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From the Publisher

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), A.R.S. Title 41, Chapter 6, Articles 1 through 10. Other "notice only" filings are published in the *Register* which includes Informal Public Meetings on an Open Rulemaking Docket, Formal Rulemaking Advisory Committees, Public Information, Oral Proceedings, Public Hearings, Public Meetings, Agency Guidance Documents, Substantive Policy Statements, Proposed Delegation Agreements, Final Delegation Agreements, and Agency Ombudsman.

ABOUT AMENDMENTS TO RULES

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 Rules can be made (all new text); amended (changed) or repealed (removed) as codified in the *Arizona Administrative Code*; or renumbered (moving rules to a different Section number). New rules published in the *Register*, whether proposed or made as a final rule, are underlined; repealed rules (text being removed), is stricken.

ABOUT THE TABLE OF CONTENTS

On the cover: Each agency is assigned a Chapter in the *Arizona Administrative Code* under a specific Title. Titles represent broad subject areas. The Title number is listed first; with the acronym A.A.C., which stands for the *Arizona Administrative Code*; following the Chapter number and Agency name, then program name. For example, the Secretary of State has rules on rulemaking in Title 1, Chapter 1 of the *Arizona Administrative Code*. The citation for this Chapter is 1 A.A.C. 1, Secretary of State, Rules and Rulemaking.

ABOUT FILE NUMBERS

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

ABOUT THE ADMINISTRATIVE CODE

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

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

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

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How to Participate in Rulemaking

Review Published Notices

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

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.

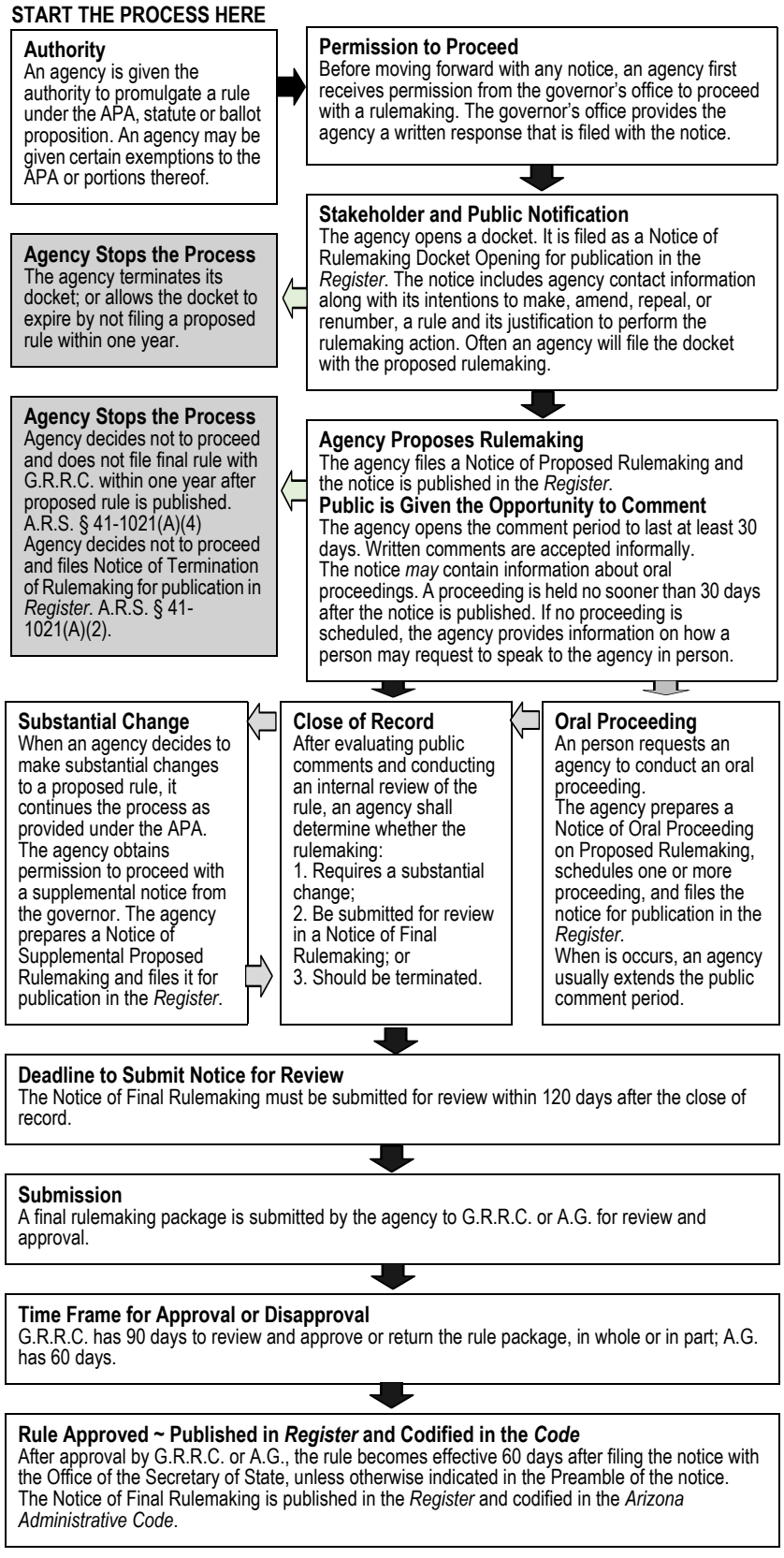
Refer to information in the Preamble.

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



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 West. Citations to statutes include Titles which represent broad subject areas. The Title number is followed by the Section number. For example, A.R.S. § 41-1001 is the definitions Section of Title 41 of the Arizona Administrative Procedures Act. The "§" symbol simply means "section." Available online at www.azleg.gov.

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

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

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

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

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

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

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

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

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

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

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NOTICES OF FINAL RULEMAKING

An agency shall submit a Notice of Final Rulemaking to the Governor's Regulatory Review Council (Council) or Attorney General for review within 120 days after the close of the record on a proposed rulemaking, and if applicable, supplemental proposed rulemaking, under A.R.S. § 41-1024.

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

An economic, small business and consumer impact statement is filed with this notice but not published in the *Register*.

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

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 23. BOARD OF PHARMACY

[R26-06]

PREAMBLE

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

December 23, 2025

2. Article, Part, or Section Affected (as applicable)	**Rulemaking Action**
R4-23-411	Amend

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

Authorizing statute: A.R.S. § 32-1904(A)(1)
Implementing statute: A.R.S. § 32-1974(I)

4. The effective date of the rule:

February 3, 2026 (*immediately upon filing with the Office of the Secretary of State*)

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

The Board determined under A.R.S. § 41-1032(A)(1), (2), and (4), the rule will be effective when filed with the Office of the Secretary of State. The rule was initially made under an emergency rulemaking approved by the Attorney General to preserve public health, avoid violating U.S. FDA guidance regarding limitations on immunizations, and provide a benefit but no penalty to those who wish to obtain an immunization. Additionally, an immediate effective date is needed because the emergency rulemaking expires on March 21, 2026.

The need for an immediate effective date is not caused by the Board's delay or inaction. The emergency rulemaking was effective on September 22, 2025 (See 31 A.A.R. 4007, October 10, 2025). The Notice of Proposed Rulemaking was filed on October 15, 2025 (See 31 A.A.R. 4259, November 7, 2025). The three weeks between the emergency rulemaking going into effect and filing of the NPR was caused, in part, by the government shutdown and the need for the Department of Health Services to make the amendments described in item 15.

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

Not applicable

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

Notice of Rulemaking Docket Opening: 31 A.A.R. 4306; Issue Date: November 7, 2025; Issue Number: 45; File Number: R25-253
Notice of Proposed Rulemaking: 31 A.A.R. 4259; Issue Date: November 7, 2025; Issue Number: 45; File Number: R2-249

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

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

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

In Executive Order 2025-12, Protecting Arizonans' Healthcare Freedom, the Governor asked the Board to undertake an emergency rulemaking regarding administering immunizations and vaccines under a standing order. The Governor based the request on a determination that access to immunizations, vaccines, and emergency medications, without an individualized prescription order, for those who want them, is in the best interest of public health and safety. The emergency rulemaking went into effect on September 22, 2025. Under A.R.S. § 41-1026(D), the emergency rulemaking will be in effect for only 180 days. To ensure the rule continues in effect, it is necessary for the Board to make the rule using the regular rulemaking process. That is done in this rulemaking.

With this rulemaking, Arizona joins a growing list of states that rely on the recommendation of health care professionals regarding routine COVID-19 vaccination to take similar action. Health care professionals recommending routine COVID-19 vaccination include the American Academy of Pediatrics, American College of Obstetricians and Gynecologists, and American Academy of Family Physicians. Indeed, all available scientific, trusted, and peer-reviewed evidence indicates the currently available COVID-19 vaccine is safe and one of the most effective ways of preventing serious illness, hospitalization, and death from this respiratory disease.

The use of a standing order is necessary because, unlike in every year since 2021, the FDA's recent approval of the COVID-19 vaccination is limited to individuals who are aged 65 or older or at higher risk of severe disease or at higher risk of severe disease or after consultation with a physician (See https://abcnews.go.com/Health/fda-approves-updated-covid-vaccines-restrictions-receive/story?id=125032817). The economic and social costs associated with COVID-19 are substantial and can be minimized with routine administration of the COVID-19 vaccine. The executive order and standing order provide choice to the citizens of Arizona. No one is required to obtain an unwanted immunization or vaccine.

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:

Not applicable

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

Not applicable

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

The Board believes the costs associated with making the Covid-19 vaccine available without an individualized prescription order to all eligible individuals who want it are greatly outweighed by the economic and societal costs associated illness, hospitalization, and death from this serious respiratory disease.

The Centers for Medicare and Medicaid Services indicates Medicare currently pays approximately $45 for a single-dose administration of the Covid-19 vaccine (See https://www.cms.gov/medicare/payment/covid-19-vaccine-toolkit/medicare-covid-19-vaccine-shot-payment). There is also a cost for the vaccine administered (See https://www.cms.gov/medicare/payment/part-b-drugs/vaccine-pricing).

While Covid-19 is no longer a national public health emergency, the virus still makes many people sick and leads to hospitalization and death for some. The Centers for Disease Control monitors and provides an estimate of the Covid-19 burden (See https://www.cdc.gov/covid/php/surveillance/burden-estimates.html). The cumulative burden of Covid-19 is defined as the estimated total number of individuals within a specified time frame who were sick, visited a healthcare provider outside the hospital, were admit-

ted to the hospital, or died. Preliminary Covid-19 burden estimates for 2024-2025 are:

Covid-19 illnesses: 13.4 to 20 million

Covid-19 outpatient visits: 3.2 to 4.7 million

Covid-19 hospitalizations: 370,000 to 530,000

Covid-19 deaths: 42,000 to 61,000

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

Not applicable

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

The Board received no written comments regarding the rulemaking. Three individuals attended the oral proceeding virtually but chose not to comment.

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:

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:

A pharmacist, intern, or pharmacy technician is required by statute to be licensed (See A.R.S. §§ 32-1922, 32-1923, and 32-1923.01). This rulemaking does not change those licensure requirements. Instead, it addresses a pharmacist, intern, and in some instances, a pharmacy technician, obtaining Board authorization to administer immunizations, vaccines, and emergency medications. The authorization described under R4-23-411(A) to administer immunizations, vaccines, and emergency medications is not a general permit under A.R.S. § 41-1037(A)(2).

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

Not applicable

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

Not applicable

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 final rulemaking packages:

Notice of Emergency Rulemaking: 31 A.A.R. 4007; Issue Date: October 10, 2025; File Number: R25-231.

The following changes were made to the text between the emergency and final rulemaking packages:
R4-23-411(B)(2)(b): the phrase "…by a county or tribal public health department or…" was added;

R4-23-411(J)(2): the definition of eligible minor patient was amended regarding administration of an immunization or vaccine other than influenza vaccine;

R4-23-411(J)(3): the phrase "…by a county or tribal public health department or…" was added.

16. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 23. BOARD OF PHARMACY

ARTICLE 4. PROFESSIONAL PRACTICES

Section
R4-23-411. Pharmacist-administered ~~or Intern-administered~~ Immunizations

R4-23-411. Pharmacist-administered ~~or Intern-administered~~ Immunizations

~~**A.** Authorization to administer immunizations, vaccines, and emergency medications, as defined at A.R.S. § 32-1974(N), to an eligible adult patient or eligible minor patient. As used in this Section, "eligible adult patient" means an eligible patient 13 years of age or older and "eligible minor patient" means an eligible patient at least three years of age but less than 13 years of age. A pharmacist or an intern in the presence of and under the immediate personal supervision of a pharmacist may administer, without a prescription, immunizations, vaccines, and emergency medications to an eligible adult patient or eligible minor patient, if:~~

~~1. Both the pharmacist and intern meet the qualifications and standards specified by A.R.S. § 32-1974 and this Section;~~

~~2. The Board authorizes both the pharmacist and intern as specified in subsection (D);~~

~~3. For an eligible adult patient, the immunization or vaccine is:~~

~~a. Recommended for adults by the United States Centers for Disease Control and Prevention; or~~

~~b. Recommended by the United States Centers for Disease Control and Prevention's Health Information for International Travel;~~

~~4. For an eligible adult patient, the immunization or vaccine is not on the Arizona Department of Health Services list specified in A.A.C. R9-6-1301 as required under A.R.S. § 32-1974(I);~~

~~5. For an eligible minor patient, the immunization or vaccine is for influenza or a booster dose as described under A.R.S. § 32-1974(B)(2); and~~

~~6. For an eligible minor patient, any immunizations or vaccines other than influenza or a booster dose as described under A.R.S. § 32-1974(B)(2) are administered in response to a public health emergency declared by the Governor under A.R.S. § 36-787.~~

~~**B.** A pharmacist or an intern in the presence of and under the immediate personal supervision of a pharmacist, may administer, with a prescription, any immunizations, vaccines, and emergency medications to an eligible adult patient or eligible minor patient, if:~~

~~1. Both the pharmacist and intern meet the qualifications and standards specified by A.R.S. § 32-1974 and this Section; and~~

~~2. The Board authorizes both the pharmacist and intern as specified in subsection (D).~~

~~**C.** A pharmacist or intern who is authorized to administer immunizations, vaccines, and emergency medications to an eligible adult patient or eligible minor patient shall:~~

~~1. Not delegate the authority to any other pharmacist, intern, or employee not specifically authorized by rule; and~~

~~2. Maintain their current certificate for inspection by the Board or its designee or review by the public.~~

~~**D.** Qualifications to administer immunizations, vaccines, and emergency medications to an eligible adult patient or eligible minor patient. After receipt of a completed application form, the Board shall authorize the administration of immunizations, vaccines, and emergency medications to an eligible adult patient or eligible minor patient by a pharmacist or intern who meets the following qualifications:~~

~~1. Has a current license to practice pharmacy in this state,~~

~~2. Successfully completes a training program specified in subsection (E), and~~

~~3. Has a current certificate in basic cardiopulmonary resuscitation.~~

~~**E.** Immunizations training program requirements. A training program for pharmacists or interns to administer immunizations, vaccines, and emergency medications to an eligible adult patient or eligible minor patient shall include the following courses of study:~~

~~1. Basic immunology and the human immune response;~~

~~2. Mechanics of immunity, adverse effects, dose, and administration schedule of available vaccines;~~

~~3. Response to an emergency situation as a result of the administration of an immunization, vaccine, or medication including administering an emergency medication to counteract the adverse effects of the immunization, vaccine, or medication given;~~

~~4. Administration of intramuscular injections;~~

~~5. Other immunization administration methods; and~~

~~6. Recordkeeping and reporting requirements specified in subsection (F).~~

~~**F.** Recordkeeping and reporting requirements.~~

~~1. A pharmacist or intern authorized under this Section to administer immunizations, vaccines, and emergency medications to an eligible patient shall provide to the pharmacy the following information and documentation regarding each immunization, vaccine, or emergency medication administered:~~

~~a. The name, address, and date of birth of the patient;~~

~~b. The date of administration and site of injection;~~

~~c. The name, dose, manufacturer's lot number, and expiration date of the vaccine, immunization, or emergency medication;~~

~~d. The name and address of the patient's identified primary care provider or physician;~~

~~e. The name of the pharmacist or intern administering the immunization, vaccine, or emergency medication;~~

~~f. A record of the pharmacist's or intern's consultation with the patient determining that the patient is an eligible patient as defined in R4-23-110;~~

~~g. Consultation or other professional information provided to the patient by the pharmacist or intern;~~

~~h. The name and date of the immunization or vaccine information sheet provided to the patient; and~~

~~i. For an immunization or vaccine given to an eligible minor patient, a consent form signed by the minor's parent or guardian.~~

~~2. As required under A.R.S. § 32-1974(F)(1), the pharmacist or intern shall provide a written or electronic report to the patient's primary care provider or physician containing the documentation required in subsection (F)(1)(a) through (d). The pharmacy shall document the time and date the report is sent and make the record of compliance with this subsection available in the pharmacy or on request, within 72 hours, for inspection by the Board or its designee.~~

~~3. A pharmacy's pharmacist-in-charge or permittee shall maintain the records required in subsection (F)(1) in the pharmacy or database for a minimum of seven years from the administration date.~~

~~**G.** Confidentiality of records. A pharmacist, intern, pharmacy permittee, or pharmacist-in-charge shall comply with applicable state and federal privacy statutes and rules when releasing patient health information.~~

~~**H.** Pharmacist-administered or intern-administered adult immunizations that require a prescription order. A pharmacist or intern authorized by the Board to administer adult immunizations or vaccines shall not administer any immunization or vaccine listed in A.A.C. R9-6-1301 without a prescription order. In addition to filing a prescription order as required in A.R.S. § 32-1964, a pharmacist or pharmacy intern who administers an immunization or vaccine listed in A.A.C. R9-6-1301 shall comply with the recordkeeping requirements of subsection (F)(1).~~

A. Authorization. A pharmacist who is qualified under subsection (C) is authorized to order and administer, without a prescription order, an immunization, vaccine, or emergency medication, including but not limited to epinephrine, corticosteroids, albuterol, and antihistamines, to an eligible adult patient or eligible minor patient.

B. Authorized immunizations and vaccines:

1. A pharmacist who is authorized under subsection (A) may order and administer, without a prescription order, the following:
   a. For an eligible adult patient, an immunization or vaccine that is:
      i. Recommended for adults by the United States Centers for Disease Control and Prevention (CDC) Advisory Committee on Immunization Practices (ACIP); or
      ii. Recommended by the CDC's Health Information for International Travel; and
      iii. Not on the Arizona Department of Health Services' list required under A.R.S. § 32-1974(H) and specified in A.A.C. R9-6-1301; and
   b. For an eligible minor patient, an immunization or vaccine that is:
      i. For influenza or a booster dose as described under A.R.S. § 32-1974(A)(3); or
      ii. Administered in response to an emergency declared by the governor; and
2. A pharmacist who is authorized under subsection (A) may order and administer an immunization or vaccine to an eligible adult patient or eligible minor patient in accordance with:
   a. A valid standing order, as defined in subsection (J). A pharmacist shall not order or administer an immunization or vaccine under a standing order that has expired or been revoked, superseded, or otherwise terminated; or
   b. A valid standing order issued by a county or tribal public health department or the Arizona Department of Health Services (DHS) or its authorized medical director even if the standing order differs from current CDC or ACIP guidance. A pharmacist shall not order or administer an immunization or vaccine under a standing order or DHS standing order that has expired or been revoked, superseded, or otherwise terminated.

C. Pharmacist qualifications. To be authorized to order and administer an immunization, vaccine, or emergency medication, including but not limited to epinephrine, corticosteroids, albuterol, and antihistamines, a pharmacist shall submit a completed application form, which is available on the Board's website, to the Board and provide evidence the pharmacist:

1. Is currently licensed to practice pharmacy in this state;
2. Successfully completed a training program that meets the requirements specified in subsection (D); and
3. Has a current certificate in basic cardiopulmonary resuscitation.

D. Training program requirements. The provider of a training program for pharmacists to administer immunizations, vaccines, and emergency medications to an eligible adult patient or eligible minor patient shall ensure the training program includes:

1. Basic immunology and the human immune response;
2. Mechanics of immunity, adverse effects, dose, and administration schedule of available vaccines;
3. Response to emergency situations including the administration of emergency medications;
4. Administration of intramuscular injections;
5. Other immunization administration methods; and
6. Recordkeeping and reporting requirements specified in subsection (E).

E. Recordkeeping and reporting.

1. A pharmacist shall document the following for each immunization, vaccine, or emergency medication administered:
   a. Patient name, address, and date of birth;

b. Date of administration and site of injection;

c. Product name, dose, manufacturer's lot number, and expiration date;

d. Name and address of the patient's primary-care provider or physician;

e. Name of the authorized pharmacist or qualified intern or pharmacy technician who administered the vaccine and, if the vaccine was administered by a qualified intern or pharmacy technician, the name of the authorized pharmacist who supervised the qualified intern or pharmacy technician;

f. Record of consultation confirming patient eligibility;

g. Any patient education or consultation provided;

h. Name and date of the vaccine information sheet provided to the patient; and

i. For an eligible minor patient, a signed consent form from the parent or guardian.

2. As required under A.R.S. § 32-1974(E)(1), the pharmacist shall provide a report to the patient's primary-care provider or physician containing the information required in subsections (E)(1)(a) through (d) within 48 hours after administration and document the report was provided within 72 hours.

3. A pharmacy's pharmacist-in-charge or permittee shall ensure the records required in subsection (E)(1) are maintained for at least seven years from the administration date.

F. Confidentiality. A pharmacy permittee shall ensure compliance with all applicable state and federal privacy laws when patient health information is released.

G. Immunizations requiring a prescription order. A pharmacist shall not administer an immunization or vaccine listed in A.A.C. R9-6-1301 without a prescription order. The pharmacist shall comply with subsection (E)(1) if an immunization or vaccine listed in A.A.C. R9-6-1301 is administered.

H. Administration by an intern.

1. The Board authorizes an intern to administer an immunization, vaccine, or emergency medication, only if a pharmacist authorized under subsection (A) verifies the intern is currently licensed in this state, successfully completed a training program that meets the requirements specified in subsection (D); and has a current certificate in basic cardiopulmonary resuscitation.

2. An intern authorized under subsection (H)(1) may administer an immunization, vaccine, or emergency medication to an eligible adult patient or eligible minor patient only under the supervision of a pharmacist authorized under subsection (A).

3. An intern shall not independently order an immunization, vaccine, or emergency medication.

I. Administration by a pharmacy technician.

1. Before a pharmacy technician administers an immunization or vaccine, a pharmacist authorized under subsection (A) shall verify the pharmacy technician is currently licensed in this state, successfully completed a training program that meets the requirements specified in subsection (D), and has a current certificate in basic cardiopulmonary resuscitation.

2. A pharmacy technician qualified under subsection (I)(1) may administer an immunization or vaccine to an eligible adult patient or eligible minor patient only if the administration is delegated by the pharmacist on duty and under the direct supervision of a pharmacist authorized under subsection (A).

3. A pharmacy technician shall not:

a. Order an immunization, vaccine, or emergency medication; or

b. Administer an emergency medication.

J. Definitions. The following definitions apply to this Section:

1. "Eligible adult patient" means an eligible patient who is 13 years of age or older.

2. "Eligible minor patient" means an eligible patient younger than 13 years of age who meets the following minimum age requirements:

a. For influenza vaccine: three years of age or older;

b. For any other immunization or vaccine:

i. Under a standard order or prescription order, three years of age or older; or

ii. Without a standing order or prescription order, in accordance with A.R.S. § 32-1974(A)(1).

3. "Standing order" means a written directive issued by a licensed healthcare provider authorized by a county or tribal public health department or the Arizona Department of Health Services that allows an authorized pharmacist and other qualified pharmacy personnel, to order or administer immunizations, vaccines, or emergency medications to individuals who meet the criteria set forth in the standing order, in accordance with established clinical protocols, without needing a patient-specific prescription order. For the purpose of this Section, a standing order is a prescription order as defined at A.R.S. § 32-1901(87)(c) and required under A.R.S. § 32-1974(B). A standing order may include an effective and expiration date and shall not be relied on if expired, superseded, revoked, or otherwise terminated.

NOTICES OF FINAL RULEMAKING

NOTICE OF FINAL RULEMAKING

TITLE 6. ECONOMIC SECURITY

CHAPTER 2. DEPARTMENT OF ECONOMIC SECURITY
EMPLOYMENT ~~AND TRAINING SERVICES~~ SERVICE

[R26-07]

PREAMBLE

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

November 24, 2025

2. Article, Part, or Section Affected (as applicable)	**Rulemaking Action**
Chapter 2	Amend
R6-2-101	Amend
R6-2-102	Repeal
R6-2-102	New Section
R6-2-103	Repeal
R6-2-103	New Section
R6-2-103	Amend
R6-2-104	Renumber
Article 2	Amend
R6-2-201	Renumber
R6-2-201	New Section
R6-2-201	Amend
R6-2-202	Renumber
R6-2-202	New Section
R6-2-202	Amend
R6-2-203	New Section
R6-2-204	New Section
Article 3	New Article
R6-2-301	New Section
R6-2-302	New Section
R6-2-302	Amend
R6-2-303	New Section
Article 4	New Article
R6-2-401	New Section
R6-2-402	New Section
R6-2-403	New Section

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. §§ 41-1003 and 41-1954(A)(3)
Implementing statute: A.R.S. §§ 23-645 and 23-648

4. The effective date of the rule:

April 5, 2026

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

Not applicable

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

Not applicable

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

Notice of Rulemaking Docket Opening: 31 A.A.R. 1973; Issue Date: June 20, 2025; Issue Number: 25; File Number: R25-124

Notice of Proposed Rulemaking: 31 A.A.R. 2625; Issue Date: August 8, 2025; Issue Number 32; File Number: R25-179

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

Name:	Hiroko Flores
Title:	Deputy Rules Administrator
Division:	Office of the Director
Address:	P.O. Box 6123, Mail Drop 111G Phoenix, AZ 85005 or Department of Economic Security 1789 W. Jefferson St., Mail Drop 111G Phoenix, AZ 85007
Telephone:	(480) 487-7694
Fax:	(602) 542-6000
Email:	rules@azdes.gov
Website:	https://des.az.gov/documents-center/des-rules

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

The rules in 6 A.A.C. 2 govern the Department's Employment Service Program and describe the services available to a job seeker, the priority of service in which a job seeker is served, and the Department's requirements for employers placing job orders. The rules also describe bona fide occupational qualifications, how the Department shall refer job seekers to a job order, and the general provisions regarding Apprenticeship. Finally, the rules provide information about the complaint, appeals, and hearing processes related to Employment Service and Apprenticeship.

