

## TITLE 9. HEALTH SERVICES

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

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*Former Article 2 renumbered to Title 18, Chapter 4, Article 2.*

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*Article 3, renumbered to Title 18, Chapter 9, Article 8 (Supp. 87-3).*

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**ARTICLE 9. EXPIRED**

*Article 9, consisting of Sections R9-8-901 through R9-8-917, expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).*

*Article 9, consisting of Sections R9-8-901 thru R9-8-917, adopted effective October 30, 1998 (Supp. 98-4).*

- Section
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- R9-8-903. Expired
- R9-8-904. Expired
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- R9-8-907. Expired
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- R9-8-913. Expired
- R9-8-914. Expired
- R9-8-915. Expired
- R9-8-916. Expired
- R9-8-917. Expired

**ARTICLE 10. RENUMBERED**

*See Title 18, Chapter 5, Article 4.*

**ARTICLE 11. PRESERVATION, TRANSPORTATION, AND DISPOSITION OF HUMAN REMAINS**

*Article 11, consisting of Section R9-8-1111, repealed effective April 10, 1997 (Supp. 97-2).*

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- R9-8-1102. Expired
- R9-8-1103. Expired
- R9-8-1104. Expired
- R9-8-1105. Expired
- R9-8-1106. Expired
- R9-8-1107. Expired
- R9-8-1108. Expired
- R9-8-1109. Reserved
- R9-8-1110. Reserved
- R9-8-1111. Repealed

**ARTICLE 12. RENUMBERED**

*See Title 18, Chapter 8, Article 6.*

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- R9-8-1327. Reserved
- R9-8-1328. Reserved
- R9-8-1329. Reserved

- R9-8-1330. Reserved
- R9-8-1331. Bedding
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- R9-8-1336. Toilet; lavatory
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- R9-8-1338. Plumbing

**ARTICLE 14. REPEALED**

*Article 14, consisting of Sections R9-8-1411 thru R9-8-1413, repealed effective April 10, 1997 (Supp. 97-2).*

**ARTICLE 15. REPEALED**

**ARTICLE 16. REPEALED**

**ARTICLE 17. RENUMBERED**

*See Title 18, Chapter 8, Article 4.*

**ARTICLE 18. RENUMBERED**

*See Title 18, Chapter 8, Article 2.*

**ARTICLE 19. EMERGENCY EXPIRED**

*Article 19 consisting of Sections R9-8-1901 through R19-8-1905 adopted as an emergency effective June 18, 1984, pursuant to A.R.S. § 1-1003, valid for only 90 days (Supp. 84-3). Emergency expired. Language deleted (Supp. 87-2).*

**ARTICLE 1. FOOD AND DRINK**

**R9-8-101. Definitions**

In addition to the terms defined in the material incorporated by reference in R9-8-107, which are designated by all capital letters, the following definitions apply in this Article, unless otherwise specified:

1. "Agency" means any board, commission, department, office, or other administrative unit of the federal government, the state, or a political subdivision of the state.
2. "Applicant" means the following PERSON requesting a LICENSE:
  - a. If an individual, the individual who owns the FOOD ESTABLISHMENT;
  - b. If a corporation, any officer of the corporation;
  - c. If a limited liability company, the designated manager or, if no manager is designated, any member of the limited liability company;
  - d. If a partnership, any two of the partners;
  - e. If a joint venture, any two individuals who signed the joint venture agreement;
  - f. If a trust, the trustee of the trust;
  - g. If a religious or nonprofit organization, the individual in the senior leadership position within the organization.
  - h. If a school district, the superintendent of the district;
  - i. If an agency, the individual in the senior leadership position within the agency; or
  - j. If a county, municipality, or other political subdivision of the state, the individual in the senior leadership position within the county, municipality, or political subdivision.
3. "Department" means the Arizona Department of Health Services.
4. "Developmental disability" means the same as in A.R.S. § 36-551.
5. "FC" means the United States Food and Drug Administration publication, Food Code: 1999 Recommendations

of the United States Public Health Service, Food and Drug Administration (1999), as modified and incorporated by reference in R9-8-107.

6. "Incongruous" means inconsistent with the inspection reports of other inspectors or the REGULATORY AUTHORITY as a whole because significantly more or fewer violations of individual CRITICAL ITEMS are documented.
7. "Prepare" means to process commercially for human consumption by manufacturing, packaging, labeling, cooking, or assembling.
8. "Public health control" means a method to prevent transmission of foodborne illness to the CONSUMER.
9. "Remodel" means to change the PHYSICAL FACILITIES or PLUMBING FIXTURES in a FOOD ESTABLISHMENT'S FOOD preparation, storage, or cleaning areas through construction, replacement, or relocation, but does not include the replacement of old EQUIPMENT with new EQUIPMENT of the same type.
10. "Requester" means a PERSON who requests an approval from the REGULATORY AUTHORITY, but who is not an applicant or a LICENSE HOLDER.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2). Amended by final rulemaking at 17 A.A.R. 2608, effective February 4, 2012 (Supp. 11-4).

**R9-8-102. Applicability**

- A. Except as provided in subsection (B), this Article applies to any FOOD ESTABLISHMENT.
- B. This Article does not apply to the following, which are not subject to routine inspection or other regulatory activities by a REGULATORY AUTHORITY:
  1. The beneficial use of wildlife meat authorized in A.R.S. § 17-240 and 12 A.A.C. 4, Article 1;
  2. Group homes, as defined in A.R.S. Title 36, Chapter 5.1, Article 1;
  3. Child care group homes, as defined in A.R.S. Title 36, Chapter 7.1, Article 4;
  4. Residential group care facilities, as defined in 6 A.A.C. 5, Article 74, that have 20 or fewer clients;
  5. Assisted living homes, as defined in 9 A.A.C. 10, Article 7;
  6. Adult day health care services, as defined in 9 A.A.C. 10, Article 7, that have 15 or fewer clients;
  7. Behavioral health service agencies, licensed under 9 A.A.C. 20, that provide residential or partial care services for 10 or fewer clients;
  8. Hospice inpatient facilities, licensed under 9 A.A.C. 10, Article 8, that have 20 or fewer patients.
  9. Food or drink that is:
    - a. Served at a noncommercial social event that takes place at a workplace, such as a potluck;
    - b. Prepared at a cooking school if:
      - i. The cooking school is conducted in the kitchen of an owner-occupied home,
      - ii. Only one meal per day is prepared and served by students of the cooking school,
      - iii. The meal prepared at the cooking school is served to not more than 15 students of the cooking school, and
      - iv. The students of the cooking school are provided with written notice that the food is prepared in a kitchen that is not regulated or inspected by a REGULATORY AUTHORITY;

- c. Not potentially hazardous and prepared in a kitchen of a private home for occasional sale or distribution for noncommercial purposes;
  - d. Prepared or served at an employee-conducted function that lasts less than four hours and is not regularly scheduled, such as an employee recognition, an employee fund-raising, or an employee social event;
  - e. Offered at a child care facility and limited to commercially prepackaged food that is not potentially hazardous and whole fruits and vegetables that are washed and cut onsite for immediate consumption; or
  - f. Offered at locations that sell only commercially prepackaged food or drink that is not potentially hazardous and that is displayed in an area of less than 10 linear feet; and
10. Baked or confectionary goods that are:
- a. Not potentially hazardous;
  - b. Prepared in the kitchen of a private home for commercial purposes by or under the supervision of an individual who has obtained a food handler's card, if issued by the county in which the individual resides, and is registered with the Department, as required in A.R.S. § 36-136(H)(4)(g); and
  - c. Labeled with:
    - i. The name, address, and telephone number of the individual registered with the Department;
    - ii. A list of the ingredients in the baked or confectionary goods;
    - iii. A statement that the baked or confectionary goods are prepared in a private home; and
    - iv. If applicable, a statement that the baked or confectionary goods are prepared in a facility for individuals with developmental disabilities.
- C. A kitchen in a private home in which baked or confectionary goods are prepared that meets the requirements in A.R.S. § 36-136(H)(4)(g) and (H)(13) and subsection (B)(10) is an approved source of baked or confectionary goods for retail sale.
- 6. Whether the FOOD ESTABLISHMENT prepares, offers for sale, or serves POTENTIALLY HAZARDOUS FOOD;
  - 7. Whether the FOOD ESTABLISHMENT does any of the following:
    - a. Prepares, offers for sale, or serves POTENTIALLY HAZARDOUS FOOD only to order upon CONSUMER request;
    - b. Prepares, offers for sale, or serves POTENTIALLY HAZARDOUS FOOD in advance, in quantities based on projected CONSUMER demand;
    - c. Prepares, offers for sale, or serves POTENTIALLY HAZARDOUS FOOD using time alone, rather than time and temperature, as the public health control as described in FC § 3-501.19;
    - d. Prepares POTENTIALLY HAZARDOUS FOOD in advance using a multiple stage FOOD preparation method that may include the following:
      - i. Combining POTENTIALLY HAZARDOUS FOOD ingredients,
      - ii. Cooking,
      - iii. Cooling,
      - iv. Reheating,
      - v. Hot or cold holding,
      - vi. Freezing, or
      - vii. Thawing;
    - e. Prepares FOOD as specified under subsection (A)(7)(d) for delivery to and consumption at a location off of the PREMISES where prepared;
    - f. Prepares FOOD as specified under subsection (A)(7)(d) for service to a HIGHLY SUSCEPTIBLE POPULATION; or
    - g. Does not prepare FOOD, but offers for sale only prePACKAGED FOOD that is not POTENTIALLY HAZARDOUS FOOD; and
  - 8. The applicant's signature and the date signed.
- B. An applicant who operates FOOD ESTABLISHMENTS at multiple locations shall submit a completed LICENSE application for each location.

#### Historical Note

New Section made by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 317, effective March 14, 2003 (Supp. 03-1). Amended by final rulemaking at 12 A.A.R. 2768, effective September 9, 2006 (Supp. 06-3). Amended by final rulemaking at 17 A.A.R. 2608, effective February 4, 2012 (Supp. 11-4).

#### R9-8-103. Food Establishment License Application

- A. To obtain a FOOD ESTABLISHMENT LICENSE, an applicant shall complete and submit to the REGULATORY AUTHORITY a FOOD ESTABLISHMENT LICENSE application form supplied by the REGULATORY AUTHORITY that indicates all of the following:
- 1. The full name, telephone number, and mailing address of the applicant;
  - 2. The name, telephone number, and street address of the FOOD ESTABLISHMENT;
  - 3. Whether the FOOD ESTABLISHMENT is mobile or stationary;
  - 4. Whether the FOOD ESTABLISHMENT is temporary or permanent;
  - 5. Whether the FOOD ESTABLISHMENT facility is one of the following:
    - a. A new construction that is not yet completed,

#### Historical Note

New Section made by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

#### R9-8-104. Time-frames

- A. This Section applies to the Department and to a local health department or public health services district to which the duty to comply with A.R.S. Title 41, Chapter 6, Article 7.1 has been delegated by the Department.
- B. The overall time-frame described in A.R.S. § 41-1072 for each type of approval granted by the REGULATORY AUTHORITY is provided in Table 1. The applicant, LICENSE HOLDER, or requester and the REGULATORY AUTHORITY may agree in writing to extend the substantive review time-frame and the overall time-frame. An extension of the substantive review time-frame and the overall time-frame may not exceed 25% of the overall time-frame.
- C. The administrative completeness review time-frame described in A.R.S. § 41-1072 for each type of approval granted by the REGULATORY AUTHORITY is provided in Table 1 and begins on the date that the REGULATORY AUTHORITY receives an application or request for approval.

1. The REGULATORY AUTHORITY shall mail a notice of administrative completeness or deficiencies to the applicant, LICENSE HOLDER, or requester within the administrative completeness review time-frame.
    - a. A notice of deficiencies shall list each deficiency and the information and documentation needed to complete the application or request for approval.
    - b. If the REGULATORY AUTHORITY issues a notice of deficiencies within the administrative completeness review time-frame, the administrative completeness review time-frame and the overall time-frame are suspended from the date that the notice is issued until the date that the REGULATORY AUTHORITY receives the missing information from the applicant, LICENSE HOLDER, or requester.
    - c. If the applicant, LICENSE HOLDER, or requester fails to submit to the REGULATORY AUTHORITY all of the information and documents listed in the notice of deficiencies within 180 days from the date that the REGULATORY AUTHORITY mailed the notice of deficiencies, the REGULATORY AUTHORITY shall consider the application or request for approval withdrawn.
  2. If the REGULATORY AUTHORITY issues a LICENSE or other approval to the applicant, LICENSE HOLDER, or requester during the administrative completeness review time-frame, the REGULATORY AUTHORITY shall not issue a separate written notice of administrative completeness.
- D.** The substantive review time-frame described in A.R.S. § 41-1072 is provided in Table 1 and begins as of the date on the notice of administrative completeness.
1. The REGULATORY AUTHORITY shall mail written notification of approval or denial of the application or other request for approval to the applicant, LICENSE HOLDER, or requester within the substantive review time-frame.
  2. As part of the substantive review for a FOOD ESTABLISHMENT LICENSE, the REGULATORY AUTHORITY may complete an inspection that may require more than one visit to the FOOD ESTABLISHMENT.
  3. During the substantive review time-frame, the REGULATORY AUTHORITY may make one comprehensive written request for additional information, unless the REGULATORY AUTHORITY and the applicant, LICENSE HOLDER, or requester have agreed in writing to allow the REGULATORY AUTHORITY to submit supplemental requests for information.
    - a. The comprehensive written request regarding a FOOD ESTABLISHMENT LICENSE application may include a request for submission of plans and specifications, as described in FC § 8-201.11.
    - b. The comprehensive written request regarding a request for a VARIANCE under FC § 8-103.10 may include a request for a HACCP PLAN, as described in FC § 8-201.13(A), if the REGULATORY AUTHORITY determines that a HACCP PLAN is required.
    - c. If the REGULATORY AUTHORITY issues a comprehensive written request or a supplemental request for information, the substantive review time-frame and the overall time-frame are suspended from the date that the REGULATORY AUTHORITY issues the request until the date that the REGULATORY AUTHORITY receives all of the information requested.
- E.** For the purpose of computing time-frames in this Section, the day of the act, event, or default from which the designated period of time begins to run is not included. Intermediate Saturdays, Sundays, and legal holidays are included in the computation. The last day of the period so computed is included unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day that is not a Saturday, a Sunday, or a legal holiday.

