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Arizona Administrative REGISTER

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Information	3510
Rulemaking Guide	3511
<u>RULES AND RULEMAKING</u>	
Proposed Rulemaking, Notices of	
4 A.A.C. 25 Board of Podiatry Examiners	3513
Final Expedited Rulemaking, Notices of	
18 A.A.C. 16 Department of Environmental Quality - Water Quality Assurance Revolving Fund Program	3516
Final Exempt Rulemaking, Notices of	
2 A.A.C. 20 Citizens Clean Elections Commission	3523
Exempt Rulemaking, Notices of	
9 A.A.C. 18 Department of Health Services - Adult-Use Marijuana Program	3532
Termination, Notices of Rule	
9 A.A.C. 8 Department of Health Services - Food, Recreational, and Institutional Sanitation	3535
<u>OTHER AGENCY NOTICES</u>	
Docket Opening, Notices of Rulemaking	
4 A.A.C. 25 Board of Podiatry Examiners	3536
18 A.A.C. 13 Department of Environmental Quality - Solid Waste Management	3537
Public Information, Notices of	
9 A.A.C. 33 Department of Health Services - Group Homes for Individuals with a Developmental Disability	3538
<u>INDEXES</u>	
Register Index Ledger	3540
Rulemaking Action, Cumulative Index for 2023	3541
Other Notices and Public Records, Cumulative Index for 2023	3551
<u>CALENDAR/DEADLINES</u>	
Rules Effective Dates Calendar	3553
Register Publishing Deadlines	3555
<u>GOVERNOR'S REGULATORY REVIEW COUNCIL</u>	
Governor's Regulatory Review Council Deadlines	3556

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From the Publisher

ABOUT THIS PUBLICATION

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

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

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

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

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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

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

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

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

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

LEGAL CITATIONS AND FILING NUMBERS

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

Arizona Administrative REGISTER

November 10, 2023

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Adrian Fontes

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

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

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

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

Participate in the Process

Look for the Agency Notice

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

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

Attend a public hearing/meeting

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

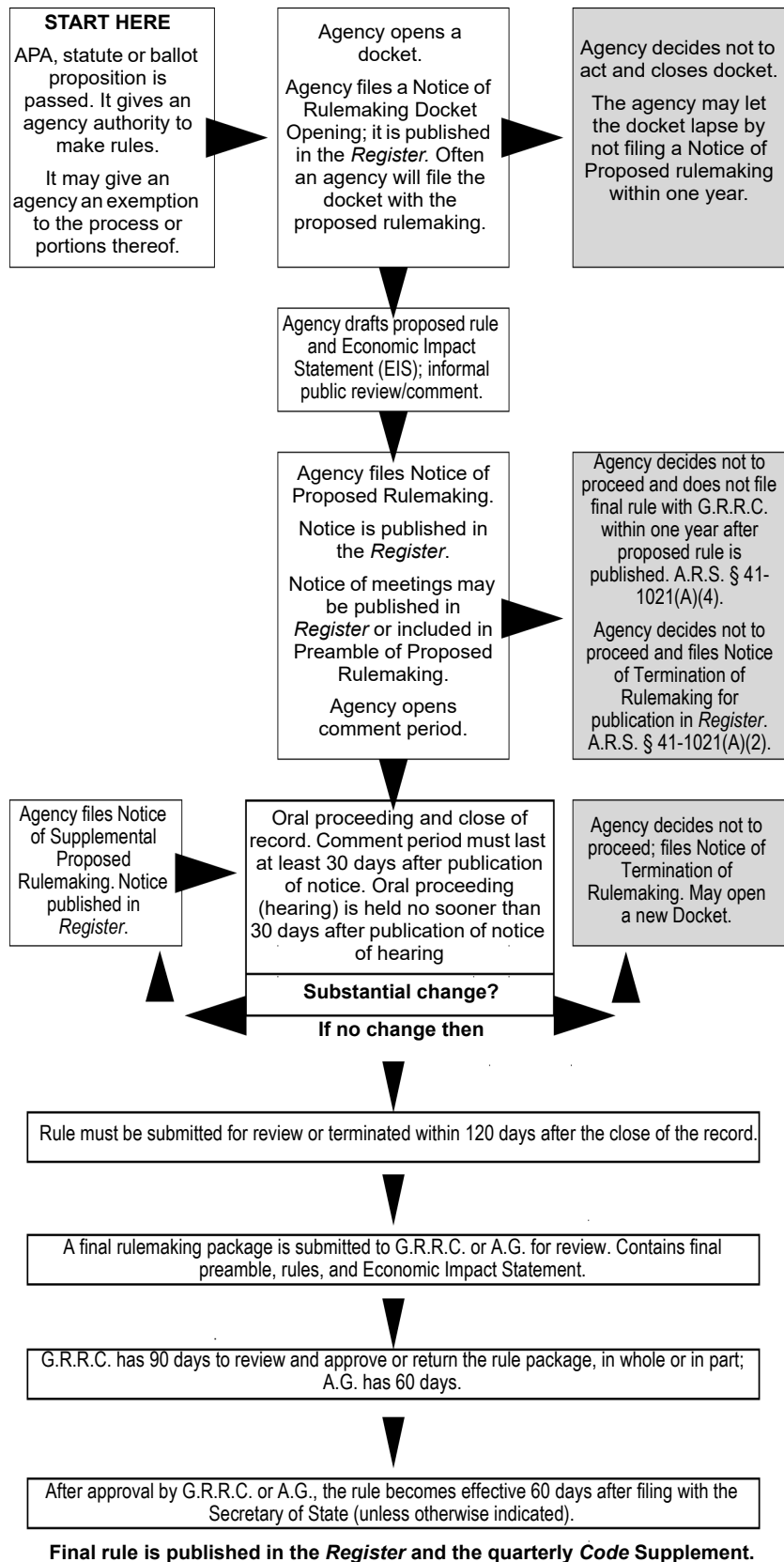
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

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

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

Arizona Regular Rulemaking Process



Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Acronyms

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

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

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

EIS – *Economic, Small Business, and Consumer Impact Statement*

FR – *Federal Register*

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

U.S.C. – *United States Code*

About Preambles

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

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

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

NOTICES OF PROPOSED RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Proposed Rulemaking.

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

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

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

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

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 25. BOARD OF PODIATRY EXAMINERS

[R23-216]

PREAMBLE

1. **Article, Part, or Section Affected (as applicable)** **Rulemaking Action**
R4-25-103 Amend
2. **Citations to the agency's rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
Authorizing statute: A.R.S. § 32-801
Implementing statute: A.R.S. §§ 32-801 et seq.
3. **Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the proposed rules:**
Notice of Rulemaking Docket Opening: 29 A.A.R. 3536, November 10, 2023 (*in this issue*)
4. **The agency's contact person who can answer questions about the rulemaking:**
Name: Heather Broaddus
Address: Board of Podiatry Examiners
1740 W. Adams St., Suite 3004
Phoenix, AZ 85007
Telephone: (602) 542-8151
Email: heather.broaddus@podiatry.az.gov
Website: <https://podiatry.az.gov>
5. **An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**

The Board is proposing an increase in its annual license renewal fee. According to Board statute (A.R.S. §32-830(3)(4)), the Board can collect up to five hundred dollars for annual renewal of a license. The annual renewal fee has not been increased since at least 2003; however, there is a rising need to increase this fee. Operating costs including, but not limited to, rent, information technology, salary increases and other state agency fees (CSB and shared services) have steadily increased over the years. Additionally, statute now mandates that all Board members undergo Board member training. The cost of training per Board member ranges from \$250.00 to \$620.00. Currently, the Board is awaiting two Board appointments; once appointed the new Board members will be required to undergo training, incurring the "per Board member" cost each time. The Board is self-funded by its licensees and does not receive funds or appropriations from the State. The justification for a fee increase is to continue to generate sufficient revenue to fund vital operations (e.g., licensure, investigation of complaints, public board meetings) of the Agency without which, the public would not be protected. Furthermore, a fee increase would proliferate the State's general fund as the Board is required to submit 10% of all revenue to the general fund. The Board is proposing to raise the annual renewal fee by \$100.00.

Without increasing the annual renewal fee the Board's ending fund balance is expected to decrease by approximately 4% per year assuming that revenues are consistent and expenses continue to grow. This puts the Board at risk of being unable to meet its operational costs. The increase in the annual renewal fee will correct the Board's fund structural balance which will support the Board's operations and help it better fulfill its mandate of protecting the public.

In the interim, in an effort to reduce costs to the Board, its Executive Director has begun to furlough one day per month.

- 6. A reference to any study relevant to the rules that the agency reviewed and proposes either to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

None

- 7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

- 8. The preliminary summary of the economic, small business, and consumer impact:**

The rulemaking makes no substantive changes. It will have minimal, if any, economic impact to current licensees only. There is no economic impact to the public.

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

Name: Heather Broaddus
 Address: Board of Podiatry Examiners
 1740 W. Adams St., Suite 3004
 Phoenix, AZ 85007
 Telephone: (602) 542-8151
 Email: heather.broaddus@podiatry.az.gov
 Website: <https://podiatry.az.gov>

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

An oral proceeding regarding the proposed rules will not be held unless requested. Any and all comments regarding these proposed rules may be submitted directly to the Arizona State Board of Podiatry Examiners via the following methods:

1. Email to Heather Broaddus, Executive Director, at: heather.broaddus@podiatry.az.gov
2. In person at the Board offices: 1740 W. Adams St., Suite 3004, Phoenix, AZ 85007
3. Mail to the Board offices: 1740 W. Adams St., Suite 3004, Phoenix, AZ 85007

The rulemaking record will close at 5:00 p.m., December 11, 2023.

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

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

Not applicable

- b. Whether federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation into 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 rules impact of the competitive-ness of business in the state to the impact on business in other states:**

None

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

None

- 13. The full text of the rules follows:**

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 25. BOARD OF PODIATRY EXAMINERS

ARTICLE 1. GENERAL PROVISIONS

Section
 R4-25-103. Fees

ARTICLE 1. GENERAL PROVISIONS

R4-25-103. Fees

The Board shall charge the following fees, which are not refundable unless A.R.S. § 41-1077 applies:

1. Application for license according to A.R.S. §§ 32-822(A) and 32-825, \$450.00.
2. Application for license according to A.R.S. § 32-827, \$450.00.
3. License issuance, \$225.00.
4. Annual renewal, ~~\$275.00~~ \$375.00.
5. Penalty fee for late renewal after July 30, \$150.00 in addition to the regular renewal fee.
6. Certification of a licensee to authorities of another state or country, \$10.00.
7. For initial registration to dispense drugs and devices, \$200.00.

8. For annual renewal of registration to dispense drugs and devices, \$100.00.
9. Application for temporary license and issuance of license, \$100.00
10. Application for telehealth registration and issuance of registration, \$50.00.

NOTICES OF FINAL EXPEDITED RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Final Expedited Rulemakings. An agency prepares these notices under A.R.S. § 41-1013(9).

Expedited rulemaking is an accelerated rulemaking process that 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.

Under the law an agency is required to file a Notice of Proposed Expedited Rulemaking for review. The notices in

this section include *Register* publication dates where the Notices of Proposed Expedited Rulemaking were published.

The Office of the Secretary of State is the filing office and publisher of these rules.

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

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

NOTICE OF FINAL EXPEDITED RULEMAKING

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 16. DEPARTMENT OF ENVIRONMENTAL QUALITY WATER QUALITY ASSURANCE REVOLVING FUND

[R23-217]

PREAMBLE

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

R18-16-201	Amend
R18-16-202	Amend
R18-16-401	Amend
R18-16-402	Amend
R18-16-404	Amend
R18-16-408	Amend
R18-16-413	Amend
R18-16-415	Amend
R18-16-501	Amend
R18-16-503	Amend
2. **Citations to the agency's statutory authority for the rulemaking to include the authorizing statute (general) and the implementing statute (specific):**

Authorizing statute: A.R.S. § 49-104(B)(4)
Implementing statute: A.R.S. §§ 49-282.03(D), 49-282.06(B), 49-287.01, and Laws 1997, Chapter 287, Section 56(B)
3. **The effective date of the rule:**

October 17, 2023 (*immediately upon filing with the Secretary of State's Office*)
4. **Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the final rulemaking:**

Notice of Rulemaking Docket Opening: 28 A.A.R. 726, April 8, 2022
Notice of Proposed Expedited Rulemaking: 28 A.A.R. 2472, September 23, 2022
Notice of Public Information: 29 A.A.R. 788, March 24, 2023
5. **The agency's contact person who can answer questions about the rulemaking:**

Name: Dominic Trader
Address: Department of Environmental Quality
Waste Programs Division
1110 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 771-7315
Email: trader.dominic@azdeq.gov
6. **An agency's justification and reason why a rule should be made, amended, repealed or renumbered under A.R.S. § 41-1027(A), to include an explanation about the rulemaking:**

ADEQ identified the need for technical corrections to the WQARF rules during the prior five-year review of 18 A.A.C. 16. An expedited rulemaking is appropriate pursuant to A.R.S. § 41-1027(A) because it will not increase the cost of regulatory compliance, increase a fee or reduce procedural rights of persons regulated and will merely correct typographical errors, makes address and name changes, and clarify language without changing its effect, as well as amend outdated and redundant rules pursuant to subsections (3) and (6), respectively. The following table summarizes the amendments and their specific justification under A.R.S. § 41-1027(A).

Rule	A.R.S. § 41-1027(A) Justification	Amendment Summary
R18-16-201. Preliminary Investigations	(A)(3) because it clarified language of a rule without changing its effect.	The language in 201(I) was changed from passive voice to active voice to clarify the rule meaning.
R18-16-202. Site Scoring	(A)(3) because it made an address change without changing its effect. (A)(3) because it clarified language of a rule without changing its effect and (A)(6) because it amended rules that are redundant.	The department address was updated to prevent confusion. Removed redundant sentences to consolidate the rule and increase clarity.
R18-16-401. Definitions	(A)(3) because it clarified language of a rule without changing its effect. (A)(3) because it clarified language of a rule without changing its effect.	The term “hazardous substances” was made singular to reflect the language in the cited A.R.S. § 49-281(8). The citation in the definition of “vadose zone” was updated from A.R.S. § 49-201(39) to A.R.S. § 49-201.
R18-16-402. Applicability	(A)(3) because it clarified the language of a rule without changing its effect. (A)(3) because it clarified the language of a rule without changing its effect.	The second sentence in (B) was reworded for clarity. Language in (F) was updated to clarify language referring to remedial objectives to conform with the R18-16-406(I) citation.
R18-16-404. Community Involvement Requirements	(A)(3) because it clarified the language of a rule without changing the rule effect.	Language in (C)(1)(c) was updated so the phrase conforms with the citation to R18-16-406(J).
R18-16-408. Proposed Remedial Action Plan	(A)(3) because it corrected typographical errors without changing the rule effect.	This change corrected capitalization and lowercase issues in rule citations to refer to correct statute provisions.
R18-16-413. Approval of Remedial Actions Under A.R.S. § 49-285(B)	(A)(3) because it made name changes without changing its effect.	The reference to the Board of Technical “Registrations” in (A)(9) was updated to accurately reflect the name “Board of Technical Registration.”
R18-16-415. Soil Remediation	(A)(6) because it amended a rule that is outdated.	The citation in (A)(3) to R18-7-209 was updated to R18-16-210 because the referenced rule was renumbered.
R18-16-501. Definitions	(A)(3) because it corrected a typographical error without changing the rule effect.	The citation to 42 U.S.C. § 300(f) was corrected to 42 U.S.C. § 300f.
R18-16-503. Request for Interim Remedial Action	(A)(3) because it corrected a typographical error without changing the rule effect.	The reference to 12 A.A.C. 7, Article 15 was corrected to the intended 12 A.A.C. 15, Article 7.

7. **A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
Not applicable
8. **A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state.**
Not applicable
9. **A summary of the economic, small business, and consumer impact:**
Not applicable. The agency is exempt from the requirements to prepare and file an economic, small business, and consumer impact statement under A.R.S. § 41-1055(D)(2).
10. **A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:**
No substantive changes were made between the proposed and final rulemakings. A Notice of Public Information was published on March 24, 2023, that reopened the comment period to end on April 24, 2023.
11. **An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:**
There were no public comments made regarding this rulemaking.
12. **All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**
- a. **Whether the rule requires a permit, license, or agency authorization under A.R.S. § 41-1037(A), and whether a general permit is used and if not, the reasons why a general permit is not used:**
Not applicable
- b. **Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**
There is similar federal law - CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act of 1980) - but no federal or state requirement that the Arizona WQARF rules (governing cleanup with state funds) be consis-

tent with CERCLA (federally funded cleanups).

