

NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* first as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council or the Attorney General. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Register* after the final rules have been submitted for filing and publication.

NOTICE OF FINAL RULEMAKING

TITLE 2. ADMINISTRATION

CHAPTER 8. STATE RETIREMENT SYSTEM BOARD

[R06-82]

PREAMBLE

1. Sections Affected

Article 6
R2-8-601
R2-8-602
R2-8-603
R2-8-604
R2-8-605
R2-8-606
R2-8-607

Rulemaking Action

New Article
New Section
New Section
New Section
New Section
New Section
New Section
New Section

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. §§ 38-714(F)(5), 41-1003

Implementing statute: A.R.S. §§ 41-1023, 41-1029, 41-1032, 41-1033, 41-1056.01

3. The effective date of the rules:

March 7, 2006

This rule becomes effective upon filing with the Secretary of State. This immediate effective date is allowed under A.R.S. § 41-1032(A)(4), which allows a rule to become effective immediately when it provides a benefit to the public and a penalty is not associated with a violation of the rule. It is a benefit to the public to have current, up-to-date rules that provide current procedures for public input of agency rules. This rule does not impose any additional requirements upon the public, and there is no penalty associated with the violation of this rule.

4. A list of all previous notices appearing in the Register addressing the final rule:

Notice of Rulemaking Docket Opening: 11 A.A.R. 3254, August 26, 2005

Notice of Proposed Rulemaking: 11 A.A.R. 3798, October 7, 2005

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

Name: Nancy O. Johnson, Rules Coordinator
Arizona State Retirement System

Address: 3300 N. Central Ave., 14th Floor
Phoenix, AZ 85012

Telephone: (602) 308-5172

Fax: (602) 240-5303

E-mail: nancyj@asrs.state.az.us

or

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Name: Patrick M. Klein, Assistant Director, External Affairs
Arizona State Retirement System

Address: 3300 N. Central Ave., 14th Floor
Phoenix, AZ 85012

Telephone: (602) 240-2044

Fax: (602) 240-5303

E-mail: patk@asrs.state.az.us

6. An explanation of the rule, including the agency's reason for initiating the rule:

Arizona Revised Statutes Title 41, Chapter 6, the Administrative Procedure Act, provides the authority and direction for establishing an agency record and providing public input on rules and substantive policy statements. This rule-making provides the process for:

1. Viewing the public record,
2. Petitioning for a new rule,
3. Petitioning for review of a rule, substantive policy statement or agency practice,
4. Objecting to a rule based on the economic impact,
5. Holding an oral proceeding on a proposed rulemaking, and
6. Petitioning for a delayed effective date for a rulemaking.

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

The agency did not review any study relevant to the rule.

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

Not applicable

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

This rulemaking provides the procedure for participating in the rulemaking process and viewing public records regarding rules and substantive policy statements, as provided for in A.R.S. § 41-1001.01. The ASRS will bear moderate costs for promulgating the rules, including costs for staff time to write, review, and direct the rules through the rulemaking process. The public benefits from having rules that provide a consistent process for viewing the public record, and otherwise participating in the rulemaking process. It also benefits the agency because clear and concise rules require less employee time answering questions from the public.

There have been no petitions for rulemaking within the last three years.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

Minor technical and grammatical changes were made at the suggestion of G.R.R.C. staff.

11. A summary of the comments made regarding the rule and the agency response to them:

One comment was received on the proposed rule from Mr. Lonell Johnson, Jr., which supported the rule. There is no agency response.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

13. Incorporations by reference and their location in the rules:

Not applicable

14. Was this rule previously made as an emergency rule?

No.

15. The full text of the rules follows:

TITLE 2. ADMINISTRATION

CHAPTER 8. STATE RETIREMENT SYSTEM BOARD

ARTICLE 6. PUBLIC PARTICIPATION IN RULEMAKING

Section

<u>R2-8-601.</u>	<u>Definitions</u>
<u>R2-8-602.</u>	<u>Reviewing Agency Rulemaking Record and Directory of Substantive Policy Statements</u>
<u>R2-8-603.</u>	<u>Petition for Rulemaking</u>
<u>R2-8-604.</u>	<u>Review of a Rule, Agency Practice, or Substantive Policy Statement</u>
<u>R2-8-605.</u>	<u>Objection to Rule Based Upon Economic, Small Business, and Consumer Impact</u>
<u>R2-8-606.</u>	<u>Oral Proceedings</u>
<u>R2-8-607.</u>	<u>Petition for Delayed Effective Date</u>

ARTICLE 6. PUBLIC PARTICIPATION IN RULEMAKING

R2-8-601. Definitions

The following definitions apply to this Article unless otherwise specified:

1. "ASRS" has the same meaning as in A.R.S. § 38-711.
2. "Day" means a calendar day, and excludes the:
 - a. Day of the act or event from which a designated period of time begins to run; and
 - b. Last day of the period if a Saturday, Sunday, or official state holiday.
3. "Rulemaking record" means a file the ASRS maintains as specified in A.R.S. § 41-1029.
4. "Oral proceeding" means a public gathering the ASRS holds for the purpose of receiving comment and answering questions about a proposed rule as specified in A.R.S. § 41-1023.
5. "Presiding officer" means an individual selected by the ASRS Director to oversee oral proceedings.
6. "Substantive policy statement" has the same meaning as in A.R.S. § 41-1001.

R2-8-602. Reviewing Agency Rulemaking Record and Directory of Substantive Policy Statements

Except on a state holiday, an individual may review a rulemaking record or the directory of substantive policy statements at the Phoenix office of the ASRS, Monday through Friday, from 8:00 a.m. until 5:00 p.m.

R2-8-603. Petition for Rulemaking

A. An individual submitting a petition to the ASRS to make or amend a rule under A.R.S. § 41-1033 shall include the following in the petition:

1. The name and current address of the individual submitting the petition;
2. An identification of the rule to be made or amended;
3. The suggested language of the rule;
4. The reason why a new rule should be made or a current rule should be amended with supporting information, including:
 - a. An identification of the persons who would be affected by the rule and how the persons would be affected; and
 - b. If applicable, statistical data with references to attached exhibits;
5. The signature of the individual submitting the petition; and
6. The date the individual signs the petition.

B. The ASRS shall send a written notice of the ASRS's decision regarding the Petition for Rulemaking to the individual within 30 days of receipt of the petition.

R2-8-604. Review of a Rule, Agency Practice, or Substantive Policy Statement

A. An individual submitting a petition to the ASRS under A.R.S. § 41-1033 requesting that the ASRS review an agency practice or substantive policy statement that the individual alleges constitutes a rule shall include the following in the petition:

1. The name and current address of the individual submitting the petition.
2. The reason the individual alleges that the agency practice or substantive policy statement constitutes a rule.
3. The signature of the individual submitting the petition, and
4. The date the individual signs the petition.

B. The individual who submits a petition under subsection (A) shall attach a copy of the substantive policy statement or a description of the agency practice to the petition.

C. The ASRS shall send a written notice of the ASRS's decision regarding the petition to the individual within 30 days of

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receipt of the petition.

R2-8-605. Objection to Rule Based Upon Economic, Small Business and Consumer Impact

- A.** An individual submitting an objection to a rule based upon the economic, small business and consumer impact under A.R.S. § 41-1056.01 shall include the following in the objection:
1. The name and current address of the individual submitting the objection;
 2. Identification of the rule;
 3. Either evidence that the actual economic, small business and consumer impact:
 - a. Significantly exceeded the impact estimated in the economic, small business and consumer impact statement submitted during the making of the rule with supporting information attached as exhibits; or
 - b. Was not estimated in the economic, small business and consumer impact statement submitted during the making of the rule and that actual impact imposes a significant burden on persons subject to the rule with supporting information attached as exhibits;
 4. The signature of the individual submitting the objection; and
 5. The date the individual signs the objection.
- B.** The ASRS shall respond to the objection as specified in A.R.S. § 41-1056.01(C).

R2-8-606. Oral Proceedings

- A.** An individual requesting an oral proceeding under A.R.S. § 41-1023(C) shall submit a written request to the ASRS that includes:
1. The name and current address of the individual making the request;
 2. If applicable, the name of the public or private organization, partnership, corporation or association, or the name of the governmental entity the individual represents; and
 3. Reference to the proposed rule including, if known, the date and issue of the Arizona Administrative Register in which the Notice of Proposed Rulemaking was published.
- B.** The ASRS shall record an oral proceeding by either electronic or stenographic means and any CDs, cassette tapes, transcripts, lists, speaker slips, and written comments received shall become part of the official record.
- C.** A presiding officer shall perform the following acts on behalf of the ASRS when conducting an oral proceeding as prescribed under A.R.S. § 41-1023:
1. Provide a method for individuals who attend the oral proceeding to voluntarily note their attendance;
 2. Provide a speaker slip that includes space for:
 - a. An individual's name,
 - b. The person the individual represents, if applicable,
 - c. The rule the individual wishes to comment on or has a question about, and
 - d. The approximate length of time the individual wishes to speak;
 3. Open the proceeding by identifying the rules to be considered, the location, date, time, purpose of the proceeding, and the agenda;
 4. Explain the background and general content of the proposed rulemaking;
 5. Provide for public comment as specified in A.R.S. § 41-1023(D); and
 6. Close the oral proceeding by announcing the location where written public comments are to be sent and specifying the close of record date and time.
- D.** A presiding officer may limit comments to a reasonable time period, as determined by the presiding officer. Oral comments may be limited to prevent undue repetition.

R2-8-607. Petition for Delayed Effective Date

- A.** An individual who wishes to delay the effective date of a rule under A.R.S. § 41-1032 shall file a petition with the ASRS prior to the proposed rule's close of record date identified in the Notice of Proposed Rulemaking. The petition shall contain the:
1. Name and current address of the individual submitting the petition;
 2. Identification of the proposed rule;
 3. Need for the delay, specifying the undue hardship or other adverse impact that may result if the request for a delayed effective date is not granted;
 4. Reason why the public interest will not be harmed by the delayed effective date;
 5. Signature of the individual submitting the petition; and
 6. Date the individual signs the petition.
- B.** The ASRS shall send a written notice of the ASRS's decision to the individual within 30 days of receipt of the Petition for Delayed Effective Date.

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 45. BOARD OF RESPIRATORY CARE EXAMINERS

[R06-77]

PREAMBLE

1. Sections Affected

	<u>Rulemaking Action</u>
R4-45-101	Amend
R4-45-102	Amend
R4-45-103	Amend
R4-45-104	Amend
R4-45-201	Amend
R4-45-202	Amend
R4-45-203	Amend
R4-45-204	Amend
R4-45-205	Amend
R4-45-206	Amend
R4-45-207	Amend
R4-45-208	Amend
R4-45-209	Amend
R4-45-210	Amend
R4-45-211	Amend
R4-45-212	Amend
R4-45-213	Amend
R4-45-214	Amend
R4-45-215	Amend
R4-45-216	Amend
R4-45-217	Amend
R4-45-301	Amend
R4-45-302	Amend

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 32-3504(A)(2)

Implementing statute: A.R.S. §§ 32-3504(A)(9); 32-3506(C)(4); 32-3521; 32-3523; 32-3524; 32-3525; 32-3526; 32-3554

3. The effective date of the rules:

May 6, 2006

4. A list of all previous notices appearing in the Register addressing the final rule:

Notice of Rulemaking Docket Opening: 11 A.A.R. 1940, May 20, 2005

Notice of Proposed Rulemaking: 11 A.A.R. 5164, December 9, 2005

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

Name: Mary Hauf Martin
Address: Board of Respiratory Care Examiners
1400 W. Washington St., Ste. 200
Phoenix, AZ 85007
Telephone: (602) 542-5995
Fax: (602) 542-5900
E-mail: Mary@rb.state.az.us

6. An explanation of the rule, including the agency's reason for initiating the rule:

The Board is amending all of its rules to make them more clear, concise, and understandable. It is also increasing the fee for an initial license and a renewal license; eliminating the phrase "respiratory care technician" to be consistent with current industry standards; establishing a rule regarding reinstatement of an expired license; distinguishing between renewal of a temporary license by an applicant who has passed the licensing examination and one who has not; establishing the times to submit necessary documentation in response to an audit of continuing education records

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performed at the time of license renewal; and making the Board's hearing procedures consistent with statute and the procedures of the Office of Administrative Hearings.

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

None

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

Not applicable

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

The cost of both an initial license and a biennial renewal license is increasing 20%. The Board has not increased fees since 2000. Because licensing fees are the primary source of support for the regulatory activities of the Board, it is necessary to increase them to enable the Board to continue to provide services to licensees and protect the public. Either the licensee or the licensee's employer will pay this increased cost. Licensing fees are a cost of doing business that may be passed on to consumers of respiratory care services and third-party payers.

The distinction in requirements for renewal of a temporary license by an individual who has passed the licensing examination and one who has not will require the individual who has not passed the licensing examination at least attempt to pass the examination before it is time to renew the temporary license. This may have a minimal economic impact on the individual taking the licensing examination. However, those who employ respiratory care practitioners will benefit from this change because they will not continue to invest time and training costs in an individual who ultimately may not be able to be licensed.

The economic impact of other changes in the rulemaking is minimal.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

Only minor word choice and formatting changes were made between the proposed rules and the final rules. No substantive changes were made.

11. A summary of the comments made regarding the rule and the agency response to them:

The Board held an oral proceeding on January 19, 2006. No one attended. No written comments were received.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

13. Incorporations by reference and their location in the rules:

None

14. Was this rule previously made as an emergency rule?

No.

15. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 45. BOARD OF RESPIRATORY CARE EXAMINERS

ARTICLE 1. GENERAL PROVISIONS

Section	
R4-45-101.	Definitions
R4-45-102.	Fees
R4-45-103.	Service by the Board
R4-45-104.	Change of Name or Address

ARTICLE 2. LICENSURE

Section	
R4-45-201.	Application
R4-45-202.	<u>Minimum Standards Curriculum Approved Respiratory Therapy Training Programs</u>
R4-45-203.	Examinations

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- R4-45-204. Application ~~Based on by a Foreign Training -trained Applicant~~
- R4-45-205. Application Based on Licensure by ~~Another another State~~
- R4-45-206. Licensure Based on Organizational Registration or Certification
- R4-45-207. Renewal; Reinstatement
- R4-45-208. Continuing Education ~~Requirements Requirement~~
- R4-45-209. Approved Continuing Education ~~Programs~~
- R4-45-210. Criteria for Approved Continuing Education ~~Courses and Programs~~
- R4-45-211. Audit of Compliance and ~~Sanctions Sanction~~ for Noncompliance with Continuing Education Requirement
- R4-45-212. Waiver of Requirements
- R4-45-213. Temporary Licensure
- R4-45-214. Standards of Professional Conduct
- R4-45-215. Procedures for Processing Initial License Applications; Time-frames
- R4-45-216. Procedures for Issuing Processing License Renewal or Reinstatement Applications; Time-frames
- R4-45-217. Appeal from Denial

ARTICLE 3. HEARINGS

Section

- R4-45-301. Hearing Procedures
- R4-45-302. Rehearing or Review of Decision

ARTICLE 1. GENERAL PROVISIONS

R4-45-101. Definitions

In addition to the definitions in A.R.S. § 32-3501, in this Chapter, unless otherwise specified:

- 1. ~~“ACLS” means Advanced Cardiac Life Support Protocols.~~
- 2. “Applicant” means an individual who meets the qualifications of A.R.S. § 32-3523 and applies for licensure under A.R.S. § 32-3522.
- 3. “Approved continuing education” means a planned course or program that the Board confirms meets the criteria in R4-45-210 or is qualified approved by the American Association for Respiratory Care or the Arizona Society for Respiratory Care.
- 4. ~~“BLS” means Basic Life Support Protocols.~~
- 5. ~~“CPR” means cardiopulmonary resuscitation.~~
- 6. “Contested case” means has the same meaning as defined as prescribed in A.R.S. § 41-1001.
- 7. “Continuing education unit” or “CEU” means a segment of an approved continuing education ~~course or program~~.
“CRT examination” means the objective measure of essential knowledge, skills, and abilities required of an entry-level respiratory therapist, which is approved by the Board and administered by the NBRC.
- 8. “Day” means calendar day.
- 9. “Direct supervision” means that a licensed respiratory care practitioner, or physician licensed under A.R.S. Title 32, Chapters 13 or 17, is physically present at a work site and readily available to provide respiratory care to a patient or observe and direct the practice of a temporary licensee.
- 10. “Executive Director” means the officer employed by the Board to perform administrative and investigative functions.
- 11. ~~“health professional”, as defined in A.R.S. § 32-3201, means a licensee, in addition to the health professionals listed.~~
- 12. “Individual,”; as used in A.R.S. § 32-3521(B)(4), means only those persons listed with current, valid certifications, registrations, or licenses acting within the scope of their authorized practice.
- 13. “License” means the document issued by the Board to practice respiratory care in Arizona.
- 14. “License application package” means a license application form and any documents required to be submitted with the license application form.
- 15. “Licensee” means an individual who holds a current license issued under A.R.S. Title 32, Ch. 35.
- 16. “National Board for Respiratory Care, Inc.” or “NBRC” means the national credentialing board for respiratory therapy.
- 17. “Party” means has the same as the definition meaning as prescribed in A.R.S. § 41-1001.
- 18. “Pharmacological, diagnostic, and therapeutic agents”, as used in A.R.S. § 32-3501(5), means medications that are aerosolized and given through artificial airways or ~~through~~ vascular access.
- 19. “Temporary license” means the document issued by the Board under A.R.S. § 32-3521 that allows an applicant to practice respiratory care under direct supervision before the Board issues the applicant a license.
- 20. ~~“Verification of license” means a form the Board provides to an applicant to submit for completion to a state to confirm that the applicant currently holds or previously held a license, certification, or registration.~~
- 21. ~~“Verification by a licensed respiratory therapist or respiratory therapy technician”, as used in A.R.S. § 32-~~

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3521(B)(7) and (C), means a licensee's written confirmation, before equipment is delivered, that the equipment is consistent with the patient's prescription and needs ~~of the patient~~.