#### Historical Note

New Section made by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**Table 1. Time-frames (in days)**

Type of Approval	Statutory Authority	Overall Time-frame	Administrative Completeness Review Time-frame	Substantive Review Time-frame
FOOD ESTABLISHMENT LICENSE	A.R.S. § 36-136(H)(4)	60	30	30
Approval of VARIANCE under FC § 8-103.10	A.R.S. § 36-136(H)(4)	90	30	60
Approval of Plans and Specifications under FC § 8-201.11	A.R.S. § 36-136(H)(4)	90	30	60
Approval of HACCP PLAN under FC § 8-201.13	A.R.S. § 36-136(H)(4)	90	30	60
Approval of Inspection Form	A.R.S. § 36-136(H)(4)	90	30	60
Approval of Quality Assurance Program	A.R.S. § 36-136(H)(4)	90	30	60

**Historical Note**

New Table made by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-105. Issuance of License**

A FOOD ESTABLISHMENT LICENSE issued by the REGULATORY AUTHORITY shall bear the following information:

1. The name of the FOOD ESTABLISHMENT,
2. The street address of the FOOD ESTABLISHMENT,
3. The full name of the LICENSE HOLDER,
4. The mailing address of the LICENSE HOLDER, and
5. A unique identification number assigned by the REGULATORY AUTHORITY.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-106. License Suspension or Revocation**

**A.** The REGULATORY AUTHORITY may suspend or revoke a FOOD ESTABLISHMENT LICENSE if the LICENSE HOLDER:

1. Violates this Article or A.R.S. § 36-601, or
2. Provides false information on a LICENSE application.

**B.** A LICENSE revocation or suspension hearing shall be conducted as follows:

1. If the REGULATORY AUTHORITY is the Department, the hearing shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and any rules promulgated by the Office of Administrative Hearings;
2. If the REGULATORY AUTHORITY is a local health department or public health services district to which the duty to comply with A.R.S. Title 41, Chapter 6, Article 10 has been delegated, the hearing shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and any rules promulgated by the Office of Administrative Hearings; and
3. For all other REGULATORY AUTHORITIES, a LICENSE revocation or suspension hearing shall be conducted in accordance with the procedures adopted by a county board of supervisors as required by A.R.S. § 36-183.04(E).

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-107. Food Safety Requirements**

**A.** A LICENSE HOLDER shall comply with the United States Food and Drug Administration publication, Food Code: 1999 Recommendations of the United States Public Health Service, Food and Drug Administration (1999), as modified, which is incorporated by reference. This incorporation by reference contains no future editions or amendments. The incorporated material is on file with the Department and is available for purchase from the United States Department of Commerce, Technology Administration, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, as report number PB99-115925, or from the United States Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328, as ISBN 0-16-050028-1; and is available on the Internet at <http://www.fda.gov>.

**B.** The material incorporated by reference in subsection (A) is modified as follows:

1. Where the term “permit” appears, it is replaced with “license”;
2. Subparagraph 1-201.10(B)(2)(a) is modified to read: “‘Food additive’ has the meaning stated in A.R.S. § 36-901(7).”;
3. Subparagraph 1-201.10(B)(2)(b) is modified to read: “‘Color additive’ has the meaning stated in A.R.S. § 36-901(2).”;
4. Subparagraph 1-201.10(B)(3) is modified to read: “‘Adulterated’ means possessing one or more of the conditions enumerated in A.R.S. § 36-904(A).”;
5. Subparagraph 1-201.10(B)(4) is modified to read: “‘Approved’ means acceptable to the REGULATORY AUTHORITY or to the FOOD regulatory agency that has jurisdiction based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.”;
6. Subparagraph 1-201.10(B)(14) is modified by deleting “or FOOD PROCESSING PLANT”;
7. Subparagraph 1-201.10(B)(31)(c)(iii) is deleted;
8. Subparagraph 1-201.10(B)(32) is modified to read: “‘Food processing plant’ means a FOOD ESTABLISHMENT that manufactures, packages, labels, or stores

- FOOD for human consumption and does not provide FOOD directly to a CONSUMER.”;
9. Subparagraph 1-201.10(B)(50)(a) is modified to read: “‘Packaged’ means bottled, canned, cartoned, securely bagged, or securely wrapped.”;
  10. Subparagraph 1-201.10(B)(54) is modified to read: “‘Person in charge’ means the individual present at a FOOD ESTABLISHMENT who is responsible for the management of the operation at the time of inspection.”;
  11. Subparagraph 1-201.10(B)(69) is modified to read: “‘Regulatory authority’ means the Department or a local health department or public health services district operating under a delegation of authority from the Department.”;
  12. Paragraph 3-202.11(C) is modified to read: “POTENTIALLY HAZARDOUS FOOD that is cooked to a temperature and for a time specified under §§ 3-401.11 - 3-401.13 and received hot shall be at a temperature of 54° C (130° F) or above.”;
  13. Paragraph 3-202.14(B) is modified to read: “All milk and milk products sold at the retail level in Arizona shall comply with the requirements in A.A.C. Title 3, Chapter 2, Article 8.”;
  14. Paragraph 3-202.17(B) is deleted;
  15. Paragraph 3-202.18(B) is deleted;
  16. Paragraph 3-203.11(A) is modified to read: “Except as specified in ¶¶ (B) and (C) of this Section, MOLLUSCAN SHELLFISH may not be removed from the container in which they are received other than immediately before sale, preparation for service, or preparation in a FOOD PROCESSING PLANT licensed by the REGULATORY AUTHORITY.”;
  17. Paragraph 3-203.12(B) is modified to read:
 

“(B) The identity of the source of SHELLSTOCK that are prepared by a FOOD PROCESSING PLANT licensed by the REGULATORY AUTHORITY, sold, or served shall be maintained by retaining SHELLSTOCK tags or labels for 90 calendar days from the date the container is emptied by:

    - (1) Using an APPROVED record keeping system that keeps the tags or labels in chronological order correlated to the date when, or dates during which, the SHELLSTOCK are prepared by a FOOD PROCESSING PLANT licensed by the REGULATORY AUTHORITY, sold, or served; and
    - (2) If SHELLSTOCK are removed from their tagged or labeled container:
      - (a) Using only one tagged or labeled container at a time, or
      - (b) Using more than one tagged or labeled container at a time and obtaining a VARIANCE from the REGULATORY AUTHORITY as specified in § 8-103.10 based on a HACCP PLAN that:
        - (i) Is submitted by the LICENSE HOLDER and APPROVED as specified under § 8-103.11,
        - (ii) Preserves source identification by using a record keeping system as specified under Subparagraph (B)(1) of this Section, and
        - (iii) Ensures that SHELLSTOCK from one tagged or labeled container are not commingled with SHELLSTOCK from another container before being ordered by the CONSUMER or prepared by a FOOD PROCESSING PLANT licensed by the REGULATORY AUTHORITY.”;
  18. Paragraph 3-301.11(B) is modified by replacing “SINGLE-USE gloves” with “non-latex SINGLE-USE gloves”;
  19. Paragraph 3-304.12(F) is modified to read: “In a container of water if the water is maintained at a temperature of at least 54° C (130° F) and the container is cleaned at a frequency specified under Subparagraph 4-602.11(D)(7).”;
  20. Section 3-304.15 is modified by adding a new Paragraph (E):
 

“(E) Latex gloves may not be used in direct contact with FOOD.”;
  21. Section 3-401.13 is modified to read: “Fruits and vegetables that are cooked for hot holding shall be cooked to a temperature of 54° C (130° F).”;
  22. Paragraph 3-403.11(C) is modified to read: “READY-TO-EAT FOOD taken from a commercially processed, HERMETICALLY SEALED CONTAINER, or from an intact package from a FOOD PROCESSING PLANT that is inspected by the FOOD regulatory agency that has jurisdiction over the plant, shall be heated to a temperature of at least 54° C (130° F) for hot holding.”;
  23. Subparagraph 3-501.14(A)(1) is modified to read: “Within 2 hours, from 54° C (130° F) to 21° C (70° F); and”;
  24. Paragraph 3-501.16(A) is modified to read: “At 54° C (130° F) or above; or”;
  25. Subparagraph 3-501.16(C)(2) is modified to read: “Within 10 years of the adoption of this Code, the EQUIPMENT is upgraded or replaced to maintain FOOD at a temperature of 5° C (41° F) or less.”;
  26. Section 3-502.11 is modified by deleting “custom processing animals that are for personal use as FOOD and not for sale or service in a FOOD ESTABLISHMENT.”;
  27. Paragraph 3-701.11(C) is modified by replacing “who has been restricted or excluded as specified under § 2-201.12” with “who has any of the conditions that require reporting to the PERSON IN CHARGE under § 2-201.11 or who has been excluded by the REGULATORY AUTHORITY under the communicable disease rules at 9 A.A.C. 6”;
  28. Subparagraph 4-602.11(D)(7) is modified by replacing “60° C (140° F)” with “54° C (130° F)”;
  29. Section 5-101.13 is modified to read: “BOTTLED DRINKING WATER used or sold in a FOOD ESTABLISHMENT shall be obtained from APPROVED sources, in accordance with LAW.”;
  30. Paragraph 5-501.116(A) is modified by replacing “§ 5-402.14” with “§§ 5-402.13 and 5-403.11”;
  31. Section 6-501.116 is added to read:
 

“6-501.116 Vending Machine Signs.  
The LICENSE HOLDER for a VENDING MACHINE shall affix to the VENDING MACHINE a permanent sign that includes:

    1. A unique identifier for the VENDING MACHINE, and
    2. A telephone number for CONSUMERS to contact the LICENSE HOLDER.”;
  32. Paragraph 8-101.10(A) is modified by deleting “, as specified in § 1-102.10.”;
  33. Paragraph 8-201.11(C) is modified by replacing “as specified under ¶ 8-302.14(C)” with “as described in R9-8-103(A)(6)-(7)”;
  34. Paragraph 8-304.11(D) is modified to read: “Require FOOD EMPLOYEE applicants to whom a conditional



- offer of employment is made and FOOD EMPLOYEES to report to the PERSON IN CHARGE the information required under § 2-201.11”;
35. Paragraph 8-304.11(H) is modified by replacing “5 years” with “10 years”;
  36. Section 8-304.20 is modified by replacing “as specified under ¶ 8-302.14(C)” with “as described in R9-103(A)(6)-(7)”;
  37. Section 8-402.11 is modified by adding the following at the end of the Section: “The Department or a local health department or public health services district to which the duty to comply with A.R.S. § 41-1009 has been delegated by the Department shall comply with A.R.S. § 41-1009 when performing inspections.”;
  38. Section 8-403.50 is modified by deleting “Except as specified in § 8-202.10,” and capitalizing “the”;
  39. Section 8-404.12 is modified by adding the following at the end of the Section: “The REGULATORY AUTHORITY shall approve or deny resumption of operations within five days after receipt of the LICENSE HOLDER’S request to resume operations.”;
  40. Section 8-405.11 is modified by adding the following at the end of the Section:
 

“(C) The Department or a local health department or public health services district to which the duty to comply with A.R.S. § 41-1009 has been delegated by the Department shall not provide the LICENSE HOLDER an opportunity to correct critical Code violations or HACCP PLAN deviations after the date of inspection if the Department or the local health department or public health services district determines that the deficiencies are:

    - (1) Committed intentionally;
    - (2) Not correctable within a reasonable period of time;
    - (3) Evidence of a pattern of noncompliance; or
    - (4) A risk to any PERSON; the public health, safety, or welfare; or the environment.

(D) If the Department or a local health department or public health services district to which the duty to comply with A.R.S. § 41-1009 has been delegated by the Department allows the LICENSE HOLDER an opportunity to correct violations or deviations after the date of inspection, the Department, local health department, or public health services district shall inspect the FOOD ESTABLISHMENT within 24 hours after the deadline for correction has expired. If the Department, local health department, or public health services district determines that the violations or deviations have not been corrected, the Department, local health department, or public health services district may take any enforcement action authorized by LAW, based upon those violations or deviations.

(E) A decision made under subparagraph 8-405.11(C) or subparagraph 8-405.11(D) by the Department or a local health department or public health services district to which the duty to comply with A.R.S. § 41-1009 has been delegated by the Department is not an appealable agency action, as defined by A.R.S. § 41-1092.”;
  41. The following FC Sections are deleted:
    - a. Section 1-102.10,
    - b. Section 1-103.10,
    - c. Section 2-201.12,
    - d. Section 2-201.13,
    - e. Section 2-201.14,
    - f. Section 2-201.15,
    - g. Section 8-102.10,
    - h. Section 8-202.10,
    - i. Section 8-302.11,
    - j. Section 8-302.12,
    - k. Section 8-302.13,
    - l. Section 8-302.14,
    - m. Section 8-303.10,
    - n. Section 8-303.20,
    - o. Section 8-303.30,
    - p. Section 8-402.20,
    - q. Section 8-402.30,
    - r. Section 8-402.40,
    - s. Section 8-403.10,
    - t. Section 8-501.10,
    - u. Section 8-501.20,
    - v. Section 8-501.30, and
    - w. Section 8-501.40; and
  42. The annexes are excluded.
- Historical Note**
- New Section made by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 2768, effective September 9, 2006 (Supp. 06-3).
- R9-8-108. Inspection Standardization and Documentation**
- A. At each inspection, the REGULATORY AUTHORITY shall, at a minimum, inspect for compliance with each of the applicable CRITICAL ITEMS in the following categories:
    1. Temperature control of POTENTIALLY HAZARDOUS FOODS, as required by FC §§ 3-401.11, 3-401.12, 3-403.11, 3-501.14, and 3-501.16;
    2. EMPLOYEE health and hygienic practices, as required by FC §§ 2-201.11, 2-301.11, 2-301.12, 2-301.14, 2-401.11, 2-401.12, 2-403.11, 3-301.11, 3-301.12, and 5-203.11;
    3. Time as a public health control, as required by FC § 3-501.19;
    4. FOOD condition and source, as required by FC §§ 3-101.11, 3-201.11, 3-201.12, 3-201.14, 3-201.15, 3-201.16, 3-201.17, 3-202.11, 3-202.13, 3-202.14, 3-202.15, 3-202.16, 3-202.18, 3-203.12, 5-101.11, and 5-101.13;
    5. CONSUMER advisories, as required by FC § 3-603.11;
    6. Contamination prevention, as required by FC §§ 3-302.11, 3-302.13, 3-302.14, 3-304.11, 3-306.13, 3-306.14, 4-601.11, 4-602.11, 4-702.11, 4-703.11, 5-101.12, 5-201.11, and 5-202.11;
    7. Date marking and disposal of READY-TO-EAT FOODS, as required by FC §§ 3-501.17 and 3-501.18;
    8. Responsibility and knowledge of the PERSON IN CHARGE, as required by FC §§ 2-101.11 and 2-102.11; and
    9. Compliance with a HACCP PLAN or VARIANCE, as required by FC § 8-103.12;
  - B. The REGULATORY AUTHORITY shall document its inspection results on an inspection report form provided or approved by the Department. The inspection report form shall include the following:
    1. The name and address of the FOOD ESTABLISHMENT inspected;
    2. The LICENSE number of the FOOD ESTABLISHMENT inspected;
    3. The date of inspection;
    4. The type of inspection;
    5. A rating for each of the observed CRITICAL ITEMS listed in subsection (A), using a rating scheme that indicates whether the CRITICAL ITEM is met;

6. Space for comments, including observed violations of non-CRITICAL ITEMS;
  7. Signature and date lines for the PERSON IN CHARGE of the FOOD ESTABLISHMENT; and
  8. Signature and date lines for the inspector conducting the inspection.
- C. The REGULATORY AUTHORITY shall also document on the inspection form the applicable CRITICAL ITEMS listed in subsection (A) that were not observed during the inspection, unless the REGULATORY AUTHORITY has a quality assurance program that has been approved by the Department under subsection (E).
- D. If a REGULATORY AUTHORITY desires to create its own inspection form, the REGULATORY AUTHORITY may request approval of its inspection form by submitting a written request to the Department along with a copy of the inspection form for which approval is sought. The Department shall approve an inspection form if it determines that the inspection form satisfies all of the requirements of subsections (B) and (C).
- E. A REGULATORY AUTHORITY may request approval of a quality assurance program by submitting a written request to the Department along with a description of the quality assurance program for which approval is sought.
1. The quality assurance program shall include the following:
    - a. A system for monitoring the inspection reports completed by each inspector every six months and comparing them to the reports of other inspectors and the REGULATORY AUTHORITY as a whole with respect to the number and types of violations documented during the same period;
    - b. Identification of each inspector whose inspection reports are incongruous;
    - c. Reinspection of a representative sample of an inspector's FOOD ESTABLISHMENTS for which inspection reports are incongruous by a quality assurance inspector within 30 days of identification of an inspector under subsection (E)(1)(b) to determine whether the incongruous reports indicate a misapplication of the rules by the inspector;
    - d. Follow-up with each inspector determined by a quality assurance inspector to have misapplied the rules:
      - i. If the inspector has not previously required follow-up, additional training by a quality assurance inspector regarding any misapplication of the rules by the inspector;
      - ii. If the inspector has previously received additional training under subsection (E)(1)(d)(i), formal counseling by the inspector's direct supervisor and a quality assurance inspector; or
      - iii. If the inspector has previously been formally counseled under subsection (E)(1)(d)(ii), disciplinary action; and
    - e. Consideration by the REGULATORY AUTHORITY of any misapplication of the rules by the inspector when completing the inspector's performance evaluations.
  2. The Department shall approve a quality assurance program if it determines that the quality assurance program satisfies all of the requirements of subsection (E)(1).