- c. Whether a person submitted an analysis to the agency that compares the rule's impact on the competitiveness of business in this state to the impact on business in other states:**
Not applicable

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

<u>Incorporated material</u>	<u>Location</u>
Eligibility and evaluation site scoring model established October 3, 1996	R18-6-202

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

Not applicable

15. The full text of the rules follows:

TITLE 18. ENVIRONMENTAL QUALITY

**CHAPTER 16. DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER QUALITY ASSURANCE REVOLVING FUND PROGRAM**

ARTICLE 2. PRELIMINARY INVESTIGATIONS AND SITE SCORING

Section

R18-16-201. Preliminary Investigations
R18-16-202. Site Scoring

ARTICLE 4. REMEDY SELECTION

Section

R18-16-401. Definitions
R18-16-402. Applicability
R18-16-404. Community Involvement Requirements
R18-16-408. Proposed Remedial Action Plan
R18-16-413. Approval of Remedial Actions Under A.R.S. § 49-285(B)
R18-16-415. Soil Remediation

ARTICLE 5. INTERIM REMEDIAL ACTIONS

Section

R18-16-501. Definitions
R18-16-503. Request for Interim Remedial Action

ARTICLE 2. PRELIMINARY INVESTIGATIONS AND SITE SCORING

R18-16-201. Preliminary Investigations

- A.** No change
- B.** No change
 - 1. No change
 - 2. No change
- C.** No change
- D.** No change
- E.** No change
 - 1. No change
 - 2. No change
 - a. No change
 - b. No change
- F.** No change
- G.** No change
 - 1. No change
 - 2. No change
 - 3. No change
 - a. No change
 - b. No change
 - c. No change
 - 4. No change
- H.** No change
 - 1. No change
 - a. No change
 - b. No change
 - c. No change

2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
- I. Following completion of the preliminary investigation, ~~the Department or any person identified under subsection (L) shall prepare a preliminary investigation report shall be prepared.~~ The report shall contain the following information:
 1. Information gathered and reviewed under subsection (G), including a summary of the information with references to relevant reports.
 2. If applicable, the conceptual site model developed under subsection (H).
 3. If sampling was conducted under subsection (H):
 - a. A description of the sampling activities.
 - b. Analytical results including a summary of the results with references to relevant reports.
 - c. A map of sample locations.
 - d. Data quality information including a summary with references to relevant reports.
- J. No change
- K. No change
 1. No change
 2. No change
- L. No change
 1. No change
 2. No change
 3. No change
 4. No change
 5. No change

R18-16-202. Site Scoring

In order to score a site or portion of a site, the Department shall use the eligibility and evaluation site scoring model established by the Department on October 3, 1996, ~~which is incorporated by reference. The eligibility and evaluation site scoring model as established on October 3, 1996, is incorporated by reference.~~ This incorporation by reference does not include any later amendments or editions. A copy of the incorporated material is available for inspection and reproduction at the Arizona Department of Environmental Quality, 3033 North Central Avenue, Phoenix, Arizona 85012-2809 ~~1110 W. Washington St. Phoenix, AZ 85007 and the Office of the Secretary of State. A copy of the incorporated material can be obtained from the Arizona Department of Environmental Quality, 3033 north Central Avenue, Phoenix, Arizona 85012-2809.~~

ARTICLE 4. REMEDY SELECTION**R18-16-401. Definitions**

The following definitions shall apply in this Article, unless the context otherwise requires:

- “Alternative remedy” means a combination of remedial strategies and remedial measures different from the reference remedy that is capable of achieving remedial objectives. The alternative remedies are compared with the reference remedy for purposes of selecting a proposed remedy at the conclusion of the feasibility study.
- “Comparison criteria” means risk, cost, benefit, and practicability, as those terms are described in R18-16-407(H)(3).
- “Community involvement area” has the same meaning as defined in A.R.S. § 49-281(3).
- “Contaminant of concern” means a hazardous substance that results from a release and that has been identified by the Department as the subject of remedial action at a site.
- “Hazardous ~~substances~~ substance” has the same meaning as in A.R.S. § 49-281(8).
- “Nonrecoverable costs” has the same meaning as in A.R.S. § 49-281(9).
- “Proposed remedy” means a combination of remedial strategies and remedial measures which, as a whole, is capable of achieving remedial objectives that is identified at the conclusion of a feasibility study and is incorporated in the proposed remedial action plan.
- “Reference remedy” means a combination of remedial strategies and remedial measures which, as a whole, is capable of achieving remedial objectives. The reference remedy is compared with the alternative remedies for purposes of selecting a proposed remedy at the conclusion of the feasibility study.
- “Remedial measure” means a specific action taken in conjunction with remedial strategies as part of the remedy to achieve one or more of the remedial objectives. For example, remedial measures may include well replacement, well modification, water treatment, provision of replacement water supplies, and engineering controls.
- “Remedial objective” means the goal, as established through the process in R18-16-406, to be achieved by a remedy selected under this Article. Remedial objectives include the following elements:
- Protecting against the loss or impairment of identified uses of land and waters of the state;
 - Restoring, replacing, or otherwise providing for identified uses of land and waters of the state;
 - Time-frames when action is needed to protect against or provide for the impairment or loss of the use; and
 - The projected duration of the action needed to protect or provide for the use.
- “Remedial strategy” means one or a combination of the six general approaches described in R18-16-407(F) which may be employed in conjunction with remedial measures as part of the remedy to achieve the remedial objectives.
- “Remedy” has the same meaning as in A.R.S. § 49-281(13).

“Site-specific human health risk assessment” means a scientific evaluation of the probability of an adverse effect to human health from exposure to specific types and concentrations of contaminants at or from a site. A site-specific human health risk assessment contains four components: identification of potential contaminants; an exposure assessment; a toxicity assessment; and a risk characterization.

“Site registry” or “registry” means the registry of scored sites maintained by the Department under A.R.S. § 49-287.01(D).

“Vadose zone” has the same meaning as in A.R.S. § ~~49-201(39)~~ 49-201.

“Water provider” means the owner or operator of a public water system, an agricultural improvement district, or an irrigation and water conservation district.

R18-16-402. Applicability

- A. No change
- B. No change
- C. No change
- D. No change
 - 1. No change
 - 2. No change
 - 3. No change
- E. No change
- F. Notwithstanding subsections (D) and (E), neither a remedial investigation nor a feasibility study shall be considered complete under this Article until the information described in R18-16-406(D) is collected, a draft remedial investigation report is prepared and distributed under R18-16-406(F), and remedial objectives are ~~selected~~ developed under R18-16-406(I) and reported under R18-16-406(J). Thereafter, the procedures set forth in R18-16-407 through R18-16-412 shall apply to the selection of a remedy based upon the remedial investigation or feasibility study. To the extent that any of the alternative remedies discussed in a feasibility study that is substantially complete before the effective date of this Article will not achieve the remedial objectives, the feasibility study shall be modified so that the alternative remedies achieve remedial objectives. Additional evaluation of alternative remedies, if necessary, shall be conducted in accordance with R18-16-407 and reported in a supplemental report before preparation of a ~~final~~ feasibility study report under R18-16-407(I).
- G. No change
 - 1. No change
 - 2. No change
 - 3. No change

R18-16-404. Community Involvement Requirements

- A. No change
- B. No change
- C. No change
 - 1. No change
 - a. No change
 - b. No change
 - c. Notice to the public of the opportunity to comment on remedial objectives proposed under R18-16-406(I)(5) and the availability of the final remedial investigation report prepared by the Department under R18-16-406(J).
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
 - j. No change
 - k. No change
 - l. No change
 - m. No change
 - n. No change
 - o. No change
 - 2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - 3. No change
 - a. No change
 - b. No change
 - c. No change
- D. No change
 - 1. No change
 - 2. No change
 - a. No change
 - b. No change

- c. No change
- d. No change

- E. No change
- F. No change

R18-16-408. Proposed Remedial Action Plan

- A. No change
- B. No change
 - 1. No change
 - 2. The information required in A.R.S. § 49-287.04(~~a~~A).
 - 3. No change
 - 4. No change
- C. No change
 - 1. At a site where the A.R.S. § 49-287.03 notice has been provided, notice shall be provided by the Department in accordance with A.R.S. § 49-287.04(~~b~~B) and the community involvement plan prepared under R18-16-404. If the Department intends to seek recovery of costs and conduct a cost allocation proceeding for the site, the notice shall also include the following:
 - a. The information required by A.R.S. § 49-287.04(~~e~~C).
 - b. No change
 - c. No change
 - d. No change
 - 2. No change
- D. Any person, other than a person proposing to perform work under an agreement under A.R.S. § 49-287.03(~~e~~C), may submit a proposed remedial action plan to the Department for approval under R18-16-413. The plan may be accompanied by a request for a determination of whether cost recovery by the Department may be appropriate under A.R.S. § 49-287.02. If the Department determines that cost recovery by the Department is not appropriate, notice shall be provided under subsection (C)(2).

R18-16-413. Approval of Remedial Actions Under A.R.S. § 49-285(B)

- A. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. No change
 - 8. No change
 - a. No change
 - b. No change
 - 9. An original seal imprint and signature of a registered professional if required by the Arizona Board of Technical ~~Registrations~~ Registration under A.R.S. Title 32, Chapter 1 and the rules made under that Chapter.
- B. No change
- C. No change
- D. No change
- E. No change
- F. No change
- G. No change
- H. No change
- I. No change

R18-16-415. Soil Remediation

- A. No change
 - 1. No change
 - 2. No change
 - 3. A notice of remediation under ~~R18-7-209~~ R18-7-210 is prepared and submitted to the Department before the remediation is conducted. The notice of remediation shall be accompanied by a written report including the information described in R18-16-406(C)(1), (2), and (3). If the Department has issued a notice under A.R.S. § 49-287.03 for the site or portion of a site, the notice of remediation shall be submitted to the Department 15 calendar days before commencing the remediation or, if the remediation has commenced prior to the Department's notice, within 15 calendar days after the Department's notice is given.
- B. No change
- C. No change
- D. No change

ARTICLE 5. INTERIM REMEDIAL ACTIONS**R18-16-501. Definitions**

In addition to the definitions set forth in A.R.S. § 49-281, the following definitions shall apply in this Article, unless the context otherwise requires:

“Abandoned well” means a well that has been permanently sealed or closed with cement or a cement-bentonite mixture that cannot be re-entered except by redrilling the wellbore, or a well that has been formally abandoned under R12-15-816.

“Currently supplies water” means a well that supplies water at the time the request for interim remedial action is submitted to the Department. Wells that supply water as needed to meet demand, including wells that serve water on an infrequent basis, are considered to currently supply water under this definition.

“Department” means the Arizona Department of Environmental Quality.

“Interim remedial action” means an action taken by the Department or by a well owner or operator under A.R.S. § 49-282.03.

“Part of a public water system” means a well that is owned or operated by an operator of a public water system, but has not been abandoned. A well that has been capped, air gapped or closed due to contamination, but not abandoned, shall be considered part of a public water system.

“Public water system” has the same meaning as defined in 42 U.S.C. § ~~300(f)~~ 300f.

“Registry sites” means sites that have been investigated and placed on the Water Quality Assurance Revolving Fund registry of sites.

“Remedy” has the same meaning as defined in A.R.S. § 49-281(13).

R18-16-503. Request for Interim Remedial Action

- A. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. A description of any impacts the loss of the well would have on any assured water supply designation or any adequacy statement under 12 A.A.C. 7 15, Article ~~45~~ 7, or on the ability of the water system to meet its legal obligations or its customer or user needs.
 - 8. No change
- B. No change

NOTICES OF FINAL EXEMPT RULEMAKING

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

It is common for an agency to be exempt from some of the steps outlined in the rulemaking process as specified in Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10, otherwise known as the Arizona Administrative Procedure Act (APA). An agency's exemption is written in laws - under the APA, or in statute by the Arizona State Legislature, or under a referendum or initiative passed into law by Arizona voters.

The Office makes a distinction when publishing certain

exempt rulemakings, as provided in these laws, on a case-by-case basis, as determined by an agency's exemption. Other rule exemption types are published elsewhere in the *Register*.

Notices of Final Exempt Rulemaking were originally proposed with specific conditions, such as requiring the notice to be published in the *Register*, or requiring public input, or a public hearing on the rule.

Notices of Final Exempt Rulemaking include *Register* publication dates where the original Notice of Proposed Exempt Rulemaking was published.

NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 2. ADMINISTRATION

CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

[R23-218]

PREAMBLE

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

<u>Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
Article 8	New Article
R2-20-801	New Section
R2-20-802	New Section
R2-20-803	New Section
R2-20-804	New Section
R2-20-805	New Section
R2-20-806	New Section
R2-20-807	New Section
R2-20-808	New Section
2. **Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**

Authorizing statute: A.R.S. § 16-974(A)(1)

Implementing statute: A.R.S. §§ 16-972(B); 16-973(F); 16-974(A)(5), (A)(7), (A)(8), and (C)

Statute or session law authorizing the exemption: A.R.S. § 16-974(C)
3. **The effective date of the rule and the agency's reason it selected the effective date:**

Sections R2-20-801 to R2-20-804 and R2-20-806 to R2-20-808 effective August 24, 2023

The agency selected August 24, 2023 in order to ensure that the regulated community and the public were in a position to make informed decisions related to Arizona Revised Statutes Title 16, Chapter 6.1.

Section R2-20-805 effective September 21, 2023

The agency selected September 21, 2023 in order to allow additional comment between August and September and to ensure that the regulated community and the public were in a position to make informed decisions related to Arizona Revised Statutes Title 16, Chapter 6.1.
4. **A list of all notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the exempt rulemaking:**

Notice of Proposed Exempt Rulemaking: 29 A.A.R. 1571, July 14, 2023
5. **The agency's contact person who can answer questions about the rulemaking:**

Name: Thomas M. Collins

Address: Citizens Clean Elections Commission
1110 W. Washington St., Suite 250
Phoenix, AZ 85007

Telephone: (602) 364-3477

Email: ccec@azcanelections.gov

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

The Voter's Right to Know Act, Chapter 6.1 of Title 16, Arizona Revised Statutes was passed by voters and certified on December 5, 2022. The Act provides for the disclosure of certain information related to the funding of political campaigns and disclaimers on

campaign public communications. It also granted enforcement, rulemaking, and other powers to the Citizens Clean Elections Commission, a nonpartisan state commission. These proposed rules are part of the implementation of the Act.

R2-20-801: Establishes that the definitions in A.R.S. § 16-971 shall apply to this article. Rules of construction will also be located in this section and this rulemaking proposes two: one relates to the definition of campaign media spending, the other relates to information provided to a covered person upon that person's request for donor information. This rule is necessary to ensure consistency in the application of terms.

R2-20-802: Establishes consistent rules for this article for when actions specified are to be completed. Time rules are necessary to provide predictability to those who have to take actions under the rules and the public.

R2-20-803: Provides rules for the form of opt-out notices required by A.R.S. § 16-972(F) as well records related to those decisions that may be provided to donors. These notices advise a person that their donation may be used for campaign media spending and allow them to opt out within a certain time. This proposed rule also addresses procedures if a covered person makes an additional notice to a person regarding opting out or when a person chooses to opt out at a later time.

R2-20-804: Section 16-973 provides that certain original sources may have their identities protected by legal mechanisms such as court orders, statutes, and an application to the commission. This rule is necessary to provide the procedures for establishing that an original source should or should not be protected, including how the Commission may address a matter in executive session and how records relating to these procedures should be treated.

R2-20-805: Section 16-974 directs the Commission to establish disclaimer requirements for public communications of covered persons. These communications are things like broadcast advertising, newspaper advertising, and internet advertising. The disclaimer states who paid for the and whether it was approved by a candidate or not. The rule provides details about how this rule applies in specific circumstances, such as kind of media.

R2-20-806: This rule provides details on how communication to and from the Commission should be handled, including defining ex parte communications and prohibiting them. It also sets forth the authority of the Executive Director to communicate regarding a complaint and how a respondent should advise the Commission that the respondent is represented by counsel. The rule is necessary to provide confidence to the public and others with business before the Commission that their matters will be handled fairly and provides predictability about how the Commission or its employees will interact with people with business before the Commission.

R2-20-807: Section 16-974 provides the Commission with authority to make rules related to recordkeeping. This rule does that. It is necessary because proper record keeping is crucial to ensuring compliance with the law.

R2-20-808: This rule provides a process for advisory opinions. Advisory opinions are a crucial part of the compliance and enforcement process because they allow a person to seek the Commission's opinion about an action before that person takes it, thus facilitating compliance and avoiding enforcement. The rule also provides the time frame and information required to process requests for advisory opinions.

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

No studies were conducted relevant to these rules.

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

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

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

Not applicable

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

The Commission approved several changes at public meetings August 26, 2023 and September 21, 2023. Materials provided to the Commission, including all changes adopted, meeting minutes, and recordings of the public meetings are available by contacting the Commission. For clarity, this section notes where changes were made. These changes are not substantial.

R2-20-801: Section R2-20-801(B) includes a reference to a definition in A.R.S. § 16-971(2)(a)(vii). The Notice of Proposed Exempt Rulemaking included a manifest typographical error mis-citing the provision. The error is manifestly typographical for two reasons. First, the Proposed rule referred to a subsection that does not exist at this time in Title 16, Chapter 6.1. Second, the rule directly includes the terminology from the correct section. Consequently, a reasonable person would have sufficient textual evidence to surmise the error was typographical.

In R2-20-801(C), the word "of" was added to correct a typographical error in this sentence: In response to a request pursuant to A.R.S. §16-972(D), a person must inform that covered person in writing, of the identity of each other person that directly or indirectly contributed more than \$2,500 in original monies being transferred and the amount of each other person's original monies being transferred up to the amount of money being transferred to the requesting person.

R2-20-802: No changes were made to this section.