"Verification of license" means a form the Board provides to an applicant to submit for completion by a state to confirm that the applicant currently holds or previously held a license, certification, or registration from that state.

R4-45-102. Fees

- A. ~~The~~ Under the authority provided by A.R.S. § 32-3526, the Board establishes and shall charge collect the following fees:
1. Application for a license, \$100;
 2. Application based on a diploma from a foreign respiratory therapy school, \$200;
 3. Initial license, ~~\$100~~ \$120;
 4. Biennial renewal of a license, ~~\$100~~ \$120;
 5. Renewal of a temporary license, \$75;
 6. Verifying an Arizona license to another state:
 - a. Current valid license, \$25;
 - b. Expired license, \$50;
 7. Duplicate license or duplicate wallet license card, \$25;
 8. Copy of the Board's Respiratory Care Practitioner ~~List~~ Register compiled under A.R.S. § 32-3504(A)(7):
 - a. Noncommercial, \$25;
 - b. Commercial, \$25 or the amount allowed under A.R.S. § 39-121.03(A), whichever is greater;
 9. Insufficient funds check submitted to the Board as payment of any fee, \$25;
 10. Fingerprint fee, ~~under A.R.S. § 41-1008(C)~~, in the form of a certified check or money order, \$50; and
 11. ~~Transcription~~ Copy of the audiotape of a hearing under A.R.S. § 41-1092.07.E: 41-1092.07(E), \$25.
 - a. ~~Copy of audiotape, \$25;~~
 - b. ~~Any party that requests a transcript of a proceeding shall pay the costs of the transcript to the court reporter or other transcriber.~~
 12. ~~Photocopying under A.R.S. § 39-121.03, \$1 per page.~~
- B. With the exception of the fingerprint fee specified in subsection (A)(10), all fees shall be remitted to the Board of Respiratory Examiners by personal check, ~~cashier's~~ certified check, or money order. All fees remitted to the Board are nonrefundable, except as provided in A.R.S. § 41-1077.

R4-45-103. Service by the Board

Service of any decision, order, subpoena, notice, or other written process may be made by, for, or on behalf of the Board by personal service or by mailing a copy by certified mail. ~~Service~~ The Board shall make service by certified mail ~~shall be made~~ to the address of record on file with the Board. Service upon an attorney who has appeared on behalf of a party constitutes service upon the party. If service is by certified mail, service is complete upon deposit in the United States mail.

R4-45-104. Change of Name or Address

- A. A licensee shall notify the Board in writing within 30 days after the licensee's name is legally changed. The licensee shall include with the notice ~~shall include~~ a notarized or certified copy of the official document evidencing the name change. At the time of notification, the licensee shall request a duplicate license in the new name and ~~shall~~ pay the fee prescribed in R4-45-102(A)(7).
- B. A licensee shall notify the Board in writing within 10 days after a change in the licensee's address of record.

ARTICLE 2. LICENSURE

R4-45-201. Application

- A. ~~An~~ In addition to meeting the qualifications listed in A.R.S. § 32-3523(A), an applicant for a license to practice as a respiratory care practitioner shall submit the following information on a license application form furnished by the Board.
1. Applicant's full name and ~~social security~~ Social Security number;
 2. Applicant's current mailing and permanent addresses;
 3. ~~Employer's~~ Current employer's name, address, and ~~phone~~ telephone number;
 4. Current employment position and beginning date of employment;
 5. Current supervisor's name and telephone number;
 4. ~~6.~~ Applicant's area of care or specialty;
 5. ~~7.~~ Applicant's birth date;
 6. ~~8.~~ Applicant's home and work ~~phone~~ telephone numbers;
 7. ~~9.~~ Any name by which the applicant has ever been known. The applicant shall submit documentation of name change if the applicant is applying for licensure under a ~~different~~ different from that on the applicant's credentials, educational degree, or diploma;
 8. ~~10.~~ A statement of the facts entitling the applicant to take ~~an~~ the CRT examination or to receive a license without exam-

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ination under R4-45-206;

- 9- ~~11.~~ Name of any state or province in which the applicant has been granted a certification, registration, or license as a respiratory care practitioner; including certificate number, date issued, expiration date, and a statement whether that certificate, registration, or license has ever been the subject of discipline, censure, probation, practice restriction, suspension, revocation, or cancellation;
 - 10- ~~12.~~ Whether A statement whether the applicant has ever been denied a professional license or certificate or the privilege of taking an examination by a governing licensing authority and, if the answer is yes, a complete explanation of the denial including date, state or province, and a copy of any order issued;
 - 11- ~~13.~~ Whether A statement whether the applicant is the subject of any pending disciplinary action that is directly or indirectly related to the practice of respiratory therapy and, if the answer is yes, a complete explanation, including date, state or province, and a copy of any order issued;
 - 12- ~~14.~~ Whether A statement whether the applicant has ever voluntarily surrendered a professional license and, if the answer is yes, a complete explanation, including dates, state or province, and a copy of any order issued;
 - 13- ~~15.~~ Whether A statement whether the applicant has ever filed an application for a respiratory care practitioner license in Arizona and, if the answer is yes, the date;
 - 14- ~~16.~~ Whether A statement whether the applicant has been enrolled in or committed to a substance-abuse or alcohol-treatment program (substance abuse includes alcohol) in the past 10 years and, if the answer is yes, a complete explanation, including date, place, and a copy of any documentation of completion of the program;
 - 15- ~~17.~~ Omitting Except for a minor traffic violations (infractions) violation, a statement whether the applicant has ever been convicted of, pled no contest (nolo contendere) to, entered into any agreement concerning an arrest or charge (even if the agreement resulted in a dismissal or expungement of record), or has an outstanding arrest or charge for any violation of any law of any state of the United States, or a foreign country and, if the answer is yes, a complete explanation, including place, date, and a copy of any pertinent documentation such as a court orders order or plea agreements agreement;
 - 16- ~~18.~~ Whether A statement whether the applicant has ~~even~~ had an intemperance to drugs or alcohol within the last 10 years and, if the answer is yes, a complete explanation;
 - 17- ~~19.~~ Applicant's physical description, including height, weight, and eye and hair color;
 - 18- ~~20.~~ Highest level of education completed by the applicant;
 - 19- ~~21.~~ Consistent with the Board's ~~statutory~~ authority under A.R.S. § 32-3522(B)(4), such other information or documentation ~~as the Board may deem determines~~ is necessary to fully evaluate the applicant fully; and
 - 20- ~~22.~~ A record or documentation release and ~~Applicant's~~ the applicant's sworn statement verifying the truthfulness of the information provided by the applicant and that the applicant has not engaged in any ~~aets~~ act prohibited by Arizona law or Board rules.
- B.** An applicant shall submit or have submitted on the applicant's behalf the following with the license application form:
1. 2" by 2" color, bust photograph of the applicant taken within the last 60 days and signed on the back by the applicant;
 2. Photocopy of the applicant's diploma awarded upon successful completion of ~~a~~ an approved respiratory therapy training program, ~~or letter of completion from the registrar of a~~ an approved respiratory therapy training program; that provides the date of the applicant's successful completion;
 3. If NBRC-certified or registered, a photocopy of the applicant's ~~registration or~~ NBRC-issued certification or registration issued by the NBRC;
 4. ~~A~~ If ever licensed as a respiratory care practitioner in another state, a verification of license, completed, signed, and authenticated by seal or notarization by the board of each state in which the applicant holds or has held certification, licensure, or registration as a respiratory care practitioner;
 5. If foreign-trained, ~~the applicant shall cause the foreign respiratory therapy school to deliver to the Board certified copies~~ a certified copy of all course transcripts as well as all and complete, descriptive information concerning the applicant's course of study delivered to the Board by the foreign respiratory therapy school and the applicant shall provide a photocopy of the applicant's diploma from ~~a~~ the foreign respiratory therapy school submitted by the applicant;
 6. The ~~required~~ fee required under R4-45-102(A)(1);
 7. A full set of fingerprints submitted on a card provided by the Board for a state and federal criminal background check along with a certified check or money order in the amount prescribed at R4-45-102(A)(10) ~~as authorized at A.R.S. § 41-1008(C); and~~
 8. A photocopy of the applicant's ~~NBRC CRTT exam~~ CRT examination results. ~~The exam results in this subsection are not required for issuance of a temporary license under R4-45-213; and~~
 9. ~~The documents and information under R4-45-215(D). The documents and information in this subsection are not required for issuance of a temporary license under R4-45-213.~~
- C.** The Board shall issue a temporary license to an applicant who is qualified under R4-45-213.
- D.** An applicant shall inform the Board in writing of any change in the applicant's address of record within 10 days from the date of change.

~~D.~~ An applicant shall be a high school graduate or have obtained a General Equivalency Diploma (GED).

R4-45-202. ~~Minimum Standards Curriculum Approved Respiratory Therapy Training Programs~~

~~A~~ The Board shall approve any respiratory therapy training program for respiratory therapists or respiratory therapy technicians shall consist of a curriculum conforming to the requirements of the Essentials and Guidelines of an Accredited Education Program for the Respiratory Therapy Technician and Respiratory Therapist as adopted in 1962, and revised in 1986 (and no later amendments or editions) by the Joint Review Committee for Respiratory Therapy Education of the Commission on Accreditation of Allied Health Education Programs (CAAHEP), which is incorporated by this reference and on file with the Board, and the Office of the Secretary of State that is accredited by the Committee on Accreditation for Respiratory Care.

R4-45-203. Examinations

A. Except when a license may be issued without an examination pursuant to under A.R.S. § 32-3524, an applicant shall pass a written examination for Certified Respiratory Therapy Technicians provided by the NBRC the CRT examination. The passing score shall be a is the scaled score set by the NBRC.

B. An applicant shall inform the Board as soon as possible by one of the following methods that the applicant passed the Certified Respiratory Therapy Technicians CRT examination by of the following methods:

1. Forward to the Board a copy of either the examination results or certificate, or
2. Direct the NBRC to forward to the Board a copy of either the examination results or certificate.

~~C.~~ The examination results or certificate shall be provided to the Board as soon as possible.

R4-45-204. ~~Application Based on by a Foreign Training -trained Applicant~~

~~If an application for a license is based on~~ An applicant who has a diploma from a respiratory therapy school located outside the United States, ~~the applicant~~ shall cause the school from which the diploma was issued to deliver to the Board a certified ~~copies~~ copy of course transcripts and other information concerning the applicant's course of study sufficient to enable the Board to determine whether the course of study is equivalent to ~~the Board's minimum standards~~ a training program approved under R4-45-202.

R4-45-205. ~~Application Based on Licensure By Another~~ Application Based on Licensure by another State

A. If an application for a license is based on licensure by another state, the applicant shall cause the state that issued the license to deliver to the Board a certified copy of the license and a Verification of License regarding the status of the applicant's license in that state.

B. An applicant shall cause the state in which the applicant is licensed to deliver to the Board either a copy of the results of the ~~NBRC CRT~~ examination or a copy of ~~an other~~ another examination administered to the applicant, the results of the other examination, and any information necessary to enable the Board to determine whether the other examination is equivalent to the ~~NBRC CRT~~ examination.

R4-45-206. Licensure Based on Organizational Registration or Certification

The Board shall issue a license to an applicant without examination if the applicant:

1. Is qualified ~~pursuant to~~ under A.R.S. § 32-3523,
2. Files an application for licensure under R4-45-201, and
- ~~3. Satisfies the requirements prescribed in A.R.S. § 32-3524, and~~
- ~~4. Is registered as a respiratory therapist or certified as a respiratory therapy technician~~ therapist by the NBRC.

R4-45-207. ~~Renewal; Reinstatement~~

A. A respiratory care practitioner's ~~1st~~ first license expires on the licensee's ~~2nd~~ second birthday following issuance of the license. Thereafter, a respiratory care practitioner's license expires every other year on the licensee's birthday.

B. To apply for renewal of a license, a licensee shall:

1. ~~complete~~ Complete a license renewal application form and provide the following information:

- a. Applicant's full name;
- b. Applicant's Arizona license number;
- c. Applicant's street or mailing address and telephone number;
- d. Applicant's highest educational degree;
- e. Applicant's employment status;
- f. Applicant's principal field of employment;
- g. Current employer's name and address;
- h. Current supervisor's name and telephone number;
- i. Applicant's physical description, including height, weight, and eye and hair color;
- j. A statement whether, since the time of last application, the applicant:
 - i. Has been arrested, pled guilty or no contest to, or convicted of a felony, misdemeanor, or undesignated offense, and if the answer is yes, a complete explanation, including place, date, charge, and a copy of any pertinent documentation such as a court order or plea agreement;
 - ii. Has been arrested for a traffic violation that resulted in a fine greater than \$150, and if the answer is yes, a

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complete explanation, including date, offense, and a copy of any pertinent documentation such as a court order:

- iii. Has been named in a civil or malpractice lawsuit relating to the applicant's employment as a respiratory care practitioner, and if the answer is yes, a complete explanation;
- iv. Has been or is subject to any disciplinary action, consent order, or settlement regarding the applicant's license in any jurisdiction, and if the answer is yes, a complete explanation;
- v. Has abused illegal substances, prescription drugs, or alcohol or been enrolled or committed to a substance-abuse or alcohol-treatment program, and if the answer is yes, a complete explanation, including date, place, and copy of any documentation of program completion; and
- vi. Has been disciplined, suspended, or terminated from employment as a respiratory care practitioner, and if the answer is yes, a complete explanation; and
- k. The applicant's sworn statement verifying the truthfulness of the information provided;

2. Attach a 2" by 2" color, bust photograph of the applicant taken within the last 60 days and signed on the back by the applicant;

1- 3. Pay the renewal fee prescribed in R4-45-102(A)(4); and

2- 4. Complete the required continuing education units.

~~B.~~ C. The Board shall notify a licensee by mail at the licensee's address of record of:

- 1. Need to renew the licensee's license, and
- 2. Expiration of the licensee's license; and
- 3. Audit of the licensee's continuing education records.

D. If a license expires because it is not renewed timely, the former licensee may apply to have the license reinstated within two years from the date of expiration. To apply for reinstatement, the former licensee shall comply with subsection (B).

~~C.~~ E. If an expired license is not renewed reinstated before 2 within two years from the date of expiration, an individual the former licensee may obtain a new license only by applying as a new applicant.

~~D.~~ F. Misrepresentation of information on the license renewal application form or of compliance in acquiring CEUs with the continuing education requirement in R4-45-208 constitutes grounds for disciplinary action.

R4-45-208. Continuing Education Requirements Requirement

Continuing education is required as a condition of licensure renewal.

- 1. A respiratory care practitioner shall acquire 20 CEUs during every 2 two-year licensure period. To renew a license, a respiratory care practitioner shall report compliance with the continuing education requirements requirement. Documentation A respiratory care practitioner shall submit documentation showing evidence of compliance shall be submitted only if requested by the Board.
- 2. During the 1st first licensure period, a licensee shall use the licensure issuance date as the beginning of the period in which the licensee is required to acquire CEUs. Licensees A licensee shall acquire 20 hours of CEUs before expiration of the 1st first licensure period. Subsequent continuing education periods coincide with subsequent licensure periods.

R4-45-209. Approved Continuing Education Programs

~~A.~~ The Board shall accept for CEUs a course or program meeting the criteria set forth in R4-45-210. The Board shall have the authority to audit programs offering CEUs for compliance with the criteria.

~~B.~~ A. Any The Board shall accept for CEUs a course or program continuing education approved by the American Association for Respiratory Care or the Arizona Society for Respiratory Care shall be accepted by the Board for CEUs.

B. The provider of or an individual who takes a continuing education that is not approved by the American Association for Respiratory Care or the Arizona Society for Respiratory Care may apply to the Board for approval under R4-45-210.

R4-45-210. Criteria for Approved Continuing Education Courses and Programs

A. Approved The Board shall approve for CEUs a continuing education courses and programs shall meet that meets the following criteria:

- 1. The content of the course or program continuing education is relevant to the scope of practice of respiratory care as defined in A.R.S. § 32-3501(5), and
- 2. At least 2/3 of the course or program continuing education hours relate to clinical practice; and

~~B.~~ 3. The nonclinical non-clinical course or program continuing education hours may cover:

- 1- a. Activities relevant to specialized aspects of respiratory care, such as education, supervision, and management;
- 2- b. Health care cost containment or cost management;
- 3- c. Preventative health services and health promotion;
- 4- d. Required abuse reporting; and or
- 5- e. Other subject matter required by statute or rule to be included in continuing education for a licensed healing arts practitioners health professional; and

~~C.~~ 4. The faculty who provide the continuing education shall be are knowledgeable in the course or program continuing education subject matter as evidenced by:

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- 1- a. A degree from an accredited college or university and verifiable experience in the subject matter, or
- 2- b. Teaching and clinical experience in the same or similar subject matter.

