on the Department's existing systems and platforms; therefore, there is no cost to pass to the applicant. Additionally, the Department has no modern historical information showing a cost was charged to any applicant. This change directly affects an applicant by removing this potential economic burden allowing the applicant to appear virtually as opposed to incurring travel. The 48-hour time period was amended to two business days as the 48-hour timeframe presents a compliance problem. For example, if an applicant has a hearing scheduled for 1p.m on a Monday, then 48 hours before would be 1p.m. on a Saturday. The functional area of the Department responsible for receiving the documentation does not work weekends and therefore would not be present to receive any documentation. By changing the time frame to two business days, it ensures the

Department is open for business to receive the applicant's documentation. The rule was restructured and renumbered to account for the amendments.

Other rules have amendments for renumbering to account for the expiration of R13-12-102 and for consistency with rules R13-12-102, R13-12-103 and R13-12-106.

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

Notice of Proposed Rulemaking: 32 A.A.R. 2958, November 20, 2026 (*in this issue*); File Number: R26-209

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

Name:	Paul Swietek
Title:	Police Planner
Division:	Agency Support Division
Physical Address:	2102 W. Encanto Blvd. Phoenix, AZ 85009
Mailing:	POB 6638, Mail Drop 1205 Phoenix, AZ 85005-6638
Telephone:	(602) 223-2049
Email:	pswietek@azdps.gov
Website:	www.azdps.gov

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

The Board will accept written comments during a minimum 30-day public comment period following the publication of the Notice of Proposed Rulemaking in the *Arizona Administrative Register*. An oral proceeding is listed in the Notice of Proposed Rulemaking.

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

The timetable for public comments, an oral proceeding and the close of record is included in the Notice of Proposed Rulemaking.

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NOTICES OF AGENCY OMBUDSMAN

The Administrative Procedure Act (APA) requires the publication of Notices of Agency Ombudsman under A.R.S. §§ 41-1006(A) and 41-1013(B)(13).

An ombudsman is an agency's point of contact who assists members of the public or regulated community seeking information or guidance from the agency.

NOTICE OF AGENCY OMBUDSMAN

ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)

File Number: M26-77

1. The agency's name:

Arizona Health Care Cost Containment System (AHCCCS)

2. The ombudsman's contact information:

Name:	Christian Saucedo
Title:	Office of Client Advocate and Member Contact & Data Unit Manager
Division:	DMPS OCARE
Address:	150 N. 18th Ave., MD15019 Phoenix, AZ 85007
Telephone:	(602) 417-7642
Fax:	(602) 252-6536
Email:	Christian.saucedo@azahcccs.gov
Website:	https://www.azahcccs.gov/

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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 means Proposed new Section
PM means Proposed amended Section
PR means Proposed repealed Section
P# means Proposed renumbered Section

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

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

SUMMARY RULEMAKING

PROPOSED SUMMARY
PSMN means Proposed Summary new Section
PSMM means Proposed Summary amended Section
PSMR means Proposed Summary repealed Section
PSM# means Proposed Summary renumbered Section

FINAL SUMMARY
FSMN means Final Summary new Section
FSMM means Final Summary amended Section
FSMR means Final Summary repealed Section
FSM# means Final Summary renumbered Section

EXPEDITED RULEMAKING

PROPOSED EXPEDITED
PEN means Proposed Expedited new Section
PEM means Proposed Expedited amended Section
PER means Proposed Expedited repealed Section
PE# means Proposed Expedited renumbered Section

SUPPLEMENTAL EXPEDITED
SPEN means Supplemental Proposed Expedited new Section
SPEM means Supplemental Proposed Expedited amended Section
SPER means Supplemental Proposed Expedited repealed Section
SPE# means Supplemental Proposed Expedited renumbered Section

FINAL EXPEDITED
FEN means Final Expedited new Section
FEM means Final Expedited amended Section
FER means Final Expedited repealed Section
FE# means Final Expedited renumbered Section

EXEMPT RULEMAKING

EXEMPT
XN means Exempt new Section
XM means Exempt amended Section
XR means Exempt repealed Section
X# means Exempt renumbered Section

EXEMPT PROPOSED
PXN means Proposed Exempt new Section
PXM means Proposed Exempt amended Section
PXR means Proposed Exempt repealed Section
PX# means Proposed Exempt renumbered Section