#### Historical Note

New Section made by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

#### R9-8-109. Cease and Desist and Abatement

- A. Engaging in any practice in violation of this Article is a public nuisance.
- B. If the REGULATORY AUTHORITY has reasonable cause to believe that any FOOD ESTABLISHMENT is creating or maintaining a nuisance, the REGULATORY AUTHORITY shall order the LICENSE HOLDER for the FOOD ESTABLISHMENT to cease and desist the activity and to abate the nuisance as follows:
1. The REGULATORY AUTHORITY shall serve upon the LICENSE HOLDER for the FOOD ESTABLISHMENT a written cease and desist and abatement order requiring the LICENSE HOLDER to cease and desist the activity and to remove the nuisance at the LICENSE HOLDER's expense within 24 hours after service of the order. The order shall contain the following:
    - a. A reference to the statute or rule that is alleged to have been violated or on which the order is based,
    - b. A description of the LICENSE HOLDER's right to request a hearing, and
    - c. A description of the LICENSE HOLDER's right to request an informal settlement conference.
  2. The REGULATORY AUTHORITY shall serve the order and any subsequent notices by personal delivery or certified mail, return receipt requested, to the LICENSE HOLDER's or other party's last address of record with the REGULATORY AUTHORITY or by any other method reasonably calculated to effect actual notice on the LICENSE HOLDER or other party.
  3. The LICENSE HOLDER or another party whose rights are determined by the order may obtain a hearing to appeal the order by filing a written notice of appeal with the REGULATORY AUTHORITY within 30 days after service of the order. The LICENSE HOLDER or other party appealing the order shall serve the notice of appeal upon the REGULATORY AUTHORITY by personal delivery or certified mail, return receipt requested, to the office of the REGULATORY AUTHORITY or by any other method reasonably calculated to effect actual notice on the REGULATORY AUTHORITY.
  4. If a notice of appeal is timely filed, the REGULATORY AUTHORITY shall do one of the following:
    - a. If the REGULATORY AUTHORITY is the Department or a local health department or public health services district to which the duty to comply with A.R.S. Title 41, Chapter 6, Article 10 has been delegated, the notification and hearing shall comply with A.R.S. Title 41, Chapter 6, Article 10 and any rules promulgated by the Office of Administrative Hearings.
    - b. For all other regulatory authorities, the notification and hearing shall comply with the procedures adopted by a county board of supervisors as required by A.R.S. § 36-183.04(E).
  5. If no written notice of appeal is timely filed, the order shall become final without further proceedings.
- C. The REGULATORY AUTHORITY shall inspect the FOOD ESTABLISHMENT 24 hours after service of the order to determine whether the LICENSE HOLDER has complied with the order. If the REGULATORY AUTHORITY determines upon inspection that the LICENSE HOLDER has not ceased the activity and abated the nuisance, the REGULATORY AUTHORITY shall cause the nuisance to be removed, regardless of whether the LICENSE HOLDER is appealing the order.

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- D. If the LICENSE HOLDER fails or refuses to comply with the order after a hearing has upheld the order or after the time to appeal the order has expired, the REGULATORY AUTHORITY may file an action against the LICENSE HOLDER in the superior court of the county in which the violation occurred, requesting that a permanent injunction be issued to restrain the LICENSE HOLDER from engaging in further violations as described in the order.

**Historical Note**

New Section made by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-110. Reserved**

**R9-8-111. Repealed**

**Historical Note**

Amended effective July 10, 1979 (Supp. 79-4). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-112. Repealed**

**Historical Note**

Former Section R9-8-112 repealed, new Section R9-8-112 adopted effective July 10, 1979 (Supp. 79-4). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-113. Repealed**

**Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-114. Repealed**

**Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-115. Repealed**

**Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-116. Repealed**

**Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-117. Repealed**

**Historical Note**

Corrected Article reference (Supp. 77-3). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-118. Repealed**

**Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-119. Repealed**

**Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-120. Reserved**

**R9-8-121. Repealed**

**Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-122. Repealed**

**Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-123. Repealed**

**Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-124. Repealed**

**Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-125. Repealed**

**Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-126. Repealed**

**Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-127. Repealed**

**Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-128. Reserved**

**R9-8-129. Reserved**

**R9-8-130. Reserved**

**R9-8-131. Repealed**

**Historical Note**

Former Section R9-8-131 repealed, new Section R9-8-131 adopted effective July 10, 1979 (Supp. 79-4). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-132. Repealed**

**Historical Note**

Adopted effective July 10, 1979 (Supp. 79-4). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-133. Repealed**

**Historical Note**

Adopted effective July 10, 1979 (Supp. 79-4). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-134. Repealed**

**Historical Note**

Adopted effective July 10, 1979 (Supp. 79-4). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-135. Repealed**

**Historical Note**

Adopted effective July 10, 1979 (Supp. 79-4). Section

repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-136. Repealed****Historical Note**

Adopted effective July 10, 1979 (Supp. 79-4). Amended effective August 6, 1990 (Supp. 90-3). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-137. Repealed****Historical Note**

Adopted effective July 10, 1979 (Supp. 79-4). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-138. Repealed****Historical Note**

Adopted effective July 10, 1979 (Supp. 79-4). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-139. Repealed****Historical Note**

Adopted effective July 10, 1979 (Supp. 79-4). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-140. Repealed****Historical Note**

Adopted effective July 10, 1979 (Supp. 79-4). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-141. Reserved****R9-8-142. Reserved****R9-8-143. Reserved****R9-8-144. Reserved****R9-8-145. Reserved****R9-8-146. Reserved****R9-8-147. Reserved****R9-8-148. Reserved****R9-8-149. Reserved****R9-8-150. Reserved****R9-8-151. Repealed****Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-152. Reserved****R9-8-153. Reserved****R9-8-154. Reserved****R9-8-155. Reserved****R9-8-156. Repealed****Historical Note**

Correction of reference from R9-1-415(B) to R9-1-415(A) (Supp. 83-3). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-157. Reserved****R9-8-158. Reserved****R9-8-159. Reserved****R9-8-160. Repealed****Historical Note**

Adopted effective January 18, 1977 (Supp. 77-1). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-161. Repealed****Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-162. Repealed****Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-163. Repealed****Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-164. Repealed****Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-165. Repealed****Historical Note**

Adopted effective January 18, 1977 (Supp. 77-1). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-166. Reserved****R9-8-167. Reserved****R9-8-168. Reserved****R9-8-169. Reserved****R9-8-170. Reserved****R9-8-171. Repealed****Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-172. Repealed****Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-173. Repealed****Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-174. Repealed****Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-175. Repealed****Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-176. Repealed****Historical Note**

Correction, subsection (A), reference R9-1-412(D) should read R9-1-415(B) (Supp. 83-3). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-177. Repealed****Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-178. Repealed****Historical Note**

Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-179. Reserved****R9-8-180. Reserved****R9-8-181. Repealed****Historical Note**

Legislative enactment transferred function of meat inspection to the Livestock Sanitary Board by Laws 1973, Ch. 158. Responsibility for meat inspection returned to Department of Health Services by Laws 1977, Ch. 92, effective May 26, 1977. Amended as an emergency effective June 6, 1977 (Supp. 77-3). Emergency filings valid for 90 days pursuant to A.R.S. § 41-1003. New Section R9-8-181 adopted effective March 29, 1978 (Supp. 78-2). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-182. Repealed****Historical Note**

Legislative enactment transferred function of meat inspection to the Livestock Sanitary Board by Laws 1973, Ch. 158. Responsibility for meat inspection returned to Department of Health Services by Laws 1977, Ch. 92, effective May 26, 1977. Amended as an emergency effective June 6, 1977 (Supp. 77-3). Emergency filings valid for 90 days pursuant to A.R.S. § 41-1003. New Section R9-8-182 adopted effective March 29, 1978 (Supp. 78-2). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-183. Repealed****Historical Note**

Legislative enactment transferred function of meat inspection to the Livestock Sanitary Board by Laws 1973, Ch. 158. Responsibility for meat inspection returned to Department of Health Services by Laws 1977, Ch. 92, effective May 26, 1977. Amended as an emergency effective June 6, 1977 (Supp. 77-3). Emergency filings valid for 90 days pursuant to A.R.S. § 41-1003. New Section R9-8-183 adopted effective March 29, 1978 (Supp. 78-2). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-184. Repealed****Historical Note**

Legislative enactment transferred function of meat inspection to the Livestock Sanitary Board by Laws 1973, Ch. 158. Responsibility for meat inspection returned to Department of Health Services by Laws 1977, Ch. 92, effective May 26, 1977. Amended as an emergency effective June 6, 1977 (Supp. 77-3). Emergency filings valid for 90 days pursuant to A.R.S. § 41-1003. New Section R9-8-184 adopted effective March 29, 1978 (Supp. 78-2). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-185. Repealed****Historical Note**

Legislative enactment transferred function of meat inspection to the Livestock Sanitary Board by Laws 1973, Ch. 158. Responsibility for meat inspection returned to Department of Health Services by Laws 1977, Ch. 92, effective May 26, 1977. Amended as an emergency effective June 6, 1977 (Supp. 77-3). Emergency filings valid for 90 days pursuant to A.R.S. § 41-1003. New Section R9-8-185 adopted effective March 29, 1978 (Supp. 78-2). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-186. Repealed****Historical Note**

Legislative enactment transferred function of meat inspection to the Livestock Sanitary Board by Laws 1973, Ch. 158. Responsibility for meat inspection returned to Department of Health Services by Laws 1977, Ch. 92, effective May 26, 1977. Amended as an emergency effective June 6, 1977 (Supp. 77-3). Emergency filings valid for 90 days pursuant to A.R.S. § 41-1003. New Section R9-8-186 adopted effective March 29, 1978 (Supp. 78-2). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-187. Repealed****Historical Note**

Legislative enactment transferred function of meat inspection to the Livestock Sanitary Board by Laws 1973, Ch. 158. Responsibility for meat inspection returned to Department of Health Services by Laws 1977, Ch. 92, effective May 26, 1977. Amended as an emergency effective June 6, 1977 (Supp. 77-3). Emergency filings valid for 90 days pursuant to A.R.S. § 41-1003. New Section R9-8-187 adopted effective March 29, 1978 (Supp. 78-2). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-188. Repealed****Historical Note**

Legislative enactment transferred function of meat inspection to the Livestock Sanitary Board by Laws 1973, Ch. 158. Responsibility for meat inspection returned to Department of Health Services by Laws 1977, Ch. 92, effective May 26, 1977. Amended as an emergency effective June 6, 1977 (Supp. 77-3). Emergency filings valid for 90 days pursuant to A.R.S. § 41-1003. New Section R9-8-188 adopted effective March 29, 1978 (Supp. 78-2). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-189. Repealed****Historical Note**

Adopted effective March 29, 1978 (Supp. 78-2). Section repealed by final rulemaking at 7 A.A.R. 1719, effective October 3, 2001 (Supp. 01-2).

**R9-8-190. Reserved****R9-8-191. Repealed****Historical Note**

Repealed effective August 6, 1990 (Supp. 90-3).

**ARTICLE 2. BOTTLED WATER****R9-8-201. Definitions**

In this Article, unless the context otherwise requires:

1. "Applicant" has the same meaning as in R9-8-101.
2. "Aquifer" means a layer of underground sand, gravel or porous rock where water collects.
3. "Artesian well" means a drilled well that accesses an aquifer with a water level that stands above the bottom of the confining bed of the aquifer.
4. "Bottled water" has the same meaning as in 21 CFR 165.110(a)(1) (2003), incorporated by reference, on file with the Department, including no future editions or amendments, and available at <http://www.gpoaccess.gov/cfr/index.html> and from U.S. Government Printing Office, 732 N. Capitol Street, N.W. Washington, D.C. 20401.
5. "Bottled water plant" means a food establishment that processes and sells bottled water.
6. "CFR" means the Code of Federal Regulations.
7. "Confining bed" means a layer of ground that resists water penetration.
8. "Department" means the Arizona Department of Health Services.
9. "Drilled well" means a hole bored into the ground to reach underground water.
10. "Food establishment" has the same meaning as in A.A.C. Title 9, Chapter 8, Article 1.
11. "Licensed laboratory" means a laboratory licensed by the Department under A.R.S. Title 36, Chapter 4.3, Article 1.
12. "Plant operator" means an individual designated by the applicant to operate a specific bottled water plant.
13. "Processes" means the steps taken to ensure source water meets the quality standards for bottled water in 21 CFR 165.110(b) (2003), incorporated by reference, on file with the Department, including no future editions or amendments, and available at <http://www.gpoaccess.gov/cfr/index.html> and from U.S. Government Printing Office, 732 N. Capitol Street, N.W. Washington, D.C. 20401.
14. "Public water system" has the same meaning as in A.A.C. R18-4-101 .
15. "Source" means an artesian well, drilled well, public water system, or spring.
16. "Source water" means water from an artesian well, drilled well, public water system, or spring.
17. "Spring" has the same meaning as "spring water" in 21 CFR 165.110(a)(2)(vi) (2003), incorporated by reference, on file with the Department, including no future editions or amendments, and available at <http://www.gpoaccess.gov/cfr/index.html> and from U.S. Government Printing Office, 732 N. Capitol Street, N.W. Washington, D.C. 20401.