These rules were last amended in June 1999. The Wagner-Peyser Act of 1933 has been amended twice since these rules were last amended; once through the Workforce Investment Act of 1998 and again through the Workforce Innovation and Opportunity Act (WIOA) of 2014. These rules require updating to eliminate or update outdated terms, references, and processes. Further, these rules require the addition of language clarifying the Department's designation and role as the Arizona registration agency for apprenticeship program functions. Permission to proceed with this rulemaking was granted by the Governor's Office on March 4, 2024, to make these rules consistent with federal regulations and to update the rules to address inconsistencies identified in the most recent Five-Year Review Report, approved by the Governor's Regulatory Review Council on March 4, 2025.

The Department engaged in informal stakeholder input in 2022, in which the Department received thirteen comments from stakeholders. Substantial revisions were made to the draft rules after these comments were addressed. The Department engaged in additional informal stakeholder input from May 2, 2024, through June 3, 2024, and did not receive any comments. These proposed rules are the product of collaboration among subject matter experts, addressing input received from stakeholders.

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

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

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

Not applicable

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

The most significant changes to these rules are the addition of rules governing the Arizona Apprenticeship Program as required under A.R.S. § 41-1955(6) in Article 4. The Arizona Apprenticeship Program supports a highly skilled workforce and helps to provide a diverse array of talent by nurturing employee engagement and improving job retention. Benefits to apprentices include earning wages while learning a trade, guaranteed wage increases, nationally recognized portable credentials, and an opportunity to earn college credit. Employers also realize a benefit from participating in the Arizona Apprenticeship Program by gaining skilled workers who are receiving training to trade or employer specifications. Skilled workers produce quality outcomes, resulting in reduced turnover and training costs, and promoting and supporting more informed and productive employees. These improvements create a committed workforce and increased productivity.

While there is no cost for employers to register an apprenticeship program, there may be a minimal cost for apprentices to participate in some apprenticeship programs to cover classroom instruction. These costs can be offset with funds from a WIOA Title I-B program for eligible individuals. For those who are not eligible for a WIOA Title I-B program, the benefits of learning a skilled trade and improving job retention prospects and wages outweigh the cost of participating in an apprenticeship program.

The remainder of the revisions update and expand the language of the rules to be more effective, clear, concise, and understand-

able, and to align with the WIOA and current Department practices. The Department estimates that there is no additional cost to the Department to implement these revisions because the rules align with the Department's current practices. The Department does not anticipate an impact to small businesses or consumers.

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

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

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

The Department held an oral proceeding on Tuesday, September 9, 2025, and offered both in-person and virtual options for attendance. There were no comments at the oral proceeding, and no written comments were received during the public comment period, which closed on Tuesday, September 9, 2025.

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:

No other matters are prescribed.

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

The rules do not require a permit.

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

The Department has determined that the rules are not more stringent than corresponding federal law.

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

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 final rulemaking packages:

Not applicable

16. The full text of the rules follows:

TITLE 6. ECONOMIC SECURITY

CHAPTER 2. DEPARTMENT OF ECONOMIC SECURITY EMPLOYMENT ~~AND TRAINING SERVICES~~ SERVICE

ARTICLE 1. GENERAL PROVISIONS

Section
R6-2-101. Definitions and Location of Definitions
~~R6-2-102.~~ ~~Complaints~~ Repealed
R6-2-102. State Workforce Agency
~~R6-2-103.~~ ~~Hearings and Appeals~~ Repealed
~~R6-2-104.~~R6-2-103.Policy of Nondiscrimination; Schedule of Services
R6-2-104. Renumbered

ARTICLE 2. EMPLOYMENT SERVICES PROVIDED ~~BY THE DEPARTMENT~~ TO JOB SEEKERS

Section
R6-2-201. Definitions and Location of Definitions
~~R6-2-202.~~ Renumbered
~~R6-2-201.~~R6-2-202.~~Worker~~ Job Seeker Services and Registration
R6-2-203. Complaint System
R6-2-204. Appeal Rights for Job Seekers

ARTICLE 3. ~~REPEALED~~ EMPLOYMENT SERVICES PROVIDED TO EMPLOYERS

Section
R6-2-301. Definitions and Location of Definitions
~~R6-2-202.~~R6-2-302.Employer Services - General
R6-2-303. Appeal Rights for Employers

ARTICLE 4. ~~OTHER EMPLOYMENT SERVICES AND PROGRAMS~~ ARIZONA APPRENTICESHIP PROGRAM

Section
R6-2-401. ~~Repealed~~ Definitions and Location of Definitions
R6-2-402. ~~Expired~~ Arizona Apprenticeship Program
R6-2-403. ~~Repealed~~ Complaints and Appeals

ARTICLE 1. GENERAL PROVISIONS

R6-2-101. Definitions and Location of Definitions

A. Location of definitions. Definitions applicable to Chapter 2 are found in the following:

Definition	Section or Citation
"Apparent Violation"	20 CFR 651.10
"Appeal"	R6-2-101(B)
"Arizona Apprenticeship Program"	R6-2-101(B)
"ASA"	R6-2-101(B)
"Authorized Representative"	R6-2-101(B)
"Bona Fide Occupational Qualification"	20 CFR 651.10
"Business Day"	R6-2-101(B)
"Complainant"	20 CFR 651.10
"Complaint"	20 CFR 651.10
"Complaint System"	R6-2-101(B)
"Complaint System Representative"	20 CFR 651.10
"Department"	A.R.S. § 41-1951
"Disabled Veteran"	20 CFR 1001.101
"Eligible Person"	20 CFR 1001.101
"Employer"	20 CFR 651.10
"Employment Service"	R6-2-101(B)
"Essential Functions"	29 CFR 1630.2(n)
"Hearing"	R6-2-101(B)
"Hearing Officer"	A.R.S. § 23-609.01
"Individual With a Barrier to Employment"	29 U.S.C. 3102
"Job Order"	20 CFR 651.10
"Job Seeker"	R6-2-101(B)
"Party"	R6-2-101(B)
"Reasonable Accommodation"	29 CFR 38.4
"Special Disabled Veteran"	20 CFR 1001.101
"State Workforce Agency"	20 CFR 651.10
"State Workforce Agency Complaint Official"	R6-2-101(B)
"Veteran"	38 U.S.C. 101
"Veteran of the Vietnam Era"	20 CFR 1001.101
"Wagner-Peyser Act"	R6-2-101(B)

B. The following definitions apply to ~~this~~ Chapter 2:

1. ~~"America's Job Bank" means a nationwide computer database linking more than 1800 local Employment Service offices. The services of America's Job Bank are available to job seekers and employers via the Internet.~~
2. ~~"Applicant" means a person who has applied to the Department for worker services and who is a United States citizen or a non-citizen who is legally authorized to work in the United States.~~
3. ~~"Apprentice" means a worker who is at least age 16 if a higher minimum age standard is otherwise fixed by law, who is employed to learn a skilled trade under standards of apprenticeship that meet the requirements of 29 CFR 29.5 (Office of the Federal Register, National Archives and Records Administration, July 1, 1998), which is incorporated by reference in this rule. This incorporation by reference does not include any later amendments or editions. Copies of the incorporated material are available for inspection at the Department's Authority Library, 1789 West Jefferson, Phoenix, Arizona, and in the Office of the Secretary of State, Public Service Department, 1700 West Washington, Phoenix, Arizona.~~
4. ~~"Apprenticeship agreement" means a written agreement between an apprentice and an employer or a committee acting on behalf of the employer, containing the terms and conditions for employment of the apprentice.~~
5. ~~"Apprenticeship program" means a plan containing all terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices.~~
6. ~~"Apprenticeship program registration" means the acceptance and centralized recording of an apprenticeship program by the ESA that meets the basic standards and requirements established for apprenticeship programs under federal law.~~

7. "Apprenticeship program sponsor" means a person, association, committee, or organization operating an apprenticeship program and in whose name the program is registered and approved.
8. "BFOQ" or "bona fide occupational qualification" means a finding by an employer that age, sex, national origin, or religion is a characteristic necessary to an individual's ability to perform the job.
9. "Department" means the Arizona Department of Economic Security.
10. "DOT" or "Dictionary of Occupational Titles" means the reference work published by the United States Employment Service, which contains brief, non-technical definitions of job titles, distinguishing numeric codes, and worker trait data.
11. "Disabled veteran" means:
    a. A veteran who is entitled to compensation under laws administered by the United States Secretary of Veterans Affairs, or
    b. A person who is discharged or released from active military duty because of a service-connected disability.
12. "Employer job referral services" means Department activities that help an employer obtain workers with the occupational qualifications needed by the employer.
13. "Employment counseling" means formulation of a vocational plan that is consistent with a person's vocational skills and interests, and advice on appropriate measures for implementation of that plan.
14. "Employment test" means a standardized method or device for measuring a person's possession of, interest in, or ability to acquire job skills and knowledge.
15. "ESA" or "Employment Security Administration" means the administrative unit within the Department's Division of Employment and Rehabilitation Services with responsibility for all worker and employer services.
16. "Essential functions of a job" means the fundamental job duties of a particular employment position.
17. "Geographic labor clearance" means Department efforts to facilitate labor mobility by encouraging and guiding migration of workers between geographical areas.
18. "Industrial analysis services" means Department activities to assist employers and labor organizations in determining the cause of worker resource problems in a particular business, and provision of information developed by the USES for resolving such problems.
19. "Job bank" means a computerized list of all currently available jobs and employment opportunities listed with the Department.
20. "Job development" means the process by which the Department obtains a job or interview with an employer for a specific applicant for whom the local ESA office has no suitable job opening on file.
21. "Job order" means a request by an employer for the referral of job seekers made available to job seekers via the Department's Job Bank.
22. "JTPA" means the federal Job Training Partnership Act found at 29 U.S.C. 1501 et seq.
23. "Labor market area" means a geographic area consisting of a central city, or group of cities, and the surrounding territory within a reasonable commuting distance.
24. "Major life activities" means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
25. "Occupational labor clearance" means Department efforts to facilitate labor mobility by encouraging and guiding migration of workers between occupations and industry types.
26. "Older worker" means a person age 40 or older who is working or who is unemployed and wishes to work.
27. "Person with a disability" or "disabled worker" means a person who:
    a. Has a physical or mental impairment that substantially limits 1 or more of that person's major life activities;
    b. Has a record of such an impairment; or
    c. Is regarded as having such an impairment.
28. "Physical or mental impairment" means:
    a. Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting 1 or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine; or
    b. Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
29. "Placement" means that a public or private employer has hired an applicant that the Department referred to the employer for a job or interview.
30. "Qualified worker" means a worker who possesses the skills, knowledge, and abilities to perform the essential functions of a job.
31. "Reasonable accommodation" means a modification of, or an adjustment to a process, position, or term of employment, that will permit a disabled worker to enjoy the same benefits and privileges of employment as those enjoyed by persons without disabilities.
32. "Substandard work order" means a work order:
    a. Containing employment terms that violate employment related laws, or
    b. Offering work at wages or conditions that are substantially inferior to those generally prevailing in the labor market area for the same or similar work.
33. "Substantially limits" when used in reference to a disability, means:
    a. Unable to perform a major life activity that the average person in the general population can perform; or
    b. Significantly restricted as to the condition, manner, or duration under which an individual can perform a particular major life activity as compared to the condition, manner, or duration under which the average person in the general population can perform that same major life activity.
34. "Targeted jobs tax credit" means an income tax credit available to businesses that hire persons whom ESA has certified as meeting certain criteria described in 26 U.S.C. 51 (Office of the Federal Register, National Archives and Records Administration, August 10, 1993), which is incorporated by reference in this rule. This incorporation by reference does not include any later

~~amendments or editions. Copies of the incorporated material are available for inspection at the Department's Authority Library, 1789 West Jefferson, Phoenix, Arizona, and in the Office of the Secretary of State, Public Service Department, 1700 West Washington, Phoenix, Arizona.~~

~~35. "USES" means the United States Employment Service, which is the unit in the United States Department of Labor's Employment and Training Administration designed to promote a national system of public job service offices.~~

~~36. "Veteran" means a person who served in the active military service, and who was discharged or released from service under conditions other than dishonorable.~~

~~37. "Vocational plan" means a plan developed jointly by an ESA counselor or counselor-trainee and an applicant that describes:~~

~~a. The applicant's short-range and long-range occupational goals, and~~

~~b. The actions to be taken to implement the plan.~~

~~38. "Worker" means a U.S. citizen or a non-citizen who is legally authorized to work in the United States and who is employed or who is unemployed and wishes to work.~~

~~39. "Worker services" means the functions the Department performs for the benefit of applicants and workers, including employment counseling, employment testing, preparation of a vocational plan, and referral for employment opportunity.~~

~~40. "Worker job referral services" means Department activities to help a worker promptly obtain a job for which the worker is occupationally qualified.~~

~~41. "Youth worker" means a worker younger than age 22.~~

1. "Appeal" means a request for formal review and resolution of an appealable adverse action.
2. "Arizona Apprenticeship Program" means a complement of structured education and work-based training approved and recognized by the Department, which consists of the Pre-apprenticeship and Registered Apprenticeship Programs.
3. "ASA" means the Appellate Services Administration within the Department responsible for administrative Appeal proceedings.
4. "Authorized Representative" means an individual designated by a Job Seeker or Employer, Complainant, or Appellant to act on behalf of the Job Seeker or Employer, Complainant, or Appellant in matters regarding a Complaint or Appeal filed by the Complainant or Appellant or in other matters in which the Job Seeker, Employer, Complainant, or Appellant requires assistance.
5. "Business Day" means Monday through Friday, excluding holidays listed in A.R.S. § 1-301.
6. "Complaint System" means the uniform process the Department follows to accept, investigate, resolve, and refer Complaints and Apparent Violations of Employment Service statutes, regulations, and rules.
7. "Employment Service" means the same as the Wagner-Peyser Act Employment Service in 20 CFR 651.10.
8. "Hearing" means a formal administrative proceeding to hear an Appeal conducted by a Hearing Officer.
9. "Job Seeker" means an individual who is legally authorized to work in the United States and who wishes or is required to obtain employment.
10. "Party" means any individual or entity who may be directly affected by the outcome of a Complaint or Appeal.
11. "State Workforce Agency Complaint Official" means the individual designated by the Department to oversee the operations of the Employment Service Complaint System.
12. "Wagner-Peyser Act" means the federal law established in 29 U.S.C. 4B, and implemented by 20 CFR 651 through 658, pertaining to a national employment system.

~~R6-2-102.~~ ~~Complaints~~ Repealed

~~The Department shall process all complaints related to the provision of employment services under 20 CFR 658.400 through 658.416 (Office of the Federal Register, National Archives and Records Administration, April 1, 1998), which are incorporated by reference in this rule. This incorporation by reference does not include any later amendments or editions. Copies of the incorporated material are available for inspection at the Department's Authority Library, 1789 West Jefferson, Phoenix, Arizona, and in the Office of the Secretary of State, Public Service Department, 1700 West Washington, Phoenix, Arizona.~~

R6-2-102. State Workforce Agency

A. The Department is the State Workforce Agency under the Wagner-Peyser Act.

B. The Department shall establish and operate a Complaint System as required under 20 CFR 658.410 through 20 CFR 658.418.

~~R6-2-103.~~ ~~Hearings and Appeals~~ Repealed

~~The Department shall conduct any hearing or appeal to which an employer, applicant, or worker may be entitled under applicable state or federal employment services laws, and 20 CFR 658.417 and 658.418 (Office of the Federal Register, National Archives and Records Administration, April 1, 1998), which are incorporated by reference in this rule. This incorporation by reference does not include any later amendments or editions. Copies of the incorporated material are available for inspection at the Department's Authority Library, 1789 West Jefferson, Phoenix, Arizona, and in the Office of the Secretary of State, Public Service Department, 1700 West Washington, Phoenix, Arizona.~~

~~R6-2-104.~~R6-2-103.Policy of Nondiscrimination; Schedule of Services

~~In the administration of the state employment office, the~~ The Department shall:

~~A.~~1. Not discriminate against any ~~applicant~~ Job Seeker or ~~employer~~ Employer ~~because of age, race, sex, color, religious creed, national origin, disability or political affiliation or belief unless a BFOQ exists~~ in compliance with federal and state nondiscrimination laws;

~~B.~~2. ~~Actively promote~~ Promote an employment ~~opportunities~~ opportunity for ~~disadvantaged workers~~ an Individual With a Barrier to Employment and encourage ~~employers~~ an Employer to hire ~~workers~~ a Job Seeker on the basis of objective qualifications; and

~~C.~~3. ~~Use the following priority schedule to select~~ Select and refer ~~qualified applicants~~ a Job Seeker for work according to the following priority:

~~1.~~a. Special Disabled ~~veteran applicants~~ Veteran Job Seeker;

~~2.~~b. ~~Other veteran applicants~~ Veteran of the Vietnam Era Job Seeker;
c. A Disabled Veteran other than a Special Disabled Veteran Job Seeker;
d. Any other Veteran and Eligible Person; and
~~3.~~e. ~~Other applicants~~ Any other Job Seeker.

~~R6-2-104.~~ Renumbered

ARTICLE 2. EMPLOYMENT SERVICES PROVIDED ~~BY THE DEPARTMENT~~ TO JOB SEEKERS

~~R6-2-201.~~ ~~Worker Services~~ Renumbered

R6-2-201. Definitions and Location of Definitions

A. Location of Definitions. Definitions applicable to Article 2 are found in the following:

Definition	Section or Citation
"Appeal"	R6-2-101(B)
"Arizona Apprenticeship Program"	R6-2-101(B)
"Complainant"	20 CFR 651.10
"Complaint"	20 CFR 651.10
"Complaint System"	R6-2-101(B)
"Department"	A.R.S. § 41-1951
"Disability"	29 CFR 38.4
"Employer"	20 CFR 651.10
"Employment Service"	R6-2-101(B)
"Essential Functions"	29 CFR 1630.2(n)
"Hearing"	R6-2-101(B)
"Hearing Officer"	A.R.S. § 23-609.01
"Job Order"	20 CFR 651.10
"Job Seeker"	R6-2-101(B)
"Labor Exchange System"	R6-2-201(B)
"Local Workforce Development Board" or "LWDB"	29 U.S.C. 3122
"Reasonable Accommodation"	29 CFR 38.4
"Regional Administrator"	20 CFR 651.10
"State Workforce Agency Complaint Official"	R6-2-101(B)
"WIOA"	R6-2-201(B)

B. The following definitions apply to Article 2:
1. "Labor Exchange System" means a Department web-based job-matching and labor market information database operated as required under 20 CFR 652.3 and can be accessed on the Department's website.
2. "WIOA" means the Workforce Innovation and Opportunity Act of 2014 (P.L. 113-128 and 29 U.S.C. 3101-3361).

~~R6-2-202.~~ ~~Employer Services~~ Renumbered

~~R6-2-201.~~R6-2-202.~~Worker~~ Job Seeker Services and Registration

A. ~~As permitted by available resources, the~~ The Department shall provide ~~services to a worker who is a United States citizen or a non-citizen authorized to work in the United States. The services include but are not limited to the following~~ a Job Seeker with:
1. ~~Employment counseling~~ Information about the Arizona Apprenticeship Program; and
2. ~~Aptitude testing;~~ Other information and employment resources, including workshops, assistance with creating a resume, preparing for a job interview, job searching, career assessment, and goal setting, depending on available resources.
3. ~~Apprenticeship training; and~~
4. ~~Job referral services.~~

B. A ~~worker~~ Job Seeker ~~applying for~~ requesting services ~~shall file an application with~~ from the Department~~. The application shall include the worker's:~~ may complete a registration in the Labor Exchange System, which shall include the Job Seeker's
~~1.~~ ~~Name,~~name, address, ~~telephone~~ phone number, ~~social security number, and~~ date of birth~~;~~, and email address, if available.
1. Additional Job Seeker registration information in the Labor Exchange System may include the Job Seeker's:
~~2.~~a. Prior work experience, including information on salary, job duties, and any past military service;
~~3.~~b. ~~Educational background~~ Education, including technical or other vocational training that the ~~worker~~ Job Seeker has completed;
~~4.~~c. Career goals~~, hobbies, and volunteer work~~;
~~5.~~d. Availability for work, including a willingness to travel or relocate, desire for ~~full~~ full-time or part-time employment, and desired working hours; ~~and~~ or
~~6.~~e. Special skills or proficiencies, including fluency in a language other than English, or the use of equipment.
2. The Department will collect and maintain Job Seeker data and records as required by the United States Department of Labor under 29 CFR 38.41.

~~C.~~ ~~The Department shall obtain information about a worker's disability as is necessary to provide the worker with appropriate services. This information may include asking the worker whether the worker can perform the essential functions of a particular job, with or without reasonable accommodation.~~

~~D.~~ ~~When the Department conducts employment testing, the Department shall:~~
~~1.~~ ~~Use only standardized tests and techniques approved by the United States Employment Service; and~~

~~2. Not release the results of the tests without the written consent of the tested worker.~~

R6-2-203. Complaint System

A. A Job Seeker who believes there has been a violation of Employment Service or employment-related law or regulation may file a Complaint through the Complaint System, which can be accessed on the Department's website within two years from the date of the alleged violation. The Complaint System Representative shall:
1. Investigate an Employment Service Complaint under 20 CFR 658.411(d)(2); or
2. Refer a non-Employment Service related Complaint to the appropriate enforcement agency or official for resolution.

B. If the Complaint System Representative is unable to resolve a Complaint to the satisfaction of the Complainant, the Complaint System Representative shall submit the Complaint to the State Workforce Agency Complaint Official, who will review the Complaint for further action and provide a written decision as required under 20 CFR 658.411(d).

C. Complaints Alleging Discrimination.
1. A Complainant who alleges a violation of federal and state nondiscrimination laws may file a Complaint directly with the Department's Office of Equal Opportunity.
2. Upon receipt of the Complaint alleging discrimination, the Department's Office of Equal Opportunity shall follow the requirements under 29 CFR 38(D).
3. The Department's Office of Equal Opportunity shall advise a Complainant who has alleged a violation of the nondiscrimination provisions of WIOA Section 188 or 29 CFR 38 of the right to file a Complaint directly with the U.S. Department of Labor, Office of Civil Rights, and provide the Complainant with instructions on how to do so within five calendar days.

R6-2-204. Appeal Rights for Job Seekers

A. A Complainant may file an Appeal regarding the outcome of the action taken under R6-2-203(B) with the Department within 20 Business Days of when:
1. The State Workforce Agency Complaint Official fails to make and provide the Complainant with a decision regarding an alleged violation of Employment Service regulations within 20 Business Days of the date the State Workforce Agency Complaint Official received the Complaint under 20 CFR 658.411(d)(5); or
2. The State Workforce Agency Complaint Official provided a written determination regarding an alleged violation of Employment Service regulations, but the Complainant is unsatisfied with the decision.

B. Upon receipt of an Appeal, the Department shall provide a written notification as required under A.R.S. § 41-1061 to each Party.
1. The State Workforce Agency Complaint Official shall provide a copy of any document used in the determination of the Complaint to each Party.
2. A Hearing shall be conducted by ASA as required under 20 CFR 658.417.
3. The Hearing Officer shall review each submitted document, conduct the Appeals Hearing, and issue a written decision as required under 20 CFR 658.418(b).
4. If the Department issues an adverse decision to the Party who filed the Appeal, the Department shall advise the Party of the right to further Appeal as described under R6-2-204(C).

C. A Party who disagrees with a Hearing Officer's decision may file a written Appeal with the United States Department of Labor Regional Administrator, as authorized under 20 CFR 658.418(c), within 20 Business Days of the Hearing Officer's decision.

ARTICLE 3. ~~REPEALED~~ EMPLOYMENT SERVICES PROVIDED TO EMPLOYERS

R6-2-301. Definitions and Location of Definitions

Location of Definitions. Definitions applicable to Article 3 are found in the following:

Definition	Section or Citation
"Appeal"	R6-2-101(B)
"Bona Fide Occupational Qualification"	20 CFR 651.10
"Business Day"	R6-2-101(B)
"Department"	A.R.S. § 41-1951
"Employer"	20 CFR 651.10
"Employment Service"	R6-2-101(B)
"Essential Functions"	29 CFR 1630.2
"Hearing"	R6-2-101(B)
"Hearing Officer"	A.R.S. § 23-609.01
"Job Order"	20 CFR 651.10
"Job Seeker"	R6-2-101(B)
"Labor Exchange System"	R6-2-201(B)
"Reasonable Accommodation"	29 CFR 38.4
"Regional Administrator"	20 CFR 651.10
"State Workforce Agency Complaint Official"	R6-2-101(B)

~~R6-2-202.~~R6-2-302.Employer Services - General

A. An Employer requesting services from ~~The~~ the Department shall ~~require the following information from an employer who places a job order~~ complete a registration in the Labor Exchange System, including providing, at a minimum, the Employer's:
1. ~~A description of the essential functions of the job in sufficient detail to permit the Department to ascertain the qualifications a worker needs to satisfactorily perform the work, with or without reasonable accommodation~~ Company name, address, phone number, and email address; and

2. ~~An employer's hiring requirements, including the type of license or certification needed, or the type of equipment or tools the worker must supply;~~ Federal Employer Identification Number.
3. ~~The terms and conditions of work, including hours, salary, benefits, promotional opportunities, and travel requirements;~~
4. ~~The job location and instructions for arranging a job interview.~~

B. ~~The~~ When placing a Job Order with the Department, ~~shall refer workers to the employer who most closely match the requirements in the job order. If qualified workers are not available from the Department's files and, if resources are available, the Department shall recruit qualified workers to fill the employer's order.~~ an Employer shall Provide:

1. The Essential Functions in sufficient detail to permit the Department to determine the qualifications a Job Seeker needs to perform the work with or without Reasonable Accommodation;
2. The Employer's hiring requirements, including any license or certification required, or any equipment or tools the worker shall supply;
3. The terms and conditions of work, which may include hours, salary, benefits, advancement opportunities, or travel requirements;
4. The job location; and
5. Instructions for how the Job Seeker shall apply for the job or how to obtain an interview with the Employer.