R2-20-803: The Commission added the word "period" to correct an unintended possible interpretation of the proposed rule and to ensure the rule is unambiguous. Specifically, the Commission added the word period to R2-20-803(D): "If a donor does not opt out after the initial notice period, a covered person may make subsequent written notices to a donor of their right to opt out and may set a time for response of no less than 1 day from the date the donor receives the notice." The Commission also added the word period to R2-20-803(E): "A donor may request to opt out at any time after the initial notice period and the covered person must confirm

the opt out to the donor in writing no later than 5 days after the request and subsequently that donor shall be treated as having opted out by the covered person.”

R2-20-804: The Commission added language to R2-20-804(A) that restates the premise of the provision, which provides procedures for a donor to request an exemption from disclosure. Consequently, the section now reads:

An original source who has reason to believe their identity will or could be subject to disclosure under Chapter 6.1 of Title 16 may file a request for exemption pursuant to A.R.S. § 16-973(F) at any time. An original source who has not opted out of having their monies used for campaign media spending may file a request for an exemption with the Executive Director no later than 14 days after the notice to opt out is given. In the event an original source did not receive a notice to opt out, the person may file a request for exemption with the Executive Director no later than 21 days after discovering their monies may be or have been used for campaign media spending.

In R2-20-804(B)-(D), the Commission added language clarifying that the “identity” of a donor should not be disclosed if requirements of the statute are met, rather than just the name of the donor. In those same sections, the Commission directed that in the event the requirements for the exemption are not met, the Executive Director shall issue a letter to the person who requested the exemption stating that the person’s identity may be disclosed.

In R2-20-804(G), the Commission added language clarifying how records related to an exemption shall be maintained and released. Specifically, the rule now reads: “All records except the Executive Director’s letter shall be destroyed ~~within~~ 30 days ~~after~~ of the determination, unless timely review of the Commission’s action is sought. The Executive Director’s letter shall not be made public except by a court order.”

R2-20-805: In section R2-20-805(B), the Commission added language to better reflect the statute’s underlying disclosure requirements. The section now reads: “Public communications by covered persons shall state the names of the top three donors who directly or indirectly made the three largest contributions of original monies in excess of \$5,000 for the election cycle and who have not opted out pursuant to A.R.S. § 16-972 or a rule of the Commission during the election cycle to the covered person as calculated by the covered person at the time the advertisement was distributed for publication, display, delivery, or broadcast. In the event a donor otherwise subject to disclosure pursuant to this section is protected under A.R.S. § 16-973(F) the disclaimer shall omit that donor’s identity.”

R2-20-806: The Commission clarified that restrictions on communications between the Commission and the Executive Director after the filing of a complaint alleging violations of Title 16, Chapter 6.1 or Commission rules under that Chapter relate to the Complaint. The Commission also added language requiring a Commissioner to report an ex parte communication to the Commission. Specifically, R2-20-806(G) states: In the event that a Commissioner receives an ex parte communication as defined in this rule, the Commissioner shall disclose receipt of such a communication in a public meeting of the Commission.

R2-20-807: No changes were made to this section.

R2-20-808: No changes were made to this section.

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

R2-20-801: Comment 1 from Herrera Arellano LLP (HA). HA focuses on this proposed language in R2-20-801(C): In response to a request pursuant to A.R.S. §16-972(D), a person must inform that covered person in writing, the identity of each other person that directly or indirectly contributed more than \$2,500 in original monies being transferred and the amount of each other person’s original monies being transferred up to the amount of money being transferred to the requesting person.

HA believes that this language needs an additional provision specifying that a donor may use “any reasonable accounting system” to determine its compliance with this section. Such a provision would, in HA’s view, prevent donors from being “forced to identify and track the precise dollars the donors received” and lower the burden on donors in making those identifications.

Staff respectfully disagrees. The rules require record keeping to track transactions. A.A.C. R2-20-207. That requirement, along with the statutory bar on structuring transactions illegally, provide flexibility to donors but require them to act reasonably. Imposing a specific kind of accounting method requires additional regulation and will potentially mire the Commission and donors deeply in accounting questions rather than compliance with the Act. In short, this additional regulation would unnecessarily burden donors and raise potential compliance and enforcement costs.

Comment 2 from HA. Based on R2-20-801(C), HA argues for a rule change that would address what it sees as an ambiguity in the law. Specifically, HA asserts that there is an ambiguity in A.R.S. § 16-973 that limits disclosure to just those donors who have both given money and had that money used for campaign media spending. The firm requests a rule that limits the disclosure to dollars actually used.

Staff respectfully disagrees. The comment does not explain the statutory basis for the claimed ambiguity.

R2-20-803: Chapter 6.1 of Title 1, or Proposition 211, requires that donors be given an opportunity to opt out of having their donations used for campaign media purposes. This rule provides details on how a covered person could comply with that requirement.

Comment 1 from Statecraft, a Phoenix-based law firm. Statecraft first comments that it believes that there could be confusion among donors to PACs who receive an opt out notice regarding Proposition 211 and chose not to have their donation used for campaign media spending only to have their identity nevertheless revealed on regular campaign finance reports, or, in Statecraft’s view, create complications for the PAC under the Internal Revenue Code.

Statecraft proposes an alternative way for PACs to comply with A.R.S. § 16-972 relating to opting out.

Staff has not identified a basis in Proposition 211 to support Statecraft’s proposed solution. Although nothing prevents a PAC or political party from providing additional information on how a donor’s money may be used or identity may be disclosed, staff’s reading of the comment is to create an alternative mechanism for compliance outside of the terms of the statute. Consequently,

staff does not recommend acting on Statecraft's comment.

Comment 2 from Statecraft. Statecraft notes that Proposition 211 states that "the notice required by this section may be provided to the donor before . . . the covered person receives a donor's monies, but the donor's monies may not be used or transferred for campaign media spending until at least twenty-one days after the notice is provided or until the donor provides written consent pursuant to this section, whichever is earlier." Statecraft requests that this language be incorporated into the rules.

Staff interprets the comment and draft language provided by Statecraft as being redundant of what the statute already allows. As such staff respectfully concludes this change is unnecessary.

Campaign Legal Center (CLC). CLC submitted three comments regarding proposed R2-20-803.

CLC Comment 1. This comment states that the proposed rule creates an ambiguity because it can be read to allow a subsequent opt out opportunity to a donor before the 21-day period mandated by statute expires by the omission of the word "period."

Staff agrees that there may be unintended ambiguity by omitting the word "period" from the first sentence of R2-20-803(D). This is not a substantial change.

CLC Comment 2. CLC's second comment expresses concern about proposed R2-20-803(E). The comment states that the proposed rule requires a covered person to act on an effort by a donor to opt out after the initial notice period retroactively. The comment states that this may be impossible to comply with if the donor's money has already been spent. The comment asserts that the covered person's may not be able to manage their affairs if they are mandated to address constant efforts to opt out. CLC recommends removing the subsection.

Staff is not certain why the renewed opt out request would have to be honored or could be honored retroactively. Nothing in Proposition 211 prevents a donor from later requesting to opt out. Furthermore, this rule provides some certainty to donors that their rights under the statute will be treated appropriately. Moreover, other comments indicate concern that donors may have with being disclosed based on actions of the covered person. Staff recommended a change to clarify that the subsequent request must come after the initial notice period, as intended.

CLC Comment 3. CLC's third comment relates to receipts provided to donors by covered persons. CLC argues that the receipt should be more explicit and memorialize "whether funds have been opted-out at the time the receipt was issued."

The dictionary definition of receipt is a "writing acknowledging the receiving of goods or money." <https://www.merriam-webster.com/dictionary/receipt> (August 22, 2023). Consequently, a receipt should by its terms acknowledge the amount of money donated and, in addition, the donor's choice as to opting out. Respectfully, staff does not believe this change is necessary.

R2-20-804: Proposition 211 provides that a donor may request an exemption from disclosure under certain circumstances including where the Commission concludes that "there is a reasonable probability that public knowledge of the original source's identity would subject the source or the source's family to a serious risk of physical harm."

CLC submitted seven comments on this provision.

CLC Comment 1. CLC believes that the proposed rule in general does not apply until an original source after a contribution has been made to the covered person.

Staff did not intend this interpretation. Proposed R2-20-804(A) was intended to set a deadline for an original source. The deadline is 14 days after an opt out notice is given. If no opt out notice has been given, the deadline is not triggered. The language contains no limitation on the timing of the request. Nevertheless, as discussed below, staff recommends some clarifying but non-substantial changes to ameliorate this potential misconception.

CLC Comment 2. CLC states that because an original source may not actually receive an opt out notice and, as a result, the timeline would be unclear.

Staff explained to the Commission that because the opt out notice does not trigger the request, but rather triggers the deadline, the timeline is clear. Nevertheless, as explained in Section 10 of this preamble, staff recommended and the Commission adopted, clarifying but non-substantial changes to ameliorate this potential misconception.

CLC Comment 3. The CLC states that the proposed rule's 14-day timeline to seek an exemption after a notice is given is too short and the timeline to seek an exemption should be entirety of the opt out period.

Commission Staff believes the reason for the 14-day period is that, in the event an original source desires to make a request they must make it before the 21-day opt out period expires if they are to have the exemption ruled upon prior to the expiration of the opt out period. This is an effort to minimize the impact of on the covered person's ability to use funds, and enable the original source to make an informed choice about the use of their funds and the possible reporting obligations stemming from that use. Staff respectfully does not recommend this change.

CLC Comment 4. CLC suggests an additional subsection that requires a letter to the original source detailing that they may opt out of having their money used for campaign media spending and providing five days to opt out.

Staff believes that this additional time to opt out is unnecessary to mandate and inserts the Commission further in the donor-covered person relationship. However, as specified in Section 10 of the preamble, staff recommended clarifying language that indicates a letter will issue regarding either the grant or denial of a request and the Commission agreed. Specifying a written conclusion to the proceeding does not substantively change the rule.

CLC Comment 5. CLC suggests the Commission narrow the proposed limit on public records requests, suggesting that even an agenda could be eliminated from a public records request. CLC suggests language that limits the language to information that could lead to the identity of the original source or specifically listing the records that will not be released.

Staff respectfully disagrees with the comment. Established legal principles, including the public records statutes in Arizona, the Arizona open meetings law, and due process itself would make the application of an exemption such as this to something like an

agenda contrary to law. The goal of the statute is to preserve confidentiality. Staff is not in a position to determine what information may lead to the identification of an original source who is entitled to an exemption. Given that the statute outlines those situations will arise in situations where the stakes are demonstrably high, staff respectfully does not recommend acting on this comment at this time.

CLC Comments 6 and 7. CLC expresses concern that the rules requiring the destruction of requests for an exemption 30 days after a determination by the Commission authorizes that destruction regardless of pending legal action. It also expresses concern that the rules do not address specifically how records will be retained if there are subsequent proceedings.

From a staff perspective, an executive director would be barred by other legal principles and rules from destroying records with further proceedings pending. That said, staff recommends some non-substantial modifications to bring these background principles into the text.

HA submitted two comments on this proposed rule.

HA Comment 1. Covered persons are not included in the process of determining whether an original source is entitled to an exemption. HA requests that an original source be required to send a copy of the determination to the covered person.

As CLC notes, the original source requesting an exemption may not know who the covered person is. The reverse is also true. Placing this burden on the requestor does not appear to be a solution to the problem HA observes. Moreover, it would intrude on the privacy of the original source who just requested protection. Staff believes the better course is to allow original sources and covered persons to work out their communications among themselves.

R2-20-805: Statecraft comments that the statute provides that donors who give less than \$5,000 are not disclosed on reports under the VRKA. Statecraft notes that the rule should be clarified to ensure that a person who is otherwise not disclosable should not face disclosure in a disclaimer. Staff agrees that this is the intent of both the statute and the proposed rule and recommends the express inclusion of that threshold in the rule text.

Consequently, Section 805(B) would read: Public communications by covered persons shall state the names of the top three donors who directly or indirectly made the three largest contributions of original monies in excess of \$5,000 for the election cycle and who have not opted out pursuant to A.R.S. § 16-972 or a rule of the Commission during the election cycle to the covered person as calculated by the covered person at the time the advertisement was distributed for publication, display, delivery, or broadcast.

HA suggests two changes to this proposed rule. First, they suggest that the Commission, by rule, limit disclosure of donors on a disclaimer to only those whose funds were actually used for the communication in question. The statute doesn't provide for such a limitation nor does the pre-existing disclaimer statute A.R.S. § 16-925. Consequently, staff does not recommend this change.

The firm also recommends a change to account for the protection of identities. While the statute provides that under certain circumstances an otherwise disclosable donor is not subject to disclosure, the proposed rule does not directly address the consequence of that occurrence. In short, what goes on a disclaimer if the donor is not to be revealed. Like Statecraft's comment this suggestion squares with the terms of the statute and clarifies the terms of the rule. Additionally, while the statute requires that "at a minimum" the top three donors be identified on the disclaimer, staff sees no reason to have a fourth donor revealed merely because a third donor is protected.

Based on staff's recommendation, the combined language from the Statecraft and HA comments would read:

"Public communications by covered persons shall state the names of the top three donors who directly or indirectly made the three largest contributions of original monies in excess of \$5,000 for the election cycle and who have not opted out pursuant to A.R.S. § 16-972 or a rule of the Commission during the election cycle to the covered person as calculated by the covered person at the time the advertisement was distributed for publication, display, delivery, or broadcast. In the event a donor otherwise subject to disclosure pursuant to this section is protected under A.R.S. § 16-973(F) the disclaimer shall omit that donor's identity."

CLC also made comments related to this proposed rule. The first suggestion CLC makes is to create a look back in the disclaimer such that a prior donor whose donation from a prior election cycle account for more than 50 percent of the covered person's funds. While there may be an argument the term "at a minimum" as used in A.R.S. § 16-974 would permit the Commission to tack on an additional requirement, the better reading of the statute is that at a minimum refers to the number of donors, not the time frame of the donation. The statute specifically states that donors in the current election cycle are to be identified. Staff does not recommend this change.

The next suggestion is that the commission add additional clarification as to what to if there is a tie among the top three donors. Staff doesn't think this level of detail is necessary. In the event that this occurs, staff may recommend revisiting this aspect of CLC's comment, but in the meantime, Staff recommends presuming a covered person will make a reasonable determination of how to disclose the top three donors. The next comment, CLC suggests, consistent with Statecraft that Commission clarify that donors under \$5,000 are not to be disclosed in a disclaimer. Staff agrees.

The remainder of CLC's comments and suggested language focus on creating more specific parameters for covered person's in ensuring disclaimers are available and accessible. While Staff is conscious of the public's interest here, we are not aware of abuses of the reasonableness standard set forth in A.R.S. § 16-925 and reflected in this proposed rule. Consequently, staff does not recommend this change.

R2-20-806: CLC Comment. CLC requests that the title of the rule change to reflect it is principally about ex parte communications. It suggests clarifying language around when the Commission and staff can communicate in the event of a complaint. Finally, CLC suggests a subsection making clear the steps that a commissioner should take in the event of an ex parte communication. Staff agreed these clarifying, non-substantial changes are warranted.

Other comments: The organization Philanthropy Roundtable submitted a comment generally disagreeing with Proposition 211 and stating that the group opposes implementation without an explicit exemption for the legal, legitimate instances of nonprofit issue advocacy. Staff at this time believes that the definitions of campaign media spending, which cabin reporting obligation to a discreet

set of actions related to political campaigns, provide sufficient protection to issue advocacy absent an additional rule.

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

No other matters have been 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:

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 law is not applicable to the subject of the rule.

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

No such analysis was submitted.

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

Not applicable

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

These rules were not made as emergency rules.

15. The full text of the rules follows:

TITLE 2. ADMINISTRATION

CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

ARTICLE 8. VOTER'S RIGHT TO KNOW ACT RULES

Section

R2-20-801. Definitions and Rules of Construction

R2-20-802. Time

R2-20-803. Opt-out Notices

R2-20-804. Request for Exemptions

R2-20-805. Disclaimers

R2-20-806. Ex Parte Communications

R2-20-807. Recordkeeping

R2-20-808. Advisory Opinions

ARTICLE 8. VOTER'S RIGHT TO KNOW ACT RULES

R2-20-801. Definitions and Rules of Construction

A. The definitions in A.R.S. § 16-971 shall apply to these rules.

B. For purposes A.R.S. § 16-971(2)(a)(vii), research, design, production, polling, data analytics, mailing or social media list acquisition or any other activity conducted in preparation for or in conjunction with any of the other activities described in A.R.S. § 16-971(2)(a) shall not be considered campaign media spending unless these activities are specifically conducted in preparation for or in conjunction with those other activities.

C. In response to a request pursuant to A.R.S. §16-972(D), a person must inform that covered person in writing, of the identity of each other person that directly or indirectly contributed more than \$2,500 in original monies being transferred and the amount of each other person's original monies being transferred up to the amount of money being transferred to the requesting person.

R2-20-802. Time

The following rules apply in computing any time period specified in these rules:

1. The day of the event or act shall be excluded.
2. If the deadline is five days or fewer, then Saturdays, Sundays, and legal holidays shall be excluded.
3. If the last day of the period is a Saturday, Sunday, or legal holiday, the last day is excluded, and the period runs until the next day that is not a Saturday, Sunday, or legal holiday.
4. The next day is determined by continuing to count forward when the period is measured after an event and backward when measured before an event.