**Historical Note**

Adopted effective August 6, 1990 (Supp. 90-3). Amended by final rulemaking at 10 A.A.R. 4178, effective

November 23, 2004 (Supp. 04-3). Section R9-8-201(4), (13) and (17) corrected to include the incorporated by reference material date (Supp. 07-2).

**R9-8-202. General Requirements**

A food establishment that processes and sells bottled water in Arizona shall use a source approved by the Department.

**Historical Note**

Adopted effective August 6, 1990 (Supp. 90-3). Section repealed; new Section made by final rulemaking at 10 A.A.R. 4178, effective November 23, 2004 (Supp. 04-3).

**R9-8-203. Application for an Approval of a Source**

- A. An applicant shall complete and submit to the Department, an application for an approval of a source on a form provided by the Department that includes:
  1. The name, mailing address, and telephone number of the applicant;
  2. The name, street address, and telephone number of the bottled water plant;
  3. The location of the source used at the bottled water plant;
  4. The applicant's signature; and
  5. The date the application is signed.
- B. With the completed application, an applicant shall include test results from a licensed laboratory that has tested the bottled water according to the quality requirements for bottled water in 21 CFR 165.110(b) (2003), incorporated by reference, on file with the Department, including no future editions or amendments, and available at <http://www.gpoaccess.gov/cfr/index.html> and from U.S. Government Printing Office, 732 N. Capitol Street, N.W. Washington, D.C. 20401.
- C. An applicant shall comply with subsections (A) and (B) for each source used at the bottled water plant.

**Historical Note**

Adopted effective August 6, 1990 (Supp. 90-3). Section repealed; new Section made by final rulemaking at 10 A.A.R. 4178, effective November 23, 2004 (Supp. 04-3). Section R9-8-203(B) corrected to include the incorporated by reference material date (Supp. 07-2).

**R9-8-204. Time-frames**

- A. The overall time-frame described in A.R.S. § 41-1072 for the Department to act on an application for an approval of a source is 60 days. The applicant and the Department may agree in writing to extend the substantive review time-frame and the overall time-frame by no more than 25% of the overall time-frame.
- B. The administrative completeness review time-frame described in A.R.S. § 41-1072 for an application for an approval of a source is 30 days and begins on the date the application is received.
  1. The Department shall mail notice of administrative completeness or deficiencies to the applicant within the administrative completeness review time-frame.
    - a. A notice of deficiencies shall list each deficiency and the information and documentation needed to complete the application.
    - b. If the Department issues a notice of deficiencies within the administrative completeness review time-frame, the administrative completeness review time-frame and the overall time-frame are suspended from the date that the notice is issued until the date the Department receives the missing information from the applicant.
    - c. If the applicant fails to submit to the Department all the information and documents listed in the notice of deficiencies within 60 days of the date the Depart-

ment mailed the notice of deficiencies, the Department deems the application for approval of a source withdrawn.

2. If the Department issues an approval of a source to the applicant during the administrative completeness review time-frame, the Department does not issue a separate written notice of administrative completeness.
- C. The substantive review time-frame described in A.R.S. § 41-1072 is 30 days and begins on the date the notice of administrative completeness is mailed to the applicant.
1. The Department shall mail an approval of a source or a written notification of denial of approval to the applicant within the substantive review time-frame.
  2. If the Department issues a comprehensive written request or supplemental request for information, the substantive review time-frame and the overall time-frame are suspended from the date the Department issues the request until the date the Department receives all of the information.
  3. If the Department denies approval of a source, the Department shall send the applicant a written notice of disapproval that lists the reasons for disapproval and all other information required in A.R.S. § 41-1076.
- D. If a time-frame's last day is on a Saturday, Sunday, or legal holiday, the Department considers the next business day as the time-frame's last day.

#### Historical Note

Adopted effective August 6, 1990 (Supp. 90-3). Section repealed; new Section made by final rulemaking at 10 A.A.R. 4178, effective November 23, 2004 (Supp. 04-3).

#### R9-8-205. Quality Testing Requirements

- A. To maintain approval of its source, a plant operator shall have a licensed laboratory test the quality of the bottled water at the times stated in 21 CFR 129.80(g) (2003), incorporated by reference, on file with the Department, including no future editions or amendments, and available at <http://www.gpoaccess.gov/cfr/index.html> and from U.S. Government Printing Office, 732 N. Capitol Street, N.W. Washington, D.C. 20401.
- B. A plant operator shall maintain records of the quality testing of the bottled water on the bottled water plant premises for two years from the date the bottled water is tested and ensure that the records are readily available for inspection by the Department.

#### Historical Note

Adopted effective August 6, 1990 (Supp. 90-3). Section repealed; new Section made by final rulemaking at 10 A.A.R. 4178, effective November 23, 2004 (Supp. 04-3). Section R9-8-205(A) corrected to include the incorporated by reference material date (Supp. 07-2).

#### R9-8-206. Labeling Requirements

In addition to the labeling requirements in 9 A.A.C. 8, Article 1, a plant operator shall ensure the bottled water processed and sold is labeled according to 21 CFR 129.80(e) (2003), incorporated by reference, on file with the Department, including no future editions or amendments, and available at <http://www.gpoaccess.gov/cfr/index.html> and from U.S. Government Printing Office, 732 N. Capitol Street, N.W. Washington, D.C. 20401.

#### Historical Note

Adopted effective August 6, 1990 (Supp. 90-3). Section repealed; new Section made by final rulemaking at 10 A.A.R. 4178, effective November 23, 2004 (Supp. 04-3). Section R9-8-206 corrected to include the incorporated by reference material date (Supp. 07-2).

#### R9-8-207. Repealed

##### Historical Note

Adopted effective August 6, 1990 (Supp. 90-3). Section repealed by final rulemaking at 10 A.A.R. 4178, effective November 23, 2004 (Supp. 04-3).

#### R9-8-208. Repealed

##### Historical Note

Adopted effective August 6, 1990 (Supp. 90-3). Section repealed by final rulemaking at 10 A.A.R. 4178, effective November 23, 2004 (Supp. 04-3).

#### R9-8-209. Repealed

##### Historical Note

Adopted effective August 6, 1990 (Supp. 90-3). Section repealed by final rulemaking at 10 A.A.R. 4178, effective November 23, 2004 (Supp. 04-3).

### ARTICLE 3. PUBLIC TOILET FACILITIES

*Editor's Note: Former Article 3 renumbered to Title 18, Chapter 9, Article 8 (Supp. 87-3).*

#### R9-8-301. Definitions

In this Article:

1. "Bathroom" means a restroom that contains a shower or bathtub.
2. "Department" means the Department of Health Services.
3. "Director" means the Director of the Department of Health Services.
4. "Flooded" means a sanitary fixture that is overflowing sewage or filled with sewage to the point of overflowing.
5. "Lavatory" means a sink or basin for cleansing hands.
6. "Person" means a governmental agency, individual, organization, association, partnership, business, corporation, or company.
7. "Plumbing system" means sanitary fixtures, pipes, and related parts assembled to carry water into a structure and carry sewage out of a structure.
8. "Portable toilet" means a transportable toilet connected to a leakproof tank to receive and store sewage temporarily.
9. "Potable" means water obtained from a source or distribution system that complies with the requirements of the Department of Environmental Quality as provided in 18 A.A.C. 4.
10. "Putrescible waste" means a solid or semisolid waste material that is likely to decompose, decay, spoil, rot, or provide food for insects, rodents, birds, or other pests.
11. "Refuse" means putrescible and nonputrescible solid and semisolid waste, including trash, garbage, or rubbish.
12. "Restroom" means a structure or room containing a lavatory and toilet, or lavatory, toilet, and urinal, available to a guest or customer of a business or governmental agency, and unconnected to dwelling or sleeping quarters.
13. "Sanitary fixture" means a bathtub, floor drain, lavatory, shower, toilet, or urinal connected to a plumbing system.
14. "Sewage" means the liquid waste contained in a sanitary fixture or sanitary fixture drain pipe or any liquid containing putrescible particles, feces, or urine.
15. "Special event" means a group of 100 or more individuals gathered together in lawful assembly for four or more hours in an outdoor area that does not have restroom or bathroom facilities.
16. "Urinal" means an upright basin used by males for urination only.

##### Historical Note

Adopted effective April 10, 1997 (Supp. 97-2).

**R9-8-302. Persons Responsible**

An owner of a bathroom, restroom, or portable toilet, or a person who administers a special event, shall comply with the provisions of this Article.

**Historical Note**

Adopted effective April 10, 1997 (Supp. 97-2).

**R9-8-303. Expired****Historical Note**

Adopted effective April 10, 1997 (Supp. 97-2). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2967, effective June 17, 2002 (Supp. 02-2).

**R9-8-304. Constructing and Maintaining a Portable Toilet**

A portable toilet shall be built and maintained to include:

1. A sewage storage tank, toilet seat, toilet, and urinal made of durable, smooth, leakproof, and rustproof materials;
2. Waterproof and durable floor, wall, ceiling, and door materials;
3. A vent pipe 3 inches in diameter connected to the sewage storage tank and extending 6 inches above the roof of the toilet enclosure; and
4. A constant supply of toilet paper from a toilet paper dispenser.

**Historical Note**

Adopted effective April 10, 1997 (Supp. 97-2).

**R9-8-305. Expired****Historical Note**

Adopted effective April 10, 1997 (Supp. 97-2). Section expired under A.R.S. § 41-1056(E) at 13 A.A.R. 2169, effective May 31, 2007 (Supp. 07-2).

**R9-8-306. Special Events**

**A.** Portable toilets and refuse containers shall be deployed at a special event as follows:

1. One portable toilet for the first 100 people, and one portable toilet for each additional 100 people, or portion thereof;
2. One refuse container for the first 100 people, and one refuse container for each additional 100 people, or portion thereof; and
3. Within 200 feet of the special event place.

**B.** Sewage and refuse generated at a special event shall be collected and disposed of under R9-8-307(A), (B), (C), and (E).

**Historical Note**

Adopted effective April 10, 1997 (Supp. 97-2).

**R9-8-307. Disposal of Sewage and Refuse**

**A.** The collection, storage, and treatment of sewage and refuse shall comply with the requirements of the Department of Environmental Quality under:

1. 18 A.A.C. 8, Article 6, and 18 A.A.C. 9, Articles 7 and 8, for sewage; and
2. 18 A.A.C. 8, Article 5, for refuse.

**B.** A disposable refuse bag shall be used to store refuse generated at a special event. A full refuse bag shall be tied closed before disposal in accordance with subsection (A).

**C.** A refuse container in a bathroom or restroom, or at a special event, shall be free of accumulations of putrescible waste.

**D.** A bathroom or restroom exclusively for female use, or a combination male-and-female use restroom shall be provided with a refuse container with a matching lid.

**E.** An overflowing refuse container in a bathroom or restroom, or at a special event, is prohibited.

**Historical Note**

Adopted effective April 10, 1997 (Supp. 97-2).

**R9-8-308. Expired****Historical Note**

Adopted effective April 10, 1997 (Supp. 97-2). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2967, effective June 17, 2002 (Supp. 02-2).

**ARTICLE 4. CHILDREN'S CAMPS**

*Article 4, consisting of Sections R9-8-401 through R9-8-403, made by final rulemaking at 8 A.A.R. 3716, effective August 9, 2002 (Supp. 02-3).*

*See Title 18, Chapter 8, Article 5.*

**R9-8-401. Definitions**

In this Article, unless otherwise requires:

1. "Applicant" means an individual requesting a license from the Department or a county to operate a children's camp.
2. "Bathing place" has the same meaning as in 9 A.A.C. 8, Article 8.
3. "Camp director" means an individual who runs, maintains, or otherwise controls or directs the functions of a children's camp.
4. "Children's camp" has the same meaning as in A.R.S. § 8-551.
5. "County" means a governmental entity that has a delegation agreement with the Department as prescribed in A.R.S. § 8-568.
6. "Delegation agreement" has the same meaning as in A.R.S. § 41-1001.
7. "Department" means the Arizona Department of Health Services.
8. "Food establishment" has the same meaning as in 9 A.A.C. 8, Article 1.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3716, effective August 9, 2002 (Supp. 02-3).

**R9-8-402. Initial and Renewal License Application Process**

**A.** An applicant shall submit a completed license application form in subsection (B) to:

1. The county in which the children's camp is located, if the county has a delegation agreement with the Department under A.R.S. § 8-568; or
2. The Department, if there is no delegation agreement.

**B.** An applicant shall submit a completed license application form provided by the Department or a county that contains:

1. The name, mailing address, and telephone number of the children's camp;
2. The county in which the children's camp is located;
3. The name, telephone number, and mailing address of the applicant;
4. The name, telephone number, and if applicable, e-mail address of the camp director;
5. The dates of operation of the children's camp;
6. The number of individuals the children's camp can accommodate;
7. Whether there is a food establishment in the children's camp;
8. Whether there is a bathing place in the children's camp;
9. The potable water supply source at the children's camp;
10. The type of sewage disposal system;
11. Whether the application is for an initial or a renewal license; and



12. The signature of the applicant.
- C. With the completed license application, an applicant shall include a map that specifies the location of the children's camp, and:
1. For an initial license:
    - a. If applying to the Department, a fee of \$100, or
    - b. If applying to a county, a fee established according to A.R.S. § 8-553(B).
  2. For a renewal license:
    - a. If applying to the Department, a fee of \$25 or
    - b. If applying to a county, a fee established according to A.R.S. § 8-553(B).
- D. The Department or a county begins reviewing applications on May 1 of each year.

#### Historical Note

New Section made by final rulemaking at 8 A.A.R. 3716, effective August 9, 2002 (Supp. 02-3).

#### R9-8-403. Time-frames

- A. The overall time-frame described in A.R.S. § 41-1072 for an initial or a renewal license granted by the Department or county is 60 days. The applicant and the Department or a county may agree in writing to extend the substantive review time-frame and the overall time-frame. An extension of the substantive time-frame and the overall time-frame shall not exceed 25% of the overall time-frame.
- B. The administrative completeness review time-frame described in A.R.S. § 41-1072 for an initial or a renewal license granted by the Department or a county is 30 days and begins on May 1 of each year or on the date the application is received if after May 1.
1. The Department or a county shall mail notice of administrative completeness or deficiencies to the applicant within the administrative completeness review time-frame.
    - a. A notice of deficiencies shall list each deficiency and the information and documentation needed to complete the license application.
    - b. If the Department or a county issues a notice of deficiencies within the administrative completeness review time-frame, the administrative completeness review time-frame and the overall time-frame are suspended from the date that the notice is issued until the date the Department or a county receives the missing information from the applicant.
    - c. If the applicant fails to submit to the Department or a county all the information and documents listed in the notice of deficiencies within 60 days of the date the Department or a county mailed the notice of deficiencies, the Department or county deems the license application withdrawn.
  2. If the Department or a county issues a license to the applicant during the administrative completeness review time-frame, the Department or a county does not issue a separate written notice of administrative completeness.
- C. The substantive review time-frame described in A.R.S. § 41-1072 is 30 days and begins on the date the notice of administrative completeness is mailed to the applicant.
1. The Department or a county shall mail a children's camp license or a written notification of denial of the license application to the applicant within the substantive review time-frame.
  2. As part of the substantive-review time-frame for a children's camp license, the Department or a county may conduct an inspection of the children's camp to determine

whether the children's camp has complied with the applicable requirements in subsection (C)(4) or (C)(5).