C. Job Orders

1. The Department shall not accept a ~~job order~~ Job Order from an ~~employer~~ Employer ~~for processing~~ if:
   ~~1.~~a. The ~~employer's requirements are discriminatory based on age, sex, national origin, or religion, unless the discriminatory characteristic is a bona fide occupational qualification necessary to perform the job. An example of a bona fide occupational qualification that is not discriminatory is the requirement for a female worker in a female intimate apparel retail outlet.~~ Job Order discriminates against any Job Seeker or Employer, as prohibited by federal and state nondiscrimination laws;
   ~~2.~~b. ~~The terms and conditions of work are substandard under A.R.S. § 23-776(C)(2).~~ wages, hours, or other working conditions offered are of a considerably lesser value or benefit to a potential Job Seeker than those prevailing for similar work in the locality;
   ~~3.~~c. The position is vacant due directly to a strike, lockout, or other labor dispute or conflict between ~~employers~~ the Employer and workers~~, including wage disputes and collective bargaining efforts.~~; or
   ~~4.~~d. A ~~worker~~ Job Seeker is required to pay a fee to the Employer to secure or retain ~~for~~ the job.
2. The Department shall notify the Employer in writing, as required under 20 CFR 658.502, to explain why the Job Order is unacceptable and provide the Employer an opportunity to revise the Job Order.

~~**D.**~~3. If an ~~employer~~ Employer refuses to ~~modify a job order deemed unacceptable by subsection (C),~~ revise the unacceptable Job Order as described in subsection (C)(2) within 20 Business Days of the date the Department ~~shall notify the employer in writing of discontinuance of services. The notification shall include the employer's right of appeal~~ notified the Employer, as described under subsection (D), or fails to provide evidence described under 20 CFR 658.502(a), the State Workforce Agency Complaint Official shall initiate a discontinuation of services to the Employer as required under 20 CFR 658.501.

D. The Department shall initiate a discontinuation of services to an Employer when any of the conditions described under 20 CFR 658.501(a) exist.

R6-2-303. Appeal Rights for Employers

A. An Employer may request a Hearing when a discontinuation of services is initiated.
B. A Hearing shall be conducted by ASA under 20 CFR 658.417.
C. A Hearing Officer shall conduct a Hearing and provide a written decision to the Employer as required under 20 CFR 658.418.
D. An Employer who disagrees with a Hearing Officer's decision may file a written Appeal with the Regional Administrator under 20 CFR 658.418(c) within 20 Business Days of the Hearing Officer's decision.

ARTICLE 4. ~~OTHER EMPLOYMENT SERVICES AND PROGRAMS~~ ARIZONA APPRENTICESHIP PROGRAM

R6-2-401. ~~Repealed~~ Definitions and Location of Definitions

A. Location of Definitions. Definitions applicable to Article 4 are found in the following:

"AAAC Hearing"	R6-2-401(B)
"Appeal"	R6-2-101(B)
"Apprentice"	29 CFR 29.2
"Apprenticeship Agreement"	29 CFR 29.2
"Apprenticeship Committee"	29 CFR 29.2
"Arizona Apprenticeship Advisory Committee" or "AAAC"	R6-2-401(B)
"Arizona Apprenticeship Program"	R6-2-101(B)
"Certificate" or "Certification"	29 CFR 29.2
"Collective Bargaining Agreement"	R6-2-401(B)
"Complainant"	20 CFR 651.10
"Complaint"	20 CFR 651.10
"Department"	A.R.S. § 41-1951
"Employer"	20 CFR 651.10
"Employment Service"	R6-2-101(B)
"Informal Resolution"	R6-2-401(B)
"Journeyworker"	29 CFR 29.2
"On-the-Job Training"	29 U.S.C. 3102
"Pre-apprenticeship Program"	R6-2-401(B)
"Provisional Registration"	29 CFR 29.2

"Quality Assurance Assessment"	29 CFR 29.2
"Registered Apprenticeship Program"	R6-2-401(B)
"Registration Agency"	29 CFR 29.2
"Registration of an Apprenticeship Program"	29 CFR 29.2
"Related Instruction"	29 CFR 29.2
"Sponsor"	29 CFR 29.2
"State Apprenticeship Agency"	29 CFR 29.2

B. The following definitions apply to Article 4:

1. "Arizona Apprenticeship Advisory Committee" or "AAAC" means the same as the State Apprenticeship Council in 29 CFR 29.2.
2. "AAAC Hearing" means a proceeding conducted by the AAAC.
3. "Collective Bargaining Agreement" means a written agreement negotiated between an employer (or group of employers) and the bargaining representative (or bargaining representatives) of a labor union to which employees of the employer (or group of employers) belong that addresses such topics as wages, hours, workplace health and safety, employee benefits, and other terms and conditions of employment.
4. "Informal Resolution" means a voluntary process for resolving a Complaint without an AAAC Hearing that includes each Party involved in a Complaint.
5. "Pre-apprenticeship Program" means a structured education and work-based training, connected with a Registered Apprenticeship Program, which provides an individual who does not currently possess the minimum qualifications for admission into a Registered Apprenticeship Program with the foundational knowledge and skills needed to gain acceptance into, and succeed in, a Registered Apprenticeship Program.
6. "Registered Apprenticeship Program" means a structured education and work-based training that is registered by the Department that comprises a paid, supervised On-the-Job Training component and a Related Instruction component to supplement the on-the-job learning and is available to anyone who is at least 16 years old.

R6-2-402. ~~Expired~~ Arizona Apprenticeship Program

A. The Department is designated as the Registration Agency for apprenticeship functions as described under A.R.S. § 41-1955(6) and conforms with the requirements of 29 CFR 29 and 29 CFR 30.

B. Arizona Apprenticeship Advisory Committee.

1. Under 29 CFR 29.13(a)(2), the Department, as the State Apprenticeship Agency, shall establish a State Apprenticeship Council that operates under the direction of the State Apprenticeship Agency and shall be designated as the AAAC.
2. The composition and the members of the AAAC shall meet the requirements outlined under 29 CFR 29.13(a)(2).
3. Each member of the AAAC shall receive training from the Department on 29 CFR 29, 29 CFR 30, and this Article, which governs the Arizona Apprenticeship Program.
4. The AAAC shall provide advice and guidance to the Department regarding Arizona Apprenticeship Programs.

C. Registration of an Apprenticeship Program.

1. To complete the Registration of an Apprenticeship Program, the Sponsor shall provide the following:
   a. Federal Employer Identification Number;
   b. The occupation or trade in which the person or organization is seeking to provide a Registered Apprenticeship Program on the approved list of occupations or trades on the Department's website that meets the criteria under 29 CFR 29.4;
   c. The contact information of the recognized subject matter expert for the Registered Apprenticeship Program at the location in which the Registered Apprenticeship Program will be provided; and
   d. A written plan of program standards as required under 29 CFR 29.5(b).
2. The Department shall not approve an Arizona Apprenticeship Program in which standards provided in the Arizona Apprenticeship Program's written plan contain language that governs the wages, working conditions, employment, or fringe benefits for a Journeyworker.
3. Any revisions to an Apprenticeship Program's written plan submitted under subsection(C)(1) shall be submitted to the Department for review and approval.
4. Upon approval of the Arizona Apprenticeship Program's written plan, the Department shall register the Sponsor's Arizona Apprenticeship Program and enter the Arizona Apprenticeship Program into the federal online portal.
5. The Department shall issue a Certificate of registration when:
   a. The Department receives all required information and documentation to complete a Registration of an Apprenticeship Program; and
   b. The standards of the Arizona Apprenticeship Program provided in the written plan are for an approved trade or occupation and meet or exceed standards described under 29 CFR 29 and 29 CFR 30.

D. Sponsor.

1. A Sponsor shall assume the full responsibility for the administration and operation of a Registered Apprenticeship Program.
2. A Sponsor shall report to the Department any change in the current contact information, which is made available on the Department's website.

E. Apprenticeship Agreement.

1. An Apprenticeship Agreement between a Sponsor and an Apprentice shall include the information required under 29 CFR 29.7.
2. If an Apprenticeship Agreement does not conform to 29 CFR 29.7, the Department shall assist the Sponsor and Apprentice until the Department is able to approve the Apprenticeship Agreement.

3. An Apprenticeship Agreement may only be modified when factors related to the Sponsor or Apprentice's name and contact information, On-the-Job Training, or Related Instruction standards required under subsection (C)(1) change in the Arizona Apprenticeship Program.

F. Apprenticeship Committee.

1. A Sponsor may establish an Apprenticeship Committee consisting of an equal number of Employer and employee representatives appointed by the Sponsor to:
   a. Receive applications for, interview for, and determine the selection of an individual to participate in an Arizona Apprenticeship Program based on the individual's qualifications and a selection method under 29 CFR 30.10;
   b. Ensure that an Apprentice selected to participate in an Arizona Apprenticeship Program completes an Apprenticeship Agreement;
   c. Ensure every Apprenticeship Agreement is submitted for approval and registration with the Department under subsection (E)(2);
   d. Ensure that Complaint procedures related to noncompliance are provided to the Department;
   e. Ensure an Apprentice selected to participate in an Arizona Apprenticeship Program receives On-the-Job Training and Related Instruction as provided in the standards of the written plan of the Arizona Apprenticeship Program registered under subsection (C)(4); and
   f. Maintain records, as required under 29 CFR 30.13, of each Apprentice who participates in an Arizona Apprenticeship Program, including the progress of job performance and Related Instruction in the Arizona Apprenticeship Program.
2. If a Sponsor does not appoint an Apprenticeship Committee, the Sponsor shall be responsible for the duties in subsection (E)(1)(a) through (e).

G. Provisional Registration.

1. An Arizona Apprenticeship Program that is recommended for approval by the Department shall be approved for Provisional Registration for one year as required under 29 CFR 29.3(g) and (h).
2. The Department shall review each Arizona Apprenticeship Program and shall provide technical assistance during the Provisional Registration, as needed.
3. Upon satisfactory completion of the Provisional Registration, the Department shall permanently approve the Registration of an Apprenticeship Program. The Department shall notify the AAAC of the Registration of an Apprenticeship Program's permanent approval status.
4. The Department shall deregister an Arizona Apprenticeship Program if it is not in operation or is determined by the Department to be out of conformance with the regulations during the provisional approval period.

H. Periodic Reviews of an Arizona Apprenticeship Program.

1. The Department shall verify that a Sponsor's Registered Apprenticeship Program is conducted as required under 29 CFR 30.
2. The Department shall conduct a periodic Quality Assurance Assessment of each Registered Apprenticeship Program to determine whether the Registered Apprenticeship Program complies with the written plan of program standards submitted under subsection (C)(1) and applicable federal and state laws and regulations.
3. The Department shall provide a report to the Sponsor or Apprenticeship Committee that contains findings from the Quality Assurance Assessment for review and resolution.
   a. The Department shall recommend the continuance of a Registered Apprenticeship Program that successfully meets the standards established in the Arizona Apprenticeship Program's written plan.
   b. The Department shall recommend a Registered Apprenticeship Program that does not meet the standards established in the Arizona Apprenticeship Program's written plan be deregistered as authorized under 29 CFR 29.8.

R6-2-403. ~~Repealed~~ Complaints and Appeals

A. Complaints Concerning the Arizona Apprenticeship Program.

1. Each Sponsor or Apprenticeship Committee shall ensure that Complaint procedures are provided to the Department regarding noncompliance with or any matter concerning:
   a. The standards of the Arizona Apprenticeship Program identified in the written plan under R6-2-402(C)(1);
   b. An Apprenticeship Agreement; or
   c. Federal or state laws or regulations, or a Sponsor's or Apprenticeship Committee's administrative policies.
2. A Complaint shall be in writing and signed by the Complainant or the Complainant's Authorized Representative. The Complaint shall set forth the specific matter or matters complained of, together with relevant facts and circumstances.
3. An Apprentice who has a Complaint about an Arizona Apprenticeship Program not covered by a Collective Bargaining Agreement shall seek Informal Resolution with the Sponsor or Apprenticeship Committee under the Sponsor's or Apprenticeship Committee's Complaint procedures.
4. An Apprentice who has a Complaint about an Arizona Apprenticeship Program that is covered by a Collective Bargaining Agreement shall follow the standards in the Collective Bargaining Agreement.
5. If a Complaint is unable to be resolved through Informal Resolution or a Collective Bargaining Agreement, an Apprentice or an Apprentice's Authorized Representative may submit a written Complaint to the Department within 60 calendar days of the final decision provided during Informal Resolution or Collective Bargaining Agreement, as required under 29 CFR 29.12.
6. The Department shall review each Complaint and any supporting documentation and may propose a resolution to the Complainant.
   a. If the Department determines that a Complaint is unable to be resolved and warrants further investigation, the Department shall refer the Complaint to an administrative sub-committee within the AAAC for a complete review of the specific Arizona Apprenticeship Program under which the Complaint has been filed to determine if the Arizona Apprenticeship Program complies with 29 CFR 29.

b. The sub-committee shall, upon completing a review of the Complaint, notify each Party in writing, as required under 29 CFR 29.12(d), whether a Complaint warrants an AAAC Hearing and shall include Appeal rights in the notification.

7. The sub-committee shall refer a Complaint to the AAAC for an AAAC Hearing if:
   a. The Complainant is not satisfied with an Informal Resolution; or
   b. The sub-committee refers a Complaint to the AAAC after a complete review.

B. AAAC Hearing.

1. The AAAC shall schedule an AAAC Hearing if the AAAC sub-committee has determined an AAAC Hearing is warranted under subsection (A)(2).
2. The AAAC shall provide a written notice, which may be provided via the United States Postal Service, or its successor, or email if requested, to each Party involved in the Complaint that includes:
   a. The date, time, and location, whether virtual or in-person, of the AAAC Hearing;
   b. A statement of the issues involved in the Complaint; and
   c. A general statement of the AAAC Hearing procedures.
3. An AAAC Hearing shall be conducted by the AAAC chairperson.
4. The AAAC chairperson shall provide an opportunity for each Party to present evidence to be considered in the AAAC chairperson's decision regarding the Complaint.
5. If the Complainant does not appear at the AAAC Hearing, the AAAC shall reschedule the AAAC Hearing. If the Complainant fails to appear at the rescheduled AAAC Hearing, the AAAC shall dismiss the Complaint without prejudice.
6. The AAAC chairperson shall provide a decision to the Parties in writing within 30 calendar days of the date of the AAAC Hearing.
7. A Party who does not agree with the decision of an AAAC Hearing may file an Appeal with the United States Department of Labor, Office of Apprenticeship, within 30 calendar days of the date a Party receives the decision of the AAAC.

C. Complaints Concerning Discrimination or Other Equal Opportunity Matters.

1. An Apprentice or applicant for an Arizona Apprenticeship Program who alleges a violation of federal and state non-discrimination laws regarding selection or participation in an Arizona Apprenticeship Program may submit a verbal or written Complaint with the Department's Office of Equal Opportunity within 300 calendar days of the alleged occurrence that includes:
   a. The Complainant's name, address, and telephone number or other contact information;
   b. The person or entity the Complainant alleges is responsible for the alleged discrimination;
   c. A description of the event the Complainant alleges were discriminatory, including the date of the alleged discrimination and the reason the Complainant believes the action was discriminatory; and
   d. The Complainant's or Complainant's Authorized Representative's signature.
2. The Department's Office of Equal Opportunity shall provide a written determination to the Complainant and the Department upon completion of an investigation of a discrimination Complaint within 90 calendar days of receipt of the Complaint, as required under 29 CFR 30.14(c).
3. If the Office of Equal Opportunity determines a Sponsor is not following 29 CFR 30, the Department shall initiate enforcement actions as authorized under 29 CFR 30.15.

D. Deregistration and Reinstatement.

1. The Sponsor or the Department may deregister an Arizona Apprenticeship Program as authorized under 29 CFR 29.8.
2. A Sponsor may file an Appeal in response to the Department's decision to deregister an Arizona Apprenticeship Program with the United States Department of Labor as authorized under 29 CFR 29.10.
3. The Department may reinstate an Arizona Apprenticeship Program that has been deregistered as authorized under 29 CFR 29.9.

NOTICE OF FINAL RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 8. DEPARTMENT OF HEALTH SERVICES
FOOD, RECREATIONAL, AND INSTITUTIONAL SANITATION

[R26-08]

PREAMBLE

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

December 19, 2025

2. Article, Part, or Section Affected (as applicable)	**Rulemaking Action**
R9-8-119	Repeal
Article 9	New Article
R9-8-901	New Section
R9-8-902	New Section
R9-8-903	New Section
R9-8-904	New Section
R9-8-905	New Section
R9-8-906	New Section
R9-8-907	New Section

R9-8-908	New Section
R9-8-909	New Section
R9-8-910	New Section
Table 9.1	New Section
R9-8-911	New Section
Table 9.2	New Section
Table 9.3	New Section
R9-8-912	New Section
R9-8-913	New Section

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. §§ 36-132(A)(14), 36-136(A)(4), (6), and (7)
Implementing statute: A.R.S. §§ 36-901 through 36-916

4. The effective date of the rule:

April 6, 2026

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

Not applicable

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

Not applicable

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

Notice of Rulemaking Docket Opening: 30 A.A.R. 2845, September 13, 2024, Issue Number: 37, File Number: R24-172
Notice of Proposed Rulemaking: 31 A.A.R. 1630, May 23, 2025, Issue Number: 21, File Number: R25-92
Notice of Supplemental Proposed Rulemaking: 31 A.A.R. 2444, July 25, 2025, Issue Number: 30, File Number: R25-165

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

Name:	Myrna Motta
Title:	Deputy Bureau Chief
	Bureau of Resiliency and the Environment
Division:	Public Health Resiliency, Environment, and Policy
Address:	Arizona Department of Health Services Office of Food Safety and Environmental Services 150 N. 18th Ave., Suite 320 Phoenix, AZ 85007
Telephone:	(602) 390-6307
Email:	Myrna.Motta@azdhs.gov
	or
Name:	Stacie Gravito
Title:	Office Chief
Address:	Arizona Department of Health Services Office of Administrative Counsel and Rules 150 N. 18th Ave., Suite 540 Phoenix, AZ 85007
Telephone:	(602) 542-1020
Fax:	(602) 364-1150
Email:	Stacie.Gravito@azdhs.gov

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

The Arizona Department of Health Services (Department) entered into a cooperative agreement with the Food & Drug Administration to participate in the nationally integrated food safety system that governs Current Good Manufactured Practices. The Department established a Manufactured Food Regulatory Program to implement an integrated, risk-based, food safety system focused on

protecting public health statewide, in compliance with Arizona Revised Statutes (A.R.S.) § 36-136(A)(4) and (7) and 36-132(A)(14). The Department plans to adopt rules in Arizona Administrative Code Title 9, Chapter 8, Article 9 to regulate facilities that provide manufactured foods to Arizonians. The new rules will provide minimum standards for measuring and improving the performance of prevention, intervention, and response activities of manufactured foods; and will regulate activities to reduce foodborne illness. The rules will include requirements for sanitary facilities and controls, equipment, personnel, operations, processes and controls, quality assurance, inspection, and incident investigation. The Department received rulemaking approval pursuant to A.R.S. § 41-1039 on September 7, 2023, and plans to adopt rules for manufactured foods through regular rulemaking. The new rules will conform to the rulemaking format and style requirements of the Governor's Regulatory Review Council and the Office of the Secretary of State.

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:

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

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

Not applicable

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

The Arizona Department of Health Services (Department) entered into a cooperative agreement with the Food & Drug Administration (FDA) to participate in the nationally integrated food safety system governed by Current Good Manufacture Practices (CGMPs). To implement this, the Department established the Manufactured Food Regulatory Program, a risk-based food safety system aimed at protecting public health across Arizona in compliance with A.R.S. §§ 36-136(A)(4), (7), and 36-132(A)(14). The Department plans to adopt rules under Arizona Administrative Code Title 9, Chapter 8, Article 9 to regulate facilities that produce manufactured foods for consumers in Arizona. The new rules establish comprehensive sanitation and safety regulations for manufactured food facilities, with the goal of reducing foodborne illnesses through prevention, intervention, and response activities. These regulations provide minimum standards for sanitary facilities, equipment, personnel, operations, processes, quality assurance, and incident investigation. They also include requirements for hazard analysis, risk-based preventive controls, and supply chain program standards. The rulemaking creates 13 new Sections and three new Tables, addressing application processes, inspection protocols, license denials, enforcement procedures, and record-keeping obligations. By aligning with FDA manufactured food regulatory standards, which were shaped by the Food Safety Modernization Act (FSMA), these rules integrate state and federal practices to ensure food safety and proper labeling.

The Department expects the rules to affect the Department itself, county health departments, privately owned food manufacturers, and the general public. Annual cost/revenue changes are designated as minimal when $1,000 or less, moderate when between $1,000 and $10,000, and substantial when $10,000 or greater in additional costs or revenues. A cost is listed as significant when meaningful or important, but not readily subject to quantification.

The rules set standards for manufactured food facilities, covering general provisions, good manufacturing practices, hazard analysis, and risk-based preventive controls. They address modified requirements, exemption withdrawals, record-keeping, and supply chain standards. The regulations outline processes for applications, inspections, license denials, suspensions, and revocations, as well as compliance and enforcement measures. Each rule also specifies whether chapters are fully or partially incorporated, detailing any modifications or exclusions made by the Department.

In this rulemaking, the Department is adopting rules to align state regulations with federal food safety standards, including Title 21 CFR Part 117, which governs good manufacturing practices, hazard analysis, and risk-based preventive controls. Facilities seeking licensure must apply annually, and licenses will be non-transferable. The use of marijuana in food products is prohibited, while certain products, like spirituous liquors, are exempt. The Department will adopt most federal Current Good Manufacturing Practices (CGMPs) but has modified some requirements on hazard analysis, supply chain programs, and record-keeping to enhance transparency and ensure timely access to records. The rules define key terms, such as "farm" and "manufactured food facility," and outline licensees' responsibilities, including adherence to inspection protocols. License applications require detailed information, and facilities must notify the Department of significant changes. Inspections will be risk-based, with reports focusing on food safety practices. The rules also cover license denials, suspensions, and revocations for non-compliance or health hazards, and provide licensees the opportunity to appeal decisions. Enforcement measures include the Department's authority to halt operations that pose a public health risk, with facilities required to correct violations. In cases of ongoing non-compliance, the Department can seek court injunctions. The Department expects these rule changes to improve the effectiveness and clarity of food safety regulations, benefiting both regulatory bodies and the food industry.

The new manufactured food program may delegate the responsibility for inspecting manufactured food kitchens to Arizona's county health departments, which already have agreements with the state to conduct inspections under Article 1. Counties may face minimal additional costs, including personnel expenses for hiring or training inspectors, equipment upgrades, and increased

administrative tasks like managing inspections and compliance. However, since counties already inspect licensed food facilities, these added costs are expected to be small. While this delegation may save the state money in the short term, there could be future expenses if counties struggle to maintain inspection quality, requiring state oversight and resources.

The rulemaking impacts small businesses, including privately owned manufacturers such as bakeries, canneries, bottling plants, and snack food producers, by requiring compliance with state and federal regulations on food safety. These businesses must adhere to good manufacturing practices, preventive controls, and regular inspections under Title 21 CFR Part 117. While essential for ensuring food safety, these requirements may create operational and financial challenges for smaller businesses, which have fewer resources to manage compliance with labeling, sanitation, and inspection standards.

The general public is not expected to bear additional costs from the rulemaking. Instead, the Department expects that the public will benefit from the increased protections provided by the new regulations, which ensure food is produced and stored under sanitary conditions, reducing the risk of contamination and foodborne illnesses. The proposed rules are important for public health and safety, ensuring that food is produced and stored in sanitary conditions to prevent contamination and foodborne illnesses. By enforcing strict hygiene, labeling, and preventive controls, the rules help reduce the risk of harmful substances or bacteria entering the food supply, fostering consumer confidence and maintaining economic stability. The Department expects that the public will benefit significantly from these protections, without any anticipated extra costs.

Overall, the implementation of the new Manufactured Food Regulatory Program is expected to be a proactive step towards safeguarding public health in Arizona. By ensuring that food is manufactured under strict safety standards, the Department aims to protect consumers from foodborne illnesses while promoting a culture of safety within the food manufacturing industry. Manufactured food rules and regulations are essential for establishing a cooperative agreement with the FDA to participate in the nationally integrated food safety system. This system, governed by CGMPs, aims to ensure that food products are safe, wholesome, sanitary, and properly labeled. The FDA's regulatory framework, including the FSMA, mandates rigorous standards for food safety, preventive controls, and facility inspections to minimize risks associated with foodborne illnesses. By adhering to these standards, state and local agencies can harmonize their food safety practices with federal guidelines, improving the overall effectiveness of food safety programs and protecting public health. The rules are expected to provide a significant benefit to all Arizonans and individuals who are purchasing foods manufactured in Arizona, enhancing their confidence in the safety of the food they consume.

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

After filing the Notice of Proposed Rulemaking, the Department filed a Notice of Supplemental Proposed Rulemaking, where the Department added additional rulemaking changes to repeal R9-8-119 since the requirements would be a duplication of the new Article 9 requirements. No additional changes were made to the rules.

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

The Department held an Oral Proceeding on July 1, 2025, no stakeholders attended, and no formal comments were received. After filing a Notice of Supplemental Proposed Rulemaking, the Department held a second Oral Proceeding on August 25, 2025, and about 16 stakeholders attended. Four individuals made comments and asked questions during the proceeding, as described below.

Trish Hart with the Arizona Food Marketing Alliance asked a few questions regarding the implementation of the rules and if the Department would be responding to formal questions in writing. Hart also requested that the comment period be extended due to finding out about the rulemaking only three weeks ago. The Department assured Hart that all questions and comments submitted to the Department would also be formally responded to. In regards to a comment period being extended, the Department said that it would have to be internally discussed, the rulemaking has been ongoing since 2018, and comments are welcome to be received at any time, even if the rulemaking moves forward. Later in the meeting, Hart asked for a list of currently registered companies that fall under the authority to do what the feds are doing. The Department clarified that the Department falls under a 20.88 agreement with the FDA, and that list is not publicly available. Hart also asked how the Department is planning on making sure that these facilities aren't double or triple-regulated. The Department stated that the Department and FDA will coordinate communication for state manufactured food inspections to avoid duplication. Retail establishments with manufacturing inside are inspected by county health departments, while the department conducts current good manufacturing practice (CGMP) inspections, but not full scope "PC" inspections. Facilities that already receive full FDA inspections will still need those, but the department is working toward "domestic mutual reliance," where FDA may defer its inspections if the department has already conducted a CGMP inspection. Furthermore, Hart asked, "if a violation occurs and a citation is issued, what is the appeal process? And who would you appeal to? Would it be the state, the county, or the feds? So, does it depend on who made the inspection?" The Department stated that this would depend on the agency that did the inspection and that contact information would be included in the inspection report. Hart later asked if the county delegation would create any additional requirements beyond federal standards. The Department responded that facilities will follow Title 21 CFR Part 117 (current good manufacturing practices) as adopted by reference in the rules, meaning inspections and requirements will mirror FDA standards unless otherwise specified.