~~D.~~ B. A continuing education provider of continuing education that wishes to grant CEUs shall apply to the Board for approval. The using an application, which is available from the Board, for approval shall include that provides the following information:

1. List of educational objectives;
2. Description of the teaching methods, for example: lecture, seminar, audio-visual materials, or simulation;
3. Description of the manner in which participants will be involved in the learning activities; and
4. Names and qualifications of all faculty.

~~E.~~ C. Course or program providers A continuing education provider shall maintain a record of who attended each course or program continuing education for ~~3~~ three years.

~~F.~~ D. All course or program providers A continuing education provider shall provide documentation to each participant that includes: the participant's name and respiratory care practitioner license number, course or program continuing education title, number of CEUs, date or dates, and name and address of provider.

R4-45-211. Audit of Compliance and Sanctions Sanction for Noncompliance with Continuing Education Requirement

~~A.~~ The Board shall audit a random sample of licensees for compliance with the continuing education requirements. If documentation of compliance is incomplete, the licensee shall correct the deficiency. If the audit is conducted in conjunction with the license renewal, the licensee shall provide documentation proving compliance within 60 days of expiration of the licensee's license. If a licensee fails to submit documentation of compliance within this time, the Board shall revoke the licensee's renewed license and cause the renewal fee to be forfeited. The Board may audit all late renewals for compliance with continuing education requirements. When notice of the need to renew a license is provided, the Board shall also provide notice of an audit of continuing education records to a random sample of licensees. A licensee subject to a continuing education audit at the time of license renewal shall submit documentation that demonstrates compliance with the continuing education requirement at the same time the licensee submits the license renewal application form required under R4-45-207. If the licensee fails to submit the license renewal application form and documentation that demonstrates compliance with the continuing education requirement on or before the date of license expiration, the license expires.

~~B.~~ Licensees shall make documentation of compliance with the continuing education requirements available to the Board upon request.

R4-45-212. Waiver of Requirements

~~A.~~ A. At the time of making application When applying for renewal of a license, a licensee may request a waiver from completion of the continuing education requirements requirement. The Board shall grant a waiver only if the licensee verifies in writing that during the period immediately before expiration of the license, the licensee:

1. Resided in a country outside the United States for at least ~~+~~ one year, reasonably preventing completion of the continuing education requirements requirement;
2. Was absent from Arizona for at least ~~+~~ one year, reasonably preventing completion of the continuing education requirements requirement; or
3. Was prevented from completing the continuing education requirements requirement for reasons of health or other good cause including:
 - a. Physical or mental disability of the licensee for at least ~~+~~ one year, reasonably preventing completion of the continuing education requirements requirement; or
 - b. Physical or mental disability of a member of the licensee's family for at least ~~+~~ one year and the licensee had responsibility for the family member's care, preventing completion of the continuing education requirements requirement.

~~4.~~ B. A licensee who claims a disability claimed under subsection ~~(3)~~ (A)(3) shall ~~be verified in writing~~ submit with the waiver request a written verification of the disability by a licensed physician ~~or surgeon~~.

R4-45-213. Temporary Licensure

~~A.~~ A. To be considered for a temporary license, an applicant shall submit a license application package, as described in R4-45-201, and pay the application fee. The Board shall issue a temporary license, valid for ~~8~~ eight months, to ~~an~~ the applicant only if the Board's Executive Director determines, after reviewing the ~~only after a complete license application package, including all necessary documents and fees, is reviewed by the Board's Executive Director and that~~ the applicant is determined to be eligible to apply for receive a license pursuant to A.R.S. § 32-3523, except that one or more of the following documents are missing from the license application package:

1. Passing score on the CRT examination.
2. Verification of license from another state in which the applicant is or was licensed.
3. Certified copy of course transcripts and descriptive information regarding the applicant's course of study at a foreign respiratory therapy school, or
4. Completed federal and state criminal background check.

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- B.** An applicant who is issued a temporary license shall perform respiratory care services only under direct supervision. ~~The temporary license may be renewed for an additional 120 days. An individual may receive only 1 8-month temporary license and 1 120-day temporary license renewal.~~
- B. C.** A temporary licensee who applied for licensure under A.R.S. § 32-3524 seeks renewal of a may renew the temporary license shall submit for an additional 120 days by submitting a request for renewal to the Board on a form prescribed by the Board.
- D.** A temporary licensee who is required by A.R.S. § 32-3523 and R4-45-201 to pass the CRT examination before becoming licensed may renew the temporary license for an additional 120 days by submitting to the Board:
1. A request for renewal on a form prescribed by the Board, and
 2. Evidence that the temporary licensee has either:
 - a. Passed the CRT examination, or
 - b. Attempted to pass the CRT examination and is registered to take the next scheduled CRT examination.
- E.** ~~The request for a renewed temporary license shall:~~
1. Include an address of record,
 2. Be typed or written in black ink,
 3. Be signed by the applicant, and
 4. Be accompanied by the following:
 - a. The ~~service cost fee~~ prescribed in R4-45-102(A)(5), and
 - b. A statement under oath that the temporary license has not expired ~~and the temporary licensee is registered to take the next scheduled NBRC examination.~~
- D. F.** A temporary licensee who is required but unable to submit the statement described in subsection (C)(4)(b) evidence under subsection (D)(2) may request an opportunity to explain this inability to the Board.
- E. G.** ~~The Board shall administratively close an application for licensure if the applicant fails to apply for renewal of a the applicant's temporary license. The temporary licensee shall apply for renewal no more than within 60 days before expiration of the temporary license. An individual who wishes to be considered for licensure after the individual's file has been administratively closed shall reapply.~~
- F. H.** ~~Reapplication under subsection (G) does not qualify an individual for a 2nd second temporary license. No The Board shall not issue more than one temporary license to an individual shall receive more than 1 temporary license.~~
- G. I.** A temporary licensee is subject to disciplinary action by the Board ~~pursuant to~~ under A.R.S. § 32-3553.

R4-45-214. Standards of Professional Conduct

Conduct or practice that is contrary to recognized standards of ethics of the respiratory therapy profession, as used in A.R.S. § 32-3501(10)(i), includes the following:

1. Engaging in the practice of respiratory care in a manner that harms or may harm a patient or that the Board determines falls below the community standard;
2. Procuring or attempting to procure by fraud or misrepresentation ~~to procure~~ a license or renewal of a license to practice respiratory care;
3. Violating a formal order, condition of probation, or stipulation issued by the Board;
4. Obtaining a fee by fraud, deceit, or misrepresentation;
5. Falsely claiming attendance at a an approved continuing education ~~course or program~~ to meet license renewal requirements;
6. Endangering a patient's or the public's physical or emotional health or safety or engaging in conduct or practice that may reasonably be expected to do so;
7. Engaging in sexual intimacies with a patient unless the sexual intimacies were initiated before the practitioner-patient relationship was established;
8. Committing an act of sexual abuse, misconduct, harassment, or exploitation;
9. Acting in a manner that the Board determines, based on community standards, constitutes incompetence, gross negligence, repeated negligence, or negligence that results in harm or death of a patient;
10. Abandoning or neglecting a patient, including failing to report for or leaving a respiratory therapy assignment before properly advising appropriate personnel;
11. Using or being under the influence of alcohol, illegal drugs or substances, or drugs or substances that impair judgment, while on duty in any health care work location;
12. Impersonating another licensed practitioner;
13. Knowingly employing, directing, or supervising an individual in the performance of respiratory care who is not authorized to practice respiratory care;
14. Violating the confidentiality of information concerning a patient;
15. Inaccurately recording, falsifying, or altering a patient record, including a patient charts chart or medication administration ~~records record;~~
16. Misrepresenting or omitting facts a fact on an application for employment as a respiratory care practitioner;
17. Retaliating against any person who reports in good faith to the Board alleged incompetence or illegal or unethical

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conduct of any practitioner;

18. Using, removing, or possessing property ~~belonging that belongs~~ to an individual or entity without authorization;
19. Threatening the physical health or safety of a Board ~~member~~, or Board ~~the Board's~~ staff, ~~member~~; and
20. Knowingly exceeding the scope of practice for a respiratory care practitioner at any health care location as the scope of practice is defined by ~~that health care~~ the entity responsible for that health care location.

R4-45-215. Procedures for Processing Initial License Applications; Time-frames

~~A.~~ For the purpose of A.R.S. § 41-1073, the Board establishes the following licensing time-frames for an initial license application:

1. Administrative completeness review time-frame: 15 days;
2. Substantive review time-frame: 90 days;
3. Overall time-frame: 105 days.

~~A. B.~~ Within 14 days of receiving an initial license application package The administrative completeness review time-frame listed in subsection (A)(1) begins on the date the Board receives a license application package. During the administrative completeness review time-frame, the Board shall notify ~~an~~ the applicant that the package is either complete or incomplete. If the package is incomplete, the notice shall specify what information is missing.

~~C.~~ An initial license application package is not complete until the Board receives the results of the state and federal criminal background check required at A.R.S. § 32-3504(A)(6), and the applicant fully complies with the requirements of R4-45-201, the applicable provisions of R4-45-202 through R4-45-206, and submits the fee prescribed in R4-45-102(A)(3).

~~B. D.~~ An applicant with an incomplete license application package shall supply the missing information within 210 days from the date of the notice. If the applicant fails to do so, the Board may close the file. An applicant whose file has been closed, and who later wishes to become licensed, shall apply anew. Both the administrative completeness review and overall time-frames are suspended from the date of the Board's notice until the date that the Board office receives all missing information.

~~C. E.~~ Upon receipt of all missing information, the Board shall notify the applicant that the license application package is complete. The Board shall not send a separate notice of completeness if the Board grants or denies ~~application a~~ license within the administrative completeness review time-frame in subsection ~~(F)(1)~~ (A)(1).

~~D.~~ An application for initial licensure is not complete until the Board receives the results of the state and federal criminal background check required at A.R.S. § 32-3504(A)(6), and the applicant fully complies with the requirements of R4-45-201, the applicable provisions of R4-45-202 through R4-45-206, and submits the fee prescribed in R4-45-102(A)(3).

~~F.~~ If an applicant fails to submit the missing information within the 210 days provided under subsection (D), the Board shall close the applicant's file. An applicant whose file is closed and who later wishes to be licensed, shall apply anew.

~~E. G.~~ The Board shall grant or deny a license no later than 90 days from the postmark date of the notice advising the applicant that the package is complete. The substantive review time-frame listed in subsection (A)(2) begins on the date of the Board's notice of administrative completeness.

~~F.~~ For the purpose of A.R.S. § 41-1073, the Board establishes the following licensing time-frames for an initial license application:

- ~~1. Administrative completeness review time frame: 15 days;~~
- ~~2. Substantive review time frame: 90 days;~~
- ~~3. Overall time frame: 105 days.~~

~~H.~~ If the Board determines during the substantive review that additional information is needed, the Board shall send the applicant a comprehensive written request for the additional information. Both the substantive review and overall time-frames are suspended from the date on the Board's request until the date that the Board office receives the additional information.

~~I.~~ Within the time listed in subsection (A)(3), the Board shall grant or deny a license.

~~G. J.~~ If the Board denies a license, the Board shall send the applicant a written notice explaining:

1. The reason for denial, with citations to supporting statutes or rules;
2. The applicant's right to seek a fair hearing to challenge the denial; and
3. The time ~~periods~~ period for appealing the denial.

R4-45-216. Procedures for Issuing Processing License Renewal or Reinstatement Applications; Time-frames

~~A.~~ For the purposes of A.R.S. § 41-1073, the Board establishes the following licensing time-frames for renewal or reinstatement of a license:

1. Administrative completeness review time-frame: 7 days;
2. Substantive review time-frame: 60 days;
3. Overall time-frame: 67 days.

~~A. B.~~ The administrative completeness review time-frame listed in subsection (A)(1) begins on the date the Board receives a license renewal application package. Within 7 seven days of receiving a license renewal application package, the Executive Director shall notify ~~an~~ the applicant that the license renewal application package is complete or incomplete. If the license renewal application package is incomplete, the Board's notice shall specify the missing information.

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- C. ~~An~~ A license renewal application package for license renewal is not complete until the applicant fully complies with R4-45-207 and R4-45-208.
- ~~B. D.~~ The Board shall not send a notice of completeness if the Board renews the license within the administrative completeness time-frame in subsection ~~(F)(1)~~ (A)(1).
- ~~D. E.~~ The Board shall substantively review a license renewal application package and grant or deny a license the renewal within 60 days from the postmark date of the completion notice ~~(the substantive review time frame)~~ as follows:
1. For ~~a license renewal an~~ applicant who submits ~~an a license renewal application package prior to before the expiration date of the applicant's existing license expires:~~
 - a. If the license renewal application package is complete, the ~~Executive Director Board~~ shall renew the license; or
 - b. If the license renewal application package is incomplete and the applicant supplies the missing information ~~prior to before the date of expiration of the existing license expires,~~ the ~~Executive Director Board~~ shall renew the license;
 2. For an applicant with an incomplete license renewal application package who supplies the missing information within 7 seven days after the date ~~of expiration of a the applicant's license expires,~~ or an applicant who submits a complete license renewal application package within 7 seven days after the date that the applicant's license ~~expired expires,~~ the Executive Director shall review the applicant's compliance with A.R.S. § 32-3556. The Board shall notify the applicant of the Board requirement for a signed statement ~~that regarding whether the applicant has or has not violated A.R.S. § 32-3556 during the time that the applicant's license was expired.~~ The applicant shall submit the required statement within have 7 seven days from the postmark date of the Board's notice ~~of the required statement to submit the statement.~~ Upon receipt of a complete license renewal application package and the signed statement:
 - a. For an applicant who ~~has did not knowingly violated violate~~ A.R.S. § 32-3556, the ~~Executive Director Board~~ shall renew the license and issue a letter of concern ~~conditioned upon Board ratification~~ within the substantive review time-frame;
 - b. For an applicant who ~~has~~ knowingly violated A.R.S. § 32-3556, the Board shall:
 - i. ~~deny Deny~~ the renewal unless the applicant can demonstrate to the Board that:
 - i. ~~No no~~ person ~~has been was~~ harmed by the violation, and
 - ii. ~~The the~~ applicant understands the nature and consequences of the applicant's actions: ; or
 - iii. ~~ii. The Board may grant a conditional renewal based upon its assessment of the evidence presented by the applicant under this subsection~~ Require the applicant to appear before the Board, present evidence regarding the applicant's violation of A.R.S § 32-3556, and enter into an agreement regarding discipline. The Board shall conditionally renew the applicant's license. The Board shall remove the condition when the applicant complies fully with the agreement;
 - e. ~~3. For an~~ An applicant with an incomplete license renewal application package who supplies the missing information more than 7 seven days after the date ~~of expiration of a the applicant's license expires,~~ or ~~for~~ an applicant who submits ~~an a complete license renewal application package more than 7 seven days but less than 2 two~~ years after the date ~~that the applicant's license expired expires,~~ is an applicant for reinstatement. ~~The~~ Executive Director shall review the applicant's compliance with A.R.S. § 32-3556. The Board shall notify the applicant of the Board requirement for a signed statement ~~that regarding whether the applicant has or has not violated A.R.S. § 32-3556.~~ The applicant shall ~~have 7~~ submit the required statement within seven days from the postmark date of the Board's notice ~~of the required statement to submit the statement.~~ Upon receipt of the signed statement, the Board shall:
 - i. ~~deny Deny~~ the renewal reinstatement unless the applicant can demonstrate to the Board that:
 - i. ~~No no~~ person ~~has been was~~ harmed by the violation, and
 - ii. ~~The the~~ applicant understands the nature and consequences of the applicant's actions: ; or
 - iii. ~~ii. The Board may grant a conditional renewal based upon its assessment of the evidence presented by the applicant under this subsection;~~ Require the applicant to appear before the Board, present evidence regarding the applicant's violation of A.R.S § 32-3556, and enter into an agreement regarding discipline. The Board shall conditionally reinstate the applicant's license. The Board shall remove the condition when the applicant complies fully with the agreement;.
- ~~E.~~ An applicant who submits an application package more than 2 years after the date that the previously held license expired shall apply as a new license applicant.
- ~~F.~~ For the purposes of A.R.S. § 41-1073, the Board establishes the following licensing time frames for renewal or reinstatement of a license:
- ~~1. Administrative completeness review time frame: 7 days;~~
 - ~~2. Substantive review time frame: 60 days;~~
 - ~~3. Overall time frame: 67 days.~~
- ~~G. F.~~ If the Board denies a license renewal or reinstatement, the Board shall send the applicant written notice explaining:
1. The reason for denial, with citations to supporting statutes or rules;
 2. The applicant's right to seek a fair hearing to challenge the denial; and
 3. The time ~~periods~~ period for appealing the denial.

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R4-45-217. Appeal from Denial

- A. If the Board denies ~~an application~~ a license, an applicant may make a written request for a hearing to review the denial. The applicant shall file the request with the Board within ~~15~~ 30 days following service of notice of the denial. The request shall state specifically the reasons why the Board should review its decision. The Board shall schedule the hearing at its next meeting or at the ~~1st~~ first meeting that is convenient for all parties. ~~The Board shall conduct the hearing in accordance with A.R.S. § 41-1092 et seq.~~
- B. If an applicant ~~whose application~~ who is denied a license does not request a hearing to review the denial or if the denial is affirmed, the Board shall administratively close the applicant's file. An individual who wishes to be considered for licensure after the individual's file ~~has been~~ is administratively closed shall reapply.