R2-20-803. Opt-out Notices

A. Before a covered person may use or transfer a donor's monies for campaign media spending, the donor must be notified in writing that the monies may be so used. The covered person must give the donor an opportunity to opt out of having the donation used or transferred for campaign media spending.

B. The notice must:

1. Inform donors that their monies may be used for campaign media spending and that information about donors may have to be reported to the appropriate government authority in this state for disclosure to the public.

2. Inform donors that they can opt out of having their monies used or transferred for campaign media spending by notifying the covered person in writing within twenty-one days after receiving the notice that the donor prefers to opt-out of having their monies used or transferred for campaign media spending and that a receipt confirming their choice shall be provided upon request.
3. Opt-out information shall be provided with other written information the opt-out information must be provided in a format at least the same size type as any other information provided in writing along with the notice. The information must be either the first sentence in a paragraph or itself constitute a paragraph. If the opt-out information is provided without additional writing it must be clearly readable. To be valid, the opt-out information must provide contact information to allow the recipient to contact the person who provided the opt-out information within 21 days. Upon request of the donor, the person responsible for providing the opt-out information must provide a receipt to the donor confirming the donor's choice. If the covered person regularly provides receipts for donations the receipt shall confirm the donor's choice. Nothing in this rule precludes providing a donor a receipt without waiting for a request.
- C. Any person responsible for providing the opt-out information must keep a record of when the information was provided and maintain all related records including the written notice for five years.
- D. If a donor does not opt out after the initial notice period, a covered person may make subsequent written notices to a donor of their right to opt out and may set a time for response of no less than 1 day from the date the donor receives the notice. To be valid, the opt-out information must provide contact information to allow the recipient to contact the person who provided the opt-out information within the time identified in the subsequent request. Upon request by the donor, the person responsible for providing the opt-out information must provide a receipt to the donor confirming the donor's choice. If the covered person regularly provides receipts for donations the receipt shall confirm the donor's choice.
- E. A donor may request to opt out at any time after the initial notice period and the covered person must confirm the opt out to the donor in writing no later than 5 days after the request and subsequently that donor shall be treated as having opted out by the covered person. Upon request of the donor, the person responsible for providing the opt-out information must provide a receipt to the donor confirming the donor's choice. If the covered person regularly provides receipts for donations the receipt shall confirm the donor's choice.

R2-20-804. Request for Exemptions

- A. An original source who has reason to believe their identity will or could be subject to disclosure under Chapter 6.1 of Title 16 may file a request for exemption pursuant to A.R.S. § 16-973(F) at any time. An original source who has not opted out of having their monies used for campaign media spending may file a request for an exemption with the Executive Director no later than 14 days after the notice to opt out is given. In the event an original source did not receive a notice to opt out, the person may file a request for exemption with the Executive Director no later than 21 days after discovering their monies may be or have been used for campaign media spending.
- B. In the event the request provides documentation of a court order requiring confidentiality, the Executive Director shall confirm the validity of the court order in five days. If the order is confirmed, the Executive Director shall issue a letter to the requestor stating that their identity shall not be disclosed. In the event that the order is not confirmed, the Executive Director shall issue a letter to the requestor stating their identity may be disclosed.
- C. In the event that the person making the request claims a statute provides for such confidentiality, the request shall include a citation to the statute and argument why the statute applies to require confidentiality. The Executive Director may make a recommendation to the Commission. The Executive Director shall place the item on an agenda no later than the next regular Commission meeting. The person and their counsel may appear. In order to protect the interests of the original source pending a determination, the Commission may vote to go into executive session to protect confidential information and if warranted for other reasons authorized by the Open Meeting Law. For purposes of this rule, the person and their counsel shall be deemed individuals whose presence is reasonably necessary in order for the public body to carry out its executive session responsibilities if the Commission votes to go into executive session pursuant to A.R.S. § 38-431.03(A)(2). No vote may be taken in the executive session. If the Commission decides that the statute applies by a roll call vote in public session in favor of the request, the Executive Director shall issue a letter to the requestor within five days stating that their identity shall not be disclosed. If the Commission does not vote that the statute applies by roll call vote in favor of the request, the Executive Director shall issue a letter to the requestor within five days stating that their identity may be disclosed.
- D. In the event the person making the request claims that there is a reasonable probability that they or their family will experience threats of physical harm, the request shall provide such evidence. The request may also include argument in favor of the request. The Executive Director may make a recommendation to the Commission. The Executive Director shall place the item on an agenda no later than the next regular commission meeting. The person and their legal representative may appear. In order to protect the interests of the original source pending a determination, the Commission may vote to go into executive session to protect confidential information and if warranted for other reasons authorized by the Open Meeting Law. For purposes of this rule, the person and their counsel shall be deemed individuals whose presence is reasonably necessary in order for the public body to carry out its executive session responsibilities if the Commission votes to go into executive session pursuant to A.R.S. § 38-431.03(A)(2). No vote may be taken in the executive session. If the Commission decides that the request should be granted by a roll call in public session in favor of the request, the Executive Director shall issue a letter to the requestor within 5 days stating that their identity shall not be disclosed. If the Commission does not approve the request by a roll call vote the Executive Director shall issue a letter to the requestor within five days stating that their identity may be disclosed.
- E. The agenda shall not identify the requestor.
- F. No records related to a request shall be subject to a public records request or any other type of request. The records shall not be produced absent a court order compelling disclosure.
- G. All records except the Executive Director's letter shall be destroyed within 30 days after the determination, unless timely review of the Commission's action is sought. The Executive Director's letter shall not be made public except by a court order.

R2-20- 805. Disclaimers

- A.** A covered person shall include the words “paid for by” on every public communication followed by the full legal name of the covered person making the public communication. The public communication shall also state whether it is:
1. Authorized by any candidate or their agents and any candidate’s name who individually or through their agents participated in the authorization; or
 2. That the public communication is not authorized by any candidate or their agents acting on the candidate’s behalf.
- B.** Public communications by covered persons shall state the names of the top three donors who directly or indirectly made the three largest contributions of original monies in excess of \$5,000 for the election cycle and who have not opted out pursuant to A.R.S. § 16-972 or a rule of the Commission during the election cycle to the covered person as calculated by the covered person at the time the advertisement was distributed for publication, display, delivery, or broadcast. In the event a donor otherwise subject to disclosure pursuant to this section is protected under A.R.S. § 16-973(F) the disclaimer shall omit that donor’s identity.
- C.** If it is not technologically possible for a public communication disseminated on the internet or by social media message, text message or short message service to provide all the information required by this section, the public communication must provide a means for viewers to obtain, immediately and easily, the required information without having to receive extraneous information. The public communication must always state the full legal name of the covered person.
- D.** If the public communication is:
1. Broadcast on radio, the disclosure shall be clearly spoken at the beginning or end of the advertisement.
 2. Delivered by hand or by mail, the disclosure shall be clearly readable.
 3. Delivered electronically, the disclosure shall be clearly readable.
 4. Displayed on a sign or billboard, the disclosure shall be displayed at a height that is at least four percent of the vertical height of the sign or billboard.
 5. Broadcast on television, in a video or film, both of the following requirements apply:
 - a. The disclosure shall be both written and spoken at the beginning or end of the advertisement, except that if the written disclosure statement is displayed for the greater of at least one-sixth of the broadcast duration or four seconds, a spoken disclosure statement is not required.
 - b. The written disclosure statement shall be printed in letters that are displayed in a height that is at least four percent of the vertical picture height, except that if the advertisement is paid for by a political action committee, the written disclosure statement shall be displayed in a height that is at least ten percent of the vertical picture height.
 - c. These disclosure requirements apply to any broadcast, video, or film format, whether distributed via airwaves, cable, the internet, or other delivery methods.

R2-20-806. Ex Parte Communications

- A.** No individual shall communicate with any Commissioner ex parte as defined in subsections E and F of this rule. No Commissioner shall communicate with any individual ex parte as defined in subsections E and F of this rule.
- B.** In the event of a Complaint, no Commissioner shall communicate with the Executive Director or any other commission staff or attorney who represents the Executive Director regarding the Complaint except in commission proceedings where the Respondent or Respondent’s Counsel is present.
- C.** The Executive Director may communicate with a Respondent, a Respondent’s counsel, a Complainant or Complainant’s Counsel or any other person with information regarding a Complaint.
- D.** If a Respondent wishes to be represented by counsel with regard to any matter pending before the Commission, Respondent or Respondent’s Counsel shall so advise the Commission by sending a writing to the Commission including the following:
1. The name, address, and telephone number of the counsel.
 2. A statement authorizing such counsel to receive any and all notifications, service of process, and other communications from the Commission, its staff and attorneys on behalf of Respondent. Upon receipt, the Commission shall have no contact with Respondent except through the designated counsel unless authorized by Respondent.
- E.** Ex parte communication means any written or oral communication by any person outside the agency to any Commissioner or any member of a Commissioner’s staff which imparts information or argument regarding prospective Commission action or potential action concerning:
1. Any proceeding involving a request for an exemption.
 2. Any enforcement proceeding.
 3. Any pending litigation matter, or
 4. Any pending rulemaking, or
 5. Any pending advisory opinion request.
- F.** Ex parte communications do not include the following communications:
1. Statements by any person publicly made in a public forum; or
 2. Statements or inquiries by any person limited to the procedural status of an open proceeding, rulemaking, advisory opinion request, or a litigation matter.
- G.** In the event that a Commissioner receives an ex parte communication as defined in this rule, the Commissioner shall disclose receipt of such a communication in a public meeting of the Commission.

R2-20-807. Recordkeeping

- A.** All records required to be retained by Chapter 6.1 of Title 16 shall be kept in such order that a reasonable person could confirm the accuracy of transactions, transfer records, reports, opt out notices, and other information by review of the documents and other information.
- B.** Records may be kept in any media a person subject to Chapter 6.1 of Title 16 chooses, provided that the media is commonly available and not proprietary.

- C.** Failure to maintain records in a reasonable manner may give rise to factual presumption against the person in an enforcement proceeding or other action under Chapter 6.1 of Title 16.

R2-20-808. Advisory Opinions

A. Requests for advisory opinions.

1. Any person may request in writing an advisory opinion concerning the Chapter 6.1, of Title 16 or any regulation prescribed by the Commission pursuant to that chapter. An authorized agent of the requesting person may submit the advisory opinion request, but the agent shall disclose the identity of his or her principal.
2. The written advisory opinion request shall set forth a specific transaction or activity that the requesting person plans to undertake or is presently undertaking and intends to undertake in the future. Requests presenting a general question of interpretation, or posing a hypothetical situation, or regarding the activities of third parties, do not qualify as advisory opinion requests.
3. Advisory opinion requests shall include a complete description of all facts relevant to the specific transaction or activity with respect to which the request is made.
4. The Executive Director shall review all requests for advisory opinions submitted. If the Executive Director determines that a request for an advisory opinion is incomplete or otherwise not qualified, they shall, within 10 days of receipt of such request, notify the requesting person and specify the deficiencies in the request.
5. Advisory opinion requests must be sent to the Clean Elections Commission by email or as directed by the Commission staff. Procedures for advisory opinion requests shall be available on the Commission website.

B. Availability and Comments on Requests.

1. Advisory opinion requests which qualify under this section shall be made public at the Commission promptly upon their receipt.
2. A copy of the original request and any supplements thereto, shall be available for public inspection and may be obtained via a written request to the Executive Director.
3. Any interested person may submit written comments concerning advisory opinion requests made public at the Commission.
4. The written comments shall be submitted within 10 days following the date the request is made public at the Commission. Additional time for submission of written comments may be granted upon written request for an extension by the person who wishes to submit comments or may be granted by the Executive Director without an extension request. Comments on Advisory opinion requests must be sent to the Clean Elections Commission by email or as directed by the Commission staff.

C. Issuance and Reliance on Advisory Opinions

1. Within 60 calendar days after receiving a qualifying advisory opinion request, the Commission shall issue to the requesting person a written advisory opinion or shall issue a written response stating that the Commission was unable to approve an advisory opinion by the required affirmative vote of a majority of members present at a meeting of the Commission.
2. The 60 calendar day period is reduced to 20 calendar days for a qualified advisory opinion request provided the request:
 - a. Is submitted by a person within the 60 calendar days preceding the date of any election to which Chapter 6.1 of Title 16 applies;
 - b. Identifies the election by date and jurisdiction;
 - c. Presents a specific transaction or activity related to the election that may invoke the 20 day period if the connection is explained in the request.
3. An advisory opinion rendered by the Commission may be relied upon by any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered, and any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.
4. Any person who relies upon an advisory opinion and who acts in good faith in accordance with that advisory opinion shall not, as a result of any such act, be subject to any sanction provided in Chapter 6.1 of Title 16.

D. A request for reconsideration may be made by:

1. The person who made the request within 15 days of the opinion's approval but no later than 5 days before the Commission's next regular meeting; or
2. Any person who states a good faith basis for vacating or reversing a prior opinion subject to other rules in this section.

E. Any request for reconsideration shall meet all of the requirements otherwise required of an initial request.

NOTICES OF EXEMPT RULEMAKING

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

It is common for an agency to be exempt from all steps outlined in the rulemaking process as specified in Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10, otherwise known as the Arizona Administrative Procedure Act (APA).

An agency's exemption is either written in law - under the APA, or by the Arizona State Legislature in statute, or under a referendum or initiative passed into law by Arizona

voters; or a court has determined that an agency, board, or commission is exempt from the rulemaking process.

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

Exempt rulemakings, as published, were promulgated with no special conditions or restrictions; no public input; no public hearing; and no filing of a Proposed Exempt Rulemaking.

NOTICE OF EXEMPT RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 18. DEPARTMENT OF HEALTH SERVICES ADULT-USE MARIJUANA PROGRAM

[R23-219]

PREAMBLE

1. **Article, Part, or Section Affected (as applicable)** **Rulemaking Action**
R9-18-310 Amend
2. **Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific) and the statute or session law authorizing the exemption:**
Authorizing statute: A.R.S. §§ 36-136(G) and 36-2854
Implementing statute: A.R.S. §§ 36-2854, 36-2858, 36-2862, 36-2865, and 41-1080.01
Statute or session law authorizing the exemption: Proposition 207, § 8
3. **The effective date of the rule and the agency's reason it selected the effective date:**
October 18, 2023 (*upon filing with the Office of the Secretary of State*)
4. **A list of all notices published in the Register as specified in R9-1-409(A) that pertain to the record of the exempt rulemaking:**
Notice of Exempt Rulemaking: 29 A.A.R. 2453, October 13, 2023
Notice of Public Information: 29 A.A.R. 2171, September 15, 2023
5. **The agency's contact person who can answer questions about the rulemaking:**
Name: Megan Whitby, Deputy Assistant Director
Address: Department of Health Services
Public Health Licensing 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, Office Chief
Address: Arizona Department of Health Services
Office of Administrative Counsel and Rules
150 N. 18th Ave., Suite 200
Phoenix, AZ 85007
Telephone: (602) 542-1020
Fax: (602) 364-1150
Email: Stacie.Gravito@azdhs.gov
6. **An agency's justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:**
As part of the election in November 2020, voters approved Proposition 207, establishing Arizona Revised Statutes (A.R.S.) Title 36, Chapter 28.2, relating to "the responsible adult use, regulation and taxation of marijuana." A.R.S. § 36-2854 requires the Arizona Department of Health Services (Department) to adopt rules to implement and enforce A.R.S. Title 36, Chapter 28.2, regulating "marijuana, marijuana products, marijuana establishments and marijuana testing facilities." As required by A.R.S. Title 36,

Chapter 28.2, the Department has established requirements for the Adult-use Marijuana Program in A.A.C. Title 9, Chapter 18. The Department recently completed a rulemaking to make the rules clearer, more effective, and, in many instances, less burdensome, as well as to make requirements in 9 A.A.C. 18 more in line with requirements in 9 A.A.C. 17, where feasible and applicable, to reduce confusion and the regulatory burden. The Department received requests from stakeholders to better align the wording in R9-18-310 with the wording in A.R.S. § 36-2854.01, and is making the requested changes in this rulemaking. Pursuant to Proposition 207, the Department is exempt from the rulemaking requirement of A.R.S. Title 41, Chapters 6 and 6.1, for 60 months after the effective date of the law.

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

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

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

Not applicable

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

Not applicable

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

Not applicable

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

Not applicable

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

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

The issuance of a permit is not part of the Section included in this rulemaking. However, a marijuana facility agent license, issued according to A.R.S. § 36-2855, is a general permit, while a marijuana establishment license or marijuana testing facility license, issued according to A.R.S. § 36-2854, is specific to the license holder, location, and scope of services provided. As such, a general permit is not applicable and is not used.