Michelle Almer from the Arizona Retailers echoed Hart's comments and also requested that the comment period be extended.

Bridget Condon with Swire Coca-Cola also echoed the two statements requesting the comment period be extended.

Jeff Sandquist with Veridus LLC, representing several different groups, asked for clarification on exemptions to the rules. The Department clarified that any operations happening in a retail food establishment that does not sell the manufactured products to others are not considered a manufacturing operation and would not require a manufacturing facility license. Sandquist also asked for clarification on whether inspection requirements continue once products leave the producer or manufacturing facility and move through warehouses, distributors, grocery stores, or restaurants. Specifically, he questioned if distributors remain subject to inspection. The Department explained that warehouses are considered manufacturing facilities and therefore are subject to inspection. However, if the food is in closed boxes with no further handling or processing, the warehouse would be classified as low-risk. In that case, inspections would follow the FDA schedule, occurring every five years. Later during the proceeding, Sandquist asked who is responsible for issuing and enforcing violations, whether it would be the county under a cooperative agreement or the state. The Department stated that this would depend on the delegation agreement. In most cases, counties handle their own enforcement under retail food agreements, while the state may enforce in other programs depending on the agreement. For FDA-related inspections, some are conducted under the state program and others under a federal contract, with inspectors using either an FDA or ADHS badge to make the authority clear. Sandquist asked whether state employees using an FDA badge are actually state staff trained by FDA. Jennifer Botsford clarified that they are ADHS employees working under an FDA contract, carrying an FDA badge. Sandquist also asked how licensing versus permitting would work, whether businesses need both state and county licenses in addition to FDA registration. The Department explained that under delegation agreements, permits are obtained from the county only (not the state), while FDA registration is still required. Later, Sandquist asked how consistency will be ensured if a county with a delegation agreement (e.g., Maricopa) has rules that differ from state or federal standards. The Department clarified that counties with delegation agreements must follow the state's rules and CFRs to maintain uniformity, with training provided to ensure consistency. While counties can be more restrictive, they cannot be less restrictive, and the goal is to stay aligned with FDA standards to avoid inconsistencies across jurisdictions. Sandquist emphasized industry concerns about variation between counties and urged the Department to require uniformity in delegation agreements.

During the second formal comment period, the Department received three written comments from stakeholders.

Cristy Zarate, on behalf of Bashas', submitted a document with questions regarding the implementation and the effect that the new rules would have on warehouses that store manufactured food products. The Department responded answering each of the questions. In the response, the Department confirmed that warehouses storing manufactured food products are included under the Manufactured Food Rules and require licensing, facilities must apply for an annual license, and no state licensing fees will be charged, however, counties can enter into a delegation agreement with the Department to inspect these facilities. A local regulatory authority can assess its own licensing fees. The Department clarified that inspections will focus on current Good Manufacturing Practices (cGMPs) under Title 21 CFR Part 117, aligning with FDA standards, and that FDA will continue oversight of full-scope and special process inspections. Inspection frequency and risk classification will mirror FDA's system, with the Department and FDA coordinating to avoid duplication through the Manufactured Food Regulatory Standards Program. Facilities already compliant with FDA requirements will see no operational changes, though they must still register with the Department. Retail food establishments that only sell directly to consumers are not considered manufacturing operations and are exempt. The Department indicated it is open to developing guidance or training materials to help facilities transition and emphasized that FSMA compliance remains a federal responsibility, not enforced through these rules.

Lisa Bednar, president of Arizona Food Marketing Alliance submitted comments and questions expressing concerns related to the implementation of the proposed rules regarding food facility inspections and enforcement. The comments focused on the need for clarity around risk rankings, coordination with FDA and counties to avoid duplication, and consistent application of rules across jurisdictions. Numerous questions were asked in the comment regarding additional clarity and information on what the rules will look like in practice once in effect, including how appeals will be handled, whether additional standards or operational changes will be imposed beyond current FDA regulations, what training or guidance will be provided, whether exemptions will apply for certain facilities, etc. The Department responded by answering each of the questions. In the response, the Department explained that the proposed rules are intended to close regulatory gaps by ensuring all Arizona food manufacturing and warehouse facilities receive current Good Manufacturing Practice (cGMP) inspections consistent with FDA standards. Warehouses and distribution centers fall under these rules and will require annual licensing. The FDA will continue oversight of full-scope and special process inspections, while the Department focuses on cGMPs, with inspection frequency and risk ranking aligned with FDA. Counties may take on inspection authority through delegation agreements, but the Department emphasized efforts to avoid duplication and maintain consistency statewide. Facilities already compliant with FDA rules should not see significant operational changes, though they must also register with the Department, no fees will be collected. Retail food establishments serving directly to consumers are exempt, and tribal facilities are outside state jurisdiction. The Department is committed to ongoing coordination with FDA, transparency with stakeholders, and potential development of guidance materials to support industry compliance.

Allison Moore, Executive Vice President of Fresh Produce Association of the Americas (FPAA) submitted comments on the proposed rules, urging the Department to extend the public comment period for more stakeholder dialogue. FPAA expressed uncertainty about whether its distributors fall under the rule's scope but voiced concern that shifting federal oversight to states could create unintended consequences, including regulatory inconsistencies, duplicative costs, weakened national food safety coordina-

tion, and risks to interstate commerce. FPAA supports the Department's participation in the federal Manufactured Food Regulatory Program Standards but cautions against decentralizing food safety oversight and requests more time for discussion. The Department responded, thanking Moore for the comments and engagement, noting that participation in MFRPS is required for federal funding and alignment with national standards, and will consider the request to extend the 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 Department or this specific rulemaking.

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

The Department does not use a general permit. The Department believes that under A.R.S. § 41-1037(A)(3) that a general permit is 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:

The rules incorporate by reference the United States (US) Code of Federal Regulations (CFR) 2023 Title 21 Food and Drugs, Chapter I Food and Drug Administration (FDA) Department of Health and Human Services, Subchapter B Food for Human Consumption, Part 117, Subparts A, B, and F, Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human Food.

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:

In R9-8-901, the Department incorporates by reference the United States (US) Code of Federal Regulations (CFR) 2023 Title 21 Food and Drugs, Chapter I Food and Drug Administration (FDA) Department of Health and Human Services, Subchapter B Food for Human Consumption, Part 117, Subparts A, B, and F, Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human Food. Furthermore, as stated in R9-8-901, the Department incorporates 21 CFR § 117 Subpart A in whole, unless otherwise specified.

In R9-8-902, the Department incorporates by reference 21 CFR § 117 Subpart B in whole.

In R9-8-906, the Department incorporates 21 CFR § 117 Subpart F in whole, unless otherwise specified.

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

Not applicable

16. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

CHAPTER 8. DEPARTMENT OF HEALTH SERVICES
FOOD, RECREATIONAL, AND INSTITUTIONAL SANITATION

ARTICLE 1. FOOD ESTABLISHMENTS

Section
R9-8-119. ~~Manufactured Food Plants~~ Repealed

ARTICLE 9. MANUFACTURED FOOD FACILITIES

Section
R9-8-901. General Provisions (Subpart A)
R9-8-902. Current Good Manufacturing Practice (Subpart B)
R9-8-903. Hazard Analysis and Risk-Based Preventive Controls (Subpart C)
R9-8-904. Modified Requirements (Subpart D)
R9-8-905. Withdrawal of Qualified Facility Exemptions (Subpart E)
R9-8-906. Records (Subpart F)
R9-8-907. Supply Chain Program (Subpart G)
R9-8-908. Application
R9-8-909. Request for Change

ARTICLE 1. FOOD ESTABLISHMENTS

R9-8-119. ~~Manufactured Food Plants~~ Repealed

~~**A.** The following definitions apply to this Section, unless otherwise specified:~~

~~1. "Consumer" means a person who:~~

~~a. Is a member of the public,~~

~~b. Takes possession of FOOD,~~

~~c. Is not functioning in the capacity of an operator of a manufacture food plant, and~~

~~d. Does not offer the FOOD for resale.~~

~~2. "FOOD PROCESSING PLANT" means a commercial operation that:~~

~~a. Manufactures, packages, labels, or stores FOOD for human consumption;~~

~~b. Provides FOOD for sale or distribution to other business entities such as FOOD ESTABLISHMENTS and retailers; and~~

~~c. Does not provide FOOD directly to a consumer.~~

~~**B.** In FC Part 3-2, Subpart 3-202, the Department:~~

~~1. In paragraph 3-203.11(A) requires "Except as specified in (B), (C), and (D) of this Section, MOLLUSCAN SHELLFISH may not be removed from the container in which they are received other than immediately before sale, preparation for service, or preparation in a FOOD PROCESSING PLANT licensed by the REGULATORY AUTHORITY."~~

~~2. In paragraph 3-203.12(C) requires "The identity of the source of SHELLSTOCK that are prepared by a FOOD PROCESSING PLANT licensed by the REGULATORY AUTHORITY, sold, or served shall be maintained by retaining SHELLSTOCK tags or labels for 90 calendar days from the date the container is emptied by:~~

~~a. Using an APPROVED record keeping system that keeps the tags or labels in chronological order correlated to the date when, or dates during which, the SHELLSTOCK are prepared by a FOOD PROCESSING PLANT licensed by the REGULATORY AUTHORITY, sold, or served; and~~

~~b. If SHELLSTOCK are removed from their tagged or labeled container:~~

~~i. Using only one tagged or labeled container at a time, or~~

~~ii. Using more than one tagged or labeled container at a time and obtaining a VARIANCE from the REGULATORY AUTHORITY as specified in § 8-103.10 based on a HACCP PLAN that:~~

~~(a) Is submitted by the license holder and APPROVED as specified under § 8-103.11,~~

~~(b) Preserves source identification by using a record keeping system as specified under Subparagraph (B)(1) of this Section, and~~

~~(c) Ensures that SHELLSTOCK from one tagged or labeled container are not commingled with SHELLSTOCK from another container before being ordered by the CONSUMER or prepared by a FOOD PROCESSING PLANT licensed by the REGULATORY AUTHORITY.~~

ARTICLE 9. MANUFACTURED FOOD FACILITIES

R9-8-901. General Provisions (Subpart A)

A. The Department incorporates by reference the United States (U.S.) Code of Federal Regulations (CFR) 2023 Title 21 Food and Drugs, Chapter I Food and Drug Administration (FDA), Department of Health and Human Services, Subchapter B Food for Human Consumption, Part 117, Subparts A, B, and F, Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human Food.

B. An applicant shall complete the application in R9-8-908 when engaged in:

1. Food manufacturing, or
2. Wholesale food distribution.

C. A manufactured food facility may not use marijuana, as defined in A.R.S. § 36-2850, as an ingredient in human foods.

D. A manufactured food facility license issued according to this Article is non-transferable.

E. The Department incorporates 21 CFR § 117 Subpart A in whole, unless otherwise specified:

1. 21 CFR § 117.1, Applicability and status;
2. 21 CFR § 117.3, Definitions in part;
3. 21 CFR § 117.4, Qualifications of individuals who manufacture, process, pack, or hold food;
4. 21 CFR § 117.5, Exemptions in part;

5. 21 CFR § 117.7, Applicability of subparts C, D, and G of this part to a manufactured food facility solely engaged in the storage of unexposed packaged food;
6. 21 CFR § 117.8, Applicability of subpart B of this part to the off-farm packing and holding of raw agricultural commodities; and
7. 21 CFR § 117.9, Records.

F. In 21 CFR § 117.3, the Department shall not use the definition of "calendar day."

G. In 21 CFR § 117.3, the Department shall not use the definition of "facility" or "qualified facility."

H. In 21 CFR § 117.3, the definition of "farm" as defined in 21 CFR § 1.227 is as follows:

1. "Farm" means:
   a. A primary production farm that is under the operation of one management in one general, physical location devoted to the growing of crops, the harvesting of crops, the raising of animals, including seafood, or any combination of these activities; and
   b. A secondary activities farm devoted to harvesting, packing, and holding of raw agricultural commodities, provided that the primary production farm that grows, harvests, and raises the majority of the raw agricultural commodities harvested, packed, and held by the secondary activities farm owns, or jointly owns, a majority interest in the secondary activities farm.
2. "Farm" includes operations that do the following:
   a. Packs or holds raw agricultural commodities;
   b. Packs or holds processed food; or
   c. Manufactures or processes food, provided that all food used is consumed on that farm or another farm under the same management.

I. In addition to the requirements in 21 CFR § 117.3, the following definitions apply:

1. "Additive" means the same as "food additive" or "color additive" in A.R.S § 36-901.
2. "Administrative completeness review time-frame" means the same as in A.R.S. § 41-1072.
3. "Adulterated" means possessing one or more of the conditions enumerated in A.R.S. § 36-904.
4. "Applicant" means a person or business organization requesting approval to operate a manufactured food facility.
5. "Application" means information provided to a regulatory authority from an applicant requesting licensure for a manufactured food facility.
6. "Approved Supplier" means a provider of food items, raw ingredients, or food additives obtained from an acceptable source determined by the regulatory authority or of the food regulatory agency that has jurisdiction based on a determination of conformity with principles, practices, and generally recognized standards that protect public health and is considered GRAS according to the FDA.
7. "Aseptic processing of food" means the filling of a commercially sterilized cooled product into pre-sterilized containers, followed by aseptic hermetical sealing, with a pre-sterilized closure, in an atmosphere free of microorganisms.
8. "Business organization" means the same as "entity" in A.R.S. § 10-140.
9. "Calendar day" means each day, not including the day of the act, event, or default from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday.
10. "CFR" means the Code of Federal Regulations.
11. "Class 1 recall" means a situation in which there is a reasonable probability that the use of or exposure to a violative product will cause serious adverse health consequences or death.
12. "Class 2 recall" means a situation in which the use of or exposure to a violative product may cause temporary or medically reversible adverse health consequences or where the probability of serious adverse health consequences is remote.
13. "Class 3 recall" means a situation in which the use of or exposure to a violative product is not likely to cause adverse health consequences.
14. "Consumer" means a person who:
    a. Is a member of the public,
    b. Takes possession of food,
    c. Is not functioning in the capacity of an operator of a food establishment, and
    d. Does not offer the food for resale.
15. "Department" means the Arizona Department of Health Services.
16. "FDA" means the United States Food and Drug Administration.
17. "GRAS" means Generally Recognized as Safe.
18. "Imminent health hazard" means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on:
    a. The number of potential injuries, and
    b. The nature, severity, and duration of the anticipated injury.

19. "Inspection report" means a document used to record the compliance status of a manufactured food facility and convey compliance information to the licensee at the conclusion of an inspection.
20. "License" means the document issued by the regulatory authority that authorizes a person to operate a manufactured food facility.
21. "Licensee" means an entity that:
    a. Is legally responsible for the operation of a manufactured food facility, such as the owner, the owner's agent, or other person as documented; and
    b. Possesses a valid license to operate a manufactured food facility.
22. "Manufactured food facility" means the location, including any applicable building structures, in which manufactured food operations and wholesale food distribution occur.
23. "Manufactured food operation" means a commercial operation:
    a. That derives any percentage of their gross sales from the manufacturing, packaging, labeling, or storing of food for human consumption for wholesale to other business entities, such as food establishments and retailers; and
    b. If providing food directly to a consumer, must also comply with A.A.C. Title 9; Chapter 8, Article 1 Food Establishments.
    c. A manufactured food operation does not include a marijuana establishment as defined in A.R.S. § 36-2850 or a nonprofit medical marijuana dispensary as defined in A.R.S. § 36-2801; and
    d. A manufactured food operation does not include an Arizona Cottage Food registrant as described in A.R.S. § 36-136(H)(4)(g) and § 36-136(H)(13).
24. "Overall time-frame" means the same as in A.R.S. § 41-1072.
25. "Person" means the same as in A.R.S. § 41-1001.
26. "Public health nuisance" means an act, condition, or thing, as specified in A.R.S. § 36-601, or any practice contrary to the health laws of this state that is harmful to the health of the public.
27. "Regulatory authority" means the Department or a public health services district, local health department, Department of Environmental Services, or Department of Environmental Quality that carries out delegated functions, powers, and duties on behalf of the Department through a delegation agreement.
28. "Retail" means the sale of a product directly to a consumer.
29. "Substantive review time-frame" means the same as in A.R.S. § 41-1072.
30. "Warehouse" means a manufactured food facility for the storage or reshipment of food products, where no manipulation of food products occurs.
31. "Wholesale food distribution" means the sale of manufactured food items to be retailed by others.
32. "Written notice" means a message or order in written, typed, or printed characters sent or otherwise proved to have been received via standard mail or email.

J. In 21 CFR § 117.3, the Department shall not use the definition of a "very small business."

K. The regulatory authority may inspect manufactured food facilities regulated in this Article related to the following:
1. Acidified foods,
2. Low-acid canned foods,
3. Aseptic processing of foods,
4. Seafood, or
5. Juice.

L. Manufactured food facilities related to the following are exempt from the requirements in this Article:
1. Dietary supplements,
2. Bottled water, and
3. Infant formulas.

M. The following food products under the Arizona Department of Agriculture jurisdiction are exempt from this rule:
1. Egg inspection requirements found in A.R.S. Title 3, Chapter 5 and A.A.C. Title 3, Chapter 2, Article 9.
2. Meat and poultry inspection requirements found in ARS Title 3, Chapter 13 and A.A.C. Title 3, Chapter 2, Article 2.
3. Dairy and dairy products inspection requirements in ARS Title 3, Chapter 4 and A.A.C. Title 3, Chapter 2, Article 8.

N. Spirituous liquor, as defined in A.R.S. § 4-101, produced on the premises licensed by the Arizona Department of Liquor Licenses and Control is exempt from requirements in this Article, as specified in A.R.S. § 36-136.

R9-8-902. Current Good Manufacturing Practice (Subpart B)

The Department incorporates 21 CFR § 117 Subpart B in whole:
1. 21 CFR § 117.10, Personnel;
2. 21 CFR § 117.20, Plant and grounds;
3. 21 CFR § 117.35, Sanitary operations;
4. 21 CFR § 117.37, Sanitary facilities and controls;
5. 21 CFR § 117.40, Equipment and utensils;

6. 21 CFR § 117.80, Processes and controls;
7. 21 CFR § 117.93, Warehousing and distribution;
8. 21 CFR § 117.95, Holding and distribution of human food by-products; and
9. 21 CFR § 117.110, Defect action levels.

R9-8-903. Hazard Analysis and Risk-Based Preventive Controls (Subpart C)
The Department does not accept requirements in 21 CFR § 117 Subpart C.

R9-8-904. Modified Requirements (Subpart D)
The Department does not accept requirements in 21 CFR § 117 Subpart D.

R9-8-905. Withdrawal of Qualified Facility Exemptions (Subpart E)
The Department does not accept requirements in 21 CFR § 117 Subpart E.

R9-8-906. Records (Subpart F)

A. The Department incorporates 21 CFR § 117 Subpart F in whole, unless otherwise specified:
1. 21 CFR § 117.301, Records subject to the requirements of this subpart;
2. 21 CFR § 117.305, General requirements applying to records;
3. 21 CFR § 117.310, Additional requirements applying to the food safety plan;
4. 21 CFR § 117.315, Requirements for record retention;
5. 21 CFR § 117.320, Requirements for official review; in part;
6. 21 CFR § 117.325, Public disclosure, in part;
7. 21 CFR § 117.330, Use of existing records, in part; and
8. 21 CFR § 117.335, Special requirements applicable to a written assurance.

B. In addition to 21 CFR § 117.320, the Department requires that all records required by this Article be made available to a regulatory authority within three calendar days unless otherwise specified.

C. In 21 CFR § 117.325, the Department requires that records obtained are subject to the disclosure requirements according to A.R.S. Title 39, Chapter 1 and other applicable state laws, as applicable.

D. In addition to 21 CFR § 117.330, the Department requires that the use of existing records are kept according to A.R.S. Title 39, Chapter 1.

R9-8-907. Supply Chain Program (Subpart G)
The Department does not accept requirements in 21 CFR § 117 Subpart G.

R9-8-908. Application

A. An applicant shall submit an application for each manufactured food facility that the applicant is seeking to license.

B. A manufactured food facility license is valid for one year from the issue date. A licensee shall comply with the regulatory authority for the continuity of the license. The regulatory authority may renew the manufactured food facility license after one year if the requirements imposed by the regulatory authority are met.

C. A person operating or wishing to operate a manufactured food facility shall submit an application in a format provided by the regulatory authority, including:
1. The type of manufactured food operation:
   a. Manufacturer,
   b. Repacker or packer,
   c. Ambient warehouse,
   d. Refrigerated warehouse, or
   e. Frozen warehouse;
2. The manufactured food facility's:
   a. Legal name or trade name;
   b. Physical street address, including the county;
   c. Mailing address;
   d. Email address;
   e. Telephone number;
   f. Business days and hours of operation; and
   g. If production is seasonal, the month or months when production is planned to occur.
3. The applicant's:
   a. Name of the individual applying,
   b. Arizona mailing address,
   c. Telephone number, and
   d. Email address;

4. The following emergency contact information:
   a. The name of the individual to contact,
   b. The individual's work title,
   c. The individual's telephone number, and
   d. The individual's email address;
5. The parent company's information, if applicable:
   a. Name of business,
   b. Physical address,
   c. Mailing address,
   d. Telephone number, and
   e. Email address of the parent company;
6. The manufactured food facility owner's information, including:
   a. Whether ownership is:
      i. An individual, if applicable, provide doing business as (DBA);
      ii. A partnership, if so, provide names of two or more individuals;
      iii. A corporation, if so, provide names of two or more individuals;
      iv. A limited liability company, if so, provide the name of a manager or individual who is a member;
      v. An association or cooperative, if so, provide names of two board members; or
      vi. A joint venture, if so, provide the names of two individuals who have a signed joint venture agreement;
   b. The full name of each owner;
   c. The official title of the individual or individuals named in Subsection (a);
   d. The mailing address;
   e. The telephone number;
   f. The email address; and
   g. The name of the statutory agent or the individual designated by the applicant to accept service of process and subpoenas;
7. If applicable, the manufactured food facility's FDA registration number;
8. If applicable, provide the retail food establishment license number;
9. If a change of ownership, the previous owner's contact information, including:
   a. The individual's full name,
   b. The official title of the individual,
   c. The mailing address,
   d. The telephone number, and
   e. The email address;
10. Whether ingredients are from an approved supplier and GRAS;
11. Whether ingredients are interstate, intrastate, or both;
12. Whether sales are:
   a. Interstate, intrastate, or both; and
   b. Wholesale, retail, or both, including the percentage of sales;
13. The manufactured food facility's total square footage;
14. The approximate number of on-site employees;
15. All food types made at the manufactured food facility;
16. All food allergens at the manufactured food facility;
17. Whether the applicant agrees to allow the regulatory authority to submit a supplemental request for additional information or documentation;
18. An attestation signed and dated by the applicant, stating the:
   a. Applicant authorizes the regulatory authority to verify all information provided in the application;
   b. Applicant agrees to allow the regulatory authority to submit a supplemental request for additional information or documentation in subsection (C); and
   c. Information provided to the regulatory authority is true and correct;

D. The regulatory authority shall review the application submitted according to R9-15-908 and may require a facility preapproval process per the regulatory authority.

E. If the manufactured food facility has been inspected within five years by the FDA or within one year by a regulatory authority, the preapproval process in subsection (E) may not be required.

R9-8-909. Request for Change

A. A licensee shall provide a written notice to the regulatory authority 30 calendar days before the effective date of any of the following changes and provide documentation of the following updated new information:

1. Termination of operations, including:
   a. The proposed termination date;
   b. The address of the location where manufactured food facility records will be retained as required in R9-8-906, if applicable; and
   c. The contact information of the responsible individual.
2. Proposed manufactured food facility modifications that may affect food safety, including:
   a. An addition of a new processing operation,
   b. A change to an existing processing line,
   c. An addition of a new processing line, or
   d. Any new construction in the processing area;
3. Change in the legal name of a manufactured food facility; or
4. Change in the legal name of a licensee, including the licensee's new name;
5. A change in the email address or mailing address, including the new email address or mailing address;
6. A change in the email address or telephone number of a licensee, including the new email address or telephone number;
7. A change in owner or operator, including name, telephone number, and email address; and
8. A change in the name or contact information of an individual acting on behalf of the licensee specified in R9-8-908, including the name and contact information of the new individual acting on behalf of the licensee.
9. If a change of ownership, the previous owner's contact information, including:
   a. The individual's full name,
   b. The official title of the individual,
   c. The mailing address,
   d. The telephone number, and
   e. The email address.

B. If the regulatory authority receives the notification of termination of operation in subsection (A)(1), the regulatory authority shall void the licensee's license to operate a manufactured food facility as of the termination date specified by the licensee.

C. If the regulatory authority receives a notification in subsection (A)(2) of a proposed modification, the regulatory authority:

1. May conduct an inspection of the premises, pursuant to A.R.S. § 36-136, A.R.S. Title 36, Chapter 6, and this Article; and
2. Shall issue to the licensee an amended license that incorporates the modification and retains the expiration date of the existing license if the manufactured food facility is compliant with A.R.S. Title 36, Chapter 1; A.R.S. Title 36 Chapter 6, Article 1; and this Article.

D. If the regulatory authority receives a notification in subsection (A)(3) of a legal name change for a manufactured food facility, the regulatory authority shall issue to the licensee an amended license showing the licensee's legal name.

E. If the regulatory authority receives notice of a change in the legal name of a licensee in Subsection (A)(4), the regulatory authority shall void the licensee's license to operate upon issuance of a new license to operate.

F. A licensee planning to assume operation of an existing manufactured food facility shall obtain a new license before beginning operation.

G. A licensee shall notify the regulatory authority at least 30 days prior to closure.

R9-8-910. Time-frames

A. The overall time-frame for an application or request for change application begins on the date the regulatory authority receives the applicant's application.