ARTICLE 3. HEARINGS

R4-45-301. Hearing Procedures

~~The following procedures are applicable to all hearings conducted A.R.S. § 32-3553(I):~~

- ~~1. A complaint and notice of hearing upon all parties at least 20 days before the date set for hearing.~~
- ~~2. A licensee served with a complaint and notice of hearing shall file an answer within 10 days of service of the complaint, admitting or denying each allegation of the complaint.~~
- ~~3. Before the hearing, a complaint and notice of hearing may be amended to add new or additional grounds. The licensee shall file an amended answer to the amended complaint within 10 days of being served.~~
- ~~4. If a party fails to appear, the hearing may be held in the party's absence.~~
- ~~5. The chairperson of the Board or the designated presiding officer may continue, reschedule, or extend a hearing for good cause or for the performance of acts required by law or the Board.~~
- ~~6. Hearings conducted by the Board shall be open to the public.~~
- ~~7. The designated presiding officer shall conduct the proceedings and rule on the admissibility of evidence.~~
- ~~8. All hearings shall be mechanically or stenographically recorded. The Board is not required to transcribe the record of a hearing unless there is an appeal to the superior court. Upon written request, the Board shall either transcribe the record or allow the individual requesting the record to have it transcribed. In either case, the individual requesting the record shall pay to have it transcribed.~~
- ~~9. In all cases determined by hearing, the Board shall issue a decision and order in accordance with A.R.S. Title 41, Chapter 6.~~

The Board shall conduct all hearings, including those held under A.R.S. § 32-3553, according to the procedures in A.R.S. Title 41, Chapter 6, Article 10 and rules issued by the Office of Administrative Hearings.

R4-45-302. Rehearing or Review of Decision

- A. ~~Except as provided in subsection (G), any party who is aggrieved by a decision of the Board may file with the Board, not later than 15 days after service of notice of the decision, a written motion for rehearing or review of the decision specifying the particular grounds for a rehearing or review. The Board shall provide for a rehearing and review of its decisions under A.R.S. Title 41, Chapter 6, Article 10 and the rules established by the Office of Administrative Hearings.~~
- B. ~~A party may amend a motion for rehearing or review at any time before the motion is ruled upon by the Board. Any party may file a response within 10 days after service of a motion or amended motion. The Board may require the filing of written briefs addressing the issues raised in the motion and may provide for oral argument. Except as provided in subsection (I), a party is required to file a motion for rehearing or review of a decision of the Board to exhaust the party's administrative remedies.~~
- C. A party may amend a motion for rehearing or review at any time before the Board rules on the motion.
- ~~C. D.~~ A motion for The Board may grant a rehearing or review of the decision may be granted based on a contention that the decision was for any of the following reasons materially affecting a party's rights:
1. Founded on or contained errors of law including errors of construction or application of relevant rule, Irregularity in the proceedings of the Board or any order or abuse of discretion that deprived the moving party of a fair hearing;
 2. Unsupported by any competent evidence as disclosed by the entire record; Misconduct of the Board, its staff, or an administrative law judge;
 3. Materially affected by unlawful procedures; Accident or surprise that could not have been prevented by ordinary prudence;
 4. Based on a violation of any constitutional provision, or Newly discovered evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
 5. Arbitrary or capricious; Excessive penalty;
 6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the progress of the proceedings; or
 7. The findings of fact or decision is not justified by the evidence or is contrary to law.
- ~~D. E.~~ The Board may affirm or modify the a decision or grant a rehearing or review to all or some of the parties and on all or some of the issues for any of the reasons set forth in subsection (C) (D). An order modifying a decision or granting a

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rehearing or review shall specify with particularity the ground or grounds for the order, on which the If a rehearing or review is granted, and the rehearing or review shall cover only those the matters specified in the order.

F. Not later than 15 days after the date of a decision is rendered, and after giving the parties notice and an opportunity to be heard, the Board may, on its own initiative, order a rehearing or review of its decision for any reason it might have granted a rehearing or review on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the The Board may grant a motion for rehearing or review, timely served, for a reason not stated in the motion. The An order granting a rehearing or review shall specify the grounds on which the rehearing or review is granted.

G. When a motion for rehearing or review is based upon affidavits, they shall be served with the motion. An opposing party may serve opposing affidavits within 15 days after service of the motion. This period may be extended by the Board for an additional period not exceeding a maximum of 20 days for good cause shown as described in subsection (H) or upon written stipulation of the parties. Reply affidavits may be permitted.

H. The Board may extend all time limits listed in this Section upon a showing of good cause. A party demonstrates good cause by showing that the grounds for the party's motion or other action could not have been known in time, using reasonable diligence, and a ruling on the motion will:

- 1. Further administrative convenience, expedition, or economy; or
2. Avoid undue prejudice to any party.

I. If, in a particular decision, the Board makes a specific findings finding that the immediate effectiveness of the decision is necessary for preservation of the public health, safety, or welfare, the decision may be issued as a final decision without an opportunity for rehearing or review. If an application for judicial review of the decision is made, it shall be made in accordance with under A.R.S. § 12-901 et seq.

NOTICE OF FINAL RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

[R06-79]

PREAMBLE

1. Sections Affected

Rulemaking Action

Table with 2 columns: Sections Affected (R12-4-401 to R12-4-430) and Rulemaking Action (Amend).

Notices of Final Rulemaking

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 17-231

Implementing statute: A.R.S. §§ 17-102, 17-238, 17-240, 17-306, 17-307(C), and 17-317

3. The effective date of the rules:

May 6, 2006

4. A list of all previous notices appearing in the Register addressing the final rule:

Notice of Rulemaking Docket Opening: 11 A.A.R. 2753, July 22, 2005

Notice of Proposed Rulemaking: 11 A.A.R. 4085, October 21, 2005

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

Name: Carlos Ramirez, Rule Writer

Address: Arizona Game and Fish Department
2221 W. Greenway Rd. DORR
Phoenix, AZ 85023-4399

Telephone: (602) 789-3288

Fax: (602) 789-3677

6. An explanation of the rule, including the agency's reason for initiating the rule:

The Department, as authorized by the Commission, is amending the rules of Article 4, dealing with live wildlife, generally as stated in the five-year rule review report prepared and submitted to the Governor's Review Council and approved at their January 2004 meeting. In evaluating the scope and effectiveness of the revisions specified in the review, the Department is not making certain revisions, and making additional amendments to address new and emerging concerns. Of significant note are the Department's extensive revisions to rewrite the rules to place them in the active voice. Although this appears to be a significant modification of the Article, the Department holds that the impact of the rules does not change. The Department is amending the rules as follows:

The Department is amending R12-4-401 to define terms with insufficient definitions or commonly used terms with no definitions. The term "agent" will be added as a result of amendments authorizing the use of agents in rules other than R12-4-423, where the reference to agent was previously located. To clarify what constitutes commercial activity under a special license that allows it, the Department is adding a definition for "commercial." Several rules refer to domestic animals and how they are used relevant to particular special licenses; for that, the Department will also add a definition to clearly state what is "domestic." Although it does not appear in rule, the term "exotic" is used frequently by the Department to describe certain species of wildlife and how they relate to native species. Typically, the agency provides this information to those who wish to possess such wildlife under a special license. Thus, the Department is adopting a definition for "exotic." The definition for "educational display" will be clarified and amended to disallow the solicitation of payment under a special license that authorizes educational display. The terms "native," "nonnative," and "photography" appear throughout the Article as well, and also have no definition, though understanding of the terms affects the rule's understandability; therefore, the Department is adding them. The Department is making amendments in several rules to regulate the use of "hybrid wildlife," specifically in R12-4-406, which lists restricted live wildlife species, and R12-4-413, dealing with private game farms. To clearly understand the use of hybrid wildlife, the Department is adding a definition for the term. The definition for "threatened native wildlife" will be deleted and replaced with the more applicable "wildlife of special concern." Both definitions emerge from the Department's own research regarding species populations in Arizona. The definitions for "game farm" and "zoonotic" will be moved from R12-4-430, dealing with special rules for cervids, into this rule. The term "game farm" appears throughout the Article, and "zoonotic" is also used in R12-4-426, dealing with possession of primates.

The Department is adding a new subsection to R12-4-402 that will authorize the agency to seize, quarantine, or hold wildlife kept in a manner that poses an actual or potential threat to other wildlife, or to the safety, health, or welfare of the public. The Department may take such action even if the wildlife is possessed under a special license.

Under R12-4-403, some individuals that hold live wildlife have felt at liberty to release their animals back into the wild under the rule's authorizing statutes, particularly A.R.S. § 17-306, which does authorize release of live wildlife, but only under Commission authority or agricultural statutes. The Department is amending the rule specifically to make it clear and understandable that release of live wildlife under this statute is prohibited. The Department also proposes to amend this rule to authorize the agency to take any live wildlife that is likely to escape from captivity if it poses an actual or potential threat to native wildlife or public safety.

In general, the Department is making changes throughout this Article to prohibit an individual who holds live wildlife, whether or not it is held under a special license, from releasing or otherwise disposing of live wildlife, if authorized, without first contacting the Department to receive instruction in the proper manner of release or disposal. The reason is to more closely monitor the use of wildlife in this state and to ensure proper management and conservation of the state's resources, particularly in relation to potentially competitive or threatening species or wildlife disease.

R12-4-404 will be amended to clearly state that wildlife held under this rule shall not be disposed of in any manner that may be considered commercial activity. To prescribe or authorize commercial activity regarding wildlife under this rule is inconsistent with the objective of the rule. The Department is also amending this rule to improve management of desert tortoises and to impede the unauthorized or black market trade of desert tortoises native to Arizona. Desert tortoises shall not be exported from the state without written authorization from the Department. Permission will only be granted if the individual that possesses it takes the tortoise to a jurisdiction where it is legal to possess it. The rule will also be amended to address offspring of tortoises possessed before the effectiveness of the Article under R12-4-407. Under the amendments to R12-4-404, an individual may only hold the offspring of these “grandfathered” tortoises for 24 months from the date of hatching. The rule will also be amended to require that if an individual possesses wildlife that later becomes restricted, they must report the wildlife to the Department under R12-4-425.

Because the introduction of nonnative species is a continuous and growing concern for the Department, it is amending R12-4-405 to require that if an individual imports lawfully possessed mammals, birds, or reptiles without a Department license, that individual shall possess them under a valid license, permit, or other form of authorization from another state, the United States, another country, or possess them under a lawful exemption. The same requirement, in addition to the requirements that already exist, will be extended to those who import aquatic live wildlife but the rule will also be amended to allow people to transport live aquatic wildlife from a restaurant or market if it will be taken directly to its final destination for preparation as food. Under the previous rules, individuals who purchase lobsters and transport them home alive could be considered in violation.

Internationally, the introduction of nonnative plant and animal species has become a large enough concern that more states are taking action to prevent their introduction. Other states have identified introduced species that are becoming a greater biological concern; of those, the Department has identified species that could feasibly survive in Arizona’s varying climates, and added them to the restricted live wildlife list. The Department is adding: brown tree snakes (*Boiga irregularis*), all species of the genus *Rana* with exception of bullfrogs held according to A.R.S. § 17-102, black carp (*Mylopharyngodon piceus*), temperate basses of the family Moronidae (including white perch and yellow perch), Asian clam (*Corbicula fluminea*), New Zealand mud snails (*Potamopyrgus antipodarum*), Quagga mussels (*Dreissena bugensis*), and Rosy wolfsnails (*Euglandina rosea*). The Department also recognizes there are several species on the restricted wildlife list that are no longer considered potentially threatening or competitive with native species or are no longer a wildlife concern. The Department proposes to remove from the species list: chukar (*Alectoris chukar*), California or valley quail (*Callipepla californica*), ringneck and whitewing pheasant (*Phasianus colchicus*), and sharks: the species of the families Hemiscilliidae, Orectolobidae, Brachaeluridae, and Triakidae; genera of the family Scyliorhinidae: *Aulohalaerhurus*, *Halaehurus*, *Haploblepharus*, *Poroderma*, and *Scyliorhinus*; and genera of the family Parascylliidae: *Cirroscyllium* and *Parascyllium*. The Department is also amending the rule to clearly state that domestic animals, as defined in R12-4-401, are not considered wildlife, and thus cannot be restricted. Under the definitions, domestic animals include offspring of domestic animals and wildlife, including those that are restricted. The rule will also be amended to state that hybrid wildlife that results from at least one parent species of restricted wildlife is considered restricted also, and that transgenic species are also considered restricted. Transgenic species are a recent introduction, and refers to wildlife that result from the physical manipulation of its actual genetic structure. The most notorious transgenic species is the “glowing fish.” Specially created for use in aquariums, these fish result from the planting of the bioluminescent characteristics of jellyfish into their gene structure. Although they do not actually glow in the dark, when placed under an ultraviolet light, the jellyfish characters reflect the light to appear as though the fish are glowing. These species are so new that there is not enough information to determine whether or not their unregulated use should be allowed without learning more about their capacity for threatening or competing with native aquatic wildlife if released into the wild.

The Department is amending R12-4-407 in part to improve management of desert tortoises. The Department proposes to amend this rule to require that an individual receive written authorization to export desert tortoises from the state, as was done in R12-4-404. To ensure that wildlife that enters this state is held lawfully, the Department also proposes to amend the rule to require that if an individual transports wildlife into, throughout, or out of the state for a government-authorized state or county fair or circus, or for photography, that individual shall have evidence of lawful possession as defined in R12-4-401 for the wildlife. The Department also proposes to amend the rule to make references to specific rules that prescribe other exemptions from special license requirements for restricted live wildlife.

The Department is proposing significant amendments to the rules that regulate the issuance of special licenses to make their application requirements more consistent and understandable. Amendments will be made throughout the rules regulating the use of special licenses to require that, among other things, an applicant provide their name, address, physical description, descriptions of where wildlife will be held, a proposal that explains how the issuance of a license is consistent with the purposes for which a license is issued, and their signature, which attests that the information on the application is true and correct to their knowledge and that the applicant’s live wildlife privileges are not revoked or suspended in any state or by the United States. These amendments will be added to the existing requirements for special licenses. The Department will also amend the special license rules to prescribe a procedure if an applicant is rejected.

Because there is no way to identify what constitutes a special license, the Department is adding a subsection to R12-4-409 that lists them. The Department is removing language that describes the process for issuance of licenses according to time-frames, and moving that information into R12-4-106, dealing specifically with licensing time-frames. As part of the effort to make licensing procedures more uniform, the Department is also prescribing prohibi-

tions from obtaining a special license that are similar to the agency's existing prohibitions from obtaining other Department licenses, like those for hunting or fishing. The Department will add a subsection that prohibits an applicant from obtaining a special license if the applicant's live wildlife privileges are revoked in this state, any other state, or by the United States; the applicant has been convicted of illegally holding or possessing live wildlife within three years of applying for a special license; the applicant knowingly provides false information on an application; or the applicant submits an incomplete application. Some special license holders have also interpreted the fact that because a special license is issued by a state agency, it supersedes any restrictions on holding live wildlife made by a city or town; this is not the case. To address this misunderstanding, the Department is amending the rule to clearly state that special license holders are not exempt from any municipal, county, state, or federal laws, rules, ordinances, or statutes. The Department is also amending the rule to require that a special license holder submit biological samples to the Department or its designee if an emergency disease condition emerges. This is so that the Department can be more reactive to address potential wildlife concerns if they arise. As stated previously, the Department is amending rules to take a stronger position and prevent the introduction or spread of potentially harmful invasive wildlife species or wildlife diseases or parasites. Conditions that foster these detriments change continuously and often more quickly than any method of rulemaking can react to them. For these reasons, the rule is being amended to authorize the agency to place stipulations on a special license at the time of application or license renewal. These stipulations may be added to conserve wildlife populations, prevent introduction and proliferation of wildlife diseases, to prevent wildlife from escaping, or to ensure public health or safety.

In addition to those amendments made to all special license rules, the Department is amending R12-4-410, dealing with the aquatic wildlife stocking permit, to remove the list of causative agents because some of these diseases and parasites are no longer a management concern, and the authorization to prescribe stipulations to the license provides a more reactive method of addressing causative agents that pose a more immediate wildlife concern. As stated previously, the Department is taking a more steadfast approach in monitoring the disposal or discontinued use of wildlife under a special license. As part of this effort, the Department is amending this rule to require that a permit holder obtain and dispose of native aquatic wildlife as directed by the Department.

To improve wildlife management and to stem a potential disease vector, the Department is amending R12-4-411 to disallow the commercial taking, transporting, and sale of tiger salamanders or "waterdogs" from Arizona's waters. The commercial collection of waterdogs can stress native populations of the species, spread contagious diseases to waters where they have not been introduced, and erode native aquatic salamander species through interbreeding. The Department is also amending the rule to prescribe a procedure for a minnow dealer license holder to obtain certification that imported baitfish are free of diseases and causative agents specified in any stipulations. Certification is already required in rule, but there are no guidelines to instruct a license holder how to obtain it. The Department is also amending the title of the rule to the more applicable "live bait dealer's license," because not all wildlife sold under this license are minnows.