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

FINAL EXEMPT RULEMAKING
FXN means Final Exempt new Section
FXM means Final Exempt amended Section
FXR means Final Exempt repealed Section
FX# means Final Exempt renumbered Section

EMERGENCY RULEMAKING
EN means Emergency new Section
EM means Emergency amended Section
ER means Emergency repealed Section
E# means Emergency renumbered Section
EEXP means Emergency expired

RECODIFICATION OF RULES
RC means Recodified

REJECTION OF RULES
RJ means Rejected by the Attorney General

TERMINATION OF RULES
TN means Terminated proposed new Section
TM means Terminated proposed amended Section
TR means Terminated proposed repealed Section
T# means Terminated proposed renumbered Section

RULE EXPIRATIONS
EXP means Rules have expired
Refer to "emergency expired" under emergency rulemaking

CORRECTIONS
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RULEMAKING ACTIVITY INDEX

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R20-5-906.	P#-1417; PM-1417
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R20-5-1202.	PM-1417
R20-5-1208.	PM-1417
R20-5-1212.	PM-1417
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R20-5-1221.	PN-1417
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R20-5-1226.	PN-1417
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Barbering and Cosmetology Board

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R4-10-106.	PM-417; FM-2283
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Child Safety, Department of - Child Welfare Agency Licensing

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R21-7-134. PM-2393
R21-7-207. PM-2393
R21-7-209. PM-2393

Child Safety, Department of - Permanency and Support Services

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R21-5-507. FM-582
R21-5-508. FM-582
R21-5-510. FM-582
R21-5-511. FM-582

Clean Elections Commission, Citizens

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R2-20-113. PM-669; FM-1773
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Corporation Commission, Arizona - Fixed Utilities

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Corporation Commission, Arizona - Securities

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Corporation Commission, Arizona - Transportation

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Education, State Board of

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R7-2-703. FXM-221
R7-2-704. FXM-221
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R18-2-310.01. FM-55
R18-2-317.01. FM-55
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R18-2-501. FM-55
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R18-2-611.03. FXM-1131
R18-2-613. PM-2455
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Environmental Quality, Department of - Environmental Reviews and Certification

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R18-8-261. PM-2895
R18-8-262. PM-2895
R18-8-263. PM-2895
R18-8-264. PM-2895
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R18-14-102. PM-283; FM-1434
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R18-4-107. PEM-448; FEM-1491
R18-4-111. PEM-448; FEM-1491
R18-4-117. PEM-448; FEM-1491

Environmental Quality, Department of - Solid Waste Management

R18-13-401. PM-872; FM-2823
R18-13-402. PM-872; FM-2823
R18-13-403. PN-872; FN-2823
R18-13-404. PN-872; FN-2823
R18-13-405. PN-872; FN-2823
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R4-36-505. XN-691

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R4-12-210. RC-177
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R12-4-208. FM-560
R12-4-210. FM-560
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R12-4-417. FM-7
R12-4-418. FM-7
R12-4-420. FM-7
R12-4-421. FM-7
R12-4-422. FM-7
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R12-4-425. FM-7
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Gaming, Department of
R19-4-223. PEM-2923

Health Care Cost Containment System, Arizona (AHCCCS) - Administration
R9-22-101. PM-1525; FM-2725
R9-22-201. PM-1525; FM-2725
R9-22-207. PM-1525; FM-2725
R9-22-209. PM-1525; FM-2725
R9-22-212. PM-1525; FM-2725
R9-22-213. PM-1525; FM-2725
R9-22-215. PM-1525; FM-2725
R9-22-712.35. PM-1540; FM-2740
R9-22-712.61. PM-1540; FM-2740
R9-22-712.71. PM-1540; FM-2740
R9-22-712.90. PM-1540; FM-2740
R9-22-730. PXM-2400
R9-22-731. PXM-2405
R9-22-1201. PXM-2503
R9-22-1202. PXR-2503
R9-22-1203. PXM-2503
R9-22-1204. PXM-2503
R9-22-1205. PXM-2503
R9-22-1206. PXM-2503
R9-22-1207. PX#-2503; PXN-2503
R9-22-1208. PXN-2503
R9-22-1209. PX#-2503; PXM-2503