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

Not applicable

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

Not applicable

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

Not applicable

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

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

15. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

**CHAPTER 18. DEPARTMENT OF HEALTH SERVICES
ADULT-USE MARIJUANA PROGRAM**

ARTICLE 3. MARIJUANA ESTABLISHMENTS

Section

R9-18-310. Product Labeling and Packaging

ARTICLE 3. MARIJUANA ESTABLISHMENTS

R9-18-310. Product Labeling and Packaging

A. A marijuana establishment shall ensure that marijuana or a marijuana product provided by the marijuana establishment's retail site to a consumer:

1. Complies with packaging and labeling requirements in A.R.S. §§ 36-2854.01 and 36-2860(A);
2. Is labeled with:
 - a. The marijuana establishment license number;
 - b. The amount, strain, and batch number of the marijuana or marijuana product;
 - c. The form of the marijuana or marijuana product;
 - d. As applicable, the weight of the marijuana or marijuana product;

- e. In compliance with Table 3.1, the potency of the marijuana or marijuana product, based on the results of testing by a marijuana testing facility, including the number of milligrams per designated unit or percentage of:
 - i. Total tetrahydrocannabinol, reported according to R9-18-408(F)(2)(a);
 - ii. Total cannabidiol, reported according to R9-18-408(F)(2)(b); and
 - iii. Any other cannabinoid for which the marijuana establishment is making a claim related to the effect of the cannabinoid on the human body;
- f. The following statement: “ARIZONA DEPARTMENT OF HEALTH SERVICES’ WARNING: Marijuana use can be addictive and can impair an individual’s ability to drive a motor vehicle or operate heavy machinery. Marijuana smoke contains carcinogens and can lead to an increased risk for cancer, tachycardia, hypertension, heart attack, and lung infection. Marijuana use may affect the health of a pregnant woman and the unborn child. KEEP OUT OF REACH OF CHILDREN”;
- g. For a marijuana product, the ingredients in order of abundance; and
- h. As required by A.R.S. § 36-2854.01 and not later than December 31, 2023, a quick response code linking to a webpage that contains the following:
 - i. ~~The information in subsections (A)(2)(a) through (f) strain of the marijuana;~~
 - ii. The following statement: Using marijuana during pregnancy could cause birth defects or other health issues to your unborn child;
 - iii. Distribution chain information, including:
 - (1) The name of the marijuana establishment;
 - (2) If not cultivated by the marijuana establishment, whether the marijuana was obtained from another the name and the license number or registry identification number, as applicable, of the marijuana establishment or a dispensary that cultivated the marijuana; and
 - ~~iv. (3) If not infused or prepared for sale by the marijuana establishment, whether the marijuana product was obtained from another the name and the license number or registry identification number, as applicable, of the marijuana establishment or a dispensary that infused or prepared the marijuana product for sale;~~
 - ~~v. iv.~~ A link to the final report of testing marijuana or a marijuana product, specified in R9-18-410(B)(3), from a marijuana testing facility;
 - ~~vi. v.~~ For a marijuana product:
 - (1) The ingredients in order of abundance; and
 - (2) If applicable, the method used to extract tetrahydrocannabinol from the marijuana; and
 - ~~vii. vi.~~ The date of harvest:
 - (1) Harvest of the marijuana; and
 - (2) If applicable, manufacture of the marijuana product, as applicable; and
 3. Is placed in child-resistant packaging on exit from the marijuana establishment.

B. If a marijuana establishment provides marijuana cultivated, or a marijuana product infused or prepared for sale, by the marijuana establishment to another marijuana establishment or to a dispensary, the marijuana establishment shall ensure that:

 1. The marijuana or marijuana product is labeled with:
 - a. The marijuana establishment license number;
 - b. The amount, strain, and batch number of the marijuana or marijuana product; and
 - c. The dates of:
 - i. Harvest or sale; and
 - ii. If applicable, manufacture; and
 2. A copy of results of testing by a marijuana testing facility for the marijuana or marijuana product is provided to the receiving marijuana establishment or dispensary.

NOTICES OF TERMINATION OF RULEMAKING

An agency may choose to terminate a rulemaking proceeding at any step of the regular rulemaking process under A.R.S. § 41-1021(A)(5).

Termination, as used in rulemaking, means an agency is closing its docket and withdrawing its proposed and, when applicable, supplemental proposed rulemakings from further review or comment.

An agency may terminate a rule making [sic] proceeding and commence a new rule making [sic] proceeding for the purpose of making a substantially different rule. A.R.S. § 41-1025(A).

Within 120 days after the close of the record on the proposed rule making [sic]... an agency shall terminate the proceeding by publication of a notice to that effect in the Register. A.R.S. § 41-1024(B)(2).

An agency cannot terminate a rulemaking if it has submitted its Notice of Final Rulemaking for review to the Governor's Regulatory Review Council or the Attorney General's Office; or if the notice has been approved by either entity and has been filed with the Office of the Secretary of State.

NOTICE OF TERMINATION OF RULEMAKING

TITLE 9. HEALTH SERVICES

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

[R23-220]

1. The Register citation and the date of the Notice of Rulemaking Docket Opening:

Notice of Rulemaking Docket Opening: 28 A.A.R. 3237, October 7, 2022

2. The Register citation and the date of the Notice of Proposed Rulemaking:

Notice of Proposed Rulemaking: 29 A.A.R. 1860, August 25, 2023

3. Article, Part, or Section Affected (as applicable)

Rulemaking Action

R9-8-201	Amend
R9-8-202	Amend
R9-8-203	Amend
R9-8-204	Re-number
R9-8-204	New Section
R9-8-205	Re-number
R9-8-205	New Section
R9-8-206	Re-number
R9-8-206	New Section
R9-8-207	New Section
R9-8-207	Amend
R9-8-208	New Section
R9-8-208	Amend
R9-8-209	New Section
R9-8-209	Amend

4. Reason for terminating the rulemaking:

The Governor's Office did not approve the proposed rulemaking submitted pursuant to A.R.S. § 41-1039(B), therefore the Department was not able to complete the remaining rulemaking requirements.

NOTICES OF RULEMAKING DOCKET OPENING

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

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

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

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

The Office of the Secretary of State is the filing office and publisher of these notices. Questions about the interpretation of this information should be directed to the agency contact person listed in item #4 of this notice.

NOTICE OF RULEMAKING DOCKET OPENING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 25. BOARD OF PODIATRY EXAMINERS

[R23-221]

1. **Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 25, Board of Podiatry Examiners
Article and its heading: 1, General Provisions
Section numbers: R4-25-103 (*Sections may be added, deleted, or modified as necessary*)
2. **The subject matter of the proposed rule:**
The proposed rules address an increase in the annual license renewal fee. Anticipated changes include increasing the annual license renewal fee from \$275.00 to \$375.00.
3. **A citation to all published notices relating to the proceeding:**
Notice of Proposed Rulemaking: 29 A.A.R. 3513, November 10, 2023 (*in this issue*)
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Heather Broaddus
Address: Board of Podiatry Examiners
1740 W. Adams St., Suite 3004
Phoenix, AZ 85007
Telephone: (602) 542-8151
Email: heather.broaddus@podiatry.az.gov
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Written comments: 8:00 a.m. to 5:00 p.m., Monday through Friday
Board of Podiatry Examiners
1740 W. Adams St., Suite 3004
Phoenix, AZ 85007
Oral comments: 8:00 a.m. to 5:00 p.m., Monday through Friday
Board of Podiatry Examiners
1740 W. Adams St., Suite 3004
Phoenix, AZ 85007
(602) 542-8151
6. **A timetable for agency decisions or other action on the proceeding, if known:**
Refer to the Notice of Proposed Rulemaking in this issue.

NOTICE OF RULEMAKING DOCKET OPENING**TITLE 18. ENVIRONMENTAL QUALITY****CHAPTER 13. DEPARTMENT OF ENVIRONMENTAL QUALITY
SOLID WASTE MANAGEMENT**

[R23-222]

- 1. Title and its heading:** 18, Environmental Quality
Chapter and its heading: 13, Department of Environmental Quality - Solid Waste Management
Article and its heading: 3, Refuse and Other Objectionable Wastes
Section numbers: R18-13-308 (*Sections may be added, deleted, or modified as necessary*)
- 2. The subject matter of the proposed rule:**
The Department of Environmental Quality plans to conduct a rulemaking to amend its frequency of collection rule. In doing so, the Department seeks to decrease its regulatory burden on its local government partners.
- 3. A citation to all published notices relating to the proceeding:**
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Dominic Trader
Address: Department of Environmental Quality
Waste Programs Division
1110 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 771-7315
Email: trader.dominic@azdeq.gov
- 5. 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 sent to wasterulemaking@azdeq.gov or the individual listed in item 4 no later than the close of record. The close of record will be listed in the Notice of Proposed Rulemaking. No oral proceeding has been scheduled.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
To be announced in the Notice of Proposed Rulemaking.

NOTICES OF PUBLIC INFORMATION

Agencies use Notices of Public Information to notify stakeholders about other information that pertains to rulemaking notices under A.R.S. § 41-1013(B)(14). When required by law, agencies also use this notice to notify the public about information not related to rulemaking.

The most common use for this notice is to correct errors printed in a rulemaking notice or extend a public comment period.

The Administrative Rules Division of the Office does not provide a standard template for Notices of Public Information because the content of this type of notice varies.

An agency shall follow the Office's formatting standards when preparing this type of notice and use a numbered list of questions and answers. Additionally, an agency receipt shall be filed with a Notice of Public Information.

NOTICE OF PUBLIC INFORMATION

TITLE 9. HEALTH SERVICES

CHAPTER 33. DEPARTMENT OF HEALTH SERVICES GROUP HOMES FOR INDIVIDUALS WITH A DEVELOPMENTAL DISABILITY

[M23-45]

1. **Title and its heading:** 9, Health Services
Chapter and its heading: 33, Department of Health Services - Group Homes for Individuals with a Developmental Disability
Article and its heading: 1, Licensing Requirements
2, Group Home Requirements
2. **The public information relating to the listed Article:**

A.R.S. §§ 36-132(A)(21) and 36-591 require the Department to license and regulate the health and safety of group homes for the developmentally disabled (group homes). Programmatic oversight of group homes is vested in the Arizona Department of Economic Security, Division of Developmental Disabilities (Division) in A.R.S. §§ 36-591 through 36-595.03. Put simply, the Department licenses group home facilities, while the Division licenses group home services. The Department has established requirements for group home facilities in 9 A.A.C. 33. Laws 2023, Ch. 94 amends definitions in A.R.S. § 36-551, and adds A.R.S. § 36-591.01 regarding the Department and Division to license facilities and services for behavioral-supported group homes. Behavioral-supported group homes are specific to individuals who are developmentally disabled and need specified facilities and additional behavioral support than licensed group homes pursuant to A.R.S. § 36-591.

After receiving rulemaking approval pursuant to A.R.S. § 41-1039, the Department plans to conduct a rulemaking to adhere to new statutory requirements for licensing the behavioral-supported group homes, issues identified in the recent five-year review report approved by the Governor's Regulatory Review Council that are also applicable to new statutory requirements, and make the rules clear, concise, and more understandable. Laws 2023, Ch. 94 exempts the Department from the rulemaking requirements in A.R.S. Title 41, Chapter 6 and 6.1, for eighteen months after the effective date of the Legislative Session. This Notice of Public Information provides notice that the Department is undertaking this rulemaking. The proposed rulemaking will conform to the rulemaking format and style requirements established by the office of the Secretary of State.
3. **The name, address, and telephone number of agency personnel to whom questions and comments on the rules may be addressed:**

Name: Megan McMinn, Bureau Chief
Address: Department of Health Services
Bureau of Special Licensing
150 N. 18th Ave., Suite 410
Phoenix, AZ 85007
Telephone: (602) 364-3056
Fax: (602) 364-4769
Email: megan.mcminn@azdhs.gov
Or
Name: Stacie Gravito, Office Chief
Address: Department of Health Services
Office of Administrative Counsel and Rules
150 N. 18th Ave., Suite 200
Phoenix, AZ 85007
Telephone: (602) 542-1020
Fax: (602) 364-1150
Email: stacie.gravito@azdhs.gov

4. The website where persons may obtain information about the rulemaking:

<https://www.azdhs.gov/director/administrative-counsel-rules/rules/index.php#rulemakings-active-behavioral-supported-group-homes>.

REGISTER INDEXES

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

Abbreviations for rulemaking activity in this Index include:

PROPOSED RULEMAKING

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

SUPPLEMENTAL PROPOSED RULEMAKING

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

FINAL RULEMAKING

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

SUMMARY RULEMAKING

PROPOSED SUMMARY

PSMN = Proposed Summary new Section
 PSMM = Proposed Summary amended Section
 PSMR = Proposed Summary repealed Section
 PSM# = Proposed Summary renumbered Section

FINAL SUMMARY

FSMN = Final Summary new Section
 FSMM = Final Summary amended Section
 FSMR = Final Summary repealed Section
 FSM# = Final Summary renumbered Section

EXPEDITED RULEMAKING

PROPOSED EXPEDITED

PEN = Proposed Expedited new Section
 PEM = Proposed Expedited amended Section
 PER = Proposed Expedited repealed Section
 PE# = Proposed Expedited renumbered Section

SUPPLEMENTAL EXPEDITED

SPEN = Supplemental Proposed Expedited new Section
 SPEM = Supplemental Proposed Expedited amended Section
 SPER = Supplemental Proposed Expedited repealed Section
 SPE# = Supplemental Proposed Expedited renumbered Section

FINAL EXPEDITED

FEN = Final Expedited new Section
 FEM = Final Expedited amended Section
 FER = Final Expedited repealed Section
 FE# = Final Expedited renumbered Section

EXEMPT RULEMAKING

EXEMPT

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

EXEMPT PROPOSED

PXN = Proposed Exempt new Section
 PXM = Proposed Exempt amended Section
 PXR = Proposed Exempt repealed Section
 PX# = Proposed Exempt renumbered Section

EXEMPT SUPPLEMENTAL PROPOSED

SPXN = Supplemental Proposed Exempt new Section
 SPXR = Supplemental Proposed Exempt repealed Section
 SPXM = Supplemental Proposed Exempt amended Section
 SPX# = Supplemental Proposed Exempt renumbered Section

FINAL EXEMPT RULEMAKING

FXN = Final Exempt new Section
 FXM = Final Exempt amended Section
 FXR = Final Exempt repealed Section
 FX# = Final Exempt renumbered Section

EMERGENCY RULEMAKING

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

RECODIFICATION OF RULES

RC = Recodified

REJECTION OF RULES

RJ = Rejected by the Attorney General

TERMINATION OF RULES

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

RULE EXPIRATIONS

EXP = Rules have expired

See also “emergency expired” under emergency rulemaking

CORRECTIONS

C = Corrections to Published Rules

Issue 1, Jan. 6, 2023.....1-46	Issue 2, Jan. 13, 2023.....47-214	Issue 3, Jan. 20, 2023.....215-262
Issue 4, Jan. 27, 2023.....263-436	Issue 5, Feb. 3, 2023.....437-528	Issue 6, Feb. 10, 2023.....529-562
Issue 7, Feb. 17, 2023.....563-602	Issue 8, Feb. 24, 2023.....603-632	Issue 9, March 3, 2023.....633-662
Issue 10, March 10, 2023.....663-724	Issue 11, March 17, 2023.....725-752	Issue 12, March 24, 2023.....753-798
Issue 13, March 31, 2023.....799-824	Issue 14, April 7, 2023.....825-844	Issue 15, April 14, 2023.....845-888
Issue 16, April 21, 2023.....889-950	Issue 17, April 28, 2023.....951-986	Issue 18, May 5, 2023.....987-1018
Issue 19, May 12, 2023.....1019-1088	Issue 20, May 19, 2023.....1089-1162	Issue 21, May 26, 2023.....1163-1216
Issue 22, June 2, 2023.....1217-1322	Issue 23, June 9, 2023.....1323-1356	Issue 24, June 16, 2023.....1357-1382
Issue 25, June 23, 2023.....1383-1422	Issue 26, June 30, 2023.....1423-1494	Issue 27, July 7, 2023.....1495-1544
Issue 28, July 14, 2023.....1545-1596	Issue 29, July 21, 2023.....1597-1650	Issue 30, July 28, 2023.....1651-1692
Issue 31, Aug. 4, 2023.....1693-1724	Issue 32, Aug. 11, 2023.....1725-1756	Issue 33, Aug. 18, 2023.....1757-1804
Issue 34, Aug. 25, 2023.....1805-1914	Issue 35, Sept. 1, 2023.....1915-1990	Issue 36, Sept. 8, 2023.....1991-2020
Issue 37, Sept. 15, 2023.....2021-2186	Issue 38, Sept. 22, 2023.....2187-2226	Issue 39, Sept. 29, 2023.....2227-2292
Issue 40, Oct. 6, 2023.....2293-2366	Issue 41, Oct. 13, 2023.....2367-2510	Issue 42, Oct. 20, 2023.....2511-3372
Issue 43, Oct. 27, 2023.....3373-3468	Issue 44, Nov. 3, 2023.....3469-3508	