With the amendments to R12-4-413, the Department is attempting to address the growing number of misinterpretations regarding the use of a private game farm license, and to reaffirm the purpose for which this license was authorized. Some applicants obtain the license for the personal or recreational use of wildlife, which is not consistent with the objective of the rule. The license is intended to authorize the commercial use of wildlife for purposes such as slaughter and sale of meat and hides. The Department is amending the rule to clearly state that a private game farm license is indeed a commercial license. The Department is also amending the rule to further address the attempted sport harvest of wildlife held under this license. The agency has encountered license holders who accept payment from other individuals so that the purchaser can hunt wildlife on the license holder's property. Because this is not consistent with the objective of this license, the Department is amending the rule to prohibit a game farm owner from accepting payment for killing the wildlife. In recent years, the Department has issued private game farm licenses for the possession of servals, or other African leopard cats (ALCs). These mammals are purchased or traded for the purpose of breeding them with domestic cats to produce a domestic hybrid. There are many different names for these domestic hybrids depending on the species that they are bred with: savannas, chausis, bengals, etc. Although the Department has issued licenses to allow people to possess ALCs, the Department's intent for authorizing a private game farm license is not to allow people to breed wildlife with domestic animal species. For this reason, the Department is amending the rule to clearly state that, if breeding takes place, a private game farm license is issued to authorize only the breeding of wildlife species to produce wildlife offspring: not to authorize breeding of wildlife to domestic species to produce a hybrid that, under the Department's amendments, qualifies as a domestic animal.

The Department is also amending R12-4-413 to remove a "grandfather" clause that authorized an individual to hold restricted live wildlife not listed R12-4-413 if that individual possessed it under a private game farm license issued before April 28, 1989. The Department has no records of any individual that still possesses live wildlife under this license from that date. In addition to the existing prohibition from issuing a license if escape of the proposed species will create a threat to native wildlife, the Department is amending the rule to prohibit issuance of a private game farm license if escape of the proposed species will create a threat to public health or safety. The Department is also requiring that a private game farm license holder maintain records of all wildlife possessed under the license for three years: specific information is requested in the rule language. Again, this amendment is made so that the agency can more closely and accurately monitor what wildlife is held, transported, or used in this state.

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One of the general amendments that the Department is making is to require that holders of private game farm licenses, game bird shooting preserve licenses, wildlife holding licenses, scientific collecting permits, zoo licenses, wildlife service licenses, and wildlife rehabilitation licenses submit an annual or semi-annual report on license activities. This is to ensure that those license holders are performing authorized activities, and to provide information on license activities to the Department. The agency is prescribing guidelines for the submission of an annual report specific to each license holder's needs, including those for private game farms.

For R12-4-414, dealing with shooting preserve licenses, the Department is amending the rule to prohibit issuance of a license if the species for which an application is made will create a threat to public health or safety if it escaped from captivity. This is to make the rule consistent with other special license rules. In addition to the revisions that are being made to all special licenses, the Department is amending this rule to delete a grandfather clause that heretofore has authorized shooting preserve license holders to hold wildlife that was held before the effective date of the rule (April 28, 1989). The Department does not have any records of any shooting preserve licenses that precede this date. The title of the rule will also be amended to the "game bird shooting preserve license" to more accurately reflect the wildlife for which a license may be issued.

The Department is amending R12-4-415, dealing with field trial licenses, to clearly state that any wildlife that is released under this license and is not taken during the field trial event becomes property of the state, and thus shall not be taken under this license. In addition to the amendments being made to all special licenses, the Department is amending the title of the rule to "game bird field trial license" to more accurately reflect the wildlife for which a license may be issued.

There are several organizations in Arizona that engage in "bird-dogging," training canines to retrieve downed wildlife, typically birds. Some of these groups are spread across the state, and it is difficult for them to each obtain a field trial training permit. To facilitate these group applications, the Department is amending R12-4-416, dealing with field trial training permits, to authorize an agent to apply on behalf of another individual or a group. The agency is also prescribing guidelines for the authorization, use, and termination of these agents. In addition to those regulations being made to all special licenses, the Department is amending the title of the rule to "game bird field training permit" to make the title more distinct from the "field trial license" in R12-4-415, and to more accurately reflect the wildlife for which a permit may be issued.

Individuals that possess a wildlife holding license have also taken additional liberties with wildlife possessed under the license. Some have taken to displaying their wildlife for a fee, which the Department holds is not the intent of the license: exhibition is the objective of a zoo license. For this reason, the Department is amending R12-4-417 to no longer allow exhibit of wildlife under this license, but to continue to allow commercial photography (for motion picture production or publications, for example) and display for educational purposes. The Department is also amending the rule to automatically invalidate a license if the primary purpose for which the license was issued no longer exists. If a license holder's wildlife dies, some license holders have interpreted possession of the license as *carte blanche* to possess another animal of the same species as the one that died, which is not the case. To ensure that wildlife is held in a manner consistent with rules prescribing captivity standards, the Department is amending the rule to clearly state that the agency has the authority to conduct a reasonable inspection under R12-4-409. Also in accordance with the general changes being made to special license rules, the Department is amending R12-4-417 to prescribe additional requirements for annual reports that are consistent with requirements made for other special license reports; and to specify that wildlife held under the license or their parts are to be disposed in a noncommercial manner. In general, this license is not a commercial license, though the Commission has authorized some limited commercial use.

The scientific collecting permit, authorized under R12-4-418, allows individuals to collect wildlife specimens for research, but at times the Department receives applications to collect specimens that may not be consistent with the agency's management objectives. Instead of rejecting the application, the Department is amending the rule to authorize the agency to issue the permit for a different species, a different number of animals per species, a different method of take, or to restrict the age or condition of wildlife to be taken. Also to diminish abuses under this permit, the rule will be amended to clearly state that wildlife held under the permit may be photographed, but for a noncommercial purpose. Again, special restrictions must be placed on this permit, because it is not a commercial permit. However, to ensure that the permit is used for educational purposes, if that was the reason for which the permit was issued, the Department is amending the rule to require that an individual also include in the application the minimum number of presentations that the applicant will make under the permit, contact information for any clients that the applicant has already contacted about giving a presentation, and the number of species specimens that the applicant already possesses, if applicable. In keeping with the amendments made to authorize the placement of stipulations on a special license, the Department is amending the rule to require that any agents authorized under this permit abide by the stipulations placed on the permit.

To ensure that a wildlife hobby license is not used for a commercial purpose, which is unlawful and not consistent with its objective, R12-4-419 will be amended to clearly state that wildlife held under this license shall not be exhibited. Under the definition for "exhibit," both display and photography are allowed as commercial activities. The Department will also amend this rule to only require that an applicant submit a diagram or description of the facility where wildlife will be held if applying to hold 50 individual specimens or more. Currently, the Department requires a holding diagram or description for 25 birds, which the agency finds too few to warrant a full holding diagram.

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The Department proposes to amend the zoo license rule, R12-4-420 to allow a temporary exhibit to be established for 60 days, rather than 20. This provides a greater return on the investment of establishing such an exhibit. The Department is also prescribing additional methods of disposing of wildlife: by selling, giving, or trading it to another zoo or to an appropriate special license holder, or exporting it to a zoo in another state that is certified by the American Zoo and Aquarium Association. The Department is also specifying that a zoo license holder hold wildlife in such a manner as to prevent it from escaping the facility specified on the license, and also to prevent the entry of unauthorized individuals or other wildlife. To ensure that zoo licenses are issued to individuals who have an interest in fulfilling the objectives for which this license was made, the Department is amending the rule to clearly state the purposes for which a license shall be issued: for the advancement of science, wildlife management, or promotion of public health or welfare; education; or conservation, or maintaining a population of wildlife threatened with extinction in the wild. As is being done in other rules, the Department is requiring that an annual report be submitted to the agency detailing license activities to ensure that the license is being used for its intended objective and to give the Department more information on the use of wildlife in the state. As part of the agency's efforts to monitor wildlife activity more closely, the Department is also amending the rule to require that a zoo license holder to make a written request and receive approval from the Department before adding any species of wildlife that is listed in R12-4-406.

More and more businesses are offering and advertising animal control services, including removal of wildlife. To ensure that only qualified and authorized individuals are handling state wildlife, the Department is requiring that any individual who provides, advertises, or offers assistance with nuisance wildlife to the public for a fee or without charge shall obtain a wildlife service license under R12-4-421. The Department is also amending the rule to allow license holders to engage in authorized activities with javelina. With expanding developments stretching further out into open areas, wildlife encounters have increased in newly urbanized areas. Most of these species are already authorized for removal under a wildlife service license, except javelina, which is designated as a big game animal. A license holder shall also contact the regional office that presides over the area before engaging in authorized activities with javelina. Additional methods of disposal shall be prescribed in general for wildlife held under this license, including appropriate environmental conditions, habitat conditions, and authorizing the release of live wildlife to an appropriately licensed rehabilitator. The Department is also amending the rule to prescribe procedures for submission and content of annual reports.

The Department is not amending R12-4-422, dealing with sport falconry, as stated in the 2004 five-year rule review. Amendments that were proposed in the report were based on amendments proposed to federal regulations regarding sport falconry, which were subsequently discontinued. The Department intends to pursue a separate rulemaking to amend the rule once federal changes are adopted and effective.

The Department has had problems in the past with individuals taking advantage of the privileges given under a wildlife rehabilitation license. Although R12-4-423 states that this license does not authorize an individual to permanently possess wildlife, the Department is amending this rule to clearly state that fact. Some license holders feel they should be allowed to permanently hold wildlife specifically if it cannot be returned to the wild. If the license holder is unwilling to obtain a wildlife holding license to continue to hold wildlife that cannot meet its own needs in the wild, the Department is amending the rule to clearly state that all wildlife held under this license is still wildlife and is thus property of the state, as authorized under A.R.S. § 17-102; as such, that wildlife may be impounded by the Department. The Department is also amending the rule to authorize a licensed rehabilitator to provide care for raccoons. To assist license holders to defer some of the costs of rehabilitating wildlife, the Department is amending the rule to allow a rehabilitator to accept donations from the public. As stated previously, the Department is taking a more staunch position in the use of wildlife in the state, including methods of disposal. The Department is amending this rule to require that if wildlife held under this license is disposed, it shall be done as directed in writing by the Department. If wildlife cannot be released back into the wild after the time-frames currently prescribed in rule (180 days for birds, 90 days for other wildlife), the Department is amending the rule to require that the license holder either obtain authorization from the Department to retain, transfer, or otherwise dispose of the wildlife, or euthanize the wildlife. The Department will also amend the rule to comply with amendments made to federal guidelines for wildlife rehabilitation, and to extend the license to a three-year license instead of a two-year license.

The Department is amending R12-4-424, dealing with white amur stocking licenses, to change the title to the more appropriate "white amur stocking and holding license," because the rule authorizes both stocking and holding. To ensure that restocking of white amur fish is done in a timely manner, the Department is requiring that restocking shall not exceed 20 days, these dates shall be specified on the license, and that only during this time is restocking valid. Lastly, the Department is amending the rule to eliminate a renewal fee for a license if the license holder stocks white amur in a private pond that is not associated with a business. There are some individuals who use white amur to remove aquatic grasses in their personal ponds; the Department does not find it necessary to charge those individuals \$200 annually to renew the license and to continue personal use of this wildlife.

To allow the continued personal use of wildlife that was previously not restricted, the agency is amending R12-4-425 to "grandfather" possession of wildlife that is lawfully possessed, but has become restricted with this rulemaking. With this, the Department will also amend the title of the rule from "Restricted Live Wildlife Lawfully Possessed without License or Permit prior to the Effective Date of Article 4" to "Restricted Live Wildlife Lawfully Possessed without License or Permit before the Effective Date of Article 4 or any Subsequent Amendments." Under this rule, however, special restrictions will be added to ensure that individuals do not abuse this privilege in such a way as to create a threat to native wildlife populations. If wildlife held under this rule is transferred to a special license holder,

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that license holder must use and possess it only as authorized by the special license; “grandfather” privileges do not extend to other individuals. Offspring of wildlife shall also be disposed, either by exportation, euthanization, or as otherwise directed by the Department. If “grandfathered” wildlife is exported, the privileges granted under this rule are terminated; the individual that possesses the wildlife shall obtain a special license to continue to hold it.

The Department has had increasing problems with individuals who own primates under R12-4-426, dealing with possession of primates, particularly those who are continuously involved in incidents. If a primate bites, scratches, or otherwise exposes a human to a pathogenic organism, the individual that owns the primate shall have the primate examined by a state licensed veterinarian so that the doctor can perform any examinations or lab tests determined necessary by the Department. The Department also is amending the rule to require the Department to notify the exposed individual and the Department of Health Services, Vector Borne and Zoonotic Disease Section within 10 days of receiving the test results. Finally, the Department is amending the rule to require that a primate that is involved in more than one incident of biting, scratching, or otherwise exposing a human to pathogenic organisms shall be maintained in captivity or disposed as directed in writing by the Arizona Game and Fish Director or the Director’s designee.

The Department is amending R12-4-408, dealing with holding wildlife for the Department; R12-4-428, which prescribes captivity standards; and R12-4-430, dealing with importation, handling, and possession of cervids, to make them consistent with other rules of this Article, and to make them consistent with the current guidelines for rulemaking language and style. The title of R12-4-427 will be amended from “rehabilitation exemptions” to “exemptions from requirements to possess a wildlife rehabilitation license” for consistency.

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

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

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

Not applicable

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

The amendments to rules listed in Article 4, Live Wildlife, will impact the Department, the general public, individuals and businesses that use or enjoy live wildlife, special license holders, and the wildlife resources of this state. Overall, these amendments will benefit the Department by authorizing it to take more steadfast action against the potential introduction of nonnative wildlife, which could severely impact the native wildlife of this state. It also gives the Department greater authority to regulate the use of live wildlife so as to reduce the abuse of wildlife privileges granted under special licenses. Though some of the amendments will create a greater workload for agency employees, the Department holds that the benefits of the rulemaking outweigh the costs. The Department also holds that the amendments will benefit the general public by generally prohibiting use of wildlife or possession of wildlife in a manner that could threaten public health or safety. Oftentimes, people do not realize the potential harm that can be caused by wildlife if it is allowed to come into contact with them. The amendments will also impact special license holders by requiring them to provide more information regarding the use of wildlife than they have had to provide in the past. Additional requirements and restrictions will be placed on those licenses whose holders have demonstrated a propensity to abuse their wildlife privileges, either through ignorance or misunderstanding of current live wildlife rules, or through outright violation of these rules. The Department, though, holds that the benefits to the state and to the resource outweigh the cost of the additional requirements. Some amendments will impact businesses that use live wildlife, particularly private game farms and businesses that use live wildlife that will become restricted. The Department has made amendments to shore up any potential for misinterpretation of rules under which some license holders have felt at liberty to use live wildlife contrary to the intent for which a license is issued. Addition of certain species of wildlife, such as frogs of the genus *Rana*, will also restrict the types of live animals that can be sold by pet traders; though representatives of the pet trade have indicated that they are prepared to use other non-threatening species of frog in their stores. Under this rulemaking, any individual that possesses an animal of a species that becomes restricted will also have to report it to the Department. In general, the Department does not believe that these amendments will significantly impact other political subdivisions, and will not lastingly impact businesses. Though some businesses will have to adopt different animals or practices to continue their trade, alternative lawful means exist to allow them to maintain their business. The amendments will not impact either private or public employment, and will not lastingly impact businesses revenues. The Department holds that the potential benefit to the state from addressing concerns generated by invasive wildlife species outweighs the short-term costs to businesses that deal in wildlife. The rulemaking will not significantly impact state revenues. Finally, the Department has determined that to address growing concerns related to the introduction of nonnative species, particularly in a state that has a continuously circulating population, there are no alternative means of achieving the objectives of the rulemaking.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

Non-substantive grammar and style changes to make the rule language correct and consistent with APA standards were made. The Department has also included addresses for the various entities that issue materials incorporated by reference.

11. A summary of the comments made regarding the rule and the agency response to them:

The following are summaries of comments made.

Written Comment: Thank you for the opportunity to comment on the Department's proposed amendments to the live wildlife rules. As you are aware, nonnative fishes and other aquatic species are a leading cause of ongoing decline of native fishes and are the single most important factor in hindering success in their recovery. The live wildlife regulations are one of the Department's primary mechanisms for ensuring the survival of native fishes by preventing expansion and introduction of nonnative fish. The proposed amendments provide a prime opportunity to fine-tune that mechanism to more effectively deal with introduction and spread of nonnative species.

- a. The basic approach to regulation of possession, transport, import/export, and sale of live aquatic nonnative species needs to be changed from the permissive one of "permitted unless restricted" to the more controlled approach of "restricted unless permitted." The current approach adds species to the restricted list only after there is substantial information indicating that the species has a significant probability of invading the state's waters. This reactive approach leaves strong likelihood of failure to timely restrict import or introduction of nonnative species likely to cause serious, irreparable harm to native wildlife.
- b. If the Department and/or the Commission chooses to retain the more traditional approach of the current regulations, lists of restricted fish, amphibians, reptiles, crustaceans, and mollusks must be greatly expanded to include, at a minimum, all freshwater species presently known to be actively invasive within the United States, as well as many of those known to be actively invasive on a world-wide basis, particularly if widely available in trade. Analysis of the species presently on the restricted list clearly shows the focus of preventing nonnative introductions harmful particular to sport fish or sport fishing management, or species harmful to human health or economics. A list of 172 species of aquatic reptiles, amphibians, fish, crustaceans, and mollusks is recommended to be added to the restricted live wildlife list.
- c. Live bait dealer licenses should be discontinued as a live wildlife restrictions exemption. Propagation, holding, and use of live bait are well documented as sources of introduction and spread of nonnative species. Even for the species allowed it can result in incremental expansion of range and numbers of those species already present, two of which are documented as among the most harmful nonnatives to the native fish, as well as imperiled amphibians. This undermines recovery efforts aimed at reducing or removing nonnative species. If live bait dealership is allowed to continue, the regulation should require certification of escape-proof holding and propagation facilities and a periodic certification that stocks of live bait are free from contamination by and do not include other species.
- d. I recommend the definition of "endangered or threatened" be expanded to include all federal endangered or threatened species, regardless of their listing date. It seems misleading to restrict the Department's definition to only those federally listed species in the Code of Federal Register before October 1, 2000.