B. The applicant and the regulatory authority may agree in a written notice, to extend the substantive review time-frame and the overall time-frame. The substantive review time-frame and the overall time-frame may not be extended by more than 25% of the overall time-frame.

C. Within the administrative completeness review time-frame in Table 9.1, the regulatory authority shall provide the applicant with a:

1. Notice of administrative completeness; or
2. Notice of deficiencies, including a list of missing or incorrect information or documents.

D. If the regulatory authority provides a notice of deficiencies to an applicant:

1. The administrative completeness review time-frame and the overall time-frame are suspended from the date of the notice of deficiencies until the date the regulatory authority receives the missing information or documents from the applicant;

2. If the applicant submits the missing information or documents to the regulatory authority within the time-frame in Table 9.1, the substantive review time-frame resumes on the date the regulatory authority receives the missing information or documents; and
3. If the applicant does not submit the missing information or documents to the regulatory authority within the time-frame in Table 9.1, the regulatory authority shall consider the application or request withdrawn.

E. If the regulatory authority issues a license or notice of approval during the administrative completeness review time-frame, the regulatory authority may not issue a separate written notice of administrative completeness.

F. Within the substantive review time-frame specified in Table 9.1, the regulatory authority:

1. Shall approve or deny:
   a. An application, or
   b. A request for change.
2. May make a written, comprehensive request for additional information or documentation.
3. May make supplemental requests for additional information and documentation if agreed to by the applicant or licensee.

G. If the regulatory authority provides a written comprehensive request for additional information or documentation or a supplemental request to the applicant or licensee:

1. The substantive review time-frame and overall time-frame are suspended from the date of the written comprehensive request or supplemental request until the date the regulatory authority receives the information and documents requested; and
2. An applicant or licensee shall submit the information and documents listed in the written comprehensive request within 15 calendar days after the date of the written comprehensive request or supplemental request.

H. The regulatory authority shall issue to an applicant or licensee, as applicable, within the time-frame according to Table 9.1:

1. An approval for:
   a. An application, or
   b. A request for change.
2. A denial, including the reason for the denial and the appeal process in A.R.S. Title 41, Chapter 6, Article 10, if an applicant or licensee:
   a. Does not submit all of the information and documentation listed in a written comprehensive request or supplemental request for additional information or documentation; or
   b. Does not comply with A.R.S. § 36-136 and this Article.

Table 9.1 Time-frames (in calendar days)

Type of Application	Statutory Authority	Overall Time-frame	Administrative Completeness Review	Respond to Deficiency Notice	Substantive Review
Application	A.R.S. § 36-136(I)(4)	90	45	180	45
Request for Change	A.R.S. § 36-136(I)(4)	90	45	180	45

R9-8-911. Manufactured Food Facility Inspections

A. The frequency of routine inspections shall be completed as detailed in Table 9.2 to focus on program resources on food operations with the greatest food safety risk.

B. The numerical value as established in Table 9.3 shall determine the risk classification. For each manufactured food facility, assign a risk for categories 1-5 in Table 9.3 and total the numerical value. The numerical range total corresponds with the overall risk classification.

C. The regular authority may inspect a manufactured food facility in response to a complaint, investigation, recall, or other reason outside of the parameters, as specified in Table 9.2.

D. A regulatory authority shall document an inspection in a Department-provided format or equivalent consistent with A.R.S. § 41-1009 and include:

1. The manufactured food facility's:
   a. Legal name,
   b. Physical address,
   c. Telephone number,
   d. Email address,

e. Arizona license number, and
f. FDA registration number, if applicable;
2. Purpose of the inspection;
3. Name of the individual as manufactured food facility representative;
4. Type of business and processes, as applicable;
5. List all food types used at the manufactured food facility;
6. Manufactured food facility's total square footage;
7. Whether sales are conducted and if conducted;
a. Interstate,
b. Intrastate, or
c. Both;
8. Whether sales are conducted and, if conducted, the percentage of:
a. Wholesale,
b. Retail, or
c. Both;
9. Whether an observation was documented; and
10. Whether a follow-up inspection is needed.

E. The inspection report shall specifically include an account of an inspector's observations of:
1. Disease control;
2. Cleanliness;
3. Grounds;
4. Manufactured food facility construction and design;
5. General maintenance;
6. Substances used in cleaning, sanitizing, and storage of toxic materials;
7. Pest control;
8. Sanitation of food-contact surfaces;
9. Sanitation of non-food-contact surfaces;
10. Storage and handling of cleaned portable equipment and utensils;
11. Water supply;
12. Plumbing;
13. Sewage disposal;
14. Toilet facilities;
15. Hand-washing facilities;
16. Rubbish and offal disposal;
17. Equipment and utensils;
18. General operations related to receiving, inspecting, transporting, and segregation;
19. Raw materials and other ingredients from an approved supplier and GRAS;
20. Manufacturing operations;
21. Warehousing and distribution; and
22. Defective action levels.

F. The inspection report shall verify records and administrative actions related to manufactured food facility's:
1. Training program,
2. Voluntary corrections,
3. Consumer complaints,
4. Recall plans,
5. Refusals encounters,
6. Samples collected,
7. Violations corrections,
8. Food embargo, and
9. Documentation.

G. The inspection report shall include the name, signature, and date signed by the individual identified in subsection (D)(3) and the individual from the regulatory authority who completed the investigation.

Table 9.2 Inspection Frequency

	Inspection Frequency for Manufactured Food Facilities	
Risk Level	Low	High
No Hazard Requiring a Preventive Control*	At least one inspection every 5 years	At least one inspection every 3 years
*Hazard Requiring a Preventive Control is defined in 21 CFR Title 117		

Table 9.3 Risk Classification Criteria with Numerical Values

Risk Classification Criteria for Manufactured Food Facilities (Choose one risk value per section)	
1. Type of processing	**Risk Value**
a. Cooking, cooling, holding under controlled temperatures, processing, pasteurization;	25
b. Food storage requiring time/temperature control; or	15
c. Time/temperature control not required.	0
2. Type of foods	**Risk Value**
a. Foods requiring time/temperature control, frequently implicated in foodborne illness (e.g., cooked proteins, leafy greens, cut melons, cream-filled pastries, filled macaroni products);	25
b. Foods requiring time/temperature control, but not typically implicated in foodborne illness; or	10
c. Foods not requiring time/temperature control.	0
3. Volume of product manufactured/distributed	**Risk Value**
a. High volume operations (greater than 1.5 million dollars in annual sales) with broad distribution with interstate sales;	25
b. High volume operations (greater than 1.5 million dollars in annual sales) with only localized distribution (intrastate sales);	20
c. Low volume operations (less than 1.5 million dollars in annual sales) or operations with broad distribution with interstate sales; or	15
d. Low volume operations (Less than 1.5 million dollars in annual sales) or operations with only localized distribution (intrastate sales).	0
4. Target population	**Risk Value**
a. Foods consumed by HIGHLY-SUSCEPTIBLE POPULATIONS; or	15
b. Foods consumed solely or primarily by the general population.	0
5. Compliance history	**Risk Value**
a. Businesses with an inconsistent pattern or poor history of compliance with food safety requirements;	20

b. There have been minor incidents of lack of compliance, but a pattern was not established; or	10
c. Businesses routinely in compliance with food safety requirements.	0
Risk Classification Criteria with Numerical Range Values	
Overall risk level	**Total value, 1-5**
Low 0-50	
High 51-110	

R9-8-912. Denial, Suspension, and Revocation

A. The regulatory authority may deny an application, suspend, or revoke a license to operate a manufactured food facility, if:
1. An applicant or licensee does not meet the application requirements contained in R9-8-908 and R9-8-909, as applicable;
2. A licensee does not comply with requirements in A.R.S. § 36-136, and this Article;
3. A licensee does not comply with the requirements in A.R.S. §§ 36-901 through § 36-916, and this Article;
4. A licensee does not correct the deficiencies identified during an inspection according to the plan of correction;
5. An applicant or licensee provides false or misleading information to the regulatory authority; or
6. The nature or number of violations revealed by any type of inspection or investigation of a manufactured food facility poses an imminent health hazard, or direct risk to the life, health, and safety of individuals.

B. In determining which action in subsection (A) is appropriate, the regulatory authority shall consider:
1. Repeated violations of statutes or rules,
2. Pattern of violations,
3. Severity of violations, or
4. Number of violations.

C. The regulatory authority may suspend or revoke a manufactured food facility's license if the regulatory authority receives notice that the manufactured food facility's FDA registration has been suspended or revoked.

D. An applicant or licensee may appeal the regulatory authority determination according to A.R.S. Title 41, Chapter 6, Article 10.

R9-8-913. Compliance and Enforcement

A. If the regulatory authority has reasonable cause to believe that a manufactured food facility is creating or maintaining a public health nuisance or imminent health hazard, the regulatory authority shall order the licensee to discontinue the activity and abate the public health nuisance. Depending on the regulatory authority's determination, the facility may be required to have a follow-up inspection within 12 months.

B. The regulatory authority shall serve the licensee a written notice of the infringing activity causing the public health nuisance or imminent health hazard at the manufactured food facility and to correct the public health nuisance or imminent health hazard at the licensee's expense within 24 hours after the notice from the regulatory authority. The notice shall contain the following:
1. A reference to the statute or rule that is alleged to have been violated or on which the written notice is based,
2. A description of the licensee's right to request a hearing, and
3. A description of the licensee's right to request an informal settlement conference.

C. The regulatory authority shall serve the written notice in subsection (B) and any subsequent notices by personal delivery or certified mail, return receipt requested, to the licensee or other party's last address of record with the regulatory authority or by any other method reasonably calculated to effect actual notice on the licensee or other party.

D. The licensee or designated party may appeal the written notice by submitting a written notice of appeal to the regulatory authority within 30 days of receiving the written notice. The notice must be served to the regulatory authority through personal delivery, certified mail (return receipt requested), or any other method that ensures the authority is properly notified.

E. If a notice of appeal is filed within 30 calendar days, the regulatory authority shall do one of the following:
1. If the regulatory authority is the Department, a local health department, or public health services district, to which the duty to comply with A.R.S. Title 41, Chapter 6, Article 10 has been delegated, the notification and hearing shall comply with A.R.S. Title 41, Chapter 6, Article 10 and any rules promulgated by the Office of Administrative Hearings; or
2. For all other regulatory authorities, the notification and hearing shall comply with the procedures adopted by a county board of supervisors as required by A.R.S. § 36-183.04.

F. If no written notice of appeal is filed within 30 calendar days, the written notice shall become final without further proceedings.

G. The regulatory authority shall inspect the manufactured food facility with the written notice. If the regulatory authority determines upon inspection that the licensee has not ceased the activity and abated the public health nuisance, the regulatory authority shall cause the public health nuisance to be removed, regardless of whether the licensee is appealing the written notice.

H. If the licensee fails or refuses to comply with the written notice after a hearing has upheld the written notice or after the time to appeal the written notice has expired, the regulatory authority may file an action against the licensee in the local court system in which the violation occurred, requesting that a permanent injunction be issued to restrain the licensee from engaging in further violations as described in the written notice.

NOTICES OF FINAL RULEMAKING

NOTICE OF FINAL RULEMAKING

TITLE 9. HEALTH SERVICES

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

[R26-13]

PREAMBLE

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

November 24, 2025

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

R9-10-2002	Amend
R9-10-2003	Amend
R9-10-2005	Renumber
R9-10-2005	Amend
R9-10-2006	Renumber
R9-10-2006	Amend
R9-10-2007	Renumber
R9-10-2007	Amend
R9-10-2008	Renumber
R9-10-2009	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. §§ 36-132(A)(1) and (17) and 36-136(G)

Implementing statute: A.R.S. §§ 36-405, 36-406, 36-448.01, 36-448.02, and 32-3201.01

4. The effective date of the rule:

April 6, 2026

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

Not applicable

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

Not applicable

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

Notice of Rulemaking Docket Opening: 30 A.A.R. 2904; Issue Date: September 27, 2024; Issue Number: 39; File Number: R24-182

Notice of Proposed Rulemaking: 31 A.A.R. 2001; Issue Date: June 27, 2025; Issue Number: 26; File Number: R25-132

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

Name:	Tracy Schmidt
Title:	Deputy Bureau Chief, Pain Management Team Lead
Division:	Public Health Licensing
Address:	150 N. 18th Ave., Suite 500 Phoenix, AZ 85007
Telephone:	(602) 364-3030
Email:	tracy.schmidt@azdhs.gov
	or
Name:	Stacie Gravito
Title:	Office Chief, Administrative Counsel and Rules
Division:	Director's Office

Address: 150 N. 18th Ave., Suite 540
Phoenix, AZ 85007
Telephone: (602) 542-1020
Fax: (602) 364-1150
Email: stacie.gravito@azdhs.gov
Website: https://azdhs.gov/policy-intergovernmental-affairs/administrative-counsel-rules/rules/index.php

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

Arizona Revised Statutes § 36-405 requires the Arizona Department of Health Services (Department) to establish minimum standards and requirements for the construction; equipment; sanitation; staffing for medical, nursing, and personal care services; and recordkeeping of health care institutions necessary to assure the public's health, safety, and welfare. The rules in 9 A.A.C. 10, Article 20 pertain to Pain Management Clinics.

The Department proposes amending 9 A.A.C. 10, Article 20 to address issues identified in a five-year-review report approved by the Governor's Regulatory Review Council on June 4, 2024. As part of the five-year-review report, the proposed amendments are to make the rules more consistent with statutes and other health care institution rules in A.A.C. Title 9, Chapter 10; correct cross-references and citations; make the rules more clear, concise, and understandable; and remove obsolete and duplicative rules. Additionally, the Department is also proposing amendments to comply with medication service policy and procedures for donated medicine according to A.R.S. § 32-1909, as amended by Laws 2021, Ch. 137 and updating the reference to fire alarm and sprinkler system.

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

The Department did not review or rely on any study relevant to the rule.

9. A showing a 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. The summary of the economic, small business, and consumer impact:

With this rulemaking the Department of Health Services (Department) proposes amending 9 A.A.C. 10, Article 20 to address issues identified in a five-year-review report approved by the Governor's Regulatory Review Council on June 4, 2024. In this rulemaking the Department is amending six (6) sections and renumbering some sections (R9-10-2005 renumbering to R9-10-2007, R9-10-2006 renumbering to R9-10-2008, R9-10-2007 renumbering to R9-10-2005, and R9-10-2008 renumbering to R9-10-2006). Those impacted by this rulemaking includes pain management clinics, patients who may seek or are receiving services from a pain management clinic, the general public, and the Department. For the purpose of this Article costs/revenue scale is defined as follows: minimal when less than $10,000, moderate when between $10,000 and $50,000, and substantial when greater than $50,000. A cost or benefit listed as “significant” when meaningful or important, but not readily subject to quantification. The Department believes that pain management clinics may have minimal economic impact. Furthermore, the Department expects that patients, the general public and the Department will have minimal to no economic, small business, or consumer impact.

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

The Department did not make any changes between the proposed rulemaking and the final rulemaking.

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

No comments were received.

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

None

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

The rules require the issuance of a specific authorization, which is authorized by A.R.S. § 36-405, so a general permit is 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:

Federal laws do not apply to the rules in 9 A.A.C. 10, Article 20.

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

No analysis was submitted.

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 final rulemaking packages:

Not applicable

16. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

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

ARTICLE 20. PAIN MANAGEMENT CLINICS

Section
R9-10-2002. Application and Documentation Submission Requirements
R9-10-2003. Administration
~~R9-10-2007.~~R9-10-2005.Patient Rights
~~R9-10-2008.~~R9-10-2006.Medical Records
~~R9-10-2005.~~R9-10-2007.Medication Services
~~R9-10-2006.~~R9-10-2008.Pain Management Services
R9-10-2009. Equipment and Safety Standards

ARTICLE 20. PAIN MANAGEMENT CLINICS

R9-10-2002. Application and Documentation Submission Requirements

A. No change

B. An applicant or licensee shall submit to the Department:
1. The applicable fees required in R9-10-106(C), and
2. The documentation required according to ~~A.R.S. § 36-448.02(C)(1)~~ A.R.S. § 36-448.02(C).

R9-10-2003. Administration

A. No change

B. A licensee shall:
1. Adopt policies and procedures for the administration and operation of a pain management clinic;
2. Designate a medical director who is licensed:
   ~~a. Is licensed:~~
   ~~i.~~a. As a physician according to A.R.S. Title 32, Chapter 13 or 17; or
   ~~ii.~~b. As a nurse practitioner according to A.R.S. Title 32, Chapter 15 with advanced pain management certification from a nationally recognized accreditation or certification entity; ~~and~~
   ~~b. May be the same individual as the licensee;~~
3. Ensure that there are a sufficient number of personnel members and employees with the required knowledge and qualifications to:
   a. Meet the requirements of this Article,
   b. Ensure the health and safety of a patient, and
   c. Meet the needs of a patient based on the patient's medical evaluation; and
4. Ensure the following are conspicuously posted on the premises:
   a. The current pain management clinic license issued by the Department;
   b. The current telephone number and address of the unit in the Department responsible for licensing the pain management clinic;
   c. An evacuation map posted in all hallways; and
   d. A phone number for:
      i. An opioid assistance and referral hotline, and
      ii. A poison control hotline.

C. No change
1. No change

a. No change
b. No change
2. No change
3. No change

D. No change
1. No change
2. No change
a. No change
b. No change
c. No change
d. No change
3. No change
4. No change
a. No change
i. No change
ii. No change
iii. No change
iv. No change
v. No change
vi. No change
vii. No change
b. No change
i. No change
ii. No change
iii. No change
iv. No change
c. No change
d. No change
i. No change
ii. No change
iii. No change
iv. No change
v. No change
e. No change
f. No change
g. No change
h. No change
i. No change
ii. No change
iii. No change
5. No change
6. No change
7. No change
a. No change
b. No change
c. No change
d. No change

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

F. No change
1. No change
a. No change
i. No change
ii. No change
b. No change
i. No change
ii. No change
c. No change
2. No change

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

H. No change
1. No change

2. No change

~~R9-10-2007.~~R9-10-2005.Patient Rights

~~**A.** A licensee shall ensure that a patient is afforded the following rights and is informed of these rights:~~
~~1. To refuse treatment or withdraw consent for treatment;~~
~~2. To have patient medical records kept confidential; and~~
~~3. To be informed of proposed treatment and associated risks, possible complications, and alternatives before pain management services are provided.~~

A. The licensee shall ensure that:
1. The requirements in subsection (B) and the patient rights in subsection (C) are conspicuously posted on the premises;
2. At the time of admission, a patient or the patient's representative receives a written copy of the requirements in subsection (B) and the patient rights in subsection (C); and
3. Policies and procedures are established, documented, and implemented to protect the health and safety of a patient that include:
   a. How and when a patient or the patient's representative is informed of patient rights in subsection (C); and
   b. Where patient rights are posted as required in subsection (A)(1).

B. A licensee shall ensure that:
1. A patient is treated with dignity, respect, and consideration;
2. A patient is not subjected to:
   a. Abuse;
   b. Neglect;
   c. Exploitation;
   d. Coercion;
   e. Manipulation;
   f. Sexual abuse;
   g. Sexual assault;
   h. Retaliation for submitting a complaint to the Department or another entity; or
   i. Misappropriation of personal and private property by a pain management clinic's personnel member, employee, volunteer, or student; and
3. A patient or the patient's representative:
   a. Except in an emergency, either consents to or refuses treatment;
   b. May refuse or withdraw consent for treatment before treatment is initiated;
   c. Is informed of the following:
      i. The pain management clinic's policy on health care directives, and
      ii. The patient complaint process;
   d. Consents to photographs of the patient before a patient is photographed, except that a patient may be photographed when admitted to a pain management clinic for identification and administrative purposes; and
   e. Except as otherwise permitted by law, provides written consent to the release of information in the patient's:
      i. Medical record, or
      ii. Financial records.

C. A patient has the following rights:
1. Not to be discriminated against based on race, national origin, religion, gender, sexual orientation, age, disability, marital status, or diagnosis;
2. To receive treatment that supports and respects the patient's individuality, choices, strengths, and abilities;
3. To receive privacy in treatment and care for personal needs;
4. To review, upon written request, the patient's own medical record according to A.R.S. §§ 12-2293, 12-2294, and 12-2294.01;
5. To receive a referral to another health care institution if the pain management clinic is not authorized or not able to provide rehabilitation services or counseling services needed by the patient;
6. To participate or have the patient's representative participate in the development of, or decisions concerning, treatment;
7. To participate or refuse to participate in research or experimental treatment; and
8. To receive assistance from a family member, the patient's representative, or other individual in understanding, protecting, or exercising the patient's rights.

~~B.~~D. A medical director shall ensure that before an opioid is prescribed or ordered for a patient, a medical practitioner obtains informed consent from the patient or patient's representative that includes:
1. The patient's:
   a. Name,
   b. Date of birth or other patient identifier, and
   c. Condition for which an opioid is being prescribed or ordered;
2. That an opioid is being prescribed or ordered;
3. The potential risks, adverse reactions, complications, and medication interactions associated with the use of an opioid;
4. If applicable, the potential risks, adverse outcomes, and complications associated with the concurrent use of an opioid and a benzodiazepine or another sedative-hypnotic medication;
5. Alternatives to a prescribed or ordered opioid;
6. The name and signature of the individual explaining the use of an opioid to the patient; and

7. The signature of the patient or the patient's representative and the date signed.

~~R9-10-2008.~~R9-10-2006.Medical Records

A. No change
1. No change
   a. No change
   b. No change
   c. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. No change
   a. No change
   b. No change
   c. No change
   d. No change
8. No change
9. No change
   a. No change
   b. No change
   c. No change
10. No change
    a. No change
    b. No change
    c. No change
    d. No change
11. No change
    a. No change
    b. No change
12. No change

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

C. No change
1. No change
2. No change
3. No change
4. No change
5. No change
6. No change
   a. No change
   b. No change
7. No change

~~R9-10-2005.~~R9-10-2007.Medication Services

A medical director shall ensure that:
1. Medications are stored in a locked area on the premises;
2. Only personnel members designated by policies and procedures have access to the locked area containing medications;
3. Expired, mislabeled, or unusable medications are disposed of according to policies and procedures;
4. If an opioid is administered at a pain management clinic, an opioid antagonist is available on the premises;
5. A medication error or an adverse reaction, including any actions taken in response to the medication error or adverse reaction, is:
   a. Immediately reported to the medical director and licensee, ~~and~~
   b. Recorded in the patient's medical record; and
6. Medication information for a patient is maintained in the patient's medical record~~.~~; and
7. If applicable, policies and procedures are established that comply with donated medicine according to A.R.S. § 32-1909.

~~R9-10-2006.~~R9-10-2008.Pain Management Services

A. No change

B. No change
1. No change
   a. No change
   b. No change
2. No change

3. No change
   a. No change
   b. No change
   c. No change

C. Except as provided in subsection (E), a medical director shall ensure that a medical practitioner:
1. No change
   a. No change
   b. No change
   c. No change
   d. No change
   e. No change
   f. No change
      i. No change
      ii. No change
2. No change
   a. No change
   b. No change
   c. No change
   d. No change
   e. No change
   f. No change
3. No change
   a. No change
   b. No change
4. Documents the pain management services provided in the patient's medical record according to ~~R9-10-2008~~ R9-10-2006.

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

E. No change
1. No change
2. No change
   a. No change
   b. No change

R9-10-2009. Equipment and Safety Standards

A. No change
1. No change
   a. No change
      i. No change
      ii. No change
   b. No change
   c. No change
   d. No change
2. No change
3. No change
4. No change
5. No change

B. No change
1. No change
   a. No change
   b. No change
   c. No change
   d. No change
      i. No change
      ii. No change
      iii. No change
2. No change

C. No change
1. No change
2. No change

D. No change

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

E. A licensee shall ensure that a pain management clinic has either:
1. Both of the following that are tested and serviced at least once every 12 months:
   a. A fire alarm system installed according to the National Fire Protection Association 72: National Fire Alarm and Signaling Code, ~~incorporated by reference in A.A.C. R9-1-412,~~ as specified in R9-10-104.01, that is in working order; and
   b. A sprinkler system installed according to the National Fire Protection Association 13 Standard for the Installation of Sprinkler Systems, ~~incorporated by reference in A.A.C. R9-1-412,~~ as specified in R9-10-104.01, that is in working order; or
2. Both of the following:
   a. A smoke detector installed in each hallway of the pain management clinic that is:
      i. Maintained in an operable condition;
      ii. Either battery operated or, if hard-wired into the electrical system of the pain management clinic, has a back-up battery; and
      iii. Tested monthly; and
   b. A portable, operable fire extinguisher, labeled as rated at least 2A-10-BC by the Underwriters Laboratories, that:
      i. Is available at the pain management clinic;
      ii. Is mounted in a fire extinguisher cabinet or placed on wall brackets so that the top handle of the fire extinguisher is not over five feet from the floor and the bottom of the fire extinguisher is at least four inches from the floor;
      iii. If a disposable fire extinguisher, is replaced when its indicator reaches the red zone; and
      iv. If a rechargeable fire extinguisher, is serviced at least once every 12 months and has a tag attached to the fire extinguisher that specifies the date of the last servicing and the name of the servicing person.

NOTICE OF FINAL RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 16. DEPARTMENT OF HEALTH SERVICES
OCCUPATIONAL LICENSING

[R26-14]

PREAMBLE

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

November 14, 2025

2.