3. If the Department or a county issues a comprehensive written request or supplemental request for information, the substantive review time-frame and the overall time-frame are suspended from the date the Department or a county issues the request until the date the Department or a county receives all of the information.
  4. If an applicant applying to the Department meets all the requirements under A.R.S. Title 8, Chapter 6, Article 1, and these rules, the Department shall issue a license to the applicant.
  5. If an applicant applying to a county meets all the requirements under A.R.S. Title 8, Chapter 6, Article 1, these rules, and county requirements consistent with A.R.S. Title 8, Chapter 6, Article 1, a county shall issue a license to the applicant.
  6. If the Department or a county disapproves a license application, the Department or a county shall send the applicant a written notice of disapproval setting forth the reasons for disapproval and all other information required in A.R.S. § 41-1076.
- D. If a time-frame's last day is on a Saturday, Sunday, or legal holiday, the Department or a county considers the next business day as the time-frame's last day.

#### Historical Note

New Section made by final rulemaking at 8 A.A.R. 3716, effective August 9, 2002 (Supp. 02-3).

#### ARTICLE 5. TRAILER COACH PARKS

- R9-8-501. Reserved**
- R9-8-502. Reserved**
- R9-8-503. Reserved**
- R9-8-504. Reserved**
- R9-8-505. Reserved**
- R9-8-506. Reserved**
- R9-8-507. Reserved**
- R9-8-508. Reserved**
- R9-8-509. Reserved**
- R9-8-510. Reserved**
- R9-8-511. Expired**

#### Historical Note

Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 3256, effective June 17, 2002 (Supp. 02-3).

#### R9-8-512. Definitions

- A. "Department" means the Arizona Department of Health Services.
- B. "Dependent trailer coach" means a trailer coach which does not have a flush toilet, bathtub, or shower.
- C. "Independent trailer coach" means a trailer which has a flush toilet, bathtub or shower, and lavatory.
- D. "Park" means a trailer coach park.
- E. "Person" means any individual, firm, trust, partnership, company, society, association, corporation, or political subdivision.
- F. "Trailer coach" means any vehicle including mobile homes having no foundation other than wheels, jacks, or skirtings, and so designed or constructed as to permit occupancy for dwelling or sleeping purposes. Removal of the wheels shall not change the meaning of the term.

- G.** “Trailer coach park” means any plot of ground upon which two or more trailer coaches, occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodation. This does not apply where all trailers are occupied by the owner of the plot and his immediate family, nor does it include areas provided for recreational purposes or overnight parking by agencies of the local, state and federal governments, where posted restrictions for use of such areas are provided.
- H.** “Trailer coach space” means a plot of ground within a trailer coach park designed for the accommodation of one trailer coach.

**R9-8-513. Reserved**

**R9-8-514. Reserved**

**R9-8-515. Reserved**

**R9-8-516. Reserved**

**R9-8-517. Reserved**

**R9-8-518. Reserved**

**R9-8-519. Reserved**

**R9-8-520. Reserved**

**R9-8-521. Plans and specifications**

- A.** No construction on or at a trailer coach park shall commence until the Department has approved the plans and specifications for the public water supply and sewage disposal system.
- B.** No person shall maintain or operate a trailer coach park without the written approval of the local health department.
- C.** A park plan showing all building locations and trailer coach spaces shall be provided as part of the plans and specifications.
- D.** No change or modification of water supply or sewage disposal in any existing trailer coach park shall be made until plans and specifications have been submitted to and approved by the Department.
- E.** All plans and specifications shall be submitted to the Department in quadruplicate.

**R9-8-522. Application**

- A.** An application for approval by the Department, prepared in duplicate on forms furnished by the Department, shall be filed at the time the plans are submitted for approval. The form shall be completely filled out unless otherwise indicated.
- B.** The distance to the nearest public water supply main and to a sewer main of a municipal or community system shall be given.

**R9-8-523. Park plan**

- A.** The minimum size of trailer coach spaces shall be in compliance with regulations of local planning boards and other official agencies.
- B.** The park shall be located on a site which is properly graded to ensure rapid drainage and the elimination of standing pools of water.

**R9-8-524. Reserved**

**R9-8-525. Reserved**

**R9-8-526. Reserved**

**R9-8-527. Reserved**

**R9-8-528. Reserved**

**R9-8-529. Reserved**

**R9-8-530. Reserved**

**R9-8-531. Water supply**

- A.** The public water supply and distribution systems to the trailer spaces and service building shall comply with all provisions of Article 2 of this Chapter.
- B.** The water supply system shall be so designed, constructed and maintained to provide a minimum supply demand of six fixture units at a residual pressure of not less than twenty pounds per square inch at each trailer site requiring water in addition to the water requirements of the service building.
- C.** Each independent trailer coach space shall be provided with a cold water tap at least four inches above the ground.
- D.** Hot water, a minimum of 120° F, shall be provided at all times in the service building for all bathing, washing, cleaning and laundry facilities.

**R9-8-532. Reserved**

**R9-8-533. Sewage disposal system**

- A.** The sewage disposal system shall comply with all provisions of Article 3 of this Chapter.
- B.** Where a public sewerage system is to be used and is already in existence, or if sewers are proposed and have been approved by the Department, it will only be necessary to show the location and size of the sewer lines within the park. Approval to construct the sewers serving the trailer park will not be given unless the capacity of the receiving sewers and the treatment facility which will receive the wastes is determined to have adequate capacity for the increased load resulting from the installation of the trailer park.

**R9-8-534. Reserved**

**R9-8-535. Reserved**

**R9-8-536. Reserved**

**R9-8-537. Reserved**

**R9-8-538. Reserved**

**R9-8-539. Reserved**

**R9-8-540. Reserved**

**R9-8-541. Sanitation facilities**

Toilets, bathing, laundry and other sanitation facilities shall be housed in a service building which shall present easy access from all trailer coach spaces by means of walkways or roadways.

**R9-8-542. Service buildings**

- A.** Service buildings shall be permanent structures, complying with all applicable ordinances and statutes regulating building construction.
- B.** Service buildings shall meet the following requirements:
1. All facilities shall be well lighted.
  2. They shall be ventilated with screened openings.
  3. They shall be constructed of such moisture-proof material, including painted woodwork, as shall permit repeated cleaning and washing.
  4. Properly vented heating facilities shall be provided.
  5. The floors of the service buildings shall be of water-impervious material and sloped to properly located floor drains.
- C.** Service buildings containing toilet and bathing facilities shall not be located farther than 200 feet from any dependent trailer coach space.
- D.** Existing parks serving dependent trailer coaches shall meet the requirements of this Section within six months from the effective date.

**R9-8-543. Toilet facilities**

- A. All parks accommodating dependent trailer coaches shall be provided with the following number of toilets, showers and other sanitation facilities:

*Number of Trailer Parking Spaces	NUMBER OF FACILITIES REQUIRED IN SERVICE BUILDINGS								**Other
	TOILETS		URINALS		LAVATORIES		SHOWERS		
	Men	Women	Men	Men	Women	Men	Women		
1-15	1	1	1	1	1	1	1	1 service sink	
16-30	1	2	1	2	2	1	1	with a flush-	
31-45	2	2	1	3	3	1	1	ing rim	
46-60	2	3	2	3	3	2	2		
61-80	3	4	2	4	4	2	2	1 utility sink	
81-100	3	4	2	4	4	3	3		

For parking areas having more than 100 trailer spaces there shall be provided: one additional toilet and lavatory for each sex per each additional 30 trailer spaces; one additional shower for each sex per each additional 40 trailer spaces; and one additional men's urinal per each additional 100 trailer spaces.

\*Parking spaces for dependent trailers, i.e., number of facilities required per number of dependent parking trailer spaces.

\*\*Additional fixtures including laundry trays, clothes washing machines (one for every 30 sites) and an ice making machine may be provided.

- B. Where a trailer coach park is designed for and exclusively limited to use by independent trailers, emergency sanitary facilities are not required.
- C. When a park requiring a service building is operated in connection with a resort or other business establishment, the number of sanitary facilities for such business establishment shall be in excess of those required by the schedule for trailer spaces and shall be based on the total number of persons using such facilities.

- R9-8-556. Reserved**
- R9-8-557. Reserved**
- R9-8-558. Reserved**
- R9-8-559. Reserved**
- R9-8-560. Reserved**
- R9-8-561. Expired**

**R9-8-544. Community kitchens; recreational facilities**

Trailer coach parks which provide a community kitchen or other recreational facilities shall comply with these rules and regulations relating to campgrounds and Article 2 of this Chapter relating to eating and drinking establishments.

**Historical Note**  
Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 3256, effective June 17, 2002 (Supp. 02-3).

**ARTICLE 6. CAMP GROUNDS**

- R9-8-545. Reserved**
- R9-8-546. Reserved**
- R9-8-547. Reserved**
- R9-8-548. Reserved**
- R9-8-549. Reserved**
- R9-8-550. Reserved**

- R9-8-601. Reserved**
- R9-8-602. Reserved**
- R9-8-603. Reserved**
- R9-8-604. Reserved**
- R9-8-605. Reserved**
- R9-8-606. Reserved**
- R9-8-607. Reserved**
- R9-8-608. Reserved**
- R9-8-609. Reserved**
- R9-8-610. Reserved**

**R9-8-551. Waste disposal**

- A. The storage, collection, transportation and disposal of garbage, trash, rubbish, manure and other objectionable wastes shall be in accordance with the provisions of Article 4 of this Chapter.
- B. Each trailer coach space shall be provided with a trapped sewer, at least three inches in diameter, which shall be connected to receive all liquid waste from the trailer coach located in such space. Except that a trapped sewer is not required in parks restricted to trailer coaches in which all fixtures discharge through a trap located in the trailer plumbing system.

**R9-8-611. Scope**

The regulations in this Article shall apply to any city, county, city and county, village, community, institution, person, firm or corporation operating, maintaining or offering for public use within the state of Arizona any tract of land on which persons may camp or picnic either free of charge or by payment of a fee. Each and every owner and lessee of any public camp or picnic ground shall be held responsible for full compliance with these regulations.

- R9-8-552. Reserved**
- R9-8-553. Reserved**
- R9-8-554. Reserved**
- R9-8-555. Reserved**

**R9-8-612. Supervision**

- A. The management of every public camp or picnic ground shall assume responsibility for maintaining in good repair all sani-

tary appliances on said ground and shall promptly bring such action as may be necessary to prosecute or eject from such ground any person who willfully or maliciously damages such appliances or any person who in any way fails to comply with these regulations.

- B. At least one caretaker shall be employed by the management to visit said camp or picnic ground every day that campers or picnickers occupy said ground. Such caretaker shall do whatever may be necessary to keep said ground and its equipment in a clean and sanitary condition.
- C. Each camping party shall be allotted usable space of not less than 350 square feet.

#### **R9-8-613. Water supply**

- A. The water supply system shall be in accordance with Article 2 of this Chapter and shall be provided in ample quantity to meet all requirements of the maximum number of persons using such ground at any time. Said water supply shall be easily obtained from its source or on a pipe distribution system from faucets which shall be located not more than 300 feet from a camp or picnic spot within such ground. If water supply is obtained direct from above-ground source, said source must be covered properly and water withdrawn by means of open pipe or faucet as approved by the Department. In no case can dipping from open springs, seeps or wells be permitted.
- B. Any water considered unsafe for human consumption in the vicinity of such ground, to which campers or picnickers may have access, shall be either eliminated or purified or shall be kept posted with placards definitely warning persons against its use.

#### **R9-8-614. Protection against fires**

No fires shall at any time be so located as to endanger automobiles or other property in the camp ground. No fires shall be left unattended at any time, and all fires shall be completely extinguished before leaving.

#### **R9-8-615. Sewage and refuse disposal**

- A. Supervision and equipment: Supervision and equipment sufficient to prevent littering of the ground with rubbish, garbage or other refuse shall be provided and maintained. Fly-tight depositories for such materials shall be provided and conspicuously located. Each and every camp or picnic spot on said ground shall be within a distance of not over 200 feet from such a depository. These depositories shall not be permitted to become foul smelling or unsightly or breeding places for flies.
- B. The method of final sewage or refuse disposal utilized in connection with the operation of any camp or picnic ground shall be such as to create no nuisance.
- C. Basins: A sufficient number of basins, iron hoppers or sinks shall be provided and each shall be connected with a sewerage system; these are to be used for the disposal of domestic waste waters.

#### **R9-8-616. Toilets**

Fly-tight privies or water-flushed toilets shall be provided and shall be maintained in a clean and sanitary condition. Separate toilets for men and women shall be provided, one for each 25 men and one for each 25 women or fraction thereof of the maximum number of persons occupying such ground at any time. No camp or picnic spot within such ground shall be at a greater distance than 400 feet from both a women's and men's toilet. The location of all toilets shall be plainly indicated by signs.

#### **R9-8-617. Construction and maintenance of buildings**

If cottages, cabins, tent houses, dwelling houses or other structures to be used for human habitation are erected in any public camping ground, the following requirements in their construction shall be

observed: (Note: All local building ordinances must be complied with in addition to observing the following requirements.)

1. All wood floors shall be raised at least 18 inches above the ground and space underneath such floors shall be left open and free from obstruction on at least two opposite sides. All floors shall be constructed of tongue and groove material.
2. Interior walls shall be of surfaced lumber or other material that may easily be kept clean and shall be constructed so that they may always be kept in a thoroughly clean condition.
3. No room for sleeping purposes shall have less than 500 cubic feet of air space for each occupant.
4. The area of window space in each sleeping room shall be equal to at least one-eighth of the floor area of the room.
5. Windows of sleeping rooms shall be so constructed that at least half of each window can be opened.
6. Cooking, including the preparation and storing of food must not be allowed in any room used for sleeping. Partitions and doors between cooking and sleeping rooms must be tight.
7. If kitchen is provided, it must be equipped with running water and a sink connected with a sewerage system or septic tank. Kitchen must be screened against flies and mosquitoes.
8. If inside toilet is provided it must be water flushed and connected with a sewerage system or septic tank. Room containing such toilets must have window opening to the outside air. Bath and lavatory must be connected with sewerage system or septic tank.
10. Covered metal garbage containers must be provided, at least one for every two buildings.
11. Buildings shall be cleaned daily and after each occupancy shall be thoroughly cleaned. If bedding is provided it must be kept in a clean condition.