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

Accountancy, Board of		Table 1.	PM-1221	R3-3-803.	PN-1221
R4-1-229.	FM-1184	R3-3-200.	PN-1221	R3-3-804.	PM-1221
R4-1-341.	FM-1184	R3-3-201.	PM-1221	R3-3-901.	PM-1221
R4-1-453.	FM-1184	R3-3-202.	PR-1221	R3-3-902.	PM-1221
R4-1-454.	FM-1184	R3-3-203.	PM-1221	R3-3-903.	PM-1221
R4-1-455.	FM-1184	R3-3-204.	PN-1221	R3-3-904.	PM-1221
		R3-3-205.	PN-1221	R3-3-905.	PM-1221
Administration, Department of - Risk Management Division		R3-3-206.	PN-1221	R3-3-910.	PM-1221
		R3-3-207.	PN-1221	R3-3-913.	PM-1221
R2-10-101.	PM-3377	R3-3-208.	PN-1221	R3-3-1001.	PM-1221
R2-10-102.	PM-3377	R3-3-209.	PR-1221	R3-3-1002.	PR-1221
R2-10-103.	PM-3377	R3-3-210.	PN-1221	R3-3-1003.	PM-1221
R2-10-106.	PM-3377	R3-3-211.	PN-1221	R3-3-1004.	PM-1221
R2-10-107.	PM-3377	R3-3-212.	PN-1221	R3-3-1006.	PM-1221
R2-10-110.	PN-3377	Appendix A.	PR-1221	R3-3-1007.	PM-1221
R2-10-301.	PM-3377	R3-3-301.	PN-1221	R3-3-1008.	PM-1221
R2-10-407.	PM-3377	R3-3-302.	PN-1221	R3-3-1009.	PM-1221
		R3-3-303.	PN-1221	R3-3-1010.	PM-1221
Agriculture, Department of - Animal Services Division		R3-3-305.	PM-1221	R3-3-1011.	PM-1221
		R3-3-306.	PM-1221		
R3-2-203.	XM-3483	R3-3-307.	PM-1221	Agriculture, Department of - Office of Commodity Development and Promotion	
R3-2-401.	PM-1995	R3-3-401.	PM-1221		
R3-2-408.	PM-1995	R3-3-402.	PM-1221		
R3-2-409.	PM-1995	R3-3-403.	PM-1221	R3-6-102.	XM-3488
R3-2-409.01.	PN-1995	R3-3-404.	PM-1221		
R3-2-701.	XM-3483	R3-3-502.	PM-1221	Agriculture, Department of - Pest Management Division	
R3-2-810.	XM-3483	R3-3-503.	PM-1221		
R3-2-1201.	FN-1327	R3-3-505.	PM-1221	R3-8-102.	FM-757
R3-2-1202.	FN-1327	R3-3-506.	PM-1221	R3-8-103.	FM-757
R3-2-1203.	FN-1327	R3-3-702.	PM-1221	R3-8-107.	FM-757
		R3-3-703.	PM-1221	R3-8-202.	FM-757
Agriculture, Department of - Environmental Services Division		R3-3-704.	PM-1221	R3-8-203.	FM-757
		R3-3-801.	PN-1221	R3-8-204.	FM-757
R3-3-101.	PM-1221	R3-3-802.	PN-1221	R3-8-210.	FM-757

Vol. 29, Issue 45 | *Published by the Arizona Secretary of State* | November 10, 2023

R4-10-A302.	P#-1809; PM-1809	R4-10-811. R4-10-901. R4-10-902.	P#-1809 PR-1809 PR-1809	R21-7-113.	PN-141; FN-2231
R4-10-A303.	P#-1809; PM-1809			R21-7-114.	PN-141; FN-2231
PART B		Behavioral Health Examiners, Board of		R21-7-115.	PN-141; FN-2231
R4-10-B301.	P#-1809; PM-1809	R4-6-101. R4-6-211.	TM-1895 TM-1895	R21-7-116.	PN-141; FN-2231
R4-10-B302.	P#-1809; PM-1809	R4-6-212. R4-6-214.	TM-1895 TM-1895	R21-7-117.	PN-141; FN-2231
R4-10-B303.	P#-1809; PM-1809	R4-6-215. R4-6-216.	TM-1895 TM-1895	R21-7-118.	PN-141; FN-2231
R4-10-B304.	P#-1809; PM-1809	R4-6-217. R4-6-301.	TN-1895 TM-1895	R21-7-119.	PN-141; FN-2231
R4-10-B305.	PN-1809	Table 1.	TM-1895	R21-7-120.	PN-141; FN-2231
R4-10-B306.	PN-1809	R4-6-304.	TM-1895	R21-7-121.	PN-141; FN-2231
R4-10-B307.	PN-1809	R4-6-305.	TM-1895	R21-7-122.	PN-141; FN-2231
R4-10-401.	P#-1809; PM-1809	R4-6-306. R4-6-403.	TM-1895 TM-1895	R21-7-123.	PN-141; FN-2231
R4-10-402.	P#-1809; PM-1809	R4-6-404. R4-6-501.	TM-1895 TM-1895	R21-7-124.	PN-141; FN-2231
R4-10-403.	PM-1809	R4-6-503.	TM-1895	R21-7-125.	PN-141; FN-2231
R4-10-404.	P#-1809; PN-1809	R4-6-601. R4-6-603.	TM-1895 TM-1895	R21-7-126.	PN-141; FN-2231
R4-10-405.	P#-1809; PM-1809	R4-6-702. R4-6-703.	TM-1895 TM-1895	R21-7-127.	PN-141; FN-2231
PART A		R4-6-705. R4-6-706.	TM-1895 TM-1895	R21-7-128.	PN-141; FN-2231
R4-10-A401.	P#-1809; PM-1809	R4-6-801. R4-6-802.	TM-1895 TM-1895	R21-7-129.	PN-141; FN-2231
PART B		R4-6-1101. R4-6-1102.	TM-1895 TM-1895	R21-7-130.	PN-141; FN-2231
R4-10-B401.	P#-1809; PM-1809	R4-6-1105. R4-6-1106.	TM-1895 TM-1895	R21-7-131.	PN-141; FN-2231
R4-10-B402.	P#-1809; PM-1809	Child Safety, Department of - Cen- tralized Intake Hotline		R21-7-132.	PN-141; FN-2231
R4-10-501.	P#-1809	R21-3-202.	FM-1697	R21-7-133.	PN-141; FN-2231
R4-10-502.	PR-1809	Child Safety, Department of - Child Welfare Agency Licensing		R21-7-134.	PN-141; FN-2231
R4-10-503.	PR-1809	R21-7-101.	PN-141; FN-2231	R21-7-135.	PN-141; FN-2231
R4-10-504.	PR-1809	R21-7-102.	PN-141; FN-2231	R21-7-136.	PN-141; FN-2231
R4-10-505.	PR-1809	R21-7-103.	PN-141; FN-2231	R21-7-201.	PN-141; FN-2231
R4-10-506.	PR-1809	R21-7-104.	PN-141; FN-2231	R21-7-202.	PN-141; FN-2231
R4-10-507.	PR-1809	R21-7-105.	PN-141; FN-2231	R21-7-203.	PN-141; FN-2231
R4-10-508.	PR-1809	R21-7-106.	PN-141; FN-2231	R21-7-204.	PN-141; FN-2231
Table 1.	P#-1809	R21-7-107.	PN-141; FN-2231	R21-7-205.	PN-141; FN-2231
R4-10-509.	PR-1809	R21-7-108.	PN-141; FN-2231	R21-7-206.	PN-141; FN-2231
R4-10-601.	P#-1809	R21-7-109.	PN-141; FN-2231	R21-7-207.	PN-141; FN-2231
R4-10-602.	P#-1809	R21-7-110.	PN-141; FN-2231	R21-7-208.	PN-141; FN-2231
R4-10-603.	P#-1809	R21-7-111.	PN-141; FN-2231	R21-7-209.	PN-141; FN-2231
R4-10-701.	PR-1809	R21-7-112.	PN-141; FN-2231		
R4-10-702.	PR-1809				
R4-10-703.	P#-1809				
R4-10-704.	P#-1809				
R4-10-705.	PR-1809				
R4-10-801.	P#-1809				
R4-10-802.	P#-1809				
R4-10-803.	PR-1809				
R4-10-804.	PR-1809				
R4-10-805.	P#-1809				
Exhibit 1.	PR-1809				
Exhibit 2.	PR-1809				
R4-10-806.	PR-1809				
R4-10-807.	P#-1809				
R4-10-808.	PR-1809				
R4-10-809.	PR-1809				

Vol. 29, Issue 45 | *Published by the Arizona Secretary of State* | November 10, 2023

R8-2-312.	FXM-238	R18-14-104.	PM-955;	R18-9-E303.	FM-1023
R8-2-313.	FXM-238		FM-1869	R18-9-E304.	FM-1023
R8-2-314.	FXM-238	Table 2.	PM-955;	R18-9-E314.	FM-1023
R8-2-315.	FXM-238		FM-1869	R18-9-E320.	FM-1023
R8-2-316.	FXM-238	Table 3.	PM-955;	R18-9-E323.	FM-1023
R8-2-317.	FXR-238;		FM-1869	Table 1.	FM-1023
	FX#-238;	R18-14-105.	PM-955;	Environmental Quality, Department of - Water Quality Standards	
	FXM-238		FM-1869		
R8-2-318.	FX#-238;	R18-14-108.	PM-955;	R18-11-101.	FM-302
	FXM-238		FM-1869	Appendix A.	FM-302
R8-2-319.	FX#-238;	Table 4.	PM-955;	Table 1.	FM-302
	FXM-238	Table 5.	FM-1869	Appendix B.	FM-302
Environmental Quality, Department of - Air Pollution Control			PM-955;	R18-11-201.	FN-302
PART D		R18-14-109.	FM-1869	R18-11-202.	FN-302
			PM-955;	R18-11-203.	FN-302
R18-2-D1301.	FN-1658	Table 6.	FM-1869	R18-11-204.	FN-302
R18-2-D1302.	FN-1658		PM-955;	R18-11-205.	FN-302
R18-2-D1303.	FN-1658	R18-14-110.	FM-1869	R18-11-206.	FN-302
			PM-955;	R18-11-207.	FN-302
R18-2-1501.	FM-1427	Table 7.	FM-1869	R18-11-208.	FN-302
R18-2-1502.	FM-1427		PM-955;	R18-11-209.	FN-302
R18-2-1503.	FM-1427	R18-14-111.	FM-1869	R18-11-210.	FN-302
R18-2-1504.	FM-1427		PM-955;	R18-11-211.	FN-302
R18-2-1505.	FM-1427	R18-14-112.	FM-1869	R18-11-212.	FN-302
R18-2-1506.	FM-1427		PM-955;	R18-11-213.	FN-302
R18-2-1507.	FM-1427	R18-14-202.	FM-1869	R18-11-214.	FN-302
R18-2-1508.	FR-1427		PM-955;	R18-11-215.	FN-302
R18-2-1509.	FM-1427	Table 1.	FM-1869	Table 1.	FN-302
R18-2-1510.	FR-1427		PM-955;	Table 2.	FN-302
R18-2-1511.	FM-1427	R18-14-301.	FM-1869	Table 3.	FN-302
R18-2-1512.	FM-1427		PM-955;	Table 4.	FN-302
R18-2-1513.	FM-1427	Environmental Quality, Department of - Pesticides and Water Pollution Control		Table 5.	FN-302
R18-2-1514.	FM-1427			Table 6.	FN-302
R18-2-1515.	FM-1427			Table 7.	FN-302
Environmental Quality, Department of - Environmental Reviews and Certification		R18-6-106.	PEM-931;	Table 8.	FN-302
			FEM-2341	Table 9.	FN-302
R18-5-401.	PEM-927;	R18-6-301.	PEM-931;	Table 10.	FN-302
	FEM-2337		FEM-2341	Table 11.	FN-302
R18-5-406.	PEM-927;	Environmental Quality, Department of - Safe Drinking		Table 12.	FN-302
	FEM-2337			Table 13.	FN-302
R18-5-407.	PEM-927;	R18-4-103.	PEM-1733	Table 14.	FN-302
	FEM-2337	R18-4-105.	PEM-1733	Table 15.	FN-302
R18-5-409.	PEM-927;	R18-4-106.	PEM-1733	Table 16.	FN-302
	FEM-2337	R18-4-107.	FEM-1472	Table 17.	FN-302
R18-5-410.	PEM-927;	R18-4-111.	PEM-1733	R18-11-216.	FN-302
	FEM-2337	R18-4-117.	PEM-1733	Table A.	FN-302
Environmental Quality, Department of - Hazardous Waste Management		R18-4-119.	PEM-1733	Table B.	FN-302
		R18-4-121.	PEM-1733	Table C.	FN-302
R18-8-260.	FM-729	R18-4-402.	FEN-1472	R18-11-217.	FN-302
R18-8-270.	FM-729	Environmental Quality, Department of - Water Pollution Control		R18-11-403.	PEM-934;
Environmental Quality, Department of - Permits and Compliance Fees					FEM-2344
		R18-9-101.	FM-1023	R18-11-407.	PEM-934;
R18-14-101.	PM-955;	R18-9-110.	FM-1023		FEM-2344
	FM-1869	R18-9-A303.	FM-1023	R18-11-502.	PEM-934;
R18-14-102.	PM-955;	R18-9-A308.	FR-1023		FEM-2344
	FM-1869	R18-9-A309.	FM-1023	R18-11-504.	PEM-934;
Table 1.	PM-955;	R18-9-A310.	FM-1023		FEM-2344
	FM-1869	R18-9-A311.	FM-1023	R18-11-506.	PEM-934;
R18-14-103.	PM-955;	R18-9-A312.	FM-1023		FEM-2344
	FM-1869	R18-9-A314.	FM-1023	Examiners of Nursing Care Institu- tion Administrators and Assisted Living Facility Managers, Board of	
		R18-9-A315.	FM-1023		
		R18-9-A903.	FM-296	R4-33-101.	FM-642
				R4-33-201.	FM-642