Article, Part, or Section Affected (as applicable)	Rulemaking Action
R9-16-301	Amend
R9-16-302	Amend
R9-16-303	Amend
R9-16-304	Amend
R9-16-305	Amend
R9-16-306	Amend
R9-16-307	Repeal
R9-16-308	Amend
R9-16-309	Amend
R9-16-310	Amend
R9-16-312	Amend
R9-16-314	Amend
Table 3.1	Amend
R9-16-315	Amend
R9-16-316	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. §§ 36-104(3), 36-132(A)(18), and 36-136(G)
Implementing statute: A.R.S. §§ 36-1901 through 36-1909; 36-1921 through 36-1926; and 36-1934 through 36-1940.02

4. The effective date of the rule:

April 6, 2026

a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. 41-1032(A), include

the earlier date and state the reason the agency selected the earlier effective date as provided in A.R.S. 41-1032(A)(1) through (5):

Not applicable

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

Not applicable

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

Notice of Rulemaking Docket Opening: 31 A.A.R. 545; Issue Date: February 14, 2025; Issue Number: 7; File Number: R25-12
Notice of Proposed Rulemaking: 31 A.A.R. 1875; Issue Date: June 13, 2025; Issue Number: 24; File Number: R25-114

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

Name:	Megan Whitby
Title:	Deputy Assistant Director
Division:	Public Health Licensing Services
Address:	150 N. 18th Ave., Suite 400 Phoenix, AZ 85007
Telephone:	(602) 364-3052
Fax:	(602) 364-2079
Email:	megan.whitby@azdhs.gov
	or
Name:	Stacie Gravito
Title:	Office Chief, Administrative Counsel and Rules
Division:	Director's Office
Address:	150 N. 18th Ave., Suite 540 Phoenix, AZ 85007
Telephone:	(602) 542-1020
Fax:	(602) 364-1150
Email:	Stacie.Gravito@azdhs.gov
Website:	azdhs.gov/policy-intergovernmental-affairs/administrative-counsel-rules/rules/index.php

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

Arizona Revised Statutes § 36-1902(B)(5) authorizes the Department to adopt rules for the licensing and regulation of hearing aid dispensers. The Department adopted rules for licensing hearing aid dispensers in Arizona Administrative Code Title 9, Chapter 16, Article 3. The Department proposes to amend the rules to address issues identified in a five-year-review report approved by the Council on September 4, 2024. The proposed amendments are to update the rules to align with the Department's current practice, update the rules to be more consistent with other rules and statutes, make the rules clearer and more concise and understandable. Additionally, the Department proposes rule revisions that aim to update the practical exam to ensure it aligns with current standards and practices while incorporating advancements in technology. These updates will help maintain the relevance and effectiveness of the examination process in evaluating candidates' proficiency, reduce the burden on testing candidates, and ensure consistency with current practices. The changes confirm to the current rulemaking format and style requirements of the Governor's Regulatory Review Council and the Office of Secretary of State.

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

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

9. A showing a 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:

With this rulemaking the Department of Health Services (Department) amends 9 A.A.C. 16, Article 3 regarding licensing of hearing aid dispensers and to address issues identified in a five-year-review report approved by the Governor's Regulatory Review Council on September 4, 2024. Additionally, this rulemaking proposes to align the practical exam requirements to current standards and practices while incorporating advances in technology in the field. The Department is amending 14 Sections and one Table. Those impacted by this rulemaking includes the Department, hearing aid dispensers, temporary hearing aid dispensers, dispensing audiologist, clients of hearing aid dispensers, temporary hearing aid dispensers, or dispensing audiologist, and the general public. For the purpose of this Article costs/revenue scale is defined as follows: minimal when less than $5,000, moderate when between $5,000 and $15,000, and substantial when greater than $15,000. A cost or benefit listed as "significant" is designated when meaningful or important, but not readily subject to quantification.

The Department believes that any benefits or costs associated with the proposed amendments to remove references to "business organization" are a result of statutory changes and not as a result of the rule amendments and are "significant." Removal of reference to "business organization" affects the following Sections: R9-16-301, R9-16-307, R9-16-308, Table 3.1, R9-16-315, and R9-16-316.

The Department believes that the benefits of the proposed amendments that make technical updates, corrections and updates to language are making the rules are clearer and are improving understanding. The Department does not believe that those directly affected will incur a cost as a result of these amendments.

The Department is proposing adding "dispensing audiologist" to the rules in Sections R9-16-305 and R9-16-308. The purpose of this amendment is to align the rules with statute. The Department believes that any benefits and costs are directly associated with the statute and are "significant."

The Department is proposing to amend rules addressing the examination requirements (R9-16-302, R9-16-306, and R9-16-310). The proposed amendment will allow an applicant to provide an attestation from a licensed hearing aid dispenser or a licensed dispensing audiologist in which they confirm that the applicant is proficient in the hearing aid dispensing competencies that are outlined in statute. The Department believes that benefits and costs incurred by the Department and the applicant are "significant."

The Department is proposing to add a rule indicating that an individual applying for a temporary hearing aid dispenser initial license must pay a fee of $100. Per A.R.S. § 36-1908 the Department is allowed to impose this fee. The benefits and costs incurred by the Department and the applicant are thought to be minimal.

Application for the examination addressed in R9-16-306(A) refers to a fee in R9-16-316. However, there is no fee pertaining to the examination. The Department proposes to correct this by removing reference to the Section on fees. The Department believes that the benefit, of this proposed amendment, is that it is making the rules clearer. The Department does not believe that those directly affected will incur a cost as a result of this amendment.

The Department is proposing to update the Table to align it with the proposed amendments that have been mentioned.

Proposed amendments to R9-16-308 addresses the information that an applicant should provide if they have or have had a license revoked or suspended in Arizona or any other state and the details of such action. The Department will benefit from this amendment as the additional information will allow the Department to make a more informed decision when reviewing an application and any supporting documentation. The costs incurred as a result of this amendment are thought to be "significant."

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

The Department did not make any changes between the proposed rulemaking and the final rulemaking.

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

No comments were received.

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

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

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

A general permit is not applicable. The Department, pursuant to A.R.S. 36-1902(A), is authorized to license individuals who apply for a license and possess all other qualifications required for licensure as a hearing aid dispenser.

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

Not applicable

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

No business competitiveness analysis was received by the Department of Health Services.

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 final rulemaking packages:

Not applicable

16. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

CHAPTER 16. DEPARTMENT OF HEALTH SERVICES OCCUPATIONAL LICENSING

ARTICLE 3. LICENSING HEARING AID DISPENSERS

Section

ARTICLE 3. LICENSING HEARING AID DISPENSERS

R9-16-301. Definitions

In addition to the definitions in A.R.S. § 36-1901, the following definitions apply in this Article unless otherwise specified:

1. "Applicant" means an individual ~~or a business organization~~ that submits an application and required documentation for approval to practice as a hearing aid dispenser.
2. ~~"Business organization" means an entity identified in A.R.S. § 36-1910.~~
3.2. "Calendar day" means each day, not including the day of the act, event, or default from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, statewide furlough day, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, statewide furlough day, or legal holiday.
4.3. "Continuing education" means a course that provides instruction and training that directly relates to the practice of fitting and dispensing hearing aids specified in A.R.S. § 36-1904.
5.4. "Designated agent" means an individual who:
   a. Is authorized by an applicant or hearing aid dispenser [a person] to receive communications from the Department, including legal service of process;
   b. May file or sign documents on behalf of the applicant or hearing aid dispenser;
   c. Is a U.S. citizen or legal resident; and
   d. Has an Arizona address~~; and~~.
   e. ~~Is a controlling person of the business organization, if applicable.~~
6.5. "Disciplinary action" means a proceeding that is brought against a licensee by the Department under A.R.S. § 36-1934, R9-16-313, or a state specified in R9-16-308(A)(2).
7.6. "GED" means a general education development test.
8.7. "Hearing aid dispenser examination" means one of the following that has been identified by the Department as complying with the requirements in A.R. S. § 36-1924:
   a. The International Licensing Examination for Hearing Health Professionals, administered by the International Hearing Society; or
   b. A test provided by the Department or other organization.
9.8. "Practical examination" means a test:

a. Designated by the Department that demonstrates an applicant's proficiency in the practice of fitting and dispensing of hearing aids, and
b. Compliant with A.R.S. § 36-1924(A)(4).

~~10.~~9. "State licensing entity" means a state agency or board that approves licensure and takes disciplinary action of individuals ~~or businesses~~ that practice as a hearing aid dispenser.

~~11.~~10. "Temporary hearing aid dispenser" means a person who is licensed under A.R.S. Title 36, Chapter 17 and this Article for a specified period of time under the sponsorship of a hearing aid dispenser also licensed under A.R.S. Title 36, Chapter 17 and this Article.

R9-16-302. Examination Requirements

A. No change
1. No change
2. No change

B. An applicant approved to take the Department-designated practical examination or a temporary hearing aid dispenser approved to take the Department-designated practical examination shall:
1. Arrive on the scheduled date and time of the examination,
2. Provide proof of identity by a government-issued photographic identification card that is provided by the applicant or temporary hearing aid dispenser upon the request of the individual administering the examination, ~~and~~
3. Exhibit ethical conduct during the examination process~~.~~, and
4. Submit an attestation, in a Department-provided format, confirming the applicant's proficiency in hearing aid dispensing competencies per A.R.S. § 36-1924, completed, signed, and dated by a licensed hearing aid dispenser or licensed dispensing audiologist in good standing in this state.

C. No change
1. No change
2. No change

D. An applicant or temporary hearing aid dispenser who does not comply with subsection ~~(B)(1) or (B)(2)~~ (B) is ineligible to take the examination on the scheduled date and time.

E. No change

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

G. ~~The Department shall notify an applicant or temporary hearing aid dispenser that the applicant or temporary hearing aid dispenser may apply for an initial hearing aid dispenser license when the applicant or temporary hearing aid dispenser has received a passing score on both of the examinations in subsection (A).~~ The Department shall notify an applicant or a temporary hearing aid dispenser when a passing score is achieved for both the written and practical examinations. The Department's notification shall also include instructions for how to apply for an initial hearing aid dispenser license.

R9-16-303. Application

A. An applicant for licensure shall submit to the Department:
1. An application in a Department-provided format that contains:
   a. No change
   b. No change
   c. The applicant's current employment, if applicable, including:
      i. The employer's name,
      ii. The ~~licensee's~~ applicant's position,
      iii. Dates of employment,
      iv. The address of the employer,
      v. The supervisor's name,
      vi. The supervisor's email address, and
      vii. The supervisor's telephone number;
   d. No change
   e. No change
      i. No change
      ii. No change
      iii. No change
      iv. No change
   f. No change
   g. No change
   h. No change
   i. No change
   j. No change
   k. No change
2. No change
3. No change
4. No change
5. No change

a. No change
b. No change
c. No change
6. No change
a. No change
b. No change
c. No change
7. No change
a. No change
b. No change
c. No change
d. No change
8. No change

B. The Department shall review an application and documentation ~~for approval~~ according to R9-16-314 and Table 3.1.

R9-16-304. Requirements for an Initial Hearing Aid Dispenser License

A. No change
1. No change
2. No change
a. No change
b. No change
3. No change

B. In addition to complying with subsections ~~(A)(1) and (A)(3)~~ (A)(1) and (3), an applicant that may be eligible for licensure under A.R.S. § 36-1922 shall submit documentation to the Department that includes:
1. No change
a. No change
b. No change
2. No change
3. No change
a. No change
b. No change
c. No change
d. No change

C. An initial hearing aid dispenser license is valid for two years from the date of issue for licensure ~~by examination or licensure by reciprocity~~.

D. No change

R9-16-305. Requirements for an Initial Temporary Hearing Aid Dispenser License

A. In addition to complying with R9-16-303, an applicant for a temporary hearing aid dispenser license shall submit to the Department:
1. The sponsor's:
a. Name,
b. Business address,
c. Business telephone number, and
d. Arizona hearing aid dispenser or dispensing audiologist license number.
2. A statement signed by the sponsor that the sponsor is a licensed hearing aid dispenser or dispensing audiologist who agrees to train, supervise, and be responsible for the applicant's hearing aid dispenser practice according to A.R.S. § 36-1905.
3. The fees specified in R9-16-316.

B. No change

C. A temporary hearing aid dispenser may renew a temporary license once according to A.R.S. § 36-1926.

D. No change

E. A hearing aid dispenser whose temporary license is terminated according to subsection (D):
1. Shall not practice until issued a new license,
2. May apply for an initial or temporary license as a hearing aid dispenser according to this Article; and
3. May choose to:
a. Complete the two-year test period issued to the applicant with a previous temporary license, or
b. Restart the two-year test period on the date the Department approves the hearing aid dispenser's temporary license in subsection (E)(2); and
4. If the applicant chooses to restart the two-year test period in subsection ~~(3)(b)~~ (E)(3)(b), the previous test result obtained will not apply.

F. No change

R9-16-306. Application for Examination

A. In addition to complying with R9-16-303, an applicant for initial licensure by examination shall submit an application to the Department that includes:
1. Information and documentation required in R9-16-303, and

2. ~~The fee in R9-16-316.~~ The name and hearing aid dispenser or dispensing audiologist license number of the individual responsible for providing the attestation described in R9-16-302(B)(4).

B. No change

C. No change

R9-16-307. ~~Initial Application for a Business Hearing Aid Dispenser License~~ Repealed

~~**A.** An applicant for a business hearing aid dispenser license shall submit to the Department:~~

~~1. An application in a Department-provided format that contains:~~

~~a. The name of the business organization;~~

~~b. The business organization's Arizona business name, address, e-mail address, and telephone number;~~

~~c. If the business organization has more than one location, provide the name, address, e-mail address, and telephone number for each location;~~

~~d. The name, address, telephone number, and e-mail address of the individual authorized by the business organization to be the designated agent;~~

~~e. The name, business telephone number, and Arizona hearing aid dispenser license number of each hearing aid dispenser employed by the business organization in Arizona;~~

~~f. Whether the business organization or a hearing aid dispenser working for the business organization has had a hearing aid dispenser license suspended or revoked by any state;~~

~~g. Whether the business organization or a hearing aid dispenser working for the business organization is currently ineligible for licensing in any state due to a suspension or revocation;~~

~~h. An attestation that the:~~

~~i. Business organization allows the Department to make supplemental requests for additional information; and~~

~~ii. Information required as part of the application has been submitted and is true and accurate; and~~

~~i. The signature and date of signature from the designated agent; and~~

~~2. An application and license fee specified in R9-16-316.~~

~~**B.** A business organization with more than one location shall submit a duplicate license fee for each additional location according to R9-16-315 and R9-16-316.~~

~~**C.** The Department shall review an application for an initial business hearing aid dispenser license according to R9-16-314 and Table 3.1.~~

~~**D.** A business organization licensed according to this Article shall comply with A.R.S. § 36-1910.~~

~~**E.** An initial license issued to a business organization according to this Section is valid for two years from the date of issue.~~

R9-16-308. License Renewal

A. A licensee, except for a temporary hearing aid dispenser, shall submit a renewal application before the license expires in a Department-provided format that contains:

1. For an individual licensed as a hearing aid dispenser:
   a. The licensee's name, home address, telephone number, and ~~e-mail~~ email address;
   b. The licensee's current employment, if applicable, including:
      i. The employer's name,
      ii. The licensee's position,
      iii. Dates of employment,
      iv. The address of the employer,
      v. The supervisor's name,
      vi. The supervisor's email address, and
      vii. The supervisor's telephone number;
   c. The licensee's license number and expiration date;
   d. Since the hearing aid dispenser's previous license application, whether the licensee has been convicted of a felony or a misdemeanor in this or another state or jurisdiction;
   e. If the licensee was convicted of a felony or misdemeanor:
      i. The date of the conviction,
      ii. The state or jurisdiction of the conviction,
      iii. An explanation of the crime of which the licensee was convicted, and
      iv. The disposition of the case;
   f. Whether the licensee has had a license revoked or suspended by any state within the previous two years;
   g. Whether the licensee is currently ineligible for licensure in any state because of a prior license revocation or suspension;
   h. Whether the licensee agrees to allow the Department to submit supplemental requests for information under R9-16-314;
   i. An attestation that the licensee completed continuing education required under A.R.S. § 36-1904 and that documentation of completion is available upon request;
   j. An attestation that the information required as part of the application has been submitted and is true and accurate; and
   k. The licensee's signature and date of signature;
2. ~~Whether~~ If the licensee has, within the two years before the date of the application, had a license revoked or suspended by any state, provide documentation that includes:
   a. ~~A license issued under this Article suspended or revoked; or~~ The date of the revocation or suspension,
   b. ~~A professional license or certificate revoked by another~~ The state or jurisdiction of the revocation or suspension; and
   c. An explanation of the revocation or suspension; and
3. A license renewal fee specified in R9-16-316~~; or~~.

~~4. For a business organization licensed as a hearing aid dispenser:~~
~~a. The information in subsection R9-16-307(A)(1), and~~
~~b. A license renewal fee specified in R9-16-316.~~

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

C. No change

D. If a licensee does not comply with subsections (A) or (B), the license is nonrenewable and~~:~~
~~1.~~ ~~The~~ the hearing aid dispenser may apply for a new license according to subsection (E)~~, or~~
~~2. The business organization may apply for a new license according to R9-16-307.~~

E. A licensee whose license is nonrenewable, according to subsection ~~(D)(1)~~ (D), and is within one year after the expiration date of the hearing aid dispenser's license, the licensee shall submit:
1. The information in R9-16-303(A);
2. An attestation of continuing education, according to R9-16-309, completed ~~with~~ within the ~~twenty-four~~ 24 months before the date ~~of the date~~ of application; and
3. A nonrefundable application fee and a license fee specified in R9-16-316.

F. If allowed in R9-16-303, a temporary hearing aid dispenser shall submit at least 30 calendar days before the expiration date on the license, a renewal application to the Department in a Department-provided format that contains:
1. The information in R9-16-303(A);
2. The applicant's sponsor's:
   a. Name,
   b. Business address,
   c. Business telephone number, and
   d. Arizona hearing aid dispenser or dispensing audiologist license number;
3. A statement signed by the sponsor that the sponsor is a licensed hearing aid dispenser or dispensing audiologist who agrees to train, supervise, and be responsible for the applicant's hearing aid dispenser practice according to A.R.S. § 36-1905; and
4. A license renewal fee specified in R9-16-316.

G. No change

H. The Department shall review a renewal application and documentation according to R9-16-314 and Table 3.1.

R9-16-309. Continuing Education

A. Twenty-four months prior to submitting a renewal application, a licensee shall complete 24 continuing education hours that includes no more than eight continuing education hours provided by a single manufacturer of hearing aids and in accordance with A.R.S. § 36-1904(C).

B. No change
1. No change
2. No change
3. No change
   a. No change
   b. No change
   c. No change
   d. No change
   e. No change
   f. No change
   g. No change
   h. No change
   i. No change

C. A continuing education course developed, endorsed, or sponsored by one of the following meets the requirements in subsection (B):
1. Hearing Healthcare Providers of Arizona,
2. Arizona Speech-Language-Hearing Association,
3. American Speech-Language-Hearing Association,
4. International Hearing Society,
5. International Institute for Hearing Instruments Studies,
6. American Auditory Society,
7. American Academy of Audiology,
8. Academy of Doctors of Audiology,
9. Arizona Society of Otolaryngology, Head and Neck Surgery,
10. American Academy of Otolaryngology-Head and Neck Surgery, or
11. An organization determined by the Department to be consistent with an organization in subsection ~~(B)(1) through (10)~~ (C)(1) through (10).

R9-16-310. Sponsors

A. A sponsor shall:
1. Provide to a temporary hearing aid dispenser for on-site training and supervision that:

a. Consists of coordinating, directing, watching, inspecting, and evaluating the fitting and dispensing activities of the temporary hearing aid dispenser; and
b. Directly relates to the type of training and education needed to pass the licensing examination required in A.R.S. § 36-1924;
2. Maintain a training record that:
a. Is signed by the temporary hearing aid dispenser;
b. Has the date, time, and content of the training and supervision provided to the temporary hearing aid dispenser, as required in subsection (A)(1); and
c. Is available for inspection by the Department for at least 12 months after the end of the sponsorship agreement; ~~and~~
3. Not provide sponsorship to more than two temporary hearing aid dispenser licensees at one time~~.~~; and
4. Provide the Department a signed attestation, in a Department-provided format, in accordance with R9-16-302(B)(4).

B. No change
1. No change
a. No change
b. No change
2. No change

R9-16-312. Equipment and Records

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

C. A licensee shall maintain a record according to A.R.S. § 32-3211 for each client with the following documents for at least 36 months after the date the licensee provided a service or dispensed a product while engaged in the practice of fitting and dispensing hearing aids:
1. The name, address, and telephone number of the ~~individual~~ client to whom services are provided;
2. A written statement from a licensed physician that the client has medical clearance to use hearing aids or a medical waiver signed by the client who is 18 years of age or older;
3. For each audiometric test conducted for the client, the:
a. Audiometric test results by date and procedure used in evaluating hearing disorders or determining the need for dispensing a product or service,
b. Name of the individual who performed the audiometric tests, and
c. Signature of the individual who performed the audiometric tests;
4. A copy of the bill of sale required in R9-16-311(A)(7);
5. Documented verification of the effectiveness of the hearing aid required in R9-16-311(A)(6); and
6. The contracts, agreements, warranties, trial periods, or other documents involving the client.

R9-16-314. Time-frames

A. For each type of license issued by the Department under this Article, ~~Table 6.1~~ Table 3.1 specifies the overall time-frame described in A.R.S. § 41-1072(2).
1. An applicant or licensee and the Department may agree in writing to extend the substantive review time-frame and the overall time-frame.
2. The extension of the substantive review time-frame and overall time-frame may not exceed 25% of the overall time-frame.

B. For each type of license issued by the Department under this Article, ~~Table 6.1~~ Table 3.1 specifies the administrative completeness review time-frame described in A.R.S. § 41-1072(1).
1. The administrative completeness review time-frame begins on the date the Department receives an application required in this Article.
2. Except as provided in subsection (B)(3), the Department shall provide written notice of administrative completeness or a notice of deficiencies to an applicant within the administrative completeness review time-frame.
a. If an application and required documentation is not complete, the notice of deficiencies shall list each deficiency and the information or documentation needed to complete the application.
b. A notice of deficiencies suspends the administrative completeness review time-frame and the overall time-frame from the date of the notice until the date the Department receives the missing information or documentation.
c. If the applicant does not submit to the Department all the information or documentation listed in the notice of deficiencies within 30 calendar days after the date of the notice of deficiencies, the Department shall consider the application withdrawn.
3. If the Department issues a license during the administrative completeness review time-frame, the Department shall not issue a separate written notice of administrative completeness.

C. For each type of license issued by the Department under this Article, ~~Table 6.1~~ Table 3.1 specifies the substantive review time-frame described in A.R.S. § 41-1072(3), which begins on the date the Department sends a written notice of administrative completeness.
1. Within the substantive review time-frame, the Department shall provide written notice to the applicant that the Department approved or denied the application.
2. During the substantive review time-frame:
a. The Department may make one comprehensive written request for additional information or documentation; and
b. If the Department and the applicant agree in writing, the Department may make supplemental requests for additional information of documentation.

3. A comprehensive written request or a supplemental request for additional information or documentation suspends the substantive review time-frame and the overall time-frame from the date of the request until the date the Department receives all the information or documentation requested.
4. If the applicant does not submit to the Department all the information or documentation listed in a comprehensive written request or supplemental request for additional information or documentation within 30 calendar days after the date of the request, the Department shall deny the license.

D. No change

Table 3.1. Time-frames (in calendar days)

Type of ~~Approval~~ Application	Statutory Authority	Overall Time-frame	Administrative Completeness Review Time-frame	Time to Respond to Deficiency Notice	Substantive Review Time-frame	Time to Respond to a Comprehensive Written Request
~~Initial~~ Application for ~~a~~ Initial Hearing Aid Dispenser (R9-16-304)	A.R.S. §§ 36-1904, 36-1923	60	30	30	30	30
~~Initial Application for a Business Organization~~	~~A.R.S. § 36-1019~~	~~60~~	~~30~~	~~30~~	~~30~~	~~30~~
Application for Temporary Hearing Aid Dispenser (R9-16-305)	A.R.S. § 36-1926	60	30	30	30	30
License Renewal (R9-16-308)	A.R.S. § 36-1904	60	30	30	30	30

R9-16-315. Change Affecting a License or a Licensee~~; Request for Duplicate License~~

A. A hearing aid dispenser licensee or temporary hearing aid dispenser licensee shall submit a ~~written notice~~ change application to the Department in ~~writing~~ a Department-provided format, within 30 calendar days after the effective date of a change in:
1. The licensee's home address or ~~e-mail~~ email address, including the new home address or ~~e-mail~~ email address;
2. The licensee's name, including a copy of one of the following with the licensee's new name:
   a. Marriage certificate,
   b. Divorce decree, or
   c. Other legal document establishing the licensee's new name; or
3. The place or places where the licensee engages in the practice of hearing aid dispensing, including the address or addresses of the place or places where the licensee engages in the practice of hearing aid dispensing.

B. A licensee may obtain a duplicate license and update the information described in subsection (A) by submitting to the Department a request for a ~~duplicate license~~ change application in a Department-provided format that includes:
1. The licensee's name and address,
2. The licensee's license number and expiration date,
3. The licensee's signature and date of signature, and
4. A ~~duplicate license~~ fee specified in R9-16-316.

~~**C.** A business hearing aid dispenser licensee shall submit a written notice to the Department within 30 calendar days after the licensee:~~
~~1. Has a change in the information provided in R9-16-307(A)(1)(b).~~
~~2. Closes a location specified in R9-16-307(A)(1)(b) and (c), including the location address.~~
~~3. Begins operating at new location, not specified in R9-16-307(A)(1)(c), including the new location address.~~

R9-16-316. Fees

A. An applicant shall submit to the Department the following fee for:
1. A nonrefundable initial application for a temporary or regular hearing aid dispenser, $100;
2. An initial license for a temporary hearing aid dispenser, $100;
~~2.~~3. An initial license for a regular ~~or business~~ hearing aid dispenser, $200;
~~3.~~4. A renewal application for a temporary hearing aid dispenser license, $100.
~~4.~~5. A renewal application for a regular ~~or business~~ hearing aid dispenser licensee, ~~for a renewal license,~~ $200.

B. No change

C. No change

D. An applicant~~, who is not a business organization,~~ for initial licensure is not required to submit the applicable fee in subsection (A) if the applicant, as part of the applicable application in R9-16-303, R9-16-304, or R9-16-305 ~~or R9-16-306~~, submits an attestation that the applicant meets the criteria for waiver of licensing fees in A.R.S. § 41-1080.01.

Volume 32 **Issue 9** **February 27, 2026**

NOTICES OF FINAL EXPEDITED RULEMAKING

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

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

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

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

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

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

NOTICE OF FINAL EXPEDITED RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 16. DEPARTMENT OF HEALTH SERVICES OCCUPATIONAL LICENSING

[R26-15]

PREAMBLE

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

October 27, 2025

2.