Health Care Cost Containment System, Arizona (AHCCCS) - Arizona Long-term Care System
R9-28-1201. PN-867; EN-932; TN-1862; PXN-2409
R9-28-1202. PN-867; EN-932; TN-1862; PXN-2409
R9-28-1203. PN-867; EN-932; TN-1862; PXN-2409
R9-28-1204. PN-867; EN-932; TN-1862; PXN-2409
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Table 2. PN-867; EN-932; TN-1862; PXN-2409
R9-28-1205. PN-867; EN-932; TN-1862; PXN-2409
R9-28-1206. PN-867; EN-932; TN-1862; PXN-2409
R9-28-1207. PN-867; EN-932; TN-1862; PXN-2409
R9-28-1208. PXN-2409
R9-28-1209. PXN-2409
R9-28-1210. PXN-2409
R9-28-1211. PXN-2409

Health Services, Department of - Communicable Diseases and Infestations
R9-6-501. PM-2277
R9-6-502. PM-2277
R9-6-503. PM-2277
R9-6-504. PM-2277

Health Services, Department of - Emergency Medical Services
R9-25-506. XN-993

Health Services, Department of - Food, Recreational, and Institutional Sanitation
R9-8-119. FR-488
R9-8-901. FN-488
R9-8-902. FN-488
R9-8-903. FN-488
R9-8-904. FN-488
R9-8-905. FN-488
R9-8-906. FN-488
R9-8-907. FN-488
R9-8-908. FN-488
R9-8-909. FN-488
R9-8-910. FN-488
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R9-8-911. FN-488
Table 9.2. FN-488
Table 9.3. FN-488
R9-8-912. FN-488
R9-8-913. FN-488

Health Services, Department of - Health Care Institution Facility Data;
R9-11-101. PEM-1288; FEM-2851
R9-11-201. PEM-1288; FEM-2851
R9-11-204. PEM-1288; FEM-2851
R9-11-301. PEM-1288; FEM-2851
R9-11-304. PEM-1288; FEM-2851
R9-11-305. PEM-1288; FEM-2851
R9-11-401. PEM-1288; FEM-2851
R9-11-402. PEM-1288; FEM-2851
R9-11-501. PEM-1288; FEM-2851
R9-11-502. PEM-1288; FEM-2851

Health Services, Department of - Health Care Institutions: Licensing
Table 1.3. FM-1920
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R9-10-702. PM-1068; FM-1920
R9-10-703. PM-1068; FM-1920
R9-10-706. PM-1068; FM-1920
R9-10-707. PM-1068; FM-1920
R9-10-708. PM-1068; FM-1920
R9-10-709. PM-1068; FM-1920
R9-10-711. PM-1068; FM-1920
R9-10-712. PM-1068; FM-1920
R9-10-716. PM-1068; FM-1920
R9-10-718. PM-1068; FM-1920
R9-10-722. PM-1068; FM-1920
R9-10-2002. FM-504

R9-10-2003. FM-504
R9-10-2005. F#-504; FM-504
R9-10-2006. F#-504; FM-504
R9-10-2007. F#-504; FM-504
R9-10-2008. F#-504
R9-10-2009. FM-504
R9-10-2102. PEM-2494
R9-10-2105. PEM-2494
R9-10-2106. PEM-2494
R9-10-2107. PEM-2494
R9-10-2109. PEM-2494
R9-10-2111. PEM-2494
R9-10-2113. PEM-2494
R9-10-2115. PEM-2494
R9-10-2118. PEM-2494
R9-10-2301. PN-1068; FN-1920
R9-10-2302. PN-1068; FN-1920
R9-10-2303. PN-1068; FN-1920
R9-10-2304. PN-1068; FN-1920
R9-10-2305. PN-1068; FN-1920
R9-10-2306. PN-1068; FN-1920
R9-10-2307. PN-1068; FN-1920
R9-10-2308. PN-1068; FN-1920
R9-10-2309. PN-1068; FN-1920
R9-10-2310. PN-1068; FN-1920
R9-10-2311. PN-1068; FN-1920
R9-10-2312. PN-1068; FN-1920
R9-10-2313. PN-1068; FN-1920
R9-10-2314. PN-1068; FN-1920
R9-10-2315. PN-1068; FN-1920
R9-10-2316. PN-1068; FN-1920
R9-10-2317. PN-1068; FN-1920
R9-10-2318. PN-1068; FN-1920
R9-10-2319. PN-1068; FN-1920
R9-10-2320. PN-1068; FN-1920
R9-10-2401. PN-1068; FN-1920
R9-10-2402. PN-1068; FN-1920
R9-10-2403. PN-1068; FN-1920
R9-10-2404. PN-1068; FN-1920
R9-10-2405. PN-1068; FN-1920
R9-10-2406. PN-1068; FN-1920
R9-10-2407. PN-1068; FN-1920
R9-10-2408. PN-1068; FN-1920
R9-10-2409. PN-1068; FN-1920
R9-10-2410. PN-1068; FN-1920
R9-10-2411. PN-1068; FN-1920
R9-10-2412. PN-1068; FN-1920
R9-10-2413. PN-1068; FN-1920
R9-10-2414. PN-1068; FN-1920
R9-10-2415. PN-1068; FN-1920
R9-10-2416. PN-1068; FN-1920
R9-10-2417. PN-1068; FN-1920
R9-10-2418. PN-1068; FN-1920
R9-10-2419. PN-1068; FN-1920