Agency Response: The Department reviewed many species suggested to be a concern to native wildlife during the rulemaking process.

- a. The Department does not believe that it is practical to reverse its general approach to restricted species as suggested at this time. Though it may have biological merit, this request represents a fundamental change in the manner the Article 4 rules relate to the regulated community. The Department feels the suggested change would create a large burden on both the regulated community and the agency without providing sufficient notification or stakeholder discussion of such a change. However, the Department will retain the comment so that the suggested change to the agency's process can be evaluated comprehensively and in a timely manner during the next five-year rule review.
- b. The Department did evaluate some of the species listed in the comment during the review of the rule, but did not believe listing them was warranted or practical for the conservation of native fish species, including those that are not game fish. Many aquatic species of fish, such as species of the genus *Danio*, are a fundamental commodity in the aquarium trade. To require a special license to possess these species would greatly impact businesses that sold them. Although some populations of nonnative species have escaped or been released from captivity, the state's climate does not always accommodate them, and some populations die out naturally.
- c. The Department does not believe that discontinuation of the live bait dealer license is advisable. The use of live bait in the angling community has a long history and tradition in Arizona that is supported by live bait dealers. The discontinuation of this license would disrupt the recreation opportunity as tradition, have adverse economic consequences to the regulated industry, and would significantly change the impact of the rulemaking beyond the scope of what the regulated community understands the impact would be. However, the rule R12-4-411 is being amended to require the applicant for a live bait dealer license to submit a detailed diagram or description of the

facilities where the license holder will hold the wildlife to ensure that it does not escape and also to ensure the well-being of the wildlife. Also, the rule is being amended to clarify requirements for obtaining certification that shipments of live wildlife are certified free of diseases and causative agents identified in any license stipulations. These changes should greatly reduce the likelihood that unintentional organisms are released into the wild. Additionally, many of the species of concern that could inadvertently be present are restricted live wildlife. Possession of such wildlife would constitute a violation if held without a license, thus conferring an incentive for the bait dealer not to accept possibly contaminated shipments.

- d. The Department is unable to comply. Under A.R.S. § 41-1028, material that is incorporated by reference shall not include any later amendments or editions. The Department has incorporated by reference the most recent list of endangered species published in the Code of Federal Regulations.

Written Comment: Although I am not a citizen of Arizona, I deeply care about wildlife matters. People should not be allowed to possess live wildlife.

Agency Response: The Arizona Game and Fish Commission has the authority under A.R.S. Title 17 to allow for the personal use and possession of wildlife. The Commission and Department exercise this authority in a manner so as to safeguard the interests of the wildlife and the people of the state as determined by various public processes and professional recommendations. A prohibition of all possession of live wildlife does not correspond with either the best professional judgment of the scientific community nor the public sentiment as expressed through the agency's public review process.

Written Comment: This letter responds to your request for comments on the Department's proposed amendments to the live wildlife rules. Survival of Arizona's native fishes requires increased control of the continuing threat posed by non-native species with special need for heightened attention to the introduction and spread of non-natives through unregulated possession and transport. The present approach provides for addition of previously unrestricted non-natives to the alarmingly brief list of restricted species only after they are identified as potential harmful invaders, which may delay or prevent timely actions to avert introduction. The "approved unless prohibited" approach is no longer acceptable in view of available data and must be changed to confront the severe danger to Arizona's native fish posed by non-native aquatic species. Given the inarguable actual and potential harm that non-native fishes and other aquatics represent, we recommend a restricted live wildlife list that prohibits import, export, transport, possession, or sale of any and all aquatic species unless specifically permitted. Any permits, licenses, or other lawful exemptions to the live aquatic wildlife restrictions must require a prospective importer to prove with relevant and credible scientific evidence that any and all species proposed for importation, transport, possession, or sale represent no actual or potential harm to native fishes of the state with allowance for scientific peer review.

Agency Response: The Department does not believe that it is practical to amend the rules as suggested at this time. This request represents a fundamental change in the manner the Article 4 rules relate to the regulated community. The Department feels the suggested change would create a large burden on both the regulated community and the agency without providing sufficient notification or stakeholder discussion of such a change. Though this comment may have biological merit, it is the responsibility of the Department to balance the legitimate uses of wildlife with any threats that such uses might confer. The approach adopted in this rulemaking represents the Department's best effort at achieving this balance at this time.

Written Comment: I have a proposal and a comment on a proposal for the [Department]. I would like to see rules authorizing the take of aquatic wildlife for hobby and aquatic trade, especially baitfish. Baitfish make good pets, help reduce pests like mosquitoes, and add an element of beauty by using native fish that can survive the winter. These are difficult traits for a pond owner to find in one species of available fish. On the note of photography, I feel that it should only be regulated in the way the pictures are obtained. Restrictions should not be placed on whether a picture is commercial or non-profit. Doing so is regulating photography in general.

Agency Response: The take of live aquatic wildlife for trade is contradictory to the North American Model of Wildlife Management to which all southwestern state wildlife agencies adhere. The Department's amendments regarding photography are intended to conserve the resource and ensure that it is unharmed or exploited for commercial endeavors.

Oral Comment: This individual had the following comments:

- a. I support the agency's provisions regarding photography. However, I don't understand the reasoning for not allowing desert tortoises to leave the state.
- b. I propose limited take of Gila monsters, Arizona ridge-nosed rattlesnakes instead of the Mexican variety, and the banded rock rattlesnake. These species are not restricted as a result of any scientific study.
- c. I propose a "herp-only" license specifically for the taking of reptiles and amphibians for a reduced fee. Currently, an individual must purchase a hunting license to take reptiles and a fishing license to take amphibians.

Agency Response: The Department responds as follows:

- a. The Department appreciates your support regarding photography. Desert tortoises are a restricted species that do not fare well outside of the arid desert climate. The Department's amendments to prohibit or restrict the export of desert tortoises are to prevent them from being traded in the black market.

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- b. Take of wildlife is determined by Commission Order, not by rule. The listing of these species as restricted does not preclude the Commission from establishing a season and live bag limit for their possession, but the recommendation for these species must come from the Department's Nongame Branch.
- c. Any new type of license and associated fee must be authorized by statute before it can be made into rule and would require amendment of a rule not included in the original docket for this rulemaking. The Department will retain this comment and consider it during the appropriate five-year rule review for Article 1, dealing with definitions and general provisions.

Oral Comment: On behalf of the Animal Defense League, the individual commented on several issues:

- a. In the Notice of Proposed Rulemaking, the definition for "endangered or threatened" says "including any later amendments or editions." Does the agency mean "editions" or "additions?"
- b. The definition for "hybrid wildlife" should include animals that are the offspring of a domestic and wildlife species so that it is clear what agency has jurisdiction over them. There are increasing numbers of hybridized animals that have one domestic parent, and it is not clear what agency regulates them particularly when a violation is committed.
- c. The family Suidae should be included in the list of restricted live wildlife species so the agency is able to regulate feral hogs, because they are an incredibly aggressive invasive species that can impact native habitat. Feral hogs are also being imported for animal fighting, which ties back to the previous comment, because some feral hogs are descended from Russian boars. Because they are hybrid wildlife, it is not known what governing body has jurisdiction over them.
- d. There are new provisions in R12-4-402 and R12-4-403 that allow Department personnel to essentially make an immediate decision to seize, quarantine, hold wildlife, or in some cases even euthanize, but these provisions do not provide the individual that holds the wildlife with some kind of recourse. It seems there should be some procedure so that if somebody feels that if they're being treated wrongly, they can stop the process. The Department can seize the animal, but not kill it.
- e. Is it still lawful to collect desert tortoises? Although there are provisions that permit people to transfer them out of state if they're permitted to be held in the other state, this may allow the pet trade to flourish off of desert tortoises. Thus, the organization feels that transfer out-of-state should not occur unless it is for a scientific purpose, for the benefit of the species, or to ensure there are adequate populations in the wild.
- f. There is a sense of redundancy among special license holders, because many have various licenses from various agencies for various purposes. For example, zoo license holders feel that an inspection by the Department is unnecessary if both the U.S.D.A. and the A.Z.A. already license and inspect the facility.
- g. When there are exigent circumstances, the organization does not believe that a zoo license holder should have to receive Department approval to receive live wildlife that is not on the original license. An exemption should be allowed to give notification to the Department after the transfer is complete if it is to address an exigent circumstance.
- h. There is still some ambiguity over the amount of record-keeping that a facility must maintain on each animal.
- i. The Department should eliminate game farms, because they are not consistent with the objectives of most of the other permitted activities. Other permits are issued for the benefit of the species or the individual animal, which seems to be more consistent with the mission of the Department.
- j. The requirement to submit a description or diagram of a facility in R12-4-420 could be a security risk if it becomes part of the public record.
- k. People should not be allowed to keep primates. Most people are not able to provide primates with the conditions they need to be enriched psychologically.

Agency Response: The Department responds as follows:

- a. The term "edition" was not amended in the definition for "endangered and threatened," because it refers specifically to the revision of the materials incorporated by reference stated in the amendments. Under A.R.S. § 41-1028, material that is incorporated by reference shall not include any later amendments or editions.
- b. Although the Department understands that hybrid animals present a difficult issue in jurisdictional regulation, at this time the agency's judgment is that hybrid animals produced from a mating of a wildlife species and a non-wildlife species are not wildlife.
- c. The Department's biologists have determined that species of the family *Suidae*, including feral hogs, do not present a significant enough threat to native species to place them on the restricted live wildlife list.
- d. During the Department's five-year review of this Article, the Department's Assistant Attorney general recommended amending the rules to authorize the Department to take preemptive measures to conserve native wildlife and to ensure the safety, health, and welfare of the public. The Department proposed amendments to R12-4-402 and R12-4-403 to authorize the Department to take live wildlife that pose a potential threat were made as part of that recommendation. Additionally, many provisions of law recognize the necessity of officer discretion in the judgment of the appropriate level of action to be exercised in the protection of public health and safety. The provisions established in these rules are applied in the context of a law enforcement procedures manual that the

Department's officers are trained with. To modify these amendments as commented would unduly limit the response capacity of the agency's officers during exigent circumstances.

- e. The Department has not allowed take of desert tortoises since 1986. The Department holds that the amendments made to R12-4-404 and R12-4-407 sufficiently address export and potential commercialization of desert tortoises, including impeding their use in the pet trade.
- f. The Department disagrees that the documentation required by the agency is redundant with those required by other governmental or oversight agencies. The reporting requirements for R12-4-423, dealing with wildlife rehabilitation licenses, indicate that the license holder's federal report may be used in fulfillment of the Department's requirements for those individuals requiring duplicate reporting. The agency has also investigated substitution of reports required of zoo license holders, but have found the AZA reporting requirements incompatible with the Department's needs for content and timing.
- g. The Department's objective for making this amendment is to more closely and accurately monitor wildlife activity in this state. A variety of remedies exist under other regulations to allow appropriate care to be provided under exigent circumstances. Under R12-4-407, a license veterinarian may possess and provide care to live wildlife that require it. Under R12-4-408, an individual may temporarily possess live wildlife under various circumstances, with Department approval. The Department does not consider seeking such approval to be an undue burden.
- h. The Commission proposed extensive amendments to its rules to clarify what documentation applicants and holders of special licenses are required to submit and maintain regarding the live wildlife they possess.
- i. The Department disagrees that private game farms are inconsistent with the Department's mission. Private game farms are specifically authorized under A.R.S. § 17-238, a statute that has existed since 1958. Possession of live wildlife for limited commercial purposes has a tradition and a stakeholder group whose interest the Department has a responsibility to consider.
- j. The Department disagrees that submission of a detailed diagram or description of a zoo creates a security risk. The purpose of the diagram or description is to determine whether or not the proposed holding facility meets the captivity standards established in R12-4-428 and other best management practices. The Department does not require that the diagram or the description convey information that would lead to a significant compromise in the security of the facility. If an applicant has these concerns, the applicant can work with the Department's license administrator to craft a diagram or description that ensures security and still provides necessary holding information.
- k. The Department does not agree that possession of primates should be prohibited. The agency has deliberated this issue internally and with the general public, but believes it has established a sufficient compromise between the interests of various stakeholders and the interests of wildlife stewardship.

Oral Comment: I would like to reemphasize the statements I made in my written comments submitted earlier (the first written comment submitted to the Department).

Agency Response: See the Department's response to the first written comment under Item 11.

Oral Comment: How will the Department notify the public when species become restricted? Would there be a "first infraction free" since not everyone has a means to receive public information?

Agency Response: The Department will notify the general public through the notification process required by the Administrative Procedures Act as well as through the Department's Information and Education Branch. The agency encountered a similar issue when it restricted desert tortoises, but there is no indication that any citation written for possession was invalid or excessive for the circumstances.

Oral Comment: This individual had the following comments:

- a. Department should require that sampling for a disease test under the amendments for R12-4-426(D) and (E) take place at the time of the bite or scratch.
- b. If the Department makes all transgenic organisms a restricted wildlife species, a lot of individuals who work with transgenic animals will be required to obtain a holding permit, which would present a burden on those individuals as well as the agency.
- c. The commenter agrees with the Department's decision not to prohibit possession of primates.
- d. There was a lot of talk about red-eared sliders, but they do not seem to be anywhere in the rulemaking. What happens when they come into wildlife centers?

Agency Response: The agency responds to these comments as follows:

- a. Amending the rule according to this comment would constitute a substantive change that would require additional notification and further discussion with the agency's stakeholder groups as well as the facilities that provide primate disease testing. Although the agency acknowledges the potential validity of this comment, amending the rule accordingly would prevent it from completing the rulemaking in the time-frame noticed to the regulated community and the Commission. The Department will retain this comment so that it can evaluate the suggested process change in a more timely and thoughtful manner during the next five-year rule review.

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- b. The Department disagrees that classifying transgenic organisms as restricted species is excessive. Listing them as restricted does not by itself limit any current or contemplated uses; it merely requires that these organisms come to the attention of the Department in the form of an application for a special license and that application be evaluated for approval under the same procedures as uses of other restricted live wildlife. The Department is prepared to receive applications for special licenses to use transgenic organism and is required under R12-4-106 to issue licenses within a reasonable time-frame.
- c. The Department appreciates the support on this issue.
- d. The Department did not propose to add red-eared sliders to the list of restricted live wildlife species at this time.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

13. Incorporations by reference and their location in the rules:

R12-4-401. Live Wildlife Definitions

3 4. “Cervid” means a mammal classified as a Cervidae or member of the deer family found anywhere in the world, as defined in the taxonomic classification from Volumes I and II of Walker’s Mammals of the World, Sixth Edition, 1999, and not including any later edition. A copy is available for inspection at any Department office and from the Johns Hopkins University Press, 2715 North Charles Street, Baltimore MD, 21218-4363.