Article, Part, or Section Affected (as applicable)	Rulemaking Action
R9-16-201	Amend
R9-16-202	Amend
R9-16-203	Amend
R9-16-205	Amend
R9-16-207	Amend
R9-16-208	Amend
R9-16-209	Amend
R9-16-211	Amend
R9-16-214	Amend
R9-16-215	Amend
R9-16-501	Amend
R9-16-502	Amend
R9-16-503	Amend
R9-16-504	Amend
R9-16-505	Amend
R9-16-507	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. §§ 36-104(3), 36-132(A)(18), and 36-136(G)
Implementing statute: A.R.S. §§ 36-1901 through 36-1909, 36-1934, and 36-1936 through 36-1940.04

4. The effective date of the rule:

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

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

Notice of Docket Opening: 31 A.A.R. 479; February 7, 2025; Issue Number: 6; File Number: R25-08
Notice of Proposed Expedited Rulemaking: 31 A.A.R. 1885; June 13, 2025; Issue Number: 24; File Number: R25-119

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

Name:	Megan Whitby
Title:	Deputy Assistant Director
Division:	Public Health Licensing Services
Address:	Arizona Department of Health Services 150 N. 18th Ave., Suite 400 Phoenix, AZ 85007
Telephone:	(602) 364-3052
Fax:	(602) 364-2079
Email:	megan.whitby@azdhs.gov
	or
Name:	Stacie Gravito
Title:	Office Chief, Administrative Counsel and Rules
Division:	Director's Office
Address:	Arizona Department of Health 150 N. 18th Ave., Suite 540 Phoenix, AZ 85007
Telephone:	(602) 542-1020
Fax:	(602) 364-1150
Email:	stacie.gravito@azdhs.gov
Website:	azdhs.gov/policy-intergovernmental-affairs/administrative-counsel-rules/rules/index.php

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

Arizona Revised Statutes (A.R.S.) Title 36, Chapter 17, authorizes the Arizona Department of Health Services (the Department) to license and regulate audiologists, speech-language pathologists, and speech-language pathologist assistants. These statutes are implemented in the Arizona Administrative Code (A.A.C.), Title 9, Chapter 16, Articles 2 and 5. The Department recently identified issues with these rules through a five-year-review report approved by the Governor's Regulatory Review Council. To address these issues, the Department is proposing amendments to improve the rules' effectiveness, clarity, conciseness, understandability, and consistency with other rules and statutes. Additionally, the Department plans to amend the rules necessary for the proper administration and enforcement of public health laws. On January 16, 2024, the Governor's Office approved the Department's request to proceed with rulemaking, in accordance with A.R.S. § 41-1039(A). The proposed changes will comply with the current rulemaking format and style requirements of the Governor's Regulatory Review Council and the Office of the Secretary of State.

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:

The Department did not review or rely on any study relevant to the rule.

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

Not applicable

10. A statement that the agency is exempt from the requirements under A.R.S. § 41-1055(G) to obtain and file a 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).

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

The Department corrected incorrect numbering in R9-16-201 between the proposed expedited rulemaking and the final rulemaking.

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

No comments were received.

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

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:

The Department believes that under A.R.S. § 41-1037(A)(2), a general permit is 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:

Federal laws do not apply to 9 A.A.C. 16, Articles 2 and 5.

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.

14. List all incorporated by reference material as specified in A.R.S. § 41-1028 and include a citation where the material is located:
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) state where the text was changed between the emergency and the final expedited rulemaking package:
The rules were not previously made as an emergency rule.

16. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

CHAPTER 16. DEPARTMENT OF HEALTH SERVICES OCCUPATIONAL LICENSING

ARTICLE 2. LICENSING AUDIOLOGISTS AND SPEECH-LANGUAGE PATHOLOGISTS

Section
R9-16-201. Definitions
R9-16-202. Application
R9-16-203. Initial Application for an Audiologist
R9-16-205. Initial Application for a Temporary ~~Speech-language~~ Speech-Language Pathologist
R9-16-207. License Renewal
R9-16-208. Continuing Education
R9-16-209. Clinical Fellowship Supervisors
R9-16-211. Equipment; Records
R9-16-214. Time-frames
R9-16-215. Changes Affecting a License or a Licensee~~; Request for a Duplicate License~~

ARTICLE 5. LICENSING SPEECH-LANGUAGE ~~PATHOLOGIST~~ PATHOLOGY ASSISTANTS

Section
R9-16-501. Definitions
R9-16-502. Initial Application
R9-16-503. License Renewal
R9-16-504. Continuing Education
R9-16-505. Enforcement
R9-16-507. Changes Affecting a License or a Licensee~~; Request for a Duplicate License~~

ARTICLE 2. LICENSING AUDIOLOGISTS AND SPEECH-LANGUAGE PATHOLOGISTS

R9-16-201. Definitions
In addition to the definitions in A.R.S. § 36-1901, the following definitions apply in this Article unless otherwise specified:

1. "ABAC" means the American Board of Audiology Certified credential, a certification issued by the American Board of Audiology to an individual who:
   a. Completes a doctoral degree in audiology from an accredited college or university that includes a clinical practicum,
   b. Passes the ETSNEA, and
   c. Completes a clinical fellowship.
~~1.~~2. "Accredited" means approved by the US Department of Education and recognized by the Council for Higher Education Accreditation.~~:~~
   ~~a. New England Commission of Higher Education,~~
   ~~b. Middle States Commission on Higher Education,~~
   ~~c. Higher Learning Commission,~~
   ~~d. Northwest Commission on Colleges and Universities,~~
   ~~e. Southern Association of Colleges and Schools Commission on Colleges, or~~
   ~~f. WASC Senior College and University Commission.~~
~~2.~~3. "Applicant" means an individual who submits an application and ~~required~~ documentation for approval to practice as an audiologist or a speech-language pathologist.
~~3. "ASHA" means the American Speech-Language-Hearing Association, a national professional, scientific, and credentialing association for audiologists; speech-language pathologists; speech, language, and hearing scientists; audiology and speech-language pathology support personnel; and students.~~
4. "Calendar day" No change
5. "CCC" means Certificate of Clinical Competence, ~~an award~~ a certificate issued by ~~ASHA~~ the American Speech-Language-Hearing Association to an individual who:

a. Completes a degree in audiology or speech-language pathology from an accredited college or university that includes a clinical practicum,
b. Passes the ETSNEA or ETSNESLP, and
c. Completes a clinical fellowship.

6. "Clinical fellow" No change
7. "Clinical fellowship" means an individual's postgraduate professional experience assessing, diagnosing, screening, treating, writing reports, and counseling individuals exhibiting speech, language, hearing, or communication disorders, obtained:
   a. After completion of graduate level academic ~~course work~~ coursework and a clinical practicum;
   b. Under the supervision of a clinical fellowship supervisor; and
   c. While employed on a full-time or part-time equivalent basis.
8. "Clinical fellowship agreement" No change
9. ~~"Clinical fellowship report" means a document completed by a clinical fellowship supervisor containing:~~
   ~~a. A summary of the diagnostic and therapeutic procedures performed by the clinical fellow,~~
   ~~b. A verification by the clinical fellowship supervisor of the clinical fellow's performance of diagnostic and therapeutic procedures, and~~
   ~~c. An evaluation of the clinical fellow's ability to perform the diagnostic and therapeutic procedures.~~

~~10.~~9. "Clinical fellowship supervisor" means a licensed speech-language pathologist who:
   a. Is or has been a sponsor of a temporary licensee,
   b. Had a CCC while supervising a clinical fellow before October 28, 1999, or
   c. Has a CCC while supervising a clinical fellow in another state.

~~11.~~10. "Clinical practicum" means the experience acquired by an individual who is completing ~~course work~~ coursework in audiology or speech-language pathology, while supervised by a licensed audiologist, a licensed speech-language pathologist, or an individual holding a CCC or ABAC, by assessing, diagnosing, evaluating, screening, treating, and counseling individuals exhibiting speech, language, cognitive, hearing, or communication disorders.

~~12.~~11. "Continuing education" means a course that provides instruction and training that is designed to develop or improve a licensee's professional competence in disciplines directly related to the licensee's scope of practice.

~~13.~~12. "Course" means a workshop, seminar, lecture, conference, or class.

~~14.~~13. "Diagnostic and therapeutic procedures" means the principles and methods used by an audiologist in the practice of audiology or a speech-language pathologist in the practice of speech-language pathology.

~~15.~~14. "Disciplinary action" means a proceeding that is brought against a licensee by the Department under A.R.S. § 36-1934 or a state licensing entity.

~~16.~~15. "ETSNEA" means Educational Testing Service National Examination in Audiology, the specialty area test of the Praxis Series given by the Education Testing Service, Princeton, N.J.

~~17.~~16. "ETSNESLP" means Educational Testing Service National Examination in Speech-Language Pathology, the specialty area test of the Praxis Series given by the Education Testing Service, Princeton, N.J.

~~18.~~17. "Full-time" means 30 clock hours or more per week.

~~19. "Hearing aid dispenser examination" means the International Licensing Examination for Hearing Healthcare Professionals approved by the Department as complying with A.R.S. § 36-1924.~~

~~20.~~18. "Local education agency" means a governing board established by A.R.S. § 15-101 or A.R.S. Title 15, Chapter 3, Article 3.

~~21.~~19. "Monitoring" means being responsible for and providing direction to a clinical fellow without directly observing diagnostic and therapeutic procedures.

~~22.~~20. "On-site observations" means the presence of a clinical fellowship supervisor who is watching a clinical fellow perform diagnostic and therapeutic procedures.

~~23.~~21. "Part-time equivalent" means:
   a. 25-29 clock hours per week for 48 weeks,
   b. 20-24 clock hours per week for 60 weeks, or
   c. 15-19 clock hours per week for 72 weeks.

~~24.~~22. "Semester credit hour" means one earned academic unit of study based on completing, at an accredited college or university, a 50 to 60 minute class session per calendar week for 15 to 18 weeks.

~~25.~~23. "Semester credit hour equivalent" means one quarter credit, which is equal in value to 2/3 of a semester credit hour.

~~26.~~24. "State-supported institution" means a school, a charter school, a private school, or an accommodation school as defined in A.R.S. § 15-101.

~~27. "Student" means a child attending a school, a charter school, a private school, or an accommodation school as defined in A.R.S. § 15-101.~~

~~28.~~25. "Supervision" includes direct supervision and indirect supervision as defined in A.R.S. §§ 36-1901 and 36-1940.04, and means being responsible for and providing direction to:
   a. A clinical fellow during on-site observations or monitoring of the clinical fellow's performance of diagnostic and therapeutic procedures; or
   b. An individual completing a clinical practicum.

~~29. "Supervisory activities" means evaluating and assessing a clinical fellow's performance of diagnostic and therapeutic procedures in assessing, diagnosing, evaluating, screening, treating, and counseling individuals exhibiting speech, language, cognitive, hearing, or communication disorders.~~

R9-16-202. Application

A. An applicant for licensure shall submit to the Department:

1. An application in a Department-provided format that contains:
   a. The applicant's name, home address, telephone number, and ~~e-mail~~ email address;
   b. The applicant's Social Security number, as required under A.R.S. §§ 25-320 and 25-502;
   c. If applicable, the applicant's business addresses and telephone number;
   d. The applicant's current employment, if applicable, including:
      i. The employer's name,
      ii. The ~~licensee's~~ applicant's position,
      iii. Dates of employment,
      iv. The address of the employer,
      v. The supervisor's name,
      vi. The supervisor's email address, and
      vii. The supervisor's telephone number;
   e. If applicable, whether the applicant is requesting an audiology license to fit and dispense;
   f. Whether the applicant has ever been convicted of a felony or a misdemeanor in this or another state;
   g. If the applicant has been convicted of a felony or a misdemeanor:
      i. The date of the conviction,
      ii. The state or jurisdiction of the conviction,
      iii. An explanation of the crime of which the applicant was convicted, and
      iv. The disposition of the case;
   h. Whether the applicant is or has been licensed as an audiologist, an audiologist to fit and dispense hearing aids, or a speech-language pathologist in another state or country;
   i. Whether the applicant has had a license revoked or suspended by any state;
   j. Whether the applicant is currently ineligible for licensing in any state because of a license revocation or suspension;
   k. Whether any disciplinary action has been imposed by any state, territory or district in this country for an act related to the applicant's practice of audiology or a speech-language pathologist license;
   l. Whether the applicant agrees to allow the Department to submit supplemental requests for information under ~~R9-16-214(C)~~ R9-16-214;
   m. An attestation that the information submitted as part of the application is true and accurate; and
   n. The applicant's signature and date of signature;
2. If a license for the applicant has been revoked or suspended by any state, documentation that includes:
   a. The date of the revocation or suspension,
   b. The state or jurisdiction of the revocation or suspension, and
   c. An explanation of the revocation or suspension;
3. If the applicant is currently ineligible for licensing in any state because of a license revocation or suspension, documentation that includes:
   a. The date of the ineligibility for licensing,
   b. The state or jurisdiction of the ineligibility for licensing, and
   c. An explanation of the ineligibility for licensing;
4. If the applicant has been disciplined by any state, territory, or district of this country for an act related to the applicant's license to practice audiology or a speech-language pathologist license that is consistent with A.R.S. Title 36, Chapter 17, documentation that includes:
   a. The date of the disciplinary action,
   b. The state or jurisdiction of the disciplinary action,
   c. An explanation of the disciplinary action, and
   d. Any other applicable documents, including a legal order or settlement agreement;
5. Documentation of the applicant's citizenship or alien status that complies with A.R.S. § 41-1080; and
6. A fee specified in R9-16-216.

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

C. No change

R9-16-203. Initial Application for an Audiologist

A. In addition to complying with R9-16-202, an applicant for initial licensure as an audiologist shall submit to the Department the following:
1. A transcript or equivalent documentation issued to the applicant from an accredited college or university after the applicant's completion of a doctoral degree consistent with the standards of this state's universities, as required in A.R.S. § 36-1940(A)(2) or documentation of the applicant's current CCC or ABAC.

2. Documentation of a passing grade on a ETSNEA or current CCC or ABAC, as required in A.R.S. §§ 36-1902(E) and 36-1940(A)(3) dated within three years before the date of application ~~required in A.R.S. §§ 36-1902(E) and 36-1940(A)(3)~~ or current license from other state.
3. Documentation of completing supervised clinical rotation consistent with the standards of this state's universities required in ~~A.R.S. § 36-1940(B)(2)~~ A.R.S. § 36-1940(B)(2)(b) or current CCC or ABAC.
4. Whether the applicant is applying to fit and dispense hearing aids.
5. If applicable, a list of all states and countries in which the applicant is or has been licensed as an audiologist or an audiologist to fit and dispense hearing aids.

B. In addition to complying with R9-16-202, an applicant for initial licensure as an audiologist licensed to fit and dispense hearing aids who was awarded a master's degree before December 31, 2007, shall submit to the Department the following:
1. A transcript or equivalent documentation issued to the applicant from an accredited college or university demonstrating the applicant's completion of a master's degree in audiology before December 31, 2007, or documentation of the applicant's current CCC or ABAC;
2. Documentation of a passing grade on an ETSNEA or current CCC or ABAC dated within three years before the date of application; and
3. Documentation of a passing grade obtained by the applicant on ~~a written~~ the hearing aid dispenser examination as required in A.R.S. § 36-1940(C)(4).

R9-16-205. Initial Application for a Temporary ~~Speech-language~~ Speech-Language Pathologist

A. In addition to complying with R9-16-202(A), an applicant for initial licensure as a temporary speech-language pathologist shall submit to the Department the following:
1. A transcript or equivalent documentation issued to the applicant by an accredited college or university after the applicant's completion of a master's degree consistent with the standards of this state's universities, as required in A.R.S. § 36-1940.01(A)(2)(a)
2. Completion of a clinical practicum, as required in A.R.S. § 36-1940.01(A)(2)(b).
3. Documentation of the applicant's completion of the ETSNESLP as required in A.R.S. § 36-1940.01(A)(3).
4. Documentation of the applicant's clinical fellowship agreement in a Department-provided format that includes:
   a. The applicant's name, home address, and telephone number;
   b. The clinical fellowship supervisor's name, business address, telephone number, and speech-language pathology license number;
   c. The name and address where the clinical fellowship will take place;
   d. A statement by the clinical fellowship supervisor agreeing to comply with R9-16-209; and
   e. The signatures of the applicant and the clinical fellowship supervisor.

B. A temporary license issued is effective for ~~12~~ 24 months from the date of issuance.

C. No change

D. No change
1. No change
2. No change

R9-16-207. License Renewal

A. Before the expiration date of a license, a licensee shall submit to the Department:
1. A renewal application in a Department-provided format that contains:
   a. The licensee's name, home address, telephone number, and ~~e-mail~~ email address;
   b. If applicable, the licensee's business address and telephone number;
   c. The licensee's current employment, if applicable, including:
      i. The employer's name,
      ii. The licensee's position,
      iii. Dates of employment,
      iv. The address of the employer,
      v. The supervisor's name,
      vi. The supervisor's email address, and
      vii. The supervisor's telephone number;
   d. The licensee's license number and date of expiration;
   e. Since the previous license application, whether the licensee has been convicted of a felony or a misdemeanor in this or another state;
   f. If the licensee was convicted of a felony or a misdemeanor:
      i. The date of the conviction,
      ii. The state or jurisdiction of the conviction,
      iii. An explanation of the crime of which the licensee was convicted, and
      iv. The disposition of the case;
   g. Whether the licensee has had~~, within two years before the renewal application date, an audiology or speech-language pathology~~ a license ~~suspended or~~ revoked or suspended by any state within the previous two years;
   h. Whether the licensee is currently ineligible for licensure in any state because of a prior license revocation or suspension;
   ~~h.~~i. If the ~~applicant~~ licensee has been disciplined by any state, territory, or district of this country for an act related to the ~~applicant's~~ licensee's license to practice audiology or a speech-language pathologist license that is consistent with A.R.S. Title 36, Chapter 17, documentation that includes:

i. The date of the disciplinary action,
ii. The state or jurisdiction of the disciplinary action,
iii. An explanation of the disciplinary action, and
iv. The disposition of the case;
~~iv.~~v. Any other applicable documents, including a legal order or settlement agreement;
~~i.~~j. An attestation that the licensee completed continuing education required under A.R.S. § 36-1904 and this Article, and documentation of completion is available upon request;
~~j.~~k. ~~The~~ Whether the licensee agrees to allow the Department to submit supplemental requests for information under ~~R9-16-214(C)~~ R9-16-214;
~~k.~~l. An attestation that the information submitted as part of the renewal application is true and accurate; and
~~l.~~m. The licensee's signature and date of signature; and

2. A renewal fee specified in R9-16-216.

B. A licensee licensed as a speech-language pathologist, whose practice is limited to providing services to students under the authority of a local education agency or state-supported institution, such as a school, a charter school, a private school, or an accommodation school as defined in A.R.S. § 15-101, shall provide documentation required in A.R.S. § 36-1940.01(B);

C. No change
1. No change
2. No change

D. No change

E. No change

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

G. No change

R9-16-208. Continuing Education

A. No change
1. No change
2. No change
   a. No change
   b. No change
3. No change

B. No change
1. No change
2. No change
3. No change
   a. No change
   b. No change
   c. No change
   d. No change
   e. No change
   f. No change
   g. No change
   h. No change
   i. No change
   j. No change
   k. No change

C. A continuing education course developed, endorsed, or sponsored by one of the following meets the requirements in subsection (B):
1. Hearing Healthcare Providers of Arizona,
2. Arizona Speech-Language-Hearing Association,
3. American Speech-Language-Hearing Association,
4. International Hearing Society,
5. International Institute for Hearing Instruments Studies,
6. American Auditory Society,
7. American Academy of Audiology,
8. Academy of Doctors of Audiology,
9. Arizona Medical Association,

~~9.~~10. Arizona Society of Otolaryngology, Head and Neck Surgery,
~~10.~~11. American Academy of Otolaryngology-Head and Neck Surgery, ~~or~~
12. American Occupational Therapy Association,
13. American Physical Therapy Association, or

~~11.~~14. An organization determined by the Department to be consistent with an organization in subsection (C)(1) through ~~(10)~~ (13).

R9-16-209. Clinical Fellowship Supervisors

A. In addition to complying with the requirements in A.R.S. § 36-1905, a clinical fellowship supervisor shall complete a minimum of 36 supervisory activities, including evaluating and assessing a clinical fellow's performance of diagnostic and therapeutic procedures in

assessing, diagnosing, evaluating, screening, treating, and counseling individuals exhibiting speech, language, cognitive, hearing, or communication disorders, throughout an individual's clinical fellowship that include:

1. A minimum of 18 on-site observations,
2. No more than six on-site observations in a 24-hour period, and
3. A minimum of 18 monitoring activities.

B. A clinical fellowship report shall be completed by a clinical fellowship supervisor and the document shall contain:

1. A summary of the diagnostic and therapeutic procedures performed by the clinical fellow,
2. A verification by the clinical fellowship supervisor of the clinical fellow's performance of diagnostic and therapeutic procedures, and
3. An evaluation of the clinical fellow's ability to perform the diagnostic and therapeutic procedures.

R9-16-211. Equipment; Records

A. No change

B. If a licensee uses equipment that requires calibration, the licensee shall ensure that:

1. The equipment is calibrated a minimum of every 12 months and according to the American National Standard - Specifications for Audiometers S3.6-2018 (R2023), incorporated by reference and on file with the Department, with no future additions or amendments and available from the Standards Secretariat, c/o Acoustical Society of America, 1305 Walt Whitman Road, Suite 300, Melville, New York, 11747-4300, September 20, 2018; and
2. A written record of the calibration is maintained in the same location as the calibrated equipment for at least 36 months after the date of the calibration.

C. No change

1. No change
2. No change
3. No change
   a. No change
   b. No change
   c. No change
   d. No change
   e. No change
   f. No change
   g. No change
   h. No change

R9-16-214. Time-frames

A. No change

1. No change
2. No change

B. No change

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

C. No change

1. No change
2. No change
   a. No change
   b. No change
3. No change
4. No change

D. The Department shall issue ~~a regular~~ an initial license or a temporary license:

1. Within five calendar days after receiving the license fee, and
2. From the date of issue, the license is valid for:
   a. Two years, if a regular license, and
   b. Twelve months, if a temporary license.

E. No change

R9-16-215. Changes Affecting a License or a Licensee~~; Request for a Duplicate License~~

A. A licensee shall submit to the Department ~~a notice~~ a change application in a Department-provided format within 30 calendar days after the effective date of a change in:

1. The licensee's home address or ~~e-mail~~ email address, including the new home address or ~~e-mail~~ email address;
2. The licensee's name, including a copy of one of the following with the licensee's new name:
   a. Marriage certificate,
   b. Divorce decree, or
   c. Other legal document establishing the licensee's new name; and

3. The place or places, including address or addresses, where the licensee engages in the practice of audiology or speech-language pathology.

B. A licensee may obtain a duplicate license updating the information requested in subsection (A) by submitting to the Department a ~~written request for a duplicate license~~ change application in a format provided by the Department that includes:
1. The licensee's name and address,
2. The licensee's license number and expiration date,
3. The licensee's signature and date of signature, and
4. ~~A duplicate license~~ The fee specified in R9-16-216.

ARTICLE 5. LICENSING SPEECH-LANGUAGE ~~PATHOLOGIST~~ PATHOLOGY ASSISTANTS

R9-16-501. Definitions

In addition to the definitions in A.R.S. § 36-1901, the following definitions apply in this Article unless otherwise specified:
1. "Accredited" means approved by the U.S. Department of Education or a regional accrediting agency recognized by the U.S. Department of Education.~~:~~
   ~~a. New England Commission of Higher Education,~~
   ~~b. Middle States Commission on Higher Education,~~
   ~~c. Higher Learning Commission,~~
   ~~d. Northwest Commission on Colleges and Universities,~~
   ~~e. Southern Association of Colleges and Schools Commission on Colleges, or~~
   ~~f. WASC Senior College and University Commission.~~
2. "Applicant" No change
3. "Calendar day" No change
4. "Continuing education" No change
5. "Course" No change
6. "Documentation" means information in written, photographic, electronic, or other permanent ~~for m~~ form.
7. "General education" means instruction that includes:
   a. Oral communication,
   b. ~~Written~~ English or written communication,
   c. Mathematics,
   d. Computer instruction,
   e. Social or behavioral sciences~~, and~~
   f. Natural sciences~~.~~,
   g. Humanities or fine art,
   h. Global or historic awareness,
   i. Governance or civic engagement,
   j. Religious or cultural studies,
   k. Business or economics, or
   l. Except as provided in R9-16-502(A)(6), any college-level course related to undergraduate studies completed at an accredited college or university.
8. "Observation" No change
   a. No change
   b. No change
9. "Semester credit hour" No change
   a. No change
   b. No change
10. "Speech-language pathologist" No change
11. "Speech-language pathology technical ~~course work~~ coursework" means a curriculum that provides knowledge to develop core skills and assume job responsibilities, including:
    a. Language acquisition,
    b. Speech development,
    c. Communication disorders,
    d. Articulation and phonology, and
    e. Intervention techniques for speech and language disorders.
12. "Supervision" ~~means instruction and monitoring provided by a licensed speech-language pathologist as required in A.R.S. § 36-1940.04(E) and (F) to an individual training to become a speech-language pathologist assistant.~~ includes direct supervision and indirect supervision as defined in A.R.S. §§ 36-1901 and 36-1940.04, and means being responsible for and providing direction to:
    a. A clinical fellow during on-site observations or monitoring of the clinical fellow's performance of diagnostic and therapeutic procedures; or
    b. An individual completing a clinical practicum.