R4-33-202.	FM-642	R9-22-711.	PM-5;	R9-18-103.	XM-2453
R4-33-204.	FM-642		FM-1866	Table 1.1.	XM-2453
R4-33-206.	FM-642	R9-22-712.06.	FM-923	R9-18-201.	XM-2453
R4-33-401.	FM-642	R9-22-712.35.	PM-1601;	R9-18-202.	XM-2453
R4-33-403.	FM-642		FM-3394	R9-18-203.	XM-2453
R4-33-405.	FM-642	R9-22-712.61.	PM-1601;	R9-18-204.	XM-2453
R4-33-601.	FM-1556		FM-3394	R9-18-205.	XM-2453
R4-33-602.	FM-642;	R9-22-712.63.	FM-19	R9-18-302.	XM-2453
	FM-1556	R9-22-712.71.	PM-1601;	R9-18-303.	XM-2453
R4-33-603.	FM-1556		FM-3394	R9-18-304.	XM-2453
R4-33-604.	FM-1556	R9-22-712.90.	PM-1601;	R9-18-306.	XM-2453
R4-33-605.	FM-1556		FM-3394	R9-18-308.	XM-2453
R4-33-701.	FM-1556	R9-22-730.	PXM-1630;	R9-18-310.	XM-2453
R4-33-702.	FM-1556		FXM-2204	R9-18-311.	XM-2453
R4-33-703.	FM-1556	R9-22-731.	PM-1626;	Table 3.1.	XM-2453
R4-33-703.1.	FM-1556		FM-3419	R9-18-312.	XM-2453
R4-33-704.	FM-1556	R9-22-1428.	PN-5;	R9-18-313.	XM-2453
R4-33-705.	FM-1556		FN-1866	R9-18-314.	X#-2453;
R4-33-706.	FM-1556	R9-22-1801.	EN-1577		XN-2453
Game and Fish Commission		R9-22-1802.	EN-1577	R9-18-315.	X#-2453;
R12-4-101.	PM-849;	R9-22-1803.	EN-1577		XM-2453
	SPM-2297	R9-22-1804.	EN-1577	R9-18-316.	X#-2453;
R12-4-102.01.	PN-10;	R9-22-1805.	EN-1577		XM-2453
	FN-2196	R9-22-1806.	EN-1577	R9-18-317.	X#-2453;
R12-4-102.02.	PN-10;	Health Care Cost Containment Sys-		R9-18-402.	XM-2453
	FN-2196	tem, Arizona (AHCCCS) - Behav-		R9-18-403.	XM-2453
R12-4-107.	PM-10;	ioral Health Services for Persons		R9-18-405.	XM-2453
	FM-2196	with Serious Mental Illness		R9-18-407.	XM-2453
R12-4-118.	PM-10;	R9-21-101.	FM-898	R9-18-408.	XM-2453
	FM-2196	R9-21-104.	FM-898	R9-18-409.	XM-2453
R12-4-121.	PM-10;	R9-21-105.	FM-898	R9-18-410.	XM-2453
	FM-2196	R9-21-201.	FM-898	R9-18-411.	XM-2453
R12-4-216.	PM-849;	R9-21-202.	FM-898	R9-18-412.	XM-2453
	SPM-2297	R9-21-203.	FM-898	R9-18-413.	XM-2453
R12-4-301.	PM-849;	R9-21-206.	FM-898	R9-18-414.	XM-2453
	SPM-2297	R9-21-211.	FM-898	R9-18-415.	XM-2453
R12-4-303.	PM-849;	R9-21-401.	FM-898	Health Services, Department of -	
	SPM-2297	R9-21-402.	FM-898	Communicable Diseases and Infes-	
R12-4-304.	PM-849;	R9-21-403.	FM-898	tations	
	SPM-2297	R9-21-404.	FM-898	R9-6-101.	PEM-1510;
R12-4-305.	PM-849;	R9-21-405.	FM-898		FEM-3423
	SPM-2297	R9-21-406.	FM-898	R9-6-103.	PEM-1510;
R12-4-306.	PM-849;	R9-21-407.	FM-898		FEM-3423
	SPM-2297	R9-21-408.	FM-898	R9-6-303.	PEM-667;
R12-4-308.	PM-849;	R9-21-409.	FM-898		FEM-1890
	SPM-2297	R9-21-410.	FM-898	R9-6-305.	PEM-667;
R12-4-311.	PM-849;	R9-21-501.	FM-898		FEM-1890
	SPM-2297	R9-21-502.	FM-898	R9-6-338.	PEM-667;
R12-4-313.	PM-849;	Exhibit C.	FM-898		FEM-1890
	SPM-2297	R9-21-503.	FM-898	R9-6-361.	PEM-667;
R12-4-314.	PM-849	R9-21-504.	FM-898		FEM-1890
R12-4-318.	PM-849;	R9-21-505.	FM-898	R9-6-362.	PEM-667;
	SPM-2297	R9-21-507.	FM-898		FEM-1890
R12-4-319.	PM-849;	R9-21-508.	FM-898	R9-6-381.	PEM-667;
	SPM-2297	R9-21-509.	FM-898		FEM-1890
R12-4-322.	PM-849;	Health Care Cost Containment Sys-		R9-6-1101.	PEM-1729
	SPM-2297	tem, Arizona (AHCCCS) - Children's		R9-6-1102.	PEM-1729
R12-4-411.	PM-849	Health Insurance Program		R9-6-1103.	PEM-1729
R12-4-609.	PM-849;	R9-31-307.	PM-8	R9-6-1104.	PEM-1729
	SPM-2297	Health Services, Department of -		Health Services, Department of -	
R12-4-611.	PM-10;	Adult-Use Marijuana Program		Court-Ordered Program Approvals	
Health Care Cost Containment Sys-		R9-18-101.	XM-2453	R9-20-106.	PEM-997;
tem, Arizona (AHCCCS) - Adminis-		R9-18-102.	XM-2453		FEM-3435
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R9-20-107.	PEM-997; FEM-3435	R9-25-1003.	PR-2063; PN-2063	R9-8-703.	PEM-533; TM-1786;
R9-20-108.	PEM-997; FEM-3435	R9-25-1004.	PR-2063; PN-2063	R9-8-705.	PEM-2157 PEM-533;
R9-20-201.	PEM-997; FEM-3435	R9-25-1005.	PR-2063; P#-2063;		TM-1786; PEM-2157
R9-20-203.	PEM-997; FEM-3435	R9-25-1006.	PM-2063 PR-2063	R9-8-706.	PEM-533; TM-1786;
R9-20-206.	PEM-997; FEM-3435	Table 10.1. Table 10.2.	PN-2063 PN-2063	R9-8-707.	PEM-2157 PEM-533;
R9-20-207.	PEM-997; FEM-3435	R9-25-1101. R9-25-1102.	PM-2063 PM-2063		TM-1786; PEM-2157
R9-20-208.	PEM-997; FEM-3435	R9-25-1103. R9-25-1104. R9-25-1105.	PM-2063 PM-2063 PM-2063	R9-8-708.	PEM-533; TM-1786; PEM-2157
Health Services, Department of - Emergency Medical Services		R9-25-1106. R9-25-1107.	PM-2063 PM-2063	R9-8-711.	PEM-533; TM-1786;
		R9-25-1108. R9-25-1109.	PM-2063 PM-2063	R9-8-801.	PEM-2157 PEM-533;
		R9-25-1110. R9-25-1201.	PM-2063 PM-2063		TM-1786; PEM-2157
		Table 12.1. R9-25-1301.	PM-2063 PEM-1445; FEM-2321	Health Services, Department of - Health Programs Services	
R9-25-703.	PEM-775; FEM-1461	R9-25-1303.01. R9-25-1304.	EXP-421 PEM-1445;	R9-13-101. R9-13-102.	TM-1077 TM-1077
R9-25-704.	PEM-775; FEM-1461	R9-25-1306.	FEM-2321 PEM-1445;	Table 13.2. R9-13-103.	TN-1077 TM-1077
R9-25-705.	PEM-775; FEM-1461	R9-25-1307.	PEM-1445; FEM-2321	Table 13.3. R9-13-104.	TN-1077 TM-1077
R9-25-710.	PEM-775; FEM-1461	R9-25-1308.	PEM-1445; FEM-2321	R9-13-105. R9-13-106.	TM-1077 TM-1077
R9-25-711.	PEM-775; FEM-1461	Table 13.1.	PEM-1445; FEM-2321	R9-13-107. R9-13-108.	TM-1077 TM-1077
R9-25-712.	PEM-775; FEM-1461			R9-13-109. R9-13-110.	TM-1077 TM-1077
R9-25-801.	PEM-775; FEM-1461			R9-13-111. R9-13-112.	TM-1077 TR-1077; TN-1077
R9-25-803.	PEM-775; FEM-1461	Health Services, Department of - Food, Recreational, and Institu- tional Sanitation		R9-13-113.	TR-1077; TN-1077
R9-25-804.	PEM-775; FEM-1461			R9-13-114.	TR-1077; TN-1077
R9-25-901.	PM-2063			R9-13-115.	TR-1077; TN-1077
R9-25-902.	PM-2063	R9-8-118.	PEM-533; TM-1786;		TM-1998;
R9-25-903.	P#-2063; PM-2063	R9-8-201. R9-8-202.	PEM-2157 PM-1860	R9-15-101.	PM-2025 PN-667;
R9-25-904.	P#-2063; PN-2063	R9-8-203. R9-8-204.	PM-1860 P#-1860;	R9-15-102.	EM-1274; TM-1998;
R9-25-905.	PM-2063	R9-8-205.	PN-1860 P#-1860;	R9-15-103.	PN-2025 PN-667;
R9-25-906.	P#-2063; PM-2063	R9-8-206.	PN-1860 P#-1860;	R9-15-104.	EM-1274; TN-1998;
R9-25-907.	PR-2063; P#-2063;	R9-8-207.	PN-1860 PM-1860		PN-2025 PN-667;
R9-25-908.	PR-2063; PN-2063	R9-8-208.	PEM-533; TM-1786;		EN-1274; TN-1998;
R9-25-909.	PR-2063; P#-2063; PM-2063	R9-8-403.	PEM-2157 PEM-533;		PN-2025 PN-667;
R9-25-910.	P#-2063; PN-2063	R9-8-701.	TM-1786; PEM-2157		EN-1274; TN-1998;
R9-25-911.	PR-2063; P#-2063; PM-2063	R9-8-702.	PEM-533; TM-1786;		PN-2025 PN-667;
R9-25-912.	P#-2063		PEM-2157		EN-1274;
Exhibit 9A.	PR-2063				
Exhibit 9B.	PR-2063				
R9-25-1001.	PM-2063				
R9-25-1002.	P#-2063; PN-2063				

	TN-1998; PN-2025	R9-15-206.	P#-667; PM-667;	R9-15-304.	PN-667; EN-1274;
R9-15-105.	PN-667; EM-1274;		EM-1274; T#-1998;		TN-1998; PN-2025
	TN-1998; PN-2025		TM-1998;	R9-15-305.	PN-667; EN-1274;
R9-15-106.	PN-667; EM-1274;	R9-15-207.	P#-667; PM-667;	Table 3.1.	TN-1998; PN-2025
	TN-1998; PN-2025		EM-1274;		PN-667; EN-1274;
R9-15-107.	PN-667; EM-1274;		T#-1998;		TN-1998; PN-2025
	TN-1998; PN-2025		TM-1998; P#-2025;	R9-15-306.	PN-667; EN-1274;
R9-15-108.	PN-667; EN-1274;	R9-15-208.	PM-2025		TN-1998; PN-2025
	TN-1998; PN-2025		P#-667; PM-667;	R9-15-307.	PN-667; EN-1274;
R9-15-109.	PN-667; EN-1274;		TM-1998; P#-2025;		TN-1998; PN-2025
	TN-1998; PN-2025	R9-15-209.	PM-2025	Health Services, Department of - Medical Marijuana Program	
R9-15-110.	PN-667; EM-1274;		P#-667; PM-667;		
	TN-1998; PN-2025		EM-1274; T#-1998;	R9-17-101.	PM-1093; FM-2396
R9-15-201.	PN-667; PR-667;		TM-1998;	R9-17-102.	PM-1093; FM-2396
	P#-667; PM-667;	R9-15-210.	PM-2025	R9-17-104.	PM-1093; FM-2396
	EM-1274; TR-1998;		P#-667; E#-1274;	R9-17-105.	PM-1093; FM-2396
	T#-1998		T#-1998;	R9-17-107.	PM-1093; FM-2396
	TM-1998; PR-2025;	R9-15-211.	P#-2025	Table 1.1.	PM-1093; FM-2396
	P#-2025; PM-2025		PR-667;	R9-17-109.	PM-1093; FM-2396
R9-15-202.	P#-667; PM-667;	R9-15-212.	ER-1274;	R9-17-201.	PM-1093; FM-2396
	EM-1274; T#-1998;		TR-1998;	R9-17-202.	PM-1093; FM-2396
	TM-1998;	R9-15-213.	PR-2025	R9-17-204.	PM-1093; FM-2396
	P#-2025; PM-2025		PR-667;	R9-17-305.	PM-1093; FM-2396
R9-15-203.	P#-667; PM-667;	R9-15-214.	ER-1274;	R9-17-308.	PM-1093; FM-2396
	E#-1274; EM-1274;		TR-1998;	R9-17-309.	PM-1093; FM-2396
	T#-1998	R9-15-215.	PR-2025	R9-17-310.	PM-1093; FM-2396
	TM-1998;		PR-667;	R9-17-313.	PM-1093; FM-2396
	P#-2025; PM-2025		ER-1274;	R9-17-316.	PM-1093; FM-2396
R9-15-204.	PM-667; E#-1274;	R9-15-301.	TR-1998;	R9-17-317.	PM-1093; FM-2396
	EM-1274; TM-1998;		PR-2025	R9-17-317.01.	PM-1093; FM-2396
	PM-2025	R9-15-302.	PN-667;	Table 3.1.	PM-1093; FM-2396
R9-15-205.	P#-667; PM-667;		EM-1274;	R9-17-318.	PM-1093; FM-2396
	EM-1274; T#-1998;		TN-1998;	R9-17-321.	PM-1093; FM-2396
	TM-1998;	R9-15-303.	PN-2025		
	P#-2025; PM-2025		PN-667; E#-1274;		
Table 2.1.	PM-667; EM-1274;		EM-1274; TN-1998;		
	PM-2025		PN-2025		

R9-17-322.	PM-1093; FM-2396	R9-16-1001.	TN-1405 PN-2515	R20-4-206.	PM-267; FM-1919
R9-17-323.	PM-1093; FM-2396	R9-16-1002.	TN-1405 PN-2515	R20-4-207.	PM-267; FM-1919
R9-17-324.	PM-1093; FM-2396	R9-16-1003.	TN-1405 PN-2515	R20-4-209.	PM-267; FM-1919
R9-17-402.	PM-1093; FM-2396	R9-16-1004.	TN-1405 PN-2515	R20-4-211.	PM-267; FM-1919
R9-17-402.01.	PM-1093; FM-2396	R9-16-1005.	TN-1405 PN-2515	R20-4-214.	PM-267; FM-1919
R9-17-404.	PM-1093; FM-2396	Table 10.1.	TN-1405 PN-2515	R20-4-215.	PM-267; FM-1919
R9-17-404.02.	PM-1093; FM-2396	R9-16-1006.	TN-1405 PN-2515	R20-4-401.	PM-291; FM-1937
R9-17-404.03.	PM-1093; FM-2396	R9-16-1007.	TN-1405 PN-2515	R20-4-503.	PM-221; FM-1942
R9-17-404.04.	PM-1093; FM-2396	Health Services, Department of - Procurement Organizations		R20-4-508.	PM-221; FM-1942
R9-17-404.05.	PM-1093; FM-2396	R9-9-402.	TM-1342; PEM-1516; FEM-3429	R20-4-518.	PM-221; FM-1942
R9-17-404.06.	PM-1093; FM-2396	Health Services, Department of - Radiation Control		R20-4-519.	PM-221; FM-1942
R9-17-404.07.	PM-1093; FM-2396	R9-7-1438.	PEM-2523	R20-4-524.	PM-221; FM-1942
R9-17-405.	PM-1093; FM-2396	R9-7-1438.01.	PER-2523	R20-4-534.	PM-221; FM-1942
R9-17-406.	PM-1093; FM-2396	R9-7-1439.	PEM-2523	R20-4-602.	PM-135; FM-1945
R9-17-407.	PM-1093; FM-2396	Appendix C.	PEM-2523	R20-4-603.	PM-135; FM-1945
R9-17-408.	PM-1093; FM-2396	Health Services, Department of - Tobacco-Related Programs		R20-4-604.	PM-135; FM-1945
R9-17-409.	PM-1093; FM-2396	R9-2-101.	TM-973; PEM-1782	R20-4-607.	PM-135; FM-1945
R9-17-410.	PM-1093; FM-2396	R9-2-107.	TM-973; PEM-1782	R20-4-611.	PM-135; FM-1945
R9-17-411.	PM-1093; FM-2396S	R9-2-110.	TM-973; PEM-1782	R20-4-612.	PM-135; FM-1945
Health Services, Department of - Occupational Licensing		Industrial Commission of Arizona		R20-4-701.	PM-224; FM-1949
R9-16-701.	PEN-1395	R20-5-502.	FM-512	R20-4-702.	PM-224; FM-1949
R9-16-702.	PEN-1395	R20-5-504.	FM-512	R20-4-703.	PM-224; FM-1949
R9-16-703.	PEN-1395	R20-5-505.	FM-512	R20-4-704.	PM-224; FM-1949
R9-16-704.	PEN-1395	R20-5-506.	FM-512	R20-4-708.	PM-224; FM-1949
R9-16-705.	PEN-1395	R20-5-507.	FM-512	R20-4-801.	PM-285; FM-1952
R9-16-706.	PEN-1395	R20-5-508.	FM-512	R20-4-805.	PM-285; FM-1952
Table 7.1.	PEN-1395	R20-5-509.	FM-512	R20-4-806.	PM-285; FM-1952
R9-16-707.	PEN-1395	R20-5-510.	FM-512	R20-4-807.	PM-285; FM-1952
R9-16-708.	PEN-1395	R20-5-511.	FR-512	R20-4-808.	PM-285; FM-1952
R9-16-901.	XN-803	R20-5-513.	FM-512	R20-4-809.	PM-285; FM-1952
R9-16-902.	XN-803; PEM-1518; FEM-3431	R20-5-514.	FN-512	R20-4-810.	PM-285; FM-1952
R9-16-903.	XN-803; PEM-1518; FEM-3431	R20-5-515.	FN-512	R20-4-811.	PM-285; FM-1952
R9-16-904.	XN-803; PEM-1518; FEM-3431	R20-5-1202.	FM-607		
R9-16-905.	XN-803	R20-5-1210.	FM-607		
R9-16-906.	XN-803	R20-5-1213.	FM-607		
R9-16-907.	XN-803	Appendix A.	FXR-2537; FXN-2537		
Table 9.1.	XN-803	Insurance and Financial Institu- tions, Department of - Financial Institutions Division			
R9-16-908.	XN-803	R20-4-201.	PM-267; FM-1919		
R9-16-909.	XN-803	R20-4-202.	PM-267; FM-1919		