Health Services, Department of - Human Remains

Subchapter B. Funeral Industry

R9-9B-101. RC-177; PM-307; FM-1177
R9-9B-102. RC-177; PM-307; FM-1177
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R9-9B-203. RC-177; PM-307; FM-1177
R9-9B-204. RC-177; PM-307; FM-1177
R9-9B-205. RC-177; PM-307; FM-1177
R9-9B-206. RC-177; PR-307; PN-307; FR-1177; FN-1177
R9-9B-207. RC-177; PR-307; PN-307; FR-1177; FN-1177
R9-9B-208. RC-177; PR-307; FR-1177
R9-9B-209. RC-177; PR-307; FR-1177
R9-9B-301. RC-177; PM-307; FM-1177
R9-9B-302. RC-177; PM-307; FM-1177
R9-9B-303. PN-307; FN-1177
R9-9B-304. RC-177; PR-307; PN-307; FR-1177; FN-1177
R9-9B-305. RC-177; PR-307; PN-307; FR-1177; FN-1177
R9-9B-306. RC-177; PR-307; PN-307; FR-1177; FN-1177
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R9-9B-309. RC-177; PR-307; PN-307; FR-1177; FN-1177
R9-9B-310. PN-307; FN-1177
R9-9B-311. PN-307; FN-1177
R9-9B-312. RC-177; PR-307; FR-1177
R9-9B-313. RC-177; PR-307; FR-1177
R9-9B-314. RC-177; PR-307; FR-1177
R9-9B-315. RC-177; PR-307; FR-1177
R9-9B-316. RC-177; PR-307; FR-1177
R9-9B-317. RC-177; PR-307; FR-1177
R9-9B-318. RC-177; PR-307; FR-1177
R9-9B-319. RC-177; PR-307; FR-1177
R9-9B-320. RC-177; PR-307; FR-1177
R9-9B-321. RC-177; PR-307; FR-1177
R9-9B-322. RC-177; PR-307; FR-1177
R9-9B-323. RC-177; PR-307; FR-1177
R9-9B-324. RC-177; PR-307; FR-1177
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R9-9B-326. RC-177; PR-307; FR-1177
R9-9B-401. RC-177; FM-1177
R9-9B-402. PN-307; FN-1177
R9-9B-403. PN-307; FN-1177
R9-9B-404. PN-307; FN-1177
R9-9B-405. PN-307; FN-1177
R9-9B-406. RC-177; PR-307; PN-307; FR-1177; FN-1177
R9-9B-407. PN-307; FN-1177
R9-9B-408. PN-307; FN-1177
R9-9B-409. PN-307; FN-1177
R9-9B-410. PN-307; FN-1177
R9-9B-411. PN-307; FN-1177
R9-9B-412. RC-177; PR-307; FR-1177
R9-9B-413. RC-177; PR-307; FR-1177
R9-9B-414. RC-177; PR-307; FR-1177

Health Services, Department of - Occupational Licensing
R9-16-201. FEM-521
R9-16-202. FEM-521
R9-16-203. FEM-521
R9-16-205. FEM-521
R9-16-207. FEM-521
R9-16-208. FEM-521
R9-16-209. FEM-521
R9-16-211. FEM-521
R9-16-214. FEM-521
R9-16-215. FEM-521
R9-16-301. FM-511
R9-16-302. FM-511
R9-16-303. FM-511
R9-16-304. FM-511
R9-16-305. FM-511
R9-16-306. FM-511
R9-16-307. FR-511
R9-16-308. FM-511
R9-16-309. FM-511
R9-16-310. FM-511
R9-16-312. FM-511
R9-16-314. FM-511
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R9-16-315. FM-511
R9-16-316. FM-511
R9-16-501. FEM-521
R9-16-502. FEM-521
R9-16-503. FEM-521
R9-16-504. FEM-521
R9-16-505. FEM-521
R9-16-507. FEM-521