### **ARTICLE 7. PUBLIC SCHOOLS**

#### **R9-8-701. Definitions**

In this Article, unless otherwise specified:

1. "Ample water supply" means sufficient water quantity and water pressure to operate all of a school's drinking fountains, bathtubs, showers, lavatories, water closets, and urinals at all times from:
  - a. A public water system that complies with 18 A.A.C. 4; or
  - b. An underground water source that complies with 18 A.A.C. 11, Articles 4 and 5 or with A.R.S. § 45-811.01.
2. "Animal" means a mammal, bird, reptile, amphibian, fish or invertebrate, such as an insect, spider, worm, snail, clam, crab, or starfish.
3. "Aquifer" means the same as in A.R.S. § 49-201.
4. "Bathroom" means a restroom that contains a shower head or bathtub.
5. "Bathtub" means a receptacle, in which a user sits, with a faucet that supplies hot and cold water, or warm water, for filling the receptacle and a drain connected to a sanitary sewer.
6. "Bottled water" means the same as in R9-8-201.
7. "Bottled water cooler" means a device that is not connected to a plumbing system and provides a vertically falling stream of drinking water from a source approved by the Department under 9 A.A.C. 8, Article 2, or that complies with 18 A.A.C. 4; 18 A.A.C. 11, Articles 4 and 5, or A.R.S. § 45-811.01.
8. "Calendar year" means January 1 through December 31.

9. "Classroom" means an interior area of a school used primarily for instruction of students.
10. "Clean" means free of dirt or debris.
11. "Cold water" means water with a temperature from 33° F to 74° F.
12. "Common drinking cup" means a hand-held container not connected to a plumbing system that:
  - a. Holds liquid for human consumption,
  - b. Comes into contact with a user's mouth, and
  - c. Is used by more than one individual.
13. "Complaint" means information indicating the need for inspection due to possible violations of this Article.
14. "Constructed underground storage facility" means the same as in A.R.S. § 45-802.01.
15. "Debris" means litter or the remains of something that has been broken or torn into pieces.
16. "Department" means the Arizona Department of Health Services.
17. "Device" means a piece of equipment that performs a specific function.
18. "Drinking fountain" means a fixture connected to a plumbing system that provides a non-vertical stream of drinking water from an opening and drains into a sanitary sewer.
19. "Drinking water" means water for human consumption that meets the requirements of 18 A.A.C. 4, or 18 A.A.C. 11, Article 4.
20. "Dumpster" means a container designed for mechanical lifting and dumping by a refuse collection vehicle that transports the container's contents.
21. "Faucet" means a fixture connected to a plumbing system that provides and regulates the flow of drinking water from the plumbing system.
22. "Fixture" means a permanent attachment to a structure.
23. "Floor drain" means an opening in a floor surface that leads to a sanitary sewer.
24. "Food establishment" means an entity that stores, prepares, packages, serves, or otherwise provides food for human consumption directly to a consumer or indirectly through a delivery service.
25. "Habitat" means a place where an animal is kept while on school grounds.
26. "Hot water" means water with a temperature from 95° F to 120° F.
27. "Human consumption" means an individual's use of water for activities such as drinking, bathing, showering, handwashing, cooking, dishwashing, laundering, cleaning, or using a water closet.
28. "Hydration" means the process of replacing fluids lost by a human body.
29. "Lavatory" means a sink or a basin with a faucet that supplies hot and cold water, or warm water, and with a drain connected to a sanitary sewer.
30. "Local health department" means:
  - a. The administrative division of an Arizona county, city, or town that manages environmental and health-related issues; or
  - b. A public health services district under A.R.S. Title 48, Chapter 33.
31. "Managed underground storage facility" means the same as in A.R.S. § 45-802.01.
32. "Non-absorbent" means not capable of absorbing or soaking up liquids.
33. "Non-classroom" means an indoor area in a school, such as the school office, nurse's office, library, or cafeteria, that are not used primarily for instruction of students.
34. "Overflow rim" means the raised edge around a drinking fountain's basin.
35. "Participant" means:
  - a. A member of the staff or a student of a school, or
  - b. A member of the staff or a student from another school, when the individual is present on the grounds of the school specified in subsection (a) for a school-organized activity.
36. "Plumbing system" means fixtures, pipes, and related parts assembled to carry drinking water into a structure and carry sewage out of the structure.
37. "Portable water container" means any type of device, not connected to a plumbing system, provided by a school, such as a bottle, cup, pitcher, or insulated cylindrical cooler, in which drinking water is held or carried.
38. "Private school" means the same as in A.R.S. § 15-101.
39. "Public water system" means the same as in A.R.S. § 49-352.
40. "Refuse" means the same as in A.A.C. R18-13-302.
41. "Refuse container" means a portable receptacle used for refuse storage until the refuse is placed into a dumpster.
42. "Responsible person" means:
  - a. For an accommodation school defined in A.R.S. § 15-101, the county school superintendent with the powers and duties prescribed in A.R.S. Title 15, Chapter 3, Article 1;
  - b. For a charter school defined in A.R.S. § 15-101, the governing board defined in A.A.C. R7-2-1401;
  - c. For the Arizona State Schools for the Deaf and the Blind, the board of directors for the Arizona State Schools for the Deaf and the Blind established under A.R.S. Title 15, Chapter 11, Article 2;
  - d. For a school operated by a school district, the school district's governing board defined in A.R.S. § 15-101.
43. "Restroom" means a structure or room that contains at least one lavatory and water closet or at least one lavatory, water closet, and urinal.
44. "Sanitary sewer" means the same as in A.R.S. § 45-101.
45. "Sanitize" means the same as in A.A.C. R9-5-101.
46. "School" means an institution offering instruction:
  - a. That is:
    - i. An accommodation school defined in A.R.S. § 15-101;
    - ii. The Arizona State Schools for the Deaf and the Blind established under A.R.S. Title 15, Chapter 11, Article 1;
    - iii. A charter school defined in A.R.S. § 15-101; or
    - iv. A school operated by a school district defined in A.R.S. § 15-101; and
  - b. That is not a private school.
47. "Sewage" means the same as in A.A.C. R18-13-1102.
48. "Shower head" means a fixture connected to a plumbing system that allows drinking water to fall on a user's body.
49. "Shower room" means a structure or room that contains at least one shower head and one floor drain, but does not contain a bathtub, lavatory, water closet, or urinal.
50. "Underground water source" means:
  - a. An aquifer,
  - b. A constructed underground storage facility, or
  - c. A managed underground storage facility.
51. "Urinal" means the same as in A.R.S. § 45-311.
52. "Warm water" means water with a temperature from 75° F to 94° F.
53. "Water closet" means the same as in A.R.S. § 45-311.

54. “Water cooler” means a fixture connected to a plumbing system for cooling water and dispensing a vertically falling stream of drinking water.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**R9-8-702. General Provisions**

- A. A responsible person shall ensure that a school complies with the provisions of this Article and with federal and state statutes and rules and local ordinances governing subjects included in A.R.S. § 36-136(H)(9).
- B. A violation of this Article is a public nuisance under A.R.S. § 36-601.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**R9-8-703. Restroom, Bathroom, and Shower Room Requirements**

- A. A responsible person shall ensure that a school provides restrooms or bathrooms that:
  - 1. Are clean; and
  - 2. Have:
    - a. Floors of a non-absorbent material;
    - b. Floors that slope to a drain connected to a sanitary sewer;
    - c. Water closets with seats of the split or U-shaped type made of non-absorbent material;
    - d. Interior surfaces that are clean, washable, and free from gaps;
    - e. Toilet paper at all water closets; and
    - f. Soap and single-use paper towels or air hand dryers at all lavatories.
- B. If a school provides a shower room, the responsible person shall ensure that the shower room:
  - 1. Is clean;
  - 2. Does not have a school-provided cloth towel unless, after each use, the cloth towel is machine washed with detergent and machine dried; and
  - 3. Has:
    - a. Hot and cold, or warm water from all shower heads;
    - b. Floors of a non-absorbent material;
    - c. Floors that slope to a drain connected to a sanitary sewer; and
    - d. Interior surfaces that are clean, washable, and free of gaps.
- C. A responsible person shall ensure that restrooms, bathrooms, and shower rooms are maintained to avoid odors.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**R9-8-704. Cafeterias and Food Service**

- A. A responsible person for a school that stores, prepares, or serves food on the premises shall ensure that the school complies with 9 A.A.C. 8, Article 1, except when the food is brought to the school by staff or a student for personal consumption.
- B. If a school contracts with a food establishment to prepare and deliver food to the school, the responsible person shall:
  - 1. Ensure that the food establishment has a current license or permit issued under 9 A.A.C. 8, Article 1; and
  - 2. Retain a copy of the food establishment’s current license or permit, required in subsection (B)(1), for inspection.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**R9-8-705. Indoor Areas**

- A responsible person shall ensure that:
- 1. Indoor classroom and non-classroom areas are clean; and
  - 2. If a classroom has a lavatory in it, the lavatory has soap and single-use paper towels or air hand dryers.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**R9-8-706. Water Supply**

- A. A responsible person shall ensure that a school has an ample water supply.
- B. A responsible person shall ensure that a school’s drinking water is dispensed from:
  - 1. A clean drinking fountain that:
    - a. Provides, from an opening, a stream of water that does not touch anything before reaching a user’s mouth;
    - b. Has an opening that is higher than the overflow rim to prevent the opening’s submersion; and
    - c. Has a device to prevent a user’s mouth from touching the opening from which the water streams;
  - 2. A clean and sanitized water cooler;
  - 3. A clean and sanitized bottled water cooler;
  - 4. A clean and sanitized lavatory faucet; or
  - 5. A clean and sanitized portable water container.
- C. If a portable water container or the bottle from a school’s bottled water cooler is to be refilled, a responsible person shall ensure that the portable water container or the bottle is:
  - 1. Washed, rinsed, and sanitized, as specified in 9 A.A.C. 8, Article 1;
  - 2. Stored in a clean area; and
  - 3. Refilled with drinking water from any of the sources of drinking water specified in subsection (B).
- D. A responsible person shall ensure that a school does not provide a common drinking cup unless the common drinking cup is washed, rinsed, and sanitized, as specified in 9 A.A.C. 8, Article 1, after each use.
- E. A responsible person shall ensure that a school provides:
  - 1. Drinking fountains, water coolers, or bottled water coolers according to Tables 1 and 2; and
  - 2. At least one drinking fountain, water cooler, or bottled water cooler on each floor of the school that contains a classroom, regardless of the number of students.

**Table 1. Kindergarten to Eighth Grade**

Number of Students	Minimum Number of Drinking Fountains, Water Coolers, or Bottled Water Coolers*
1-50	1
51-100	2
101-150	3
151-200	4
201-250*	5

\* For each additional 1-50 students, another drinking fountain, water cooler, or bottled water cooler is required.

**Table 2. Ninth Grade to Twelfth Grade**

Number of Students	Minimum Number of Drinking Fountains, Water Coolers, or Bottled Water Coolers*
1-100	1
101-200	2
201-300	3
301-400	4
401-500*	5

\* For each additional 1-100 students, another drinking fountain, water cooler, or bottled water cooler is required.

- F. A responsible person shall ensure a school provides drinking water that is:
1. Accessible from the school grounds; and
  2. Sufficient to maintain the hydration of all participants at school-organized outdoor activities.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**R9-8-707. Sewage Disposal**

- A responsible person shall ensure that a school's:
1. Water closets and urinals flush sewage to a sanitary sewer;
  2. Lavatories, showers, bathtubs, and other plumbing fixtures drain sewage to a sanitary sewer; and
  3. Sanitary sewer lines are maintained in accordance with the recommendations of the local health department.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**R9-8-708. Refuse Management**

- A responsible person shall ensure that a school:
1. Stores refuse in durable, non-absorbent, and washable containers;
  2. Provides:
    - a. Indoor refuse containers in each classroom and in each non-classroom area; and
    - b. Accessible outdoor refuse containers;
  3. Maintains refuse containers so that refuse does not accumulate in school buildings or on school grounds; and
  4. Disposes of refuse according to 18 A.A.C. 13, Article 3.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**R9-8-709. Animal Standards**

- A. A responsible person shall ensure that an animal in a school:
1. Is kept in a habitat that:
    - a. Has water free of algae, insects, and particulate matter;
    - b. Is maintained to avoid odors from rotting food or excess animal wastes; and
    - c. Is not in the same room as food preparation areas, as specified in 9 A.A.C. 8, Article 1;
  2. May be removed from the animal's habitat at the direction of a teacher;
  3. When out of the animal's habitat, is under the control of a teacher or a student of the school, if the animal is:
    - a. A bird, reptile, amphibian, or invertebrate;
    - b. A large mammal, such as a horse, sheep, pig, goat, or cow;
    - c. A rabbit or hare; or
    - d. A rodent, such as a mouse, rat, hamster, guinea pig, or gerbil;

4. Has a current immunization against rabies, if the animal is a dog, cat or ferret, as documented by:
    - a. A dog license issued by a state or county agency;
    - b. A rabies immunization certificate from a veterinarian licensed under 3 A.A.C. 11;
    - c. A receipt for veterinary services, showing the administration of a rabies vaccine; or
    - d. A written statement attesting to the current immunization of the animal against rabies; and
  5. Is not:
    - a. A non-human primate;
    - b. A deer mouse, or other wild mouse of the genus *Peromyscus*; and
    - c. A bat, skunk, raccoon, fox, wolf-hybrid or coyote, except when brought into a classroom for an educational display, as defined in R12-4-401, by a person who has complied with provisions in 12 A.A.C. 4, Article 4, obtained a permit or license issued by the Arizona Game and Fish Department, and is experienced in handling the animal.
- B. A responsible person shall ensure that a room, in which an animal in a school is kept:
1. Is free of animal waste, except in the habitat; and
  2. Has:
    - a. A lavatory with soap and single-use paper towels or air hand dryers; or
    - b. A product to sanitize the hands of an individual who touches an animal or its habitat.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**R9-8-710. Pest Control**

A responsible person shall ensure that indoor classroom and non-classroom areas are kept free of insects and rodents, except when the insects or rodents are being kept as specified in R9-8-709 or are food for animals being kept as specified in R9-8-709.

**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**R9-8-711. Inspections**

- The Department shall inspect:
1. A school for compliance with this Article at least once each calendar year, and
  2. Areas of a school pertinent to the details of a complaint upon receipt of the complaint.

**Historical Note**

Section repealed; new Section made by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**R9-8-712. Repealed**

**Historical Note**

Section repealed by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**R9-8-713. Repealed**

**Historical Note**

Section repealed by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**R9-8-714. Repealed****Historical Note**

Section repealed by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**R9-8-715. Repealed****Historical Note**

Section repealed by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**R9-8-716. Repealed****Historical Note**

Section repealed by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**R9-8-717. Repealed****Historical Note**

Section repealed by final rulemaking at 12 A.A.R. 282, effective March 11, 2006 (Supp. 06-1).