7 10. “Endangered or threatened” means wildlife that is listed in 50 CFR 17.11, revised as of April 10, 1987 August 4, 2004 not including any later amendments or editions, which is incorporated by reference. A copy of the list ~~is on file with the Secretary of State and~~ is available for inspection at any Department office, or it may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

14. Was this rule previously made as an emergency rule?

Not applicable

15. The full text of the rules follows:

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

ARTICLE 4. LIVE WILDLIFE

Section

- R12-4-401. Live Wildlife Definitions
- R12-4-402. Live Wildlife: ~~Prohibited~~ Unlawful Acts
- R12-4-403. Escaped or Released Live Wildlife
- R12-4-404. Possession of Live Wildlife Taken ~~on~~ Under an Arizona Hunting or Fishing License
- R12-4-405. Importing, Purchasing, and Transporting Live Wildlife Without an Arizona License or Permit
- R12-4-406. Restricted Live Wildlife
- R12-4-407. Exemptions from Special License Requirements for Restricted Live Wildlife
- R12-4-408. Holding Wildlife for the Department
- R12-4-409. General Provisions and Penalties for Special Licenses
- R12-4-410. Aquatic Wildlife Stocking Permit
- R12-4-411. ~~Minnow Live Bait~~ Dealer’s License
- R12-4-413. Private Game Farm License
- R12-4-414. Game Bird Shooting Preserve License
- R12-4-415. Game Bird Field Trial License
- R12-4-416. Game Bird Field ~~Trial~~ Training Permit
- R12-4-417. Wildlife Holding License
- R12-4-418. Scientific Collecting Permit
- R12-4-419. ~~Wildlife~~ Game Bird Hobby License
- R12-4-420. Zoo License
- R12-4-421. Wildlife Service License
- R12-4-423. Wildlife Rehabilitation License
- R12-4-424. White Amur Stocking and Holding License
- R12-4-425. Restricted Live Wildlife Lawfully Possessed without License or Permit ~~Prior to~~ Before the Effective Date of Article 4 or Any Subsequent Amendments
- R12-4-426. Possession of Primates
- R12-4-427. ~~Rehabilitation Exemption~~ Exemptions from Requirements to Possess a Wildlife Rehabilitation License

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- R12-4-428. Captivity Standards
- R12-4-430. Importation, Handling, and Possession of Cervids

ARTICLE 4. LIVE WILDLIFE

R12-4-401. Live Wildlife Definitions

In addition to definitions given in A.R.S. § 17-101, and for the purposes of ~~Article 4~~ this Article, the following definitions apply:

1. "Agent" means an individual that assists a special license holder in performing activities that are authorized by the special license to achieve the objectives for which the license was issued.
2. "Aquarium trade" means the commercial industry that lawfully ~~trading~~ trades in aquatic live wildlife that is ~~not restricted live wildlife~~, and the ~~its~~ customers of that industry, when all aquatic wildlife is held for pet or ornamental uses only, in aquaria or in enclosed ponds with no opportunity for ingress or egress.
3. "Captive live wildlife" means live wildlife that is held in captivity, physically restrained, confined, or impaired, or deterred so that it is prevented to prevent it from unobstructed return escaping to the wild or movement moving freely in the wild.
4. "Cervid" means a mammal classified as a Cervidae or member of the deer family found anywhere in the world, as defined in the taxonomic classification from Volumes I and II of Walker's Mammals of the World, Sixth Edition, 1999, and not including any later edition. A copy is available for inspection at any Department office and from the Johns Hopkins University Press, 2715 North Charles Street, Baltimore MD, 21218-4363.
5. "Circus" means a scheduled event where a variety of entertainment is the principal business, primary purpose, and attraction. "Circus" does not include animal displays or exhibits held as an attraction for a secondary commercial endeavor.
6. "Collect" means to take wildlife alive under the provisions of a ~~Scientific Collecting Permit~~ scientific collecting permit.
7. "Commercial" means the buying or selling of wildlife or their parts, or the exchange of anything of monetary value for the use of wildlife.
8. "Domestic" means an animal species that does not exist in the wild, and includes animal species that have only become feral after they were released by humans that held them in captivity, or are individuals or populations that escaped from human captivity.
9. "Educational display" means ~~to a~~ a display of captive live wildlife to increase public understanding of wildlife biology, conservation, and management without requiring or soliciting payment from ~~the an~~ an audience or an event sponsor. For the purposes of this Article, "to display for educational purposes" refers to display as part of an educational display.
10. "Endangered or threatened" means wildlife that is listed in 50 CFR 17.11, revised as of ~~April 10, 1987~~ August 4, 2004, not including any later amendments or editions, which is incorporated by reference. A copy of the list is ~~on file with the Secretary of State~~ and is available for inspection at any Department office, or it may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.
11. "Evidence of lawful possession" means any license or permit ~~allowing that allows~~ allowing possession of ~~the specified a specific~~ a specific live wildlife species or individual, or other documentation ~~establishing that establishes~~ establishing lawful possession, ~~including~~. Other forms of documentation may include but are not limited to: a statement of nonrequirement for a license or permit for ~~the specified specific~~ specific live wildlife, ~~species, or individual~~ granted by the country or state of origin.
12. "Exhibit" means to display captive live wildlife in public, or to allow photography of captive live wildlife, for any commercial purpose.
13. "Exotic" means wildlife or offspring of wildlife that is not native to North America.
14. "Fish farm" means a commercial operation designed and operated for propagating, rearing, or selling aquatic wildlife for any purpose ~~except the aquarium trade~~.
15. "Game farm" means a commercial operation that is designed and operated for the purpose of propagating, rearing, or selling terrestrial wildlife or the parts of terrestrial wildlife for any purpose stated in R12-4-413.
16. "Hybrid wildlife" means an offspring from two different wildlife species or genera. Offspring from a wildlife species and a domestic animal species are not considered to be wildlife.
17. "Live baitfish" means any species of live freshwater fish designated by Commission order as lawful for use in taking aquatic wildlife under R12-4-313.
18. "Live bait" means ~~live~~, aquatic live wildlife used or intended for use in taking aquatic wildlife.
19. "Native" means wildlife or offspring of wildlife that occurred naturally within the present boundaries of Arizona before European settlement.
20. "Nonnative" means wildlife or its offspring that did not occur naturally within the present boundaries of Arizona before European settlement.
21. "Photography" means any process that captures light to produce an exact image of wildlife or parts of wildlife on

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another medium.

- 13 ~~22.~~ “Propagate” means the generation production of offspring that qualify as wildlife from captive live wildlife parents.
- 14 ~~23.~~ “Rehabilitated wildlife” means live wildlife that is injured, orphaned, sick, or otherwise debilitated wildlife that and is provided care to restore it to a healthy condition suitable for release to the wild or for lawful captive use.
- 15 ~~24.~~ “Restricted live wildlife” means wildlife that the Commission has determined is an actual or potentially significant threat to indigenous wildlife by competition, disease or parasites, habitat degradation, predation, or impact on population management; or an actual or potentially significant threat to public safety by disease, physical threat, property damage, or nuisance cannot be imported, exported, or possessed without a special license or lawful exemption. Restricted live wildlife are listed in R12-4-406.
- 16 ~~25.~~ “Shooting preserve” means any operation where live wildlife is released for the purpose of hunting.
- 17 ~~26.~~ “Special license” means any permit or license issued under 12 A.A.C. 4, Article 4, authorizing this Article, including any additional stipulations placed on the license that authorizes specific activities normally prohibited by A.R.S. § 17-306 and R12-4-402.
- 18 ~~27.~~ “Stock” and “stocking” mean to release live aquatic wildlife into public or private waters other than the waters where taken.
19. “Threatened native wildlife” means any species listed in “Threatened Native Wildlife in Arizona,” published by the Arizona Game and Fish Department. A copy is available from any Department office.
28. “Wildlife of special concern” means any species listed in “Wildlife of Special Concern,” published by the Arizona Game and Fish Department. A copy is available for inspection at any Department office.
29. “Zoonotic” means a disease that can be transmitted to humans from other animals.

R12-4-402. Live Wildlife: ~~Prohibited~~ Unlawful Acts

- A. ~~A person shall not import or transport any live wildlife into the state, or possess, offer for sale, sell, sell as live bait, trade, give away, purchase, rent or lease, display for any purpose, propagate, stock, or release within the state any live wildlife, or export any live wildlife, or kill any captive wildlife, or operate a shooting preserve, except as authorized by this Chapter or as defined in A.R.S. Title 3, Chapter 16. A person may exhibit lawfully possessed wildlife only as authorized by this Chapter or as defined in A.R.S. Title 3, Chapter 16. An individual shall not perform any of the following activities with live wildlife unless authorized by this Chapter or A.R.S. Title 3, Chapter 16:~~
1. Import any live wildlife into the state;
 2. Export any live wildlife from the state;
 3. Transport, possess, offer for sale, sell, sell as live bait, trade, give away, purchase, rent, lease, display, exhibit, propagate, stock, or release live wildlife within the state; or
 4. Kill any captive live wildlife;
- B. ~~This rule is effective July 1, 2001. If an individual lawfully possesses wildlife, but holds it in a manner that poses an actual or potential threat to other wildlife, or the safety, health, or welfare of the public, the Department shall seize, quarantine, or hold the wildlife.~~

R12-4-403. Escaped or Released Live Wildlife

~~The Department may take any live wildlife which that has been released or which has escaped, escapes, or is likely to escape whether or not such wildlife was held pursuant to a special license, when if the wildlife is posing poses an actual or potential threat to native wildlife or to the safety, health, or welfare of the public. An individual shall not release live wildlife under A.R.S. § 17-306, unless authorized by this Chapter. The Department may also take live wildlife as prescribed by this Section if the wildlife is held under a special license.~~

R12-4-404. Possession of Live Wildlife Taken ~~on~~ Under an Arizona Hunting or Fishing License

- A. ~~Wildlife may be taken from the wild alive by authority of an appropriate Arizona hunting or fishing license only when a Commission order specifies a live bag and possession limit for that species. Wildlife taken pursuant to this subsection may be possessed, transported, placed on educational display, propagated, and killed for personal use, or disposed of pursuant to subsection (B), except that live baitfish may be possessed and transported only in accordance with R12-4-316. An individual may take wildlife from the wild alive under a valid Arizona hunting or fishing license only if there is a Commission Order that prescribes a live bag and possession limit for that wildlife and the individual possesses the appropriate license. An individual may possess, transport, place on educational display, photograph, propagate, or kill for personal use any wildlife taken under an Arizona hunting or fishing license, except that live baitfish may be possessed and transported only in accordance with R12-4-316. An individual shall dispose of any wildlife taken under an Arizona hunting or fishing license as prescribed by subsection (B).~~
- B. ~~Wildlife and the progeny of wildlife possessed pursuant to this rule may only be disposed of by gift or as directed by the Department, except that wildlife not removed from the area where captured may be released. Lawfully possessed live wildlife may be exported. An individual who possesses wildlife or offspring of wildlife under this Section shall only dispose of the wildlife or its offspring by giving it as a gift, exporting it to another state or jurisdiction, or as directed in writing by the Department. An individual shall not dispose of wildlife taken as prescribed by this Section or offspring of the~~

wildlife by selling, bartering, trading, or exporting it for commercial purposes. Exported live wildlife and its offspring shall not be sold, bartered, purchased, rented, leased, offered for sale, or used for any commercial purpose. An individual shall not export live desert tortoises (*Gopherus agassizii*) from the state without written authorization from the Department. The Department shall only authorize an individual to export live desert tortoises to another jurisdiction where they can be legally possessed. An individual may release live wildlife possessed under this Section into the wild, but only if the wildlife is not removed from the area where it was taken.

- ~~C.~~ A combined total of wildlife and the progeny of wildlife possessed pursuant to this rule shall not exceed the possession limit established by the current Commission order governing that species, except that the progeny of reptiles and amphibians may be held in captivity in excess of the possession limit for 12 months from the date of birth or hatching. Before or upon reaching 12 months of age, progeny of reptiles and amphibians in excess of the possession limit shall be disposed of by gift or as directed by the Department. An individual shall not exceed the possession limit of live wildlife established by Commission Order for that species. Offspring of wildlife possessed under this Section count towards the possession limit. If any offspring of amphibians or reptiles exceed the possession limit, they may be held in captivity for 12 months from the date of birth or hatching. Before or on the day the offspring of reptiles and amphibians reach 12 months of age, the individual that possesses them shall dispose of them by giving them as gifts or as directed by the Department.
- ~~D.~~ This rule is effective January 1, 1995. An individual may propagate desert tortoises possessed under R12-4-407(A)(1), and may hold offspring in captivity for 24 months from the date of hatching. An individual shall dispose of desert tortoises at the end of the 24 months by giving them as gifts or as directed in writing by the Department.
- ~~E.~~ An individual who possesses live wildlife or offspring of wildlife under this Section shall report the wildlife to the Department as prescribed under R12-4-425 if the wildlife becomes restricted under R12-4-406.

R12-4-405. Importing, Purchasing, and Transporting Live Wildlife Without an Arizona License or Permit

- ~~A.~~ Lawfully possessed mammals, birds, and reptiles not listed in R12-4-406 may be imported without any license or permit from the Department. An individual may import mammals, birds, and reptiles not listed in R12-4-406 without a license or permit from the Department if the animals are lawfully possessed under a valid license, permit, or other form of authorization from another state, the United States, another country, or are possessed under a lawful exemption.
- ~~B.~~ Lawfully possessed aquatic wildlife not listed in R12-4-406 may be imported without any license or permit from the Department, when it is intended for the aquarium trade as defined in R12-4-401, or for restaurants or markets licensed to sell food to the public where the aquatic wildlife is killed before transport from the restaurant or market. Aquatic wildlife being transported through the state shall be accompanied by authority to transport live aquatic wildlife granted by another state. Aquatic wildlife imported for any other purpose requires a special license or exemption granted pursuant to this Chapter. The aquarium trade may purchase live aquatic wildlife not listed in R12-4-406 from licensed fish farms. An individual may import live aquatic wildlife not listed in R12-4-406 without a license or permit from the Department under the following conditions:
 - 1. The wildlife is lawfully possessed under a valid license, permit, or other form of authorization from another state, the United States, another country, or is possessed under a lawful exemption;
 - 2. The wildlife is used only for the aquarium trade or a fish farm, as defined in R12-4-401, or for restaurants or markets that are licensed to sell food to the public;
 - 3. If the wildlife is for the aquarium trade or a fish farm, the wildlife is accompanied by a valid license or permit issued by another state or the United States that allows the wildlife to be transported through this state;
 - 4. If the wildlife is for restaurants or markets, the wildlife is killed before it is transported from the restaurant or market, or if transported alive from the market is conveyed directly to its final destination for preparation as food; and
 - 5. If the individual is engaged in the aquarium trade and wishes to purchase aquatic live wildlife or the individual wishes to purchase aquatic live wildlife for restaurants or fish markets.
- ~~C.~~ Wildlife lawfully imported without an Arizona license or permit, and their progeny, may be purchased, possessed, exhibited or displayed for any purpose, transported, propagated, traded, rented or leased, given away, sold, offered for sale, exported, and killed. Aquatic live wildlife that is used in the aquarium trade shall not be used for any reason other than as a pet or in an ornamental display. An individual in the aquarium trade shall not use wildlife that is listed as restricted live wildlife under R12-4-406. An individual shall keep live aquatic wildlife that is used in the aquarium trade in an aquarium or an enclosed pond that does not allow the wildlife to leave the aquarium or pond, and does not allow other live aquatic wildlife to enter.
- ~~D.~~ An individual shall obtain an appropriate special license listed in R12-4-409(A) before importing aquatic live wildlife for any purpose not stated in subsection (B). An individual may import aquatic live wildlife into this state if an exemption exists in this Chapter.
- ~~E.~~ An individual may purchase, possess, exhibit, transport, propagate, trade, rent, lease, give away, sell, offer for sale, export, or kill wildlife or aquatic wildlife or its offspring without an Arizona license or permit if the wildlife is lawfully imported and possessed as prescribed under subsections (A) or (B).
- ~~D F.~~ This rule is effective January 1, 1995. An individual shall use and dispose of wildlife that is taken under an Arizona hunting or fishing license as prescribed by R12-4-404, or R12-4-417 and this Article, if applicable.

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R12-4-406. Restricted Live Wildlife

- A.** For the purposes of this Section, “transgenic species” means any organism that has had genes from another organism put into its genome through direct human manipulation of that genome. Transgenic species do not include natural hybrids nor individuals that have had their chromosome number altered to induce sterility. A transgenic animal is considered wildlife if the animal is an offspring of a wildlife species.
- B.** With the exception of all live cervids, which shall not be imported, transported, or possessed except as allowed under R12-4-430, ~~a special license or an exemption under Article 4 is required to possess restricted live wildlife or to engage in any activity prohibited by A.R.S. § 17-306 or R12-4-402.~~ an individual shall possess an appropriate special license listed in R12-4-409(A) or act under a lawful exemption from the requirements of this Article in order to use wildlife listed in this Section for any activity prohibited by A.R.S. § 17-306 or R12-4-402. Exemptions from these requirements are listed in R12-4-316, R12-4-404, R12-4-405, R12-4-407, R12-4-425, and R12-4-427.
- C.** Requirements for the use of wildlife that occurs in the wild in this state and that has been taken alive under the authority of a valid state hunting and fishing license are prescribed in R12-4-404 and R12-4-405.
- D.** Domestic animals, as defined in R12-4-401, are not subject to restrictions under A.R.S. Title 17, this Chapter, or Commission Orders.
- E.** Hybrid wildlife, as defined in R12-4-401, that result from the interbreeding of at least one parent species of wildlife that is listed under this Section are regulated by this Section.
- F.** Unless specified otherwise in this Article, all transgenic species are restricted live wildlife.
- B G.** ~~Unless specified otherwise, mammals listed below are “restricted live wildlife”~~ restricted live wildlife as defined in R12-4-401. The taxonomic classification from Volumes I and II of Walker’s Mammals of the World, Sixth Edition, 1999, and not including any later edition, is the authority in the following designations. A copy is available for inspection at any Department office and from the Johns Hopkins University Press, 2715 N. Charles St., Baltimore, MD 21218-4363.
1. All species of the genus *Didelphis*. Common name: American opossums;
 2. All species of the order Insectivora. Common names include: Insectivores ~~or~~, shrews, hedgehogs, tenrecs, solenodons, and moles;
 3. All species of the order Chiroptera. Common name: bats;
 4. All species of the family Pongidae of the order Primates. Common names include: orangutans, chimpanzees, gorillas;
 5. All species of the order ~~Edentata~~ Xenarthra. Common names include: edentates; or sloths, anteaters, and armadillos;
 6. All species of the order Lagomorpha, except the genus *Oryctolagus*. Common names include: pikas, rabbits, and hares. Genus *Oryctolagus*, containing domestic rabbits, is not wildlife;
 7. All species of the following families of the order Rodentia. Common name: rodents.
 - a. The family Sciuridae. Common names: squirrels, chipmunks, marmots, woodchucks, and prairie dogs;
 - b. The family Geomyidae. Common name: pocket gophers;
 - c. The family Castoridae. Common name: beavers;
 - d. The family Erethizontidae. Common name: New World porcupines; and
 - e. The family Capromyidae. Common names include: hutias, coypus, or nutrias;
 8. All species of the order Carnivora. Common ~~name~~ names include: carnivores, skunks, raccoons, bears, foxes, and weasels; and *Canis familiaris*, domestic dogs; *Felis catus*, domestic cats; and *Mustela putorius furo*, domestic ferrets, are not wildlife.
 9. All species of the following families of the order Artiodactyla. Common name: even-toed ungulates.
 - a. The family Tayassuidae. Common name: peccaries;
 - b. The family Cervidae. Common ~~name~~ names include: cervid; or deer ~~family (including deer, elk, moose, wapiti, and red deer);~~;
 - c. The family Antilocapridae. Common name: pronghorn; and
 - d. The family Bovidae. Common names include: cattle, buffalo, bison, oxen, duikers, antelopes, gazelles, goats, and sheep, except that the following are not restricted:
 - i. The genus *Bubalus*. Common name: water buffalo; and
 - ii. The genus *Bison*. Common name: bison; American bison or buffalo.
 - iii. ~~*Capra hircus*, domestic goats; *Ovis aries*, domestic sheep; and *Bos taurus*, domestic cattle, are not wildlife.~~
- E H.** ~~Birds listed below are “restricted live wildlife”~~ restricted live wildlife as defined in R12-4-401.
1. The following species within the family Phasianidae. Common names: partridges, grouse, turkeys, quail, and pheasants.
 - a. ~~*Alectoris chukar*. Common name: chukar.~~
 - b. ~~*Callipepla californica*. Common name: California or valley quail.~~
 - e a. *Callipepla gambelii*. Common name: Gambel’s quail;
 - d b. *Callipepla squamata*. Common name: scaled quail;
 - e c. *Colinus virginianus*. Common name: northern bobwhite. Restricted only in Units game management units 34A, 36A, 36B, and 36C as prescribed in R12-4-108;

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~~f d.~~ *Cyrtonyx montezumae*. Common name: Montezuma harlequin or Mearn's quail; and

~~g e.~~ *Dendragapus obscurus*. Common name: blue grouse; and

~~h.~~ *Phasianus colchicus*. Common names: ringneck and whitewing pheasants.