R20-4-812.	PM-285; FM-1952	R20-4-1602.	PM-291; FM-1937	R4-23-305.	PR-1499
R20-4-813.	PM-285; FM-1952	R20-4-1701.	PM-291; FM-1937	R4-23-407.2.	PN-829; FN-1655
R20-4-814.	PM-285; FM-1952	R20-4-1702.	PM-291; FM-1937	R4-23-1104.	PM-893; EM-1196; FM-2191
R20-4-815.	PM-285; FM-1952	R20-4-1704.	PM-291; FM-1937	R4-23-1106.	PM-893; EM-1196; FM-2191
R20-4-816.	PM-285; FM-1952	Appendix A. Appendix A.	XR-2537 XN-2537	Physicians Medical Board, Naturo- pathic	
R20-4-1001.	PM-291; FM-1937	Insurance and Financial Institu- tions, Department of - Insurance Division		R4-18-601.	PM-991
R20-4-1101.	PM-291; FM-1937	R20-6-205.	PM-1173	R4-18-602.	PM-991
R20-4-1401.	PM-138; FM-1958	R20-6-307.	FM-739	R4-18-603.	PM-991
R20-4-1403.	PM-138; FM-1958	R20-6-401.	PM-1167	R4-18-902.	PM-1391
R20-4-1405.	PM-138; FM-1958	R20-6-405.	PM-1167	R4-18-903.	PM-1391
R20-4-1501.	PM-227; FM-1961	R20-6-409.	PM-1167	R4-18-1001.	PN-1391
R20-4-1502.	PM-227; FM-1961	R20-6-604.	PM-1173	R4-18-1002.	PN-1391
R20-4-1503.	PM-227; FM-1961	R20-6-708.	FM-612	R4-18-1003.	PN-1391
R20-4-1504.	PM-227; FM-1961	R20-6-801.	PM-1173	R4-18-1004.	PN-1391
R20-4-1505.	PM-227; FM-1961	Table A.	FM-612	Podiatry Examiners, Board of	
R20-4-1506.	PM-227; FM-1961	R20-6-1003.	PM-1173	R4-25-101.	FM-1551
R20-4-1507.	PM-227; FM-1961	Appendix B.	PM-1173	R4-25-103.	FM-1551
R20-4-1508.	PM-227; FM-1961	R20-6-1101.	PM-2371	R4-25-301.	FM-1551
R20-4-1509.	PM-227; FM-1961	R20-6-1407.	PM-2374	R4-25-302.	FM-1551
R20-4-1510.	PM-227; FM-1961	R20-6-1408.	PM-2374	R4-25-306.	FM-1551
R20-4-1511.	PM-227; FM-1961	R20-6-1409.	PM-2374	R4-25-602.	FM-1551
R20-4-1512.	PM-227; FM-1961	Appendix A.	PM-2374	R4-25-605.	FM-1551
R20-4-1513.	PM-227; FM-1961	Appendix B.	PM-2374	R4-25-701.	FN-1551
R20-4-1514.	PM-227; FM-1961	Appendix C.	PM-2374	R4-25-702.	FN-1551
R20-4-1515.	PM-227; FM-1961	Appendix D.	PM-2374	Public Safety, Department of - Crim- inal Identification Section	
R20-4-1516.	PM-227; FM-1961	Appendix E.	PM-2374	R13-1-101.	PM-3383
R20-4-1518.	PM-227; FM-1961	Appendix F.	PM-2374	R13-1-102.	PM-3383
R20-4-1519.	PM-227; FM-1961	Appendix G.	PM-2374	R13-1-103.	PM-3383
R20-4-1520.	PM-227; FM-1961	R20-6-2002.	PM-1173	R13-1-106.	PM-3383
R20-4-1521.	PM-227; FM-1961	R20-6-2401.	PM-1173	R13-1-107.	PM-3383
R20-4-1601.	PM-291; FM-1937	Livestock Loss Board, Arizona		Exhibit A.	PM-3383
		R12-2-101.	PN-637; PN-3473	Exhibit B.	PM-3383
		R12-2-102.	PN-637; PN-3473	R13-1-201.	PM-3383
		R12-2-103.	PN-637; PN-3473	Racing Commission, Arizona	
		R12-2-104.	PN-637; PN-3473	R19-2-101.	PM-51
				R19-2-102.	PM-51
				R19-2-103.	PM-51
				R19-2-104.	PM-51
				R19-2-105.	PM-51
				R19-2-106.	PM-51
				R19-2-107.	PM-51
				R19-2-108.	PM-51
				R19-2-109.	PM-51
				R19-2-110.	PM-51
				R19-2-111.	PM-51
				R19-2-112.	PM-51
				R19-2-113.	PM-51
				R19-2-114.	PM-51
				R19-2-115.	PM-51
				R19-2-116.	PM-51
				R19-2-117.	PM-51
				R19-2-118.	PM-51
				R19-2-119.	PM-51

R19-2-120.	PM-51	R19-2-418.	PM-51	Table 6.	PM-51
R19-2-121.	PM-51	R19-2-419.	PM-51	Table 7.	PM-51
R19-2-122.	PM-51	R19-2-420.	PM-51	School Facilities, Division of	
R19-2-123.	PM-51	R19-2-501.	PM-51	R7-1-101.	FN-509
R19-2-124.	PM-51	R19-2-502.	PM-51	R7-1-201.	FN-509
R19-2-124.01.	PN-51	R19-2-503.	PM-51	State Retirement System, Arizona	
R19-2-125.	PM-51	R19-2-504.	PM-51	R2-8-117.	PM-1761
R19-2-126.	PM-51	R19-2-505.	PM-51	R2-8-118.	PM-1763
R19-2-201.	PM-51	R19-2-506.	PM-51	R2-8-125.	PM-1766
R19-2-202.	PM-51	R19-2-507.	PM-51	R2-8-126.	PM-1768
R19-2-204.	PM-51	R19-2-508.	PM-51	R2-8-133.	PM-1768
R19-2-205.	PM-51	R19-2-509.	PM-51	R2-8-205.	PM-1775
R19-2-401.	PM-51	R19-2-510.	PM-51	R2-8-207.	PM-1775
R19-2-402.	PM-51	R19-2-511.	PM-51	R2-8-1001.	PM-1778
R19-2-403.	PM-51	R19-2-512.	PM-51	R2-8-1003.	PM-1778
R19-2-404.	PM-51	R19-2-513.	PM-51	R2-8-1004.	PM-1778
R19-2-405.	PM-51	R19-2-514.	PM-51	Technical Registration, Board of	
R19-2-406.	PM-51	R19-2-515.	PM-51	R4-30-102.	PM-1361
R19-2-407.	PM-51	R19-2-516.	PM-51	R4-30-247.	PM-1361
R19-2-408.	PM-51	R19-2-517.	PM-51	R4-30-301.01.	PM-1361
R19-2-409.	PM-51	R19-2-518.	PM-51	Water Resources, Department of	
R19-2-410.	PM-51	R19-2-519.	PM-51	R12-15-102.	PEM-1191;
R19-2-411.	PM-51	R19-2-520.	PM-51		PEM-3478
R19-2-412.	PM-51	R19-2-523.	PM-51	R12-15-103.	PEM-1191;
R19-2-413.	PM-51	Table 1.	PM-51		PEM-3478
R19-2-414.	PM-51	Table 2.	PM-51	R12-15-104.	PEM-1191;
R19-2-415.	PM-51	Table 3.	PM-51		PEM-3478
R19-2-416.	PM-51	Table 4.	PM-51		PEM-1191;
R19-2-417.	PM-51	Table 5.	PM-51		PEM-3478

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 44 OF VOLUME 29.

Docket Opening, Notices of Rulemaking

Agriculture, Department of - Animal Services Division; 3 A.A.C. 2; p. 2000
 Agriculture, Department of - Environmental Services Division; 3 A.A.C. 3; pp. 875, 2167
 Barbering and Cosmetology Board; 4 A.A.C. 10; pp. 1896-1897
 Child Safety, Department of - Child Welfare Agency Licensing; 21 A.A.C. 7; pp. 201-202
 Clean Elections Commission, Citizens; 2 A.A.C. 20; pp. 249, 1150
 Corporation Commission - Transportation; 14 A.A.C. 5; p. 2170
 Criminal Justice Commission, Arizona; 10 A.A.C. 4; p. 1524
 Dental Examiners, State Board of; 4 A.A.C. 11; pp. 1406-1407

Environmental Quality, Department of - Administration; 18 A.A.C. 1; pp. 1005, 1343
 Environmental Quality, Department of - Air Pollution Control; 18 A.A.C. 2; pp. 199, 1477, 1478, 2209-2210
 Environmental Quality, Department of - Emergency Planning and Hazardous Materials; 18 A.A.C. 18; p. 3444
 Environmental Quality, Department of - Environmental Reviews and Certification; 18 A.A.C. 5; pp. 876, 1005
 Environmental Quality, Department of - Permits and Compliance Fees; 18 A.A.C. 14; p. 938, 1007
 Environmental Quality, Department of - Pesticides and Water Pollution Control; 18 A.A.C. 6; p. 877

Environmental Quality, Department of - Remedial Action; 18 A.A.C. 7; p. 3443
 Environmental Quality, Department of - Solid Waste Management; 18 A.A.C. 13; p. 1344
 Environmental Quality, Department of - Water Pollution Control; 18 A.A.C. 9; p. 1006
 Environmental Quality, Department of - Water Quality Standards; 18 A.A.C. 11; pp. 878, 1007, 1478, 1675-1676
 Game and Fish Commission; 12 A.A.C. 4; pp. 23-24, 876
 Health Care Cost Containment System, Arizona (AHCCCS) - Administration; 9 A.A.C. 22; pp. 22, 1635-1637
 Health Care Cost Containment System, Arizona (AHCCCS) - Children's Health Insurance Program; 9 A.A.C. 31; p. 23

Health Services, Department of - Child Care Facilities; 9 A.A.C. 5; p. 1366

Health Services, Department of - Communicable Diseases and Infestations; 9 A.A.C. 6; pp. 618, 1367, 1581

Health Services, Department of - Court-ordered Program Approvals; 9 A.A.C. 20; p. 619

Health Services, Department of - Emergency Medical Services; 9 A.A.C. 25; pp. 620, 709, 1897-1898

Health Services, Department of - Food, Recreational, and Institutional Sanitation; 9 A.A.C. 8; pp. 2169-2170, 2490

Health Services, Department of - Health Care Institutions; Licensing; 9 A.A.C. 10; pp. 2273-2274

Health Services, Department of - Health Programs Services; 9 A.A.C. 13; p. 1369

Health Services, Department of - Loan Repayment; 9 A.A.C. 15; pp. 2001-2002

Health Services, Department of - Procurement Organizations; 9 A.A.C. 9; p. 1368

Health Services, Department of - Occupational Licensing; 9 A.A.C. 16; pp. 1202, 1370, 2348

Health Services, Department of - Radiation Control; 9 A.A.C. 7; p. 2168

Health Services, Department of - Tobacco-related Programs; 9 A.A.C. 2; pp. 1476-1477

Health Services, Department of - Vital Records and Statistics; 9 A.A.C. 19; pp. 2491-2492

Insurance and Financial Institutions, Department of - Financial Institutions Division; 20 A.A.C. 4; pp. 200-201, 249-252, 423-426

Insurance and Financial Institutions, Department of - Insurance Division; 20 A.A.C. 6; pp. 1203-1204, 2492-2493

Livestock Loss Board, Arizona; 12 A.A.C. 2; pp. 652, 3490

Pharmacy, Department of; 4 A.A.C. 23; pp. 833, 937, 1523

Physicians Medical Board, Naturopathic; 4 A.A.C. 18, pp. 810-811

Public Safety, Department of - Criminal Identification Section; 13 A.A.C. 1; pp. 1582-1583

State Retirement System, Arizona; pp. 1787-1790

Technical Registration, Board of; 4 A.A.C. 30; p. 422

Governor's Office

Governor's Regulatory Review Council

Notices of Action Taken at Monthly Meetings: pp. 435-436, 631-632, 752, 949-950, 1088, 1492-1493, 1691-1692, 1912-1913, 2291-2292, 3466-3467

Ombudsman, Notices of Agency

Dental Examiners, State Board of; p. 254

Osteopathic Examiners in Medicine and Surgery, Board of; p. 253

Real Estate Department, State; p. 427

State Retirement System, Arizona; p. 553

Transportation, Department of; p. 253-254

Public Information, Notices of

Agriculture, Department of - Plant Services Division; p. 2003

Dental Examiners, State Board of; p. 1975

Environmental Quality, Department of - Pesticides and Water Pollution Control; pp. 1408-1410

Environmental Quality, Department of - Safe Drinking Water; pp. 787-788, 2003-2004

Environmental Quality, Department of - Water Quality Assurance Revolving Fund; p. 788

Game and Fish Commission; pp. 519, 711-713, 974-975, 1742-1743

Governor, Office of the; pp. 1205, 1677, 1974, 3448

Health Care Cost Containment System, Arizona (AHCCCS) - Administration; pp. 203-207

Health Services, Department of - Adult-Use Marijuana Program; p. 2171

Physicians Medical Board, Naturopathic; p. 1311

Substantive Policy Statement, Notices of

Accountancy, Board of; p. 834

Corporation Commission, Arizona; p. 3445-3446

Environmental Quality, Department of; pp. 621, 812-813, 3447

Health Care Cost Containment System, Arizona - Administration; pp. 1525-1531

Health Services, Department of; p. 813

Historic Preservation Office, State; p. 2494

Peace Officer Standards and Training Board, Arizona; p. 593

Pharmacy, Board of; p. 1584

Physicians Medical Board, Naturopathic; p. 814

RULES EFFECTIVE DATES CALENDAR

A.R.S. § 41-1032(A), as amended by Laws 2002, Ch. 334, § 8 (effective August 22, 2002), states that a rule generally becomes effective 60 days after the day it is filed with the Secretary of State's Office. The following table lists filing dates and effective dates for rules that follow this provision. Please also check the rulemaking Preamble for effective dates.

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

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

REGISTER PUBLISHING DEADLINES

The Secretary of State's Office publishes the Register weekly. There is a three-week turnaround period between a deadline date and the publication date of the Register. The weekly deadline dates and issue dates are shown below. Council meetings and Register deadlines do not correlate. Also listed are the earliest dates on which an oral proceeding can be held on proposed rulemakings or proposed delegation agreements following publication of the notice in the Register.

Deadline Date Friday, 5:00 p.m. <i>(*earlier date due to holiday)</i>	Register Publication Date	Oral Proceeding may be scheduled on or after
June 16, 2023	July 7, 2023	August 7, 2023
June 23, 2023	July 14, 2023	August 14, 2023
June 30, 2023	July 21, 2023	August 21, 2023
July 7, 2023	July 28, 2023	August 28, 2023
July 14, 2023	August 4, 2023	September 5, 2023
July 21, 2023	August 11, 2023	September 11, 2023
July 28, 2023	August 18, 2023	September 18, 2023
August 4, 2023	August 25, 2023	September 25, 2023
August 11, 2023	September 1, 2023	October 2, 2023
August 18, 2023	September 8, 2023	October 10, 2023
August 25, 2023	September 15, 2023	October 16, 2023
September 1, 2023	September 22, 2023	October 23, 2023
September 8, 2023	September 29, 2023	October 30, 2023
September 15, 2023	October 6, 2023	November 6, 2023
September 22, 2023	October 13, 2023	November 13, 2023
September 29, 2023	October 20, 2023	November 20, 2023
October 6, 2023	October 27, 2023	November 27, 2023
October 13, 2023	November 3, 2023	December 4, 2023
October 20, 2023	November 10, 2023	December 11, 2023
October 27, 2023	November 17, 2023	December 18, 2023
November 3, 2023	November 24, 2023	December 26, 2023
*November 9, 2023	December 1, 2023	January 2, 2024
November 17, 2023	December 8, 2023	January 8, 2024
November 24, 2023	December 15, 2023	January 16, 2024
December 1, 2023	December 22, 2023	January 22, 2024
December 8, 2023	December 29, 2023	January 29, 2024
December 15, 2023	January 5, 2024	February 5, 2024
December 22, 2023	January 12, 2024	February 12, 2024
December 29, 2023	January 19, 2024	February 20, 2024

GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES

The following deadlines apply to all Five-Year Review Reports and any adopted rule submitted to the Governor's Regulatory Review Council. Council meetings and *Register* deadlines do not correlate. We publish these deadlines under A.R.S. § 41-1013(B)(15).

All rules and Five-Year Review Reports are due in the Council office by 5 p.m. of the deadline date. The Council's office is located at 100 N. 15th Ave., Suite 305, Phoenix, AZ 85007. For more information, call (602) 542-2058 or visit <https://grrc.az.gov>.

GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES FOR 2023

(MEETING DATES ARE SUBJECT TO CHANGE)

[M21-61/M22-60]

DEADLINE FOR PLACEMENT ON AGENDA*	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
<i>Tuesday</i> January 24, 2023	<i>Tuesday</i> February 21, 2023	<i>Tuesday</i> February 28, 2023	<i>Tuesday</i> March 7, 2023
<i>Tuesday</i> February 21, 2023	<i>Tuesday</i> March 21, 2023	<i>Tuesday</i> March 28, 2023	<i>Tuesday</i> April 4, 2023
<i>Tuesday</i> March 21, 2023	<i>Tuesday</i> April 18, 2023	<i>Tuesday</i> April 25, 2023	<i>Tuesday</i> May 2, 2023
<i>Tuesday</i> April 18, 2023	<i>Tuesday</i> May 23, 2023	Wednesday May 31, 2023	<i>Tuesday</i> June 6, 2023
<i>Tuesday</i> May 23, 2023	<i>Tuesday</i> June 20, 2023	<i>Tuesday</i> June 27, 2023	Wednesday July 5, 2023
<i>Tuesday</i> June 20, 2023	<i>Tuesday</i> July 18, 2023	<i>Tuesday</i> July 25, 2023	<i>Tuesday</i> August 1, 2023
<i>Tuesday</i> July 18, 2023	<i>Tuesday</i> August 22, 2023	<i>Tuesday</i> August 29, 2023	Wednesday September 6, 2023
<i>Tuesday</i> August 22, 2023	<i>Tuesday</i> September 19, 2023	<i>Tuesday</i> September 26, 2023	<i>Tuesday</i> October 3, 2023
<i>Tuesday</i> September 19, 2023	<i>Tuesday</i> October 24, 2023	<i>Tuesday</i> October 31, 2023	<i>Tuesday</i> November 7, 2023
<i>Tuesday</i> October 24, 2023	<i>Tuesday</i> November 21, 2023	<i>Tuesday</i> November 28, 2023	<i>Tuesday</i> December 5, 2023
<i>Tuesday</i> November 21, 2023	<i>Tuesday</i> December 19, 2023	Wednesday December 27, 2023	<i>Tuesday</i> January 2, 2024
<i>Tuesday</i> December 19, 2023	<i>Tuesday</i> January 23, 2024	<i>Tuesday</i> January 23, 2024	<i>Tuesday</i> February 6, 2024

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