**ARTICLE 8. PUBLIC AND SEMIPUBLIC SWIMMING POOLS AND BATHING PLACES**

**R9-8-801. Definitions**

In this Article, unless otherwise specified:

1. "Artificial lake" has the same meaning as in A.A.C. R18-5-201.
2. "Backwash" has the same meaning as in A.A.C. R18-5-201.
3. "Bathing place" means a volume of water that is used for water contact recreation.
4. "Clean" means free from slime, scum, dirt, or other debris.
5. "Deck" has the same meaning as in A.A.C. R18-5-201.
6. "Department" means the Arizona Department of Health Services.
7. "Incontinent" means unable to restrain a bowel movement.
8. "Local health department" has the same meaning as in R9-18-101.
9. "Maximum bathing load" has the same meaning as in A.A.C. R18-5-201.
10. "Natural bathing place" has the same meaning as in A.A.C. R18-5-201.
11. "Operate" has the same meaning as in A.A.C. R18-5-201.
12. "Operator" means an individual who owns, runs, maintains, or otherwise controls or directs the functioning of a bathing place.
13. "Oxidation-reduction potential" means the measurement in millivolts of the potential for transfer of electrons from one atom or molecule to another in water.
14. "Potable water" has the same meaning as in A.A.C. R18-5-201.
15. "Ppm" means parts per million.
16. "Private residential spa" has the same meaning as in A.A.C. R18-5-201.
17. "Private residential swimming pool" has the same meaning as in A.A.C. R18-5-201.
18. "Public health services district" has the same meaning as "district" in A.R.S. § 48-5801.
19. "Public spa" has the same meaning as in A.A.C. R18-5-201.
20. "Public swimming pool" has the same meaning as in A.A.C. R18-5-201.
21. "Regulatory authority" means the Department or a local health department or public health services district oper-

ating under a delegation of authority from the Department.

22. "Sanitary facility" means a designated area that includes a toilet, urinal, sink, or shower.
23. "Scum" means a film that forms on the surface of water.
24. "Semi-artificial bathing place" means a lake, pond, river, stream, swimming hole, or hot spring that is modified to be used for water contact recreation.
25. "Semipublic spa" has the same meaning as in A.A.C. R18-5-201.
26. "Semipublic swimming pool" has the same meaning as in A.A.C. R18-5-201.
27. "Shallow area" has the same meaning as in A.A.C. R18-5-201.
28. "Shock treatment" means adding chlorine to water to elevate the free chlorine residual to 20 ppm and destroy ammonia and nitrogenous and organic contaminants in the water.
29. "Slime" means a glutinous or viscous liquid matter.
30. "Spa" has the same meaning as in A.A.C. R18-5-201.
31. "Surface water" has the same meaning as in A.A.C. R18-11-101.
32. "Swimming pool" has the same meaning as in A.A.C. R18-5-201.
33. "Turnover rate" has the same meaning as in A.A.C. R18-5-201.
34. "Wading pool" has the same meaning as in A.A.C. R18-5-201.
35. "Water circulation system" has the same meaning as in A.A.C. R18-5-201.
36. "Water circulation system components" has the same meaning as in A.A.C. R18-5-201.
37. "Water fountain" means a bathing place that functions by using mechanical means to propel a stream of water out of an opening or structure.
38. "Water contact recreation" means an activity for enjoyment in which an individual wets all or part of the individual's body with water.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-802. Applicability**

This Article does not apply to:

1. A private residential swimming pool,
2. A private residential spa,
3. A bathing place used for medical treatment or physical therapy supervised by licensed medical personnel, or
4. A body of water that is not used as a bathing place.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-803. Public and Semipublic Swimming Pool and Spa Water Quality and Disinfection Standards**

- A.** An operator of a public or semipublic swimming pool or spa shall ensure that:
1. The swimming pool or spa is filled only with potable water;
  2. The water in the swimming pool or spa:
    - a. Complies with the water quality standards in this Section when the swimming pool or spa is open for water contact recreation;
    - b. Maintains a pH of between 7.2 and 7.8;
    - c. Maintains a total alkalinity of between 60 and 100 ppm; and



- d. Is sufficiently clear so that the main drain in the swimming pool or spa is visible from the deck of the swimming pool or spa;
3. The surface of the water in the swimming pool or spa is free from scum and floating debris;
  4. The bottom and sides of the swimming pool or spa are free from sediment, dirt, slime, and algae;
  5. The chemical disinfection level, pH, total alkalinity, and temperature of the water is tested at least once daily; and
  6. A daily operating log that includes the results of the tests in subsection (A)(5) is maintained for 12 months from the date of the test and is available to a regulatory authority or a member of the public upon request.
- B.** An operator of a public or semipublic swimming pool or spa:
1. Shall not use chloramine as a primary disinfectant in the swimming pool or spa;
  2. Shall not add gaseous disinfectant directly into the swimming pool;
  3. Shall not add dry or liquid disinfectant directly into the swimming pool or spa for routine disinfection; and
  4. May add dry or liquid disinfectant directly into the swimming pool or spa for shock treatment.
- C.** An operator of a public or semipublic swimming pool or spa using chlorinated isocyanurates or cyanuric acid stabilizer for disinfection and stabilization in the swimming pool or spa shall ensure that the water in the swimming pool or spa maintains an oxidation-reduction potential equal to or greater than 650 millivolts and that cyanuric acid levels, whether from chlorinated isocyanurates or from the separate addition of cyanuric acid stabilizer, do not exceed 150 ppm.
- D.** An operator of a public or semipublic swimming pool shall ensure that the water in the swimming pool meets one of the following chemical disinfection standards:
1. A free chlorine residual between 1.0 and 3.0 ppm as measured by the N, N-Diethyl-p-phenylenediamine test,
  2. A free bromine residual between 2.0 and 4.0 ppm as measured by the N, N-Diethyl-p-phenylenediamine test, or
  3. An oxidation-reduction potential equal to or greater than 650 millivolts.
- E.** An operator of a public or semipublic spa shall ensure that:
1. A chlorine gas disinfection system is not used in the spa;
  2. The water temperature in the spa does not exceed 40EC; and
  3. The water in the spa meets one of the following chemical disinfection standards:
    - a. A free chlorine residual between 3.0 and 5.0 ppm as measured by the N, N-Diethyl-p-phenylenediamine test,
    - b. A free bromine residual between 3.0 and 5.0 ppm as measured by the N, N-Diethyl-p-phenylenediamine test, or
    - c. An oxidation-reduction potential equal to or greater than 650 millivolts.
- a. A flow meter as specified in 18 A.A.C. 5, Article 2; and
- b. A vacuum cleaning system as specified in 18 A.A.C. 5, Article 2.
- B.** An operator may draw water from a swimming pool for a water slide or a water fountain without filtering or disinfecting the water.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-805. Public and Semipublic Swimming Pool and Spa Maximum Bathing Loads**

An operator of a public or semipublic swimming pool or spa shall ensure that the maximum bathing load, as specified in 18 A.A.C. 5, Article 2, is not exceeded.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-806. Posting Requirements**

An operator of a public or semipublic swimming pool or spa shall ensure that a sign is posted within 50 feet of the swimming pool or spa, that includes the following instructions:

1. Use the toilet before entering the pool or spa;
2. Take a shower before entering the pool or spa;
3. Do not enter the pool with a cold, skin or other body infection, open wound, diarrhea, or any other contagious condition;
4. If incontinent, wear tight fitting rubber or plastic pants or a swim diaper; and
5. Observe all safety regulations.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-807. Public and Semipublic Swimming Pool and Spa and Bathing Place Facility Sanitation**

- A.** An operator of a public or semipublic swimming pool or spa shall ensure that a sanitary facility at the public or semipublic swimming pool is maintained in a clean condition.
- B.** An operator of a public or semipublic swimming pool or bathing place shall provide a soap dispenser with liquid or powdered soap at each sink in a sanitary facility.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-808. Bathing Place Towels**

If a towel is provided by a bathing place to an individual using the bathing place, an operator of the bathing place shall ensure that the towel is washed with soap or detergent and hot water and thoroughly dried after each individual use.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-809. Disposal of Sewage, Filter Backwash, and Wasted Swimming Pool or Spa Water**

An operator of a public or semipublic swimming pool or spa shall ensure that sewage, filter backwash, and swimming pool or spa water are disposed of according to A.A.C. R18-5-236.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-804. Public and Semipublic Swimming Pool and Spa Water Circulation Requirements**

- A.** An operator of a public or semipublic swimming pool or spa shall ensure that:
1. The swimming pool or spa water circulation system complies with the water circulation requirements in 18 A.A.C. 5, Article 2; and
  2. The swimming pool or spa is equipped with:

**R9-8-810. Fecal Contamination in Public and Semipublic Swimming Pools and Spas**

- A.** If solid feces are found in a public or semipublic swimming pool or spa, an operator of the swimming pool or spa shall ensure that:
1. Each individual in the swimming pool or spa exits the swimming pool or spa and the swimming pool or spa is closed,
  2. The feces in the swimming pool or spa are removed and disposed of in a toilet,
  3. The chemical disinfection level of the water in the swimming pool or spa is tested to determine whether the water complies with the water quality and disinfection standards in R9-8-803, and
  4. The swimming pool or spa is not reopened until a test conducted under subsection (A)(3) indicates that the water complies with the water quality and disinfection standards in R9-8-803.
- B.** If liquid feces are found in a public or semipublic swimming pool or spa, an operator of the swimming pool or spa shall ensure that:
1. Each individual in the swimming pool or spa exits the swimming pool or spa and the swimming pool or spa is closed;
  2. The swimming pool or spa is closed for at least 24 hours;
  3. As much of the liquid feces as possible in the swimming pool or spa is removed and disposed of in a toilet;
  4. The swimming pool or spa is chemically treated with a shock treatment;
  5. The water in the swimming pool or spa is tested 24 hours after applying the shock treatment to determine whether the water complies with the water quality and disinfection standards in R9-8-803; and
  6. The swimming pool or spa is not reopened until a test conducted under subsection (B)(5) indicates that the water complies with the water quality and disinfection standards in R9-8-803.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-811. Natural and Semi-artificial Bathing Place and Artificial Lake Water Quality Standards**

An operator of a public or semipublic natural bathing place, a semi-artificial bathing place, or an artificial lake shall ensure that the public or semipublic natural bathing place, semi-artificial bathing place, or artificial lake meets the narrative and numeric water quality standards in 18 A.A.C. 11, Article 1 when the public or semi-public natural bathing place, semi-artificial bathing place, or artificial lake is open for water contact recreation.

**Historical Note**

Section repealed; new Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-812. Inspections**

- A.** A regulatory authority shall inspect a bathing place to determine whether the bathing place complies with this Article.
- B.** A regulatory authority shall inspect a public swimming pool at least once each month that the swimming pool is open for water contact recreation.

**Historical Note**

Section repealed; new Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-813. Cease and Desist and Abatement**

- A.** Engaging in any practice in violation of this Article is a public nuisance.
- B.** If a regulatory authority has reasonable cause to believe that an operator of a public or semipublic swimming pool or bathing place is creating or maintaining a public nuisance at the public or semipublic swimming pool or bathing place, the regulatory authority shall order the operator to discontinue the activity and to abate the public nuisance as follows:
1. The regulatory authority shall serve on the operator a written cease and desist and abatement order requiring the operator to discontinue the activity and to remove the public nuisance at the operator's expense within 24 hours after service of the order. The order shall contain:
    - a. A reference to the statute or rule that is alleged to have been violated or on which the order is based,
    - b. A description of the operator's right to request a hearing, and
    - c. A description of the operator's right to request an informal settlement conference.
  2. The regulatory authority shall serve the order and any subsequent notices by personal delivery or certified mail, return receipt requested, to the operator or other party's last address of record with the regulatory authority or by any other method reasonably calculated to effect actual notice to the operator or other party.
  3. The operator or another party whose rights are determined by the order may obtain a hearing to appeal the order by filing a written notice of appeal with the regulatory authority within 30 days after service of the order. The operator or other party appealing the order shall serve the notice of appeal upon the regulatory authority by personal delivery or certified mail, return receipt requested, to the office of the regulatory authority or by any other method reasonably calculated to effect actual notice on the regulatory authority. Appealing an order does not release the operator from the obligation to comply with the order.
  4. If a notice of appeal is timely filed, the regulatory authority shall do one of the following:
    - a. If the regulatory authority is the Department or a local health department or public health services district to which the duty to comply with A.R.S. Title 41, Chapter 6, Article 10 is delegated, the notification and hearing shall comply with A.R.S. Title 41, Chapter 6, Article 10 and any rules promulgated by the Office of Administrative Hearings.
    - b. For all other regulatory authorities, the notification and hearing shall comply with the procedures adopted by a county board of supervisors as required by A.R.S. § 36-183.04(E).
  5. If a written notice of appeal is not timely filed, the order becomes final.
  6. A regulatory authority shall inspect the public or semi-public swimming pool or bathing place 24 hours after service of the order to determine whether the operator has complied with the order. If the regulatory authority determines upon inspection that the operator has not ceased the activity and abated the public nuisance, the regulatory authority shall cause the public nuisance to be removed.

**Historical Note**

Section repealed; new Section made by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

## Department of Health Services – Food, Recreational, and Institutional Sanitation

**R9-8-814. Repealed****Historical Note**

Section repealed by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-815. Repealed****Historical Note**

Section repealed by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-816. Repealed****Historical Note**

Section repealed by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-817. Repealed****Historical Note**

Section repealed by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-818. Reserved****R9-8-819. Reserved****R9-8-820. Reserved****R9-8-821. Repealed****Historical note**

R9-8-821 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

**R9-8-822. Repealed****Historical note**

R9-8-822 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

**R9-8-823. Repealed****Historical Note**

Section repealed by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-824. Repealed****Historical Note**

Section repealed by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-825. Reserved****R9-8-826. Reserved****R9-8-827. Reserved****R9-8-828. Reserved****R9-8-829. Reserved****R9-8-830. Reserved****R9-8-831. Repealed****Historical Note**

R9-8-831 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the

Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

**R9-8-832. Repealed****Historical Note**

R9-8-832 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

**R9-8-833. Repealed****Historical Note**

R9-8-833 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

**R9-8-834. Repealed****Historical Note**

R9-8-834 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

**R9-8-835. Repealed****Historical Note**

R9-8-835 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

**R9-8-836. Repealed****Historical Note**

R9-8-836 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

**R9-8-837. Repealed****Historical Note**

R9-8-837 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

**R9-8-838. Repealed****Historical Note**

Section repealed by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-839. Repealed****Historical Note**

R9-8-839 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

**R9-8-840. Reserved****R9-8-841. Repealed****Historical Note**

R9-8-841 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

**Exhibit A. Repealed****Historical Note**

Exhibit A repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

**R9-8-842. Repealed****Historical Note**

R9-8-842 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

**R9-8-843. Repealed****Historical Note**

R9-8-843 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

**R9-8-844. Repealed****Historical Note**

R9-8-844 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

**R9-8-845. Repealed****Historical Note**

R9-8-845 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

**R9-8-846. Repealed****Historical Note**

R9-8-846 repealed by summary action with an interim effective date of July 6, 1998; filed in the Office of the Secretary of State June 8, 1998 (Supp. 98-2). Adopted summary rules filed October 9, 1998; interim effective date of July 6, 1998, now the permanent effective date (Supp. 98-4).