R9-16-502. Initial Application

A. An applicant for licensure shall submit to the Department:
1. An application in a Department-provided format that contains:
   a. The applicant's name, home address, telephone number, and ~~e-mail~~ email address;

b. The applicant's Social Security number, as required under A.R.S. §§ 25-320 and 25-502;
c. If applicable, the name of the applicant's employer and the employer's business address and telephone number;
d. Whether the applicant has ever been convicted of a felony or of a misdemeanor in this state or another state;
e. If the applicant has been convicted of a felony or a misdemeanor:
i. The date of the conviction,
ii. The state or jurisdiction of the conviction,
iii. An explanation of the crime of which the applicant was convicted, and
iv. The disposition of the case;
f. Whether the applicant has had a license revoked or suspended by any state;
g. Whether the applicant is currently ineligible for licensure in any state because of a prior license revocation or suspension;
h. Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-16-506;
i. An attestation that the information submitted is true and accurate; and
j. The applicant's signature and date of signature;

2. If applicable, a list of all states and countries in which the applicant is or has been licensed as a speech-language ~~pathologist~~ pathology assistant;
3. If a license for an applicant has been revoked or suspended by any state, documentation that includes:
a. The date of the revocation or suspension,
b. The state or jurisdiction of the revocation or suspension, and
c. An explanation of the revocation or suspension;
4. If the applicant is currently ineligible for licensure in any state because of a prior license revocation or suspension, documentation that includes:
a. The date of the ineligibility for licensure,
b. The state or jurisdiction of the ineligibility for licensure, and
c. An explanation of the ineligibility for licensure;
5. Documentation of the applicant's citizenship or alien status that complies with A.R.S. § 41-1080.
~~6. A transcript or equivalent documentation issued to the applicant from an accredited college or university, showing completion of at least 60 semester credit hours of general education and speech-language pathology technical course work specified in A.R.S. § 36-1940.04(A) that requires:~~
~~a. No less than 20 semester credit hours of general education, and~~
~~b. No less than 20 semester credit hours of speech-language pathology technical course work;~~
~~7. Documentation, signed by a licensed speech-language pathologist as required in A.R.S. §36-1940.04 who provided supervision to the applicant, confirming the applicant's completion of at least 100 hours of clinical interaction that did not include observation; and~~
6. One of the following professional certification credentials or education history:
a. Documentation of a valid Speech Language Pathology Assistant Certification from the American Speech-Language-Hearing Association, including the account certification number;
b. Both of the following:
i. Unofficial or official transcripts or equivalent documentation issued to the applicant from an accredited college or university after the applicant's completion of:
(1) A bachelor's degree or higher, and
(2) No less than 20 semester credit hours of speech-language pathology technical coursework;
ii. Documentation, signed by a licensed speech-language pathologist as required in A.R.S. § 36-1940.04 who provided supervision to the applicant, confirming the applicant's completion of at least 100 hours of clinical interaction that did not include observation; or
c. Both of the following:
i. Provide transcripts (unofficial transcripts are acceptable) or equivalent documentation issued to the applicant from an accredited college or university after the applicant's completion of at least 60 semester credit hours of general education and speech-language pathology technical coursework as specified in A.R.S. § 36-1940.04(A) that requires no less than:
(1) 20 semester credit hours in general education, and
(2) 20 semester credit hours in speech-language pathology technical coursework; and
ii. Documentation, signed by a licensed speech-language pathologist as required in A.R.S. § 36-1940.04 who provided supervision to the applicant, confirming the applicant's completion of at least 100 hours of clinical interaction that did not include observation; and

~~8.~~7. The application and licensing fees specified in R9-16-508.

B. In addition to complying with subsection (A)(1) through (5), an applicant that may be eligible for licensure under A.R.S. § 36-1922 shall submit documentation to the Department that includes:
1. The name of each state that issued the applicant a current speech-language ~~pathologist~~ pathology assistant, including:
a. The license number of each current speech-language ~~pathologist~~ pathology assistant license, and
b. The date each current speech-language ~~pathologist~~ pathology assistant license was issued;
2. Documentation of the professional license or certification issued to the applicant by each state in which the applicant holds a professional license or certification;
3. For each state named in subsection (B)(1), a statement, signed and dated by the applicant, attesting that the applicant:
a. Has been licensed or certified in another state for at least one year, with a scope of practice consistent with the scope of practice for which licensure is being requested;

b. Has met minimum education requirements according to A.R.S. § 36-1940.04;
c. Has not voluntarily surrendered a license or certification in any other state or country while under investigation for unprofessional conduct; and
d. Does not have a complaint, allegation, or investigation pending before another regulatory entity in another state or country related to unprofessional conduct.

C. ~~A regular~~ An initial license is valid for two years from the date of issue.

D. The Department shall review the application and required documentation for an initial license to practice as a speech-language ~~pathologist~~ pathology assistant according to R9-16-506 and Table 5.1.

E. If the Department does not issue an initial license to an applicant, the Department shall refund the license fee to the applicant.

R9-16-503. License Renewal

A. Before the expiration date of a speech-language ~~pathologist~~ pathology assistant license, a licensee shall submit to the Department:
1. ~~An~~ A renewal application in a Department-provided format ~~for renewal of a speech-language pathologist assistant license~~ that contains:
   a. The licensee's name, home address, telephone number, and ~~e-mail~~ email address;
   b. If applicable, the licensee's business address and telephone number;
   ~~b.~~c. The licensee's current employment, if applicable, including:
      i. The employer's name,
      ii. The licensee's position,
      iii. Dates of employment,
      iv. The address of the employer,
      v. The supervisor's name,
      vi. The supervisor's ~~e-mail~~ email address, and
      vii. The supervisor's telephone number;
   ~~c.~~d. If applicable, the name of the licensee's supervising speech-language pathologist;
   ~~d.~~e. The licensee's license number and date of expiration;
   ~~e.~~f. Since the previous license application, whether the licensee has been convicted of a felony or a misdemeanor involving moral turpitude in this or another state;
   ~~f.~~g. ~~If the licensee has been convicted of a felony or a misdemeanor:~~ If the licensee has been disciplined by any state, territory, or district of this country for an act related to a speech-language pathology that is consistent with A.R.S. Title 36, Chapter 17, documentation that includes:
      i. The date of the conviction,
      ii. The state or jurisdiction of the conviction,
      iii. An explanation of the crime of which the licensee was convicted, and
      iv. The disposition of the case;
   ~~g.~~h. Whether the licensee has had a license revoked or suspended by any state within the previous two years;
   ~~h.~~i. Whether the licensee is currently ineligible for licensure in any state because of a prior license revocation or suspension;
   ~~i.~~j. Whether the licensee agrees to allow the Department to submit supplemental requests for information under R9-16-506;
   ~~j.~~k. An attestation that the licensee has completed continuing education required under A.R.S. 36-1904 and this Article and documentation of completion is available upon request;
   ~~k.~~l. An attestation that the information required as part of the renewal application is true and accurate; and
   ~~l.~~m. The licensee's signature and date of signature;
2. If ~~a license for a~~ the licensee has had a license ~~been~~ revoked or suspended by any state within the previous ~~that~~ two years, documentation that includes:
   a. The date of the revocation or suspension,
   b. The state or jurisdiction of the revocation or suspension, and
   c. An explanation of the revocation or suspension;
3. If the licensee is currently ineligible for licensure in any state because of a prior license revocation or suspension, documentation that includes:
   a. The date of the ineligibility for licensure,
   b. The state or jurisdiction of the ineligibility for licensure, and
   c. An explanation of the ineligibility for licensure;
4. A renewal fee specified in R9-16-508.

B. According to A.R.S. § 36-1904, the Department shall allow a speech-language ~~pathologist~~ pathology assistant to renew a license within 30 calendar days after the expiration date of the license by submitting to the Department:
1. The renewal application, including documentation required in subsection (A), and
2. Fees specified in R9-16-508.

C. ~~An individual~~ A licensee who does not submit a renewal application, documentation; and fees required in subsection (A) or (B), shall reapply for an initial license according to R9-16-502.

D. If a licensee applies for a license according to R9-16-502 more than 30 calendar days but less than one year after the expiration date of the applicant's previous license, the applicant:
1. Is not required to submit ETSNESLP documentation, and
2. Shall submit an attestation of continuing education according to R9-16-504, completed within the twenty-four months before the date of application.

R9-16-504. Continuing Education

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

C. A continuing education course developed, endorsed, or sponsored by one of the following meets the requirements in subsection (B):
1. Hearing Healthcare Providers of Arizona,
2. Arizona Speech-Language-Hearing Association,
3. American Speech-Language-Hearing Association,
4. International Hearing Society,
5. International Institute for Hearing Instrument Studies,
6. American Auditory Society,
7. American Academy of Audiology,
8. Academy of Doctors of Audiology,
9. Arizona Medical Association,
10. Arizona Society of Otolaryngology, Head and Neck Surgery,

~~10.~~11. American Academy of Otolaryngology-Head and Neck Surgery, or

~~11.~~12. An organization determined by the Department to be consistent with an organization in subsection (C)(1) through ~~(10)~~ (11).

D. A speech-language ~~pathologist~~ pathology assistant shall comply with the requirements in A.R.S. § 36-1904.

R9-16-505. Enforcement

A. The Department may, as applicable:
1. Deny, revoke, or suspend ~~an~~ a speech-language ~~pathologist~~ pathology assistant license under A.R.S. § 36-1934;
2. Request an injunction under A.R.S. § 36-1937; or
3. Assess a civil money penalty under A.R.S. § 36-1939.

B. In determining which disciplinary action specified in subsection (A) is appropriate, the Department ~~shall~~ may consider:
1. The type of violation,
2. The severity of the violation,
3. The danger to public health and safety,
4. The number of violations,
5. The number of clients affected by the violations,
6. The degree of harm to a client,
7. A pattern of noncompliance, and
8. Any mitigating or aggravating circumstances.

C. A licensee may appeal a disciplinary action taken by the Department according to A.R.S. Title 41, Chapter 6, Article 10.

R9-16-507. Changes Affecting a License or a Licensee~~; Request for a Duplicate License~~

A. A licensee shall submit ~~a notice~~ a change application to the Department in ~~writing~~ a Department-provided format, within 30 calendar days after the effective date of a change in:
1. The licensee's home address or ~~e-mail~~ email address, including the new home address or ~~e-mail~~ email address;
2. The licensee's name, including one of the following with the licensee's new name:
   a. Marriage certificate,
   b. Divorce decree, or
   c. Other legal document establishing the licensee's new name; ~~or~~
3. The place or places, including address or addresses, where the licensee engages in the practice of speech-language pathology~~.~~; or
4. A licensee's supervising speech-language pathologist, including an attestation completed and signed by the supervising speech-language pathologist with the name and license number of the supervising speech-language pathologist that meets the requirements according to A.R.S. § 36-1940.04(E), (F), and (G).

B. A licensee may obtain a duplicate license updating the information requested in subsection (A) by submitting to the Department a ~~written request for a duplicate license~~ change application in a Department-provided format that contains:
1. The licensee's name and address,
2. The licensee's license number and expiration date,
3. The licensee's signature and date of signature, and
4. ~~A duplicate license~~ The fee specified in R9-16-508.

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NOTICES OF RULEMAKING DOCKET OPENING

The 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.

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

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ENVIRONMENTAL QUALITY
ENVIRONMENTAL REVIEWS AND CERTIFICATION

[R26-16]

1. Permission to proceed with this docket was granted under A.R.S. § 41-1039 by the governor on:
March 4, 2024

2. Title and its heading:
18, Environmental Quality

Chapter and its heading:
5, Department of Environmental Quality - Environmental Reviews and Certification

Article and its heading:
5, Minimum Design Criteria

Section number:
R18-5-501, R18-5-502, R18-5-503, R18-5-504, R18-5-505, R18-5-506, R18-5-507, R18-5-508, R18-5-509, R18-5-510
Sections may be added, amended, repealed, or renumbered as necessary.

3. The subject matter of the proposed rule:
Subject: Public Water System Minimum Design Criteria Rule ("MDCR") Update

ADEQ intends to update its public water system design and application process rules in 18 A.A.C. 5, Article 5, Minimum Design Criteria for Public Water Systems. ADEQ's rules for public water system Minimum Design, by incorporation by reference, also include the following documents:

- Engineering Bulletin 8 — Disinfection of Water Systems
- Engineering Bulletin 10 — Guidelines for the Construction of Water Systems

The Minimum Design Criteria Guidelines (Engineering Bulletin 10) for public water systems and related infrastructure in Article 5 currently reflect engineering standards and practices from 1978. These rules and incorporated technical requirements will be updated to reflect current industry standards and practices. In past Five-Year Review Reports, ADEQ informed the Governor's Regulatory Review Council (GRRC) that it anticipated updating the minimum design criteria rules. To fully address ADEQ's commitment to GRRC and subsequent comments received from the regulated community, ADEQ will work with stakeholders to review all of the minimum design criteria rules in Article 5 and propose updates where appropriate.

4. A citation to all published notices relating to the current proceeding:
Not applicable

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

Name:	Heidi Welborn, Esq.
Title:	Legal Specialist - Drinking Water
Division:	Water Quality
Address:	1110 W. Washington Phoenix, AZ, 85007
Telephone:	(602) 771-4373
Email:	pws.mdcr@azdeq.gov

Website: https://azdeq.gov/LawsAndRules

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

Written comments may be submitted at any time until the close of the comment period for the proposed rule, which is not expected until at least late 2027.

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

Virtual stakeholder meetings will be announced on ADEQ's website and via email to, at a minimum, public water system contacts on file with ADEQ.

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2026 REGISTER INDEXES

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

Abbreviations for rulemaking activity in this Index include:

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

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

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

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

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

EXEMPT RULEMAKING
EXEMPT
XN = Exempt new Section
XM = Exempt amended Section
XR = Exempt repealed Section
X# = Exempt renumbered Section
EXEMPT PROPOSED
PXN = Proposed Exempt new Section
PXM = Proposed Exempt amended Section
PXR = Proposed Exempt repealed Section
PX# = Proposed Exempt renumbered Section
EXEMPT SUPPLEMENTAL PROPOSED
SPXN = Supplemental Proposed Exempt new Section
SPXR = Supplemental Proposed Exempt repealed Section
SPXM = Supplemental Proposed Exempt amended Section
SPX# = Supplemental Proposed Exempt renumbered Section
FINAL EXEMPT RULEMAKING
FXN = Final Exempt new Section
FXM = Final Exempt amended Section
FXR = Final Exempt repealed Section
FX# = Final Exempt renumbered Section

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

RECODIFICATION OF RULES
RC = Recodified

REJECTION OF RULES
RJ = Rejected by the Attorney General

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

RULE EXPIRATIONS
EXP = Rules have expired
See also "emergency expired" under emergency rulemaking

CORRECTIONS
C = Corrections to Published Rules

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Page Guide

RULEMAKING ACTIVITY INDEX

Rulemakings are listed in the Index by Chapter, Section number, rulemaking activity abbreviation and volume page number. Use the page guide to determine the *Register* issue number and publish date to review the rule. Subchapter, Article, Part, and Section headings are not indexed.

THIS INDEX INCLUDES RULEMAKING ACTIVITY THROUGH ISSUE 8 OF VOLUME 32.

Environmental Quality, Department of - Water Quality Standards

R18-11-112. PM-391

Funeral Directors and Embalmers, Board of

R4-12-101. RC-177
R4-12-106. RC-177
Table 1. RC-177
R4-12-108. RC-177
R4-12-202. RC-177
R4-12-204. RC-177
R4-12-205. RC-177
R4-12-207. RC-177
R4-12-210. RC-177
R4-12-211. RC-177
R4-12-212. RC-177
R4-12-301. RC-177
R4-12-302. RC-177
R4-12-303. RC-177
R4-12-304. RC-177
R4-12-305. RC-177
R4-12-306. RC-177
R4-12-307. RC-177
R4-12-311. RC-177
R4-12-312. RC-177
R4-12-413. RC-177
R4-12-414. RC-177
R4-12-415. RC-177
R4-12-416. RC-177
R4-12-523. RC-177
R4-12-541. RC-177
R4-12-545. RC-177
R4-12-546. RC-177
R4-12-548. RC-177
R4-12-551. RC-177
R4-12-552. RC-177
R4-12-554. RC-177
R4-12-556. RC-177
R4-12-559. RC-177
R4-12-561. RC-177
R4-12-565. RC-177
R4-12-612. RC-177
R4-12-613. RC-177
R4-12-614. RC-177
R4-12-615. RC-177
R4-12-631. RC-177
R4-12-633. RC-177

Game and Fish Commission

R12-4-402. FM-7
R12-4-403. FM-7
R12-4-404. FM-7
R12-4-406. FM-7
R12-4-407. FM-7
R12-4-409. FM-7
R12-4-410. FM-7
R12-4-411. FM-7
R12-4-412. FM-7
R12-4-413. FM-7
R12-4-414. FM-7
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
R12-4-423. FM-7
R12-4-424. FM-7
R12-4-425. FM-7
R12-4-430. FM-7
R12-4-801. XM-256
R12-4-802. XM-256

Health Services, Department of - Human Remains

Subchapter B. Funeral Industry

R9-9B-101. RC-177; PM-307
R9-9B-102. RC-177; PM-307
Table 1.1. RC-177; PM-307
R9-9B-103. RC-177; PM-307
R9-9B-104. RC-177; PM-307
R9-9B-201. PN-307
R9-9B-202. PN-307
R9-9B-203. RC-177; PM-307
R9-9B-204. RC-177; PM-307
R9-9B-205. RC-177; PM-307
R9-9B-206. RC-177; PR-307; PN-307
R9-9B-207. RC-177; PR-307; PN-307
R9-9B-208. RC-177; PR-307
R9-9B-209. RC-177; PR-307
R9-9B-301. RC-177; PM-307
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R9-9B-303. PN-307
R9-9B-304. RC-177; PR-307; PN-307
R9-9B-305. RC-177; PR-307; PN-307
R9-9B-306. RC-177; PR-307; PN-307
R9-9B-307. RC-177; PR-307; PN-307
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R9-9B-309. RC-177; PR-307; PN-307
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R9-9B-324. RC-177; PR-307
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R9-9B-401. RC-177
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R9-9B-404. PN-307
R9-9B-405. PN-307
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R9-9B-407. PN-307
R9-9B-408. PN-307
R9-9B-409. PN-307
R9-9B-410. PN-307
R9-9B-411. PN-307
R9-9B-412. RC-177; PR-307
R9-9B-413. RC-177; PR-307
R9-9B-414. RC-177; PR-307

Insurance and Financial Institutions, Department of - Financial Institutions Division - Real Estate Appraisal

R4-46-107. FR-5
R4-46-201. PM-174

Insurance and Financial Institutions, Department of - Financial Institutions Division

Table A. FM-123

R20-4-602. FM-123

OTHER NOTICES AND PUBLIC RECORDS INDEX

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

THIS INDEX INCLUDES OTHER NOTICE ACTIVITY THROUGH ISSUE 8 OF VOLUME 32.

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

RULES EFFECTIVE DATES CALENDAR

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

REGISTER PUBLISHING DEADLINES

The Secretary of State's Office publishes the *Register* weekly. There is a three-week delay between the deadline date to file a notice and the *Register* date in which the notice is published. The weekly deadline dates (*first column*) and issue dates (*second column*) are provided. Governor Regulatory Review Council meetings and *Register* deadlines do not correlate. Also listed are the earliest dates on which an oral proceeding can be held on proposed rulemakings or proposed delegation agreements, following publication of the notice in the *Register*.

Deadline Date Friday, 5:00 p.m. *(*earlier date due to holiday)*	*Register* Publication Date	Oral Proceeding may be scheduled on or after *(*later date due to holiday)*
December 12, 2026	January 2, 2026	February 2, 2026
December 19, 2025	January 9, 2026	February 9, 2026
December 26, 2025	January 16, 2026	*February 17, 2026
January 2, 2026	January 23, 2026	February 23, 2026
January 9, 2026	January 30, 2026	March 2, 2026
January 16, 2026	February 6, 2026	March 9, 2026
January 23, 2026	February 13, 2026	March 16, 2026
January 30, 2026	February 20, 2026	March 23, 2026
February 6, 2026	February 27, 2026	March 30, 2026
February 13, 2026	March 6, 2026	April 6, 2026
February 20, 2026	March 13, 2026	April 13, 2026
February 27, 2026	March 20, 2026	April 20, 2026
March 6, 2026	March 27, 2026	April 27, 2026
March 13, 2026	April 3, 2026	May 4, 2026
March 20, 2026	April 10, 2026	May 11, 2026
March 27, 2026	April 17, 2026	May 18, 2026
April 3, 2026	April 24, 2026	*May 26, 2026
April 10, 2026	May 1, 2026	June 1, 2026
April 17, 2026	May 8, 2026	June 8, 2026
April 24, 2026	May 15, 2026	June 15, 2026
May 1, 2026	May 22, 2026	June 22, 2026
May 8, 2026	May 29, 2026	June 29, 2026
May 15, 2026	June 5, 2026	July 6, 2026
May 22, 2026	June 12, 2026	July 13, 2026
May 29, 2026	June 19, 2026	July 20, 2026
June 5, 2026	June 26, 2026	July 27, 2026
June 12, 2026	July 3, 2026	August 3, 2026

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GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES

MEETING DATES ARE SUBJECT TO CHANGE

These deadlines 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 https://grrc.az.gov.

[M25-79]

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

* Materials must be submitted by 5 p.m. on dates listed as a deadline for placement on a particular agenda. Placement on a particular agenda is not guaranteed.

GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES

GOVERNOR'S REGULATORY REVIEW COUNCIL

NOTICE OF ACTION TAKEN AT THE FEBRUARY 3, 2026 MEETING

[M26-12]

A. CONSENT AGENDA ITEMS:

Rulemakings

1. ARIZONA STATE RETIREMENT SYSTEM
Title 2, Chapter 8, Article 1

Amend: R2-8-104

2. ARIZONA STATE RETIREMENT SYSTEM
Title 2, Chapter 8, Article 4

Amend: R2-8-403

3. ARIZONA STATE RETIREMENT SYSTEM
Title 2, Chapter 8, Article 9

Amend: R2-8-903

4. DEPARTMENT OF HEALTH SERVICES
Title 9, Chapter 16, Articles 2 and 5

Amend: R9-16-201, R9-16-202, R9-16-203, R9-16-205, R9-16-207, R9-16-208, R9-16-209, R9-16-211, R9-16-214, R9-16-215, R9-16-501, R9-16-502, R9-16-504, R9-16-505, R9-16-507

5. DEPARTMENT OF HEALTH SERVICES
Title 9, Chapter 16, Article 3

Amend: R9-16-301, R9-16-302, R9-16-303, R9-16-304, R9-16-305, R9-16-306, R9-16-308, R9-16-309, R9-16-310, R9-16-312, R9-16-314, Table 3.1, R9-16-315, R9-16-316

Repeal: R9-16-307

6. DEPARTMENT OF HEALTH SERVICES
Title 9, Chapter 8, Articles 1 and 9

New Article: Article 9

New Section: R9-8-901, R9-8-902, R9-8-903, R9-8-904, R9-8-905, R9-8-906, R9-8-907, R9-8-908, R9-8-909, R9-8-910, R9-8-911, R9-8-912, R9-8-913

New Table: Table 9.1, Table 9.2, Table 9.3

Repeal: R9-8-119

7. DEPARTMENT OF HEALTH SERVICES
Title 9, Chapter 7, Articles 13-14

Amend: R9-7-1302, R9-7-1401, R9-7-1402, R9-7-1404, R9-7-1406, R9-7-1409, R9-7-1410, R9-7-1411, R9-7-1412, R9-7-1413, R9-7-1414, R9-7-1415, R9-7-1416

Renumber: R9-7-1401, R9-7-1402, R9-7-1406, R9-7-1409, R9-7-1410, R9-7-1411, R9-7-1412, R9-7-1413, R9-7-1414, R9-7-1415, R9-7-1416, R9-7-1425, R9-7-1434, R9-7-1436, R9-7-1438, R9-7-1439, R9-7-1440, R9-7-1441, Appendix C, Appendix D

Repeal: R9-7-1403, R9-7-1405, R9-7-1406, R9-7-1407, R9-7-1408, R9-7-1409, R9-7-1410, R9-7-1412, R9-7-1413, R9-7-1414, R9-7-1415, R9-7-1416, R9-7-1418, R9-7-1421, R9-7-1422, R9-7-1423, R9-7-1426, R9-7-1427, R9-7-1429, R9-7-1433, R9-7-1435, R9-7-1437, R9-7-1442, R9-7-1443, R9-7-1444, Appendix A, Appendix B

New Section: R9-7-1403, R9-7-1405, R9-7-1407, R9-7-1408

8. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS
Title 20, Chapter 6, Article 2

Amend: R20-6-209

Repeal: Appendix

9. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS
Title 20, Chapter 6, Articles 1, 6, and 19

Amend: R20-6-101, R20-6-601, R20-6-602, R20-6-1902

10. DEPARTMENT OF ECONOMIC SECURITY
Title 6, Chapter 2, Articles 1-4

Amend: Chapter 2, R6-2-101, R6-2-103, Article 2, R6-2-201, R6-2-202, R6-2-302

Renumber: R6-2-104, R6-2-201, R6-2-202

New Article: Article 3, Article 4

New Section: R6-2-102, R6-2-103, R6-2-201, R6-2-202, R6-2-203 R6-2-204, R6-2-301, R6-2-302, R6-2-303, R6-2-401, R6-2-402, R6-2-403

Repeal: R6-2-102, R6-2-103

11. DEPARTMENT OF CHILD SAFETY
Title 21, Chapter 5, Article 5

Amend: R21-5-502, R21-5-507, R21-5-508, R21-5-510, R21-5-511

12. ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
Title 18, Chapter 11, Articles 1-2

Amend: Appendix B, Table B

13. ARIZONA DEPARTMENT OF AGRICULTURE
Title 3, Chapter 8, Article 3

Amend: R3-8-308, R3-8-309

14. DEPARTMENT OF FORESTRY AND FIRE MANAGEMENT
Title 4, Chapter 36, Articles 2 and 3

Amend: R4-36-201, R4-36-302, Exhibit A

COUNCIL ACTION: CONSENT AGENDA APPROVED

B. CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION ON RULEMAKINGS:

1. GAME AND FISH COMMISSION
Title 12, Chapter 4, Article 2

Amend: R12-4-201, R12-4-202, R12-4-203, R12-4-204, R12-4-205, R12-4-206, R12-4-207, R12-4-208, R12-4-210, R12-4-211, R12-4-213, R12-4-215, R12-4-216, R12-4-217

COUNCIL ACTION: APPROVED WITH DELAYED EFFECTIVE DATE OF JULY 1, 2026 PURSUANT TO A.R.S. § 41-1032(B)

2. DEPARTMENT OF HEALTH SERVICES
Title 9, Chapter 10, Article 20

Amend: R9-10-2002, R9-10-2003, R9-10-2005, R9-10-2006, R9-10-2007, R9-10-2009

Renumber: R9-10-2005, R9-10-2006, R9-10-2007, R9-10-2008

COUNCIL ACTION: APPROVED

3. ARIZONA DEPARTMENT OF TRANSPORTATION
Title 17, Chapter 4, Article 3

Amend: R17-4-351

COUNCIL ACTION: COUNCIL VOTED TO TABLE CONSIDERATION TO FEBRUARY 24, 2026 STUDY SESSION AND MARCH 3, 2026 COUNCIL MEETING

4. BOARD OF PHARMACY
Title 4, Chapter 23, Article 4

Amend: R4-23-411

COUNCIL ACTION: APPROVED WITH IMMEDIATE EFFECTIVE DATE PURSUANT TO A.R.S. § 41-1032(A)