Health Services, Department of - Radiation Control
R9-7-1302. FEM-721
R9-7-1401. FE#-721; FEM-721
R9-7-1402. FE#-721; FEM-721
R9-7-1403. FER-721; FEN-721
R9-7-1404. FEM-721
R9-7-1405. FER-721; FEN-721
R9-7-1406. FER-721; FE#-721; FEM-721
R9-7-1407. FER-721; FEN-721
R9-7-1408. FER-721; FEN-721
R9-7-1409. FER-721; FE#-721; FEM-721
R9-7-1410. FER-721; FE#-721; FEM-721
R9-7-1411. FE#-721; FEM-721
R9-7-1412. FER-721; FE#-721; FEM-721
R9-7-1413. FER-721; FE#-721; FEM-721
R9-7-1414. FER-721; FE#-721; FEM-721
R9-7-1415. FER-721; FE#-721; FEM-721
R9-7-1416. FER-721; FE#-721; FEM-721
R9-7-1418. FER-721
R9-7-1421. FER-721
R9-7-1422. FER-721
R9-7-1423. FER-721
R9-7-1425. FE#-721
R9-7-1426. FER-721
R9-7-1427. FER-721
R9-7-1429. FER-721

R9-7-1433. FER-721
R9-7-1434. FE#-721
R9-7-1435. FER-721
R9-7-1436. FE#-721
R9-7-1437. FER-721
R9-7-1438. FE#-721
R9-7-1439. FE#-721
R9-7-1440. FE#-721
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R9-7-1443. FER-721
R9-7-1444. FER-721
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R9-12-103. PEM-1668
R9-12-104. PEM-1668
R9-12-105. PEM-1668
R9-12-106. PEM-1668
R9-12-107. PEM-1668
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R9-12-203. PEM-1668
R9-12-204. PEM-1668
R9-12-205. PEM-1668
R9-12-206. PE#-1668; PEN-1668
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R9-12-208. PE#-1668; PEM-1668

Health Services, Department of - Vital Records and Statistics
R9-19-101. PEM-2336
R9-19-105. PM-1909
R9-19-201. PEM-2336
R9-19-205. PEM-2336
R9-19-206. PEM-2336
R9-19-207. PEM-2336
R9-19-208. PEM-2336
R9-19-210. PEM-2336
R9-19-211. PEM-2336
R9-19-212. PEM-2336
R9-19-302. PEM-2336
R9-19-303. PEM-2336
R9-19-310. PEM-2336
R9-19-315. PM-1909
R9-19-316. PEM-2336
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Insurance and Financial Institutions, Department of - Insurance Division
R20-6-101. FM-637
R20-6-209. FM-645
R20-6-601. FM-637
R20-6-602. FM-637
R20-6-1902. FM-637

Insurance and Financial Institutions, Department of - Financial Institutions Division - Real Estate Appraisal
R4-46-107. FR-5
R4-46-201. PM-174; FM-1167

Insurance and Financial Institutions, Department of - Financial Institutions Division
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Investment, State Board of
R2-13-204. PEM-1715; FEM-2654

Liquor Licenses and Control, Department of
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R19-1-102. PM-785
R19-1-103. PM-785
R19-1-105. PM-785
R19-1-110. PM-785
R19-1-202. PM-785
R19-1-205. PM-785
R19-1-206. PM-785
R19-1-207. PM-785
R19-1-209. PM-785
R19-1-304. PM-785
R19-1-305. PM-785
R19-1-307. PM-785
R19-1-317. PM-785
R19-1-318. PR-785
R19-1-319. PM-785
R19-1-320. PM-785
R19-1-321. PM-785
R19-1-324. PM-785
R19-1-325. PM-785
R19-1-403. PM-785
R19-1-405. PM-785
R19-1-502. PM-785
R19-1-604. PM-785
R19-1-801. PM-785
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R19-1-804. PM-785