**R9-8-847. Repealed****Historical Note**

Section repealed by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-848. Reserved****R9-8-849. Reserved****R9-8-850. Reserved****R9-8-851. Repealed****Historical Note**

Editorial correction, spelling of “political” (Supp. 89-2). Section repealed by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**R9-8-852. Repealed****Historical Note**

Section repealed by final rulemaking at 8 A.A.R. 3645, effective August 9, 2002 (Supp. 02-3).

**ARTICLE 9. EXPIRED****R9-8-901. Expired****Historical Note**

Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

**R9-8-902. Expired****Historical Note**

Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

**R9-8-903. Expired****Historical Note**

Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

**R9-8-904. Expired****Historical Note**

Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

**R9-8-905. Expired****Historical Note**

Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

**R9-8-906. Expired****Historical Note**

Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

**R9-8-907. Expired****Historical Note**

Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

**R9-8-908. Expired****Historical Note**

Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

**R9-8-909. Expired****Historical Note**

Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

**R9-8-910. Expired****Historical Note**

Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

**R9-8-911. Expired****Historical Note**

Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

**R9-8-912. Expired****Historical Note**

Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

**R9-8-913. Expired****Historical Note**

Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

**R9-8-914. Expired****Historical Note**

Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

**R9-8-915. Expired****Historical Note**

Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

**R9-8-916. Expired****Historical Note**

Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

**R9-8-917. Expired****Historical Note**

Adopted effective October 9, 1998 (Supp. 98-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 2056, effective March 31, 2002 (Supp. 02-2).

**ARTICLE 10. RENUMBERED**

*See Title 18, Chapter 5, Article 4.*

**ARTICLE 11. PRESERVATION, TRANSPORTATION, AND DISPOSITION OF HUMAN REMAINS**

*Article 11, consisting of Sections R9-8-1111, repealed effective April 10, 1997 (Supp. 97-2).*

**R9-8-1101. Reserved****R9-8-1102. Expired****Historical Note**

New Section recodified from R9-19-312 at 11 A.A.R. 3578, effective September 2, 2005 (Supp. 05-4). Section expired under A.R.S. § 41-1056(E) at 16 A.A.R. 2062, effective September 30, 2010 (Supp. 10-3).

**R9-8-1103. Expired****Historical Note**

New Section recodified from R9-19-314 at 11 A.A.R. 3578, effective September 2, 2005 (Supp. 05-4). Section expired under A.R.S. § 41-1056(E) at 16 A.A.R. 2062, effective September 30, 2010 (Supp. 10-3).

**R9-8-1104. Expired****Historical Note**

New Section recodified from R9-19-326 at 11 A.A.R. 3578, effective September 2, 2005 (Supp. 05-4). Section expired under A.R.S. § 41-1056(E) at 16 A.A.R. 2062, effective September 30, 2010 (Supp. 10-3).

**R9-8-1105. Expired****Historical Note**

New Section recodified from R9-19-321 at 11 A.A.R. 3578, effective September 2, 2005 (Supp. 05-4). Section expired under A.R.S. § 41-1056(E) at 16 A.A.R. 2062, effective September 30, 2010 (Supp. 10-3).

**R9-8-1106. Expired****Historical Note**

New Section recodified from R9-19-327 at 11 A.A.R. 3578, effective September 2, 2005 (Supp. 05-4). Section expired under A.R.S. § 41-1056(E) at 16 A.A.R. 2062, effective September 30, 2010 (Supp. 10-3).

**R9-8-1107. Expired****Historical Note**

New Section recodified from R9-19-330 at 11 A.A.R. 3578, effective September 2, 2005 (Supp. 05-4). Section expired under A.R.S. § 41-1056(E) at 16 A.A.R. 2062, effective September 30, 2010 (Supp. 10-3).

**R9-8-1108. Expired****Historical Note**

New Section recodified from R9-19-333 at 11 A.A.R. 3578, effective September 2, 2005 (Supp. 05-4). Section expired under A.R.S. § 41-1056(E) at 16 A.A.R. 2062, effective September 30, 2010 (Supp. 10-3).

**R9-8-1109. Reserved****R9-8-1110. Reserved****R9-8-1111. Repealed****Historical Note**

Repealed effective April 10, 1997 (Supp. 97-2).

**ARTICLE 12. RENUMBERED**

*See Title 18, Chapter 8, Article 6.*

**ARTICLE 13. HOTELS, MOTELS, AND TOURIST COURTS**

- R9-8-1301. Reserved**
- R9-8-1302. Reserved**
- R9-8-1303. Reserved**
- R9-8-1304. Reserved**
- R9-8-1305. Reserved**
- R9-8-1306. Reserved**
- R9-8-1307. Reserved**
- R9-8-1308. Reserved**
- R9-8-1309. Reserved**
- R9-8-1310. Reserved**
- R9-8-1311. Expired**

**Historical Note**

Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 3256, effective June 17, 2002 (Supp. 02-3).

**R9-8-1312. Definitions**

- A.** “Approved” means acceptable to the Department.
- B.** “Department” means the Arizona Department of Health Services or a local health department designated by the Arizona Department of Health Services.
- C.** “Dwelling unit” means any suite, room, cottage, bedroom, or other unit established or maintained by a transient dwelling establishment for temporary occupancy.
- D.** “Person” means the state, a municipality, district, or other political subdivision, a cooperative, institution, corporation, company, firm, partnership, or individual.
- E.** “Plumbing or plumbing system” means and includes the water supply distributing pipes; the fixtures and fixture traps; the soil, waste, and vent pipes; and the building drains with their devices, appurtenances and connections either within or adjacent to the transient dwelling establishment.
- F.** “Transient” means any member of the public who occupies a dwelling unit on a temporary basis in a transient dwelling establishment as defined above.
- G.** “Transient dwelling establishment” means and includes any place where sleeping accommodations are available to transients or tourists on a temporary basis such as a hotel, motel, motor hotel, tourist court, tourist camp, rooming house, boarding house, inn, and similar facilities by whatever name called, consisting of two or more dwelling units; provided, however, that the term shall not be construed to include apartments, clubs, boarding houses, rooming houses, and similar facilities where occupancy of all dwelling units is on a permanent or semi-permanent basis.

**R9-8-1313. Expired****Historical Note**

Section expired under A.R.S. § 41-1056(E) at 13 A.A.R. 2930, effective June 30, 2007 (Supp. 07-3).

**R9-8-1314. Inspection**

Representatives of the local health department shall make such inspections of any transient dwelling establishment as are necessary to assure compliance with these regulations, but not less than once each year. A copy of the report of the inspection shall be furnished the owner, lessee, or operator of the transient dwelling establishment indicating the degree of compliance or non-compliance with

the provisions of these regulations. Failure to correct any discrepancies noticed within the time limit specified shall be cause for denial, revocation, or suspension of the permit to operate.

**R9-8-1315. Expired****Historical Note**

Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 3256, effective June 17, 2002 (Supp. 02-3).

**R9-8-1316. Reserved****R9-8-1317. Reserved****R9-8-1318. Reserved****R9-8-1319. Reserved****R9-8-1320. Reserved****R9-8-1321. Dwelling units**

- A.** Dwelling units shall be of sufficient size to afford ample circulation of air and freedom of movement, but not less than 100 square feet of floor area shall be provided for each unit, exclusive of bathrooms, closets, kitchens, and similar ancillary facilities.
- B.** Floors of all rooms shall be of such construction as to be easily cleaned and shall be kept clean and in good repair.
- C.** The walls and ceilings of all rooms shall be of a finish that will permit easy cleaning and shall be kept clean and in good repair.
- D.** Where windows are relied on to provide light and ventilation, the area of the windows for each dwelling unit shall be equal to at least 20% of the floor area.
- E.** Not less than 25% of the window area furnished shall be capable of being opened unless other satisfactory means of ventilation is provided. Windows capable of being opened shall be effectively screened.
- F.** Furniture, drapes, carpets, and other accessories shall be kept clean and in good repair.
- G.** Dwelling units shall be maintained free of insects, rodents, and other vermin.
- H.** The provisions of A.R.S. Title 36, Chapter 13, Article 2 relating to gas appliances shall be met.

**R9-8-1322. Grounds**

- A.** Grounds of a transient dwelling establishment shall be properly graded and drained.
- B.** Grounds shall be kept clean and free of accumulations of refuse and other debris. There shall be no evidence of fly, mosquito, or rodent breeding or infestation.

**R9-8-1323. Reserved****R9-8-1324. Reserved****R9-8-1325. Reserved****R9-8-1326. Reserved****R9-8-1327. Reserved****R9-8-1328. Reserved****R9-8-1329. Reserved****R9-8-1330. Reserved****R9-8-1331. Bedding**

- A.** The beds, mattresses, pillows, and bed linen, including sheets, pillow slips, blankets, etc., used in all transient dwelling establishments shall be maintained in good repair, shall be kept clean and free of vermin, and shall be properly stored when not in use.

- B. Each bed, bunk, cot, or other sleeping place shall be provided with pillow slips, under and top sheets for the use of guests. Sheets and pillow slips shall be adequately sized to completely cover the mattress and pillow.
- C. Clean linen shall be provided to each new guest and shall be changed at least once each week when occupancy exceeds this period.

**R9-8-1332. Food service**

The storage, preparation and serving of food and drink shall comply with the requirements of Article 1 of this Chapter.

**R9-8-1333. Drinking water; ice**

- A. Where drinking fountains are provided, the fountain shall be constructed so that the drinking is from a free jet projected at an angle from the vertical and provided with a guard to prevent the mouth being placed directly against the orifice. There shall be no possibility of the orifice becoming submerged. The fountain bowl shall be constructed of nonabsorbent, easily cleanable material.
- B. All glasses and other multi-use utensils furnished to each dwelling unit shall be cleaned and sanitized in an approved manner after each occupancy. Single-service paper cups with suitable dispenser may be substituted for glasses.
- C. The use of a common drinking cup is prohibited.
- D. Ice shall be obtained from an approved source and shall be stored and handled in such a manner as to prevent contamination.

**R9-8-1334. Refuse**

- A. All refuse shall be stored and disposed of in accordance with Article 4 of these regulations.
- B. Garbage cans shall be thoroughly washed after emptying and shall be maintained free of odors and other objectionable conditions.
- C. All containers for rubbish shall be cleaned as often as necessary to prevent a nuisance.
- D. All refuse containers shall be maintained in good repair.

**R9-8-1335. Water supply**

Each transient dwelling establishment shall be provided with an adequate and safe water supply from an approved source. Whenever a transient dwelling establishment finds it necessary to develop a source or sources of supply, complete plans and specifications of the proposed water system shall be submitted to the Department and approval received prior to the start of construction. The design, construction, and operation of all such water supply systems shall comply with Article 2 of this Chapter.

**R9-8-1336. Toilet; lavatory**

- A. Adequate and convenient toilet, lavatory, and bathing facilities shall be provided at all transient dwelling establishments and shall be available to the guests at all times.
- B. Where private or connecting toilet rooms are not available for each dwelling unit, separate and plainly marked central toilet rooms for each sex shall be provided, located within 200 feet of such units.
- C. Central toilet rooms shall provide not less than one toilet, one lavatory, and one tub or shower for each sex for each 10 dwelling units, or major fraction thereof, not having private or connecting baths. At least one urinal shall be provided in each central toilet room designated for men.
- D. Hot and cold water and soap shall be provided in all toilet rooms. Clean, individual sanitary towels shall be furnished for each guest.
- E. Toilet rooms shall be well lighted and ventilated. Where gravity or mechanical ventilation is provided, the ventilation ducts for the toilet rooms shall not be connected into ventilation ducts from or to any dwelling unit.

- F. Floors of all toilet rooms shall be of easily cleanable construction, shall be kept clean and in good repair, and where necessary shall slope to properly located drains.
- G. Walls and ceilings of all toilet rooms shall be of easily cleanable construction and shall be kept clean and in good repair.

**R9-8-1337. Sewage disposal**

- A. The liquid wastes from all transient dwelling establishments shall be discharged into a public sewer system in compliance with applicable local ordinances or codes or into separate sewage disposal facilities approved by the Department.
- B. Separate sewage disposal facilities will not be approved where in the opinion of the Department connection to a public sewer is practicable.
- C. Where separate sewage disposal facilities are proposed the design, construction and operation of such systems shall be in accordance with Article 3 of this Chapter. Plans and specifications for such systems shall be submitted to the Department and approval received prior to the start of construction.
- D. Recommendations are found in the Engineering Bulletins of the Department to assist in compliance with these regulations regarding the design of sewage disposal systems. Copies of these Bulletins may be obtained from the Department.
- E. No sewage treatment effluent or other wastewater shall be deposited on the surface of the ground except in a manner approved by the Department.

**R9-8-1338. Plumbing**

All plumbing shall be installed in accordance with any local ordinance or code. Where a local ordinance or code does not exist, plumbing shall be installed in accordance with the requirements adopted by reference in R9-1-412(D).

**ARTICLE 14. REPEALED**

*Article 14, consisting of Sections R9-8-1411 thru R9-8-1413, repealed effective April 10, 1997 (Supp. 97-2).*

**R9-8-1411. Repealed****Historical Note**

Repealed effective April 10, 1997 (Supp. 97-2).

**R9-8-1412. Repealed****Historical Note**

Repealed effective April 10, 1997 (Supp. 97-2).

**R9-8-1413. Repealed****Historical Note**

Repealed effective April 10, 1997 (Supp. 97-2).

**ARTICLE 15. REPEALED**

*Article 15, consisting of Sections R9-8-1511 and R9-8-1512, repealed effective August 15, 1989 (Supp. 89-3).*

**ARTICLE 16. REPEALED****R9-8-1601. Reserved****R9-8-1602. Reserved****R9-8-1603. Reserved****R9-8-1604. Reserved****R9-8-1605. Reserved****R9-8-1606. Reserved****R9-8-1607. Reserved****R9-8-1608. Reserved****R9-8-1609. Reserved**





**R9-8-1638. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).  
Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1639. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).  
Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1640. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).  
Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1641. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).  
Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1642. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).  
Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1643. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).  
Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1644. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).  
Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1645. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).  
Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1646. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).  
Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1647. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).  
Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1648. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).  
Repealed effective October 9, 1998 (Supp. 98-4).

**R9-8-1649. Repealed****Historical Note**

Adopted effective September 21, 1976 (Supp. 76-4).  
Repealed effective October 9, 1998 (Supp. 98-4).

**ARTICLE 17. RENUMBERED**

*See Title 18, Chapter 8, Article 4.*

**ARTICLE 18. RENUMBERED**

*See Title 18, Chapter 8, Article 2.*

**ARTICLE 19. EMERGENCY EXPIRED**

*Article 19 consisting of Sections R9-8-1901 through R19-8-1905 adopted as an emergency effective June 18, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Emergency expired. Language deleted (Supp. 87-2).*