Lottery Commission, Arizona State
R19-3-204. PM-1025
R19-3-801. PN-1025
R19-3-802. PN-1025
R19-3-803. PN-1025
R19-3-804. PN-1025
R19-3-805. PN-1025
R19-3-806. PN-1025
R19-3-807. PN-1025
R19-3-808. PN-1025
R19-3-809. PN-1025
R19-3-810. PN-1025
R19-3-811. PN-1025
R19-3-812. PN-1025
R19-3-813. PN-1025

Manufactured Housing, Board of
R4-34-101. PM-551; FM-2718
R4-34-102. PM-551; FM-2718
R4-34-201. PM-551; FM-2718
R4-34-204. PM-551; FM-2718
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R4-34-701. PM-551; FM-2718
R4-34-802. PM-551; FM-2718

Medical Board, Arizona
R4-16-201. PM-1371
R4-16-201.1. PM-1371
R4-16-201.2. PN-1371
R4-16-201.3. PN-1371
R4-16-204. PN-1371
R4-16-204.1. PN-1371
R4-16-205. PM-1371
Table 1. PM-1371

Osteopathic Examiners in Medicine and Surgery, Board of
R4-22-106. PM-1407
R4-22-202. PM-1407
R4-22-207. PM-1407
R4-22-208. PN-1407
R4-22-301. PM-1407

R4-22-302. PM-1407
R4-22-304. PM-1407
R4-22-401. PM-1407
R4-22-402. PM-1407
R4-22-501. PM-1407
R4-22-503. PM-1407
R4-22-504. PM-1407
R4-22-505. PM-1407
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R4-22-508. PM-1407

Peace Officer Standards and Training Board, Arizona
R13-4-101. PM-2543
R13-4-110. PM-2543
R13-4-112. PM-2543
R13-4-116. PM-2543

Pharmacy, Board of
R4-23-205. FM-1649
R4-23-407. PM-715; FM-1643
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Physicians Medical Board, Naturopathic
R4-18-101. TM-840
R4-18-603. FM-1285

Private Postsecondary Education, Board for,
R4-39-101. PM-2693
R4-39-103. PM-2693
R4-39-104. PM-2693
R4-39-105. PM-2693
R4-39-107. PM-2693
R4-39-108. PM-2693
R4-39-110. PM-2693
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R4-39-201. PM-2693
R4-39-301. PM-2693
R4-39-403. PM-2693
R4-39-404. PM-2693
R4-39-407. PM-2693
R4-39-601. PM-2693
R4-39-602. PM-2693
R4-39-603. PM-2693

Psychologist Examiners, Board of
R4-26-101. PM-831; FM-2709
R4-26-207. PM-831; FM-2709
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R4-26-405. PM-831; FM-2709
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R4-26-417. PM-831; FM-2709
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Public Safety, Department of - School Buses
R13-13-301. FN-925
R13-13-302. FN-925
R13-13-303. FN-925
R13-13-304. FN-925

Racing Commission, Arizona
R19-2-101. PM-2015
R19-2-102. PM-2015
R19-2-103. PM-2015
R19-2-104. PM-2015
R19-2-105. PM-2015
R19-2-106. PM-2015
R19-2-107. PM-2015
R19-2-108. PM-2015
R19-2-109. PM-2015
R19-2-110. PM-2015
R19-2-111. PM-2015
R19-2-112. PM-2015
R19-2-113. PM-2015
R19-2-114. PM-2015
R19-2-115. PM-2015
R19-2-116. PM-2015
R19-2-117. PM-2015
R19-2-118. PM-2015
R19-2-119. PM-2015
R19-2-120. PM-2015
R19-2-121. PM-2015
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R19-2-123. PM-2015
R19-2-124. PM-2015
R19-2-125. PM-2015
R19-2-126. PM-2015
R19-2-201. PM-2015
R19-2-202. PM-2015
R19-2-204. PM-2015
R19-2-205. PM-2015
R19-2-401. PM-2065
R19-2-402. PM-2065
R19-2-403. PM-2065
R19-2-404. PM-2065
R19-2-405. PM-2065
R19-2-406. PM-2065
R19-2-407. PM-2065
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R19-2-414. PM-2065
R19-2-415. PM-2065
R19-2-416. PM-2065
R19-2-417. PM-2065
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R19-2-501. PM-2065
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RULES EFFECTIVE DATES CALENDAR

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RULES EFFECTIVE DATES CALENDAR

A.R.S. § 41-1032(A), as amended by Laws 2002, Ch. 334, § 8 (effective August 22, 2002), states 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

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

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
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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
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September 19	effective	November 18
September 20	effective	November 19
September 21	effective	November 20
September 22	effective	November 21
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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

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
October 14	effective	December 13
October 15	effective	December 14
October 16	effective	December 15
October 17	effective	December 16
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October 20	effective	December 19
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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
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November 15	effective	January 14
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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
December 14	effective	February 12
December 15	effective	February 13
December 16	effective	February 14
December 17	effective	February 15
December 18	effective	February 16
December 19	effective	February 17
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

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.	***Register* Publication Date**	**Oral Proceeding may be scheduled on or after**
August 21, 2026	September 11, 2026	October 13, 2026 Later date due to a holiday
August 28, 2026	September 18, 2026	October 19, 2026
September 4, 2026	September 25, 2026	October 26, 2026
September 11, 2026	October 2, 2026	November 2, 2026
September 18, 2026	October 9, 2026	November 9, 2026
September 25, 2026	October 16, 2026	November 16, 2026
October 2, 2026	October 23, 2026	November 23, 2026
October 9, 2026	October 30, 2026	November 30, 2026
October 16, 2026	November 6, 2026	December 7, 2026
October 23, 2026	November 13, 2026	December 14, 2026
October 30, 2026	November 20, 2026	December 21, 2026
November 6, 2026	November 27, 2026	December 28, 2026
November 13, 2026	December 4, 2026	January 4, 2027
November 20, 2026	December 11, 2026	January 11, 2027
November 27, 2026	December 18, 2026	January 19, 2027 Later date due to a holiday
December 4, 2026	December 25, 2026	January 25, 2027
December 11, 2026	January 1, 2027	February 1, 2027
December 18, 2026	January 8, 2027	February 8, 2027
December 24, 2026 Early date due to a holiday	January 15, 2027	February 16, 2027
December 31, 2026 Early date due to a holiday	January 22, 2027	February 22, 2027
January 8, 2027	January 29, 2027	March 1, 2027
January 15, 2027	February 5, 2027	March 8, 2027
January 22, 2027	February 12, 2027	March 15, 2027
January 29, 2027	February 19, 2027	March 22, 2027
February 5, 2027	February 26, 2027	March 29, 2027
February 12, 2027	March 5, 2027	April 5, 2027
February 19, 2027	March 12, 2027	April 12, 2027
February 26, 2027	March 19, 2027	April 19, 2027
March 5, 2027	March 26, 2027	April 26, 2027
March 12, 2027	April 2, 2027	May 3, 2027
March 19, 2027	April 9, 2027	May 10, 2027

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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.

File Number: M25-79

DEADLINE FOR PLACEMENT ON AGENDA Materials must be submitted by 5 p.m. on dates listed in this column as a deadline for placement on a particular agenda. Placement on a particular agenda is not guaranteed.	**DEADLINE FOR FINAL MATERIALS SUBMITTED TO COUNCIL**	**DATE OF COUNCIL STUDY SESSION**	**DATE OF COUNCIL MEETING**
Tuesday March 24, 2026	Tuesday April 21, 2026	Tuesday April 28, 2026	Tuesday May 5, 2026
Tuesday April 21, 2026	Tuesday May 19, 2026	Wednesday May 27, 2026	Tuesday June 2, 2026
Tuesday May 19, 2026	Tuesday June 23, 2026	Tuesday June 30, 2026	Tuesday July 7, 2026
Tuesday June 23, 2026	Tuesday July 21, 2026	Tuesday July 28, 2026	Tuesday August 4, 2026
Tuesday July 21, 2026	Tuesday August 18, 2026	Tuesday August 25, 2026	Tuesday September 1, 2026
Tuesday August 18, 2026	Tuesday September 22, 2026	Tuesday September 29, 2026	Tuesday October 6, 2026
Tuesday September 22, 2026	Tuesday October 20, 2026	Tuesday October 27, 2026	Tuesday November 3, 2026
Tuesday October 20, 2026	Tuesday November 17, 2026	Tuesday November 24, 2026	Tuesday December 1, 2026
Tuesday November 17, 2026	Tuesday December 22, 2026	Tuesday December 29, 2026	Tuesday January 5, 2027
Tuesday December 22, 2026	Tuesday January 19, 2027	Tuesday January 26, 2027	Tuesday February 2, 2027