2. The species *Rhynchopsitta pachyrhyncha*. Common name: thick-billed parrot.

D I. Reptiles listed below are ~~"restricted live wildlife"~~ restricted live wildlife as defined in R12-4-401.

1. All species of the order Crocodylia. Common names include: gavials, caimans, crocodiles, and alligators; and

2. The following species of the order Testudines. Common names include: turtles and tortoises; and

a. All species of the family Chelydridae. Common name: snapping turtles; and

b. All species of the ~~genera~~ genus *Gopherus* and *Xerobates* of the family Testudinidae. Common name: gopher tortoises, including the desert tortoise; and

3. All species of the following families or genera of the order Squamata.

a. The family Helodermatidae. Common names include: Gila monster and Mexican beaded lizard; and

b. The family Elapidae. Common names include: cobras, mambas, coral snakes, kraits, and Australian elapids; and

c. The family Hydrophiidae. Common name: sea snakes; and

d. The family Viperidae. Common names include: true vipers and pit vipers, including rattlesnakes; and

e. The family Atractaspidae. Common name: burrowing asps; and

f. The following species and genera of the family Colubridae:

i. *Dispholidus typus*. Common name: boomslang; and

ii. *Thelotornis kirtlandii*. Common ~~name~~ names include: bird snake or twig snake; and

iii. *Rhabdophis*. Common ~~names~~ name: keelbacks keelback; and

iv. *Boiga irregularis*. Common name: brown tree snake.

E J. Amphibians listed below are ~~"restricted live wildlife"~~ restricted live wildlife as defined in R12-4-401. The following species within the order Anura, common names frogs and toads.

1. All species of the genus *Xenopus*. Common name: clawed frogs; and

2. The species *Bufo horribilis*, *Bufo marinus*, *Bufo paracnemis*. Common names include: giant or marine toads; and

3. All species of the genus Rana. Common names include: leopard frogs and bullfrogs. Bullfrogs possessed under A.R.S. § 17-102 are exempt.

F K. Fish listed below are ~~"restricted live wildlife"~~ restricted live wildlife as defined in R12-4-401.

1. ~~American Arctic~~ grayling, the species *Thymallus arcticus*; and

2. Bass, all species of the family Serranidae; and

3. Bighead carp, the species *Aristichthys nobilis*; and

4. Black carp, the species Mylopharyngodon piceus;

5. Bony tongue, the species *Arapaima gigas*; and

6. Bowfin, the species *Amia calva*; and

7. Catfish, all species of the family Ictaluridae; and

8. Crucian carp, the species *Carassius carassius*; and

9. Electric catfish, the species *Malapterurus electricus*; and

10. Electric eel, the species *Electrophorus electricus*; and

11. European whitefish or ide, the species *Leuciscus idus* and *Idus idus*; and

12. Freshwater drum, the species *Aplodinotus grunniens*; and

13. ~~Freshwater stingray~~ stingrays, all species of the family Potamotrygonidae; and

14. Gars, all species of the family Lepisosteidae; and

15. Goldeye, mooneye, and all species of the family Hiodontidae; and

16. Herring, all species of the family Clupeidae; and

17. Indian carp, all of the species *Catla catla*, *Cirrhina mrigala*, and *Labeo rohita*; and

18. Lampreys, all species of the family Petromyzontidae;

~~Mooneye, all species of the family Hiodontidae.~~

19. Nile perch, all species of the genus *Lates*; and *Luciolates*; and

20. Pike or pickerels, all species of the family Esocidae; and

21. Pike topminnow, the species *Belonesox belizanus*; and

22. Piranha, all species of the genera *Serrasalmus*, *Serrasalmo*, *Phygoecentrus*, *Teddyella*, *Rooseveltiella*, and *Pygopristis*. Serrasalmus, Serrasalmo, Phygoecentrus, Teddyella, Rooseveltiella, and Pygopristis;

23. Rudd, the species Scardinius erythrophthalmus;

24. Shad, all species of the family Clupeidae except threadfin shad, species *Dorosoma petenense*; and

25. Sharks, all species, both marine and freshwater, of the orders Hexanchiformes, Heterodontiformes, Squaliformes, Pristiophoriformes, Squatiniformes, Orectolobiformes, Lamniformes, and Carcharhiniformes, except for all species of the families Hemiscilliidae, Orectolobidae, Brachaeluridae, and Triakidae; genera of the family Scyliorhinidae, including Aulohalaerlurus, Halaelurus, Haploblepharus, Poroderma, and Scyliorhinus; and genera of the family Parascylliidae, including Cirroscyllium and Parascyllium;

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- ~~25~~ 26. Silver carp, the species *Hypophthalmichthys molitrix*;
- ~~26~~ 27. Snakehead, all species of the family ~~Ophichthidae~~; Channidae;
- ~~27~~ 28. South American parasitic catfish, all species of the family Trichomycteridae and Cetopsidae;
- ~~28~~ 29. Sunfish, all species of the family Centrarchidae;
- 30. Temperate basses of the family Moronidae;
- ~~29~~ 31. Tetras, all species of the genus *Astyaryx*;
- ~~30~~ 32. Tiger fish, the species *Hoplias malabaricus*;
- ~~34~~ 33. Trout, all species of the family Salmonidae;
- ~~32~~ 34. White amur or grass carp, the species *Ctenopharyngodon idellus idella*;
- ~~33~~ 35. Walking or airbreathing catfish, all species of the family Clariidae; and
- ~~34~~ 36. Walleye, the and pike perches, all species ~~*Stizostedion vitreum*~~ of the family Percidae.
- ~~35.~~ White perch, the species *Morone americanus*.
- ~~36.~~ Yellow perch, the species *Percia flavescens*.
- ~~37.~~ Rudd, the species *Scardinius erythrophthalmus*.

G L. Crustaceans listed below are “restricted live wildlife” restricted live wildlife as defined in R12-4-401.

- 1. Asiatic mitten crab, the species *Eriocheir sinensis*; and
- 2. Australian crayfish and all freshwater species within the families Astacidae, Cambaridae, and Parastacidae.

H M. Mollusks listed below are “restricted live wildlife” restricted live wildlife as defined in R12-4-401:

- 1. Asian clam, the species *Corbicula fluminea*;
- 2. New Zealand mud snail, the species *Potamopyrgus antipodarum*;
- 3. Quagga mussel, the species *Dreissena bugensis*;
- 4. Rosy wolfsnail, the species *Euglandina rosea*; and
- 5. Zebra mussel, the species *Dreissena polymorpha*.

R12-4-407. Exemptions from Special License Requirements for Restricted Live Wildlife

A. ~~The Commission waives the requirement that a person obtain a special license for lawfully possessed restricted live wildlife as follows~~ An individual is not required to possess a special license to lawfully possess restricted live wildlife under the following exemptions:

- 1. ~~Desert tortoises *Xerobates (Gopherus) agassizii* possessed without a special license before April 28, 1989, may be possessed, transported, and given away. Desert tortoises possessed under this Section may be propagated, and offspring may be held in captivity for 24 months from the date of hatching, if they are disposed of by gift or as directed by the Department. The person receiving a desert tortoise given away under this Section is also exempt from special license requirements. An individual may possess, transport, or give away a desert tortoise (*Gopherus agassizii*) without a special license if that individual possessed it before April 28, 1989. An individual who possessed a desert tortoise before this date may propagate it, and hold offspring in captivity for 24 months from the date of hatching. The individual shall dispose of the offspring of desert tortoises before or at the end of the 24 months by giving them as a gift or as directed in writing by the Department. An individual who receives a desert tortoise that is given away under this Section is also exempt from the special license requirements. An individual shall not export a desert tortoise from this state unless authorized in writing by the Department.~~
- 2. ~~A licensed veterinarian may possess the wildlife while furnishing providing medical care to the wildlife and may release rehabilitated wildlife as directed by the Department, if:~~
 - a. ~~Records The veterinarian keeps records of restricted live wildlife that are kept under the requirements of as required by the Veterinary Medical Examining Board are subject to inspection by Department game rangers and makes the records available for inspection by an authorized Department employee; and~~
 - b. ~~The Commission or Department assumes no financial responsibility for any care provided that a veterinarian provides, except care authorized by the Department.~~
- 3. ~~Wildlife may be imported, possessed, and exported if the wildlife is transported through the state within 72 continuous hours, the transportation is accomplished by one person without transfer or sale, and the wildlife is accompanied by evidence of lawful possession as defined in R12-4-401. An individual may import, possess, and export restricted live wildlife if that individual:~~
 - a. Transports the wildlife through the state within 72 continuous and consecutive hours;
 - b. Ensures that only one individual transports the wildlife. The individual may transport the wildlife personally or allow another individual to transport the wildlife;
 - c. Ensures that the wildlife is neither transferred nor sold to another individual; and
 - d. Ensures that the wildlife is accompanied by evidence of lawful possession, as defined in R12-4-401.
- 4. ~~With the exception of all live cervids, which shall not be imported, transported, or possessed except as allowed under R12-4-430, wildlife may be imported, transported, possessed, exhibited, and exported for a government authorized state or county fair, or by a circus, or imported, possessed, transported and exported for the purpose of filming for television, movies, or commercials, if the wildlife an individual may import, transport, possess, exhibit, and export restricted live wildlife for a government-authorized state or county fair or circus; or may import, possess, transport,~~

and export the wildlife for the purpose of photography. An individual may perform any of these activities if the individual:

- a. Is accompanied by evidence of lawful possession, as defined in R12-4-401. Possesses evidence of lawful possession as defined in R12-4-401 for the wildlife;
 - b. Is not in the state for more than 60 consecutive days. Ensures that the evidence of lawful possession accompanies the wildlife stated on that evidence;
 - c. Is maintained under complete control and prevented from coming into contact with the public. Ensures that the wildlife does not come into physical contact with the public;
 - d. Keeps the wildlife under complete control by safe and humane means; and
 - e. Ensures that the wildlife is not in this state for more than 60 consecutive days.
5. With the exception of all live cervids, which shall not be imported, transported, or possessed except as allowed under R12-4-430, wildlife may be imported, transported, possessed, and displayed for advertising purposes other than filming, and exported, if the wildlife an individual may import, transport, possess, exhibit for advertising purposes other than photography, and may export restricted live wildlife if that individual:
- a. Is accompanied by evidence of lawful possession, as defined in R12-4-401. Ensures that the wildlife is accompanied by evidence of lawful possession as defined in R12-4-401;
 - b. Is not in the state for more than 10 consecutive days, and the public is not charged a fee to view the wildlife. Maintains the wildlife under complete control by safe and humane means;
 - c. Is maintained under complete control and prevented from coming into contact with the public. Prevents the wildlife from coming into contact with the public or being photographed with the public;
 - d. Does not charge a fee to the public to view the wildlife; and
 - e. Exports the wildlife from the state within 10 days of importation.
6. Game fish may be imported and transported to restaurants or markets licensed to sell food to the public, if the game fish being sold are killed before transport from the restaurant or market. While in the possession of the restaurant or market, the fish may be displayed for sale, offered for sale, and sold.
7. Wildlife is taken alive under and is possessed in compliance with R124404 or R124427. An individual may possess restricted live wildlife that is taken alive under R12-4-404, R12-4-405, and R12-4-427, but the individual must possess the wildlife as prescribed by those Sections.
- 8 7. An Arizona ~~falconer~~ sport falconry license is not required for a visiting nonresident falconer hunting on a valid Arizona hunting license if the falconer is licensed in the falconer's state of residency.
- 9 8. Wildlife may be imported, purchased, possessed, transported, traded, given away, propagated, killed, and exported by medical or scientific research facilities registered by the United States Department of Agriculture under 9 CFR Subchapter A, Animal Welfare, revised January 2000, not including any later amendments or editions, which is incorporated by reference in this Section. A copy is on file with the Secretary of State and is available for inspection at any Department office, or it may be ordered from the United States Department of Agriculture, Marketing and Regulatory Programs, Animal and Plant Health Inspection Service, Animal Care, Western Region, 9580 Micron Avenue Suite J, Sacramento, CA 95827-2623, 916-857-6205. An individual may import, purchase, possess, transport, trade, give away, propagate, kill, and export restricted live wildlife if the individual is doing so for a medical or scientific research facility that is registered with the United States Department of Agriculture under 9 CFR Subchapter A, Animal Welfare, revised January 2000, not including any later amendments or editions, which is incorporated by reference in this Section. A copy is available for inspection at any Department office, or it may be ordered from the United States Department of Agriculture, Marketing, and Regulatory Programs, Animal and Plant Health Inspection Service, Animal Care, Western Region, 9580 Micron Ave., Suite J, Sacramento, CA 95827-2623, (916) 857-6205.
- 10 9. Crayfish may be imported and transported to restaurants or markets licensed to sell food to the public, if the crayfish being sold are killed before transport from the restaurant or market. While in the possession of the restaurant or market, the live crayfish may be displayed for sale, offered for sale, and sold. An individual may import and transport live game fish and crayfish directly to restaurants or markets that are licensed to sell food to the public.
10. Restaurants and markets that are licensed to sell food to the public may possess, exhibit, offer for sale, and sell live game fish or crayfish. Live game fish and crayfish shall be killed before they are transported from the restaurant or market.
11. Freshwater crayfish (families Astacidae, Cambaridae, and Parastacidae) possessed before January 1, 2001, may be possessed alive, propagated, and their progeny held without special license. Live freshwater crayfish may not be transported, sold, offered for sale, given away, or released, except under this Section and R12-4-316. An individual may possess and propagate live freshwater crayfish (families Astacidae, Cambaridae, and Parastacidae) and their offspring without a special license, if the crayfish were possessed before January 1, 2001. An individual may not transport, sell, offer for sale, give away, or release live freshwater crayfish except as allowed under this Section or R12-4-316.
- B. An exemption granted by this Section is not valid for any wildlife protected by federal law or rule statute or regulation unless supported by federal permission or documentation rendering the exemption lawful.

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R12-4-408. Holding Wildlife for the Department

- A. A ~~Game Ranger~~ game ranger may authorize an individual to possess ~~and~~ or transport live wildlife on behalf of the Department if the wildlife is needed as evidence in a pending civil or criminal proceeding.
- B. With the exception of live cervids, a designated Department employee has the authority to ~~authorize~~ allow an individual to possess and transport captive live wildlife ~~on a temporary basis not to exceed~~ for up to 72 hours.
- C. The Director has the authority to ~~authorize~~ allow an individual to hold a live cervid for the Department.

R12-4-409. General Provisions and Penalties for Special Licenses

- A. Special licenses are listed as follows:
 - 1. Aquatic wildlife stocking permit, prescribed by R12-4-410;
 - 2. Game bird field training permit, prescribed by R12-4-416;
 - 3. Game bird field trial license, prescribed by R12-4-415;
 - 4. Game bird hobby license, prescribed by R12-4-419;
 - 5. Game bird shooting preserve license, prescribed by R12-4-414;
 - 6. Live bait dealer's license, prescribed by R12-4-411;
 - 7. Private game farm license, prescribed by R12-4-413;
 - 8. Scientific collecting permit, prescribed by R12-4-418;
 - 9. Sport falconry license, prescribed by R12-4-422;
 - 10. White amur stocking and holding license, prescribed by R12-4-424;
 - 11. Wildlife holding license, prescribed by R12-4-417;
 - 12. Wildlife rehabilitation license, prescribed by R12-4-423;
 - 13. Wildlife service license, prescribed by R12-4-421; and
 - 14. Zoo license, prescribed by R12-4-420.
- B. ~~The Department shall issue special licenses as defined in R12-4-401, if application is made and criteria are met as prescribed in the rule governing the specific special license. The Department shall either grant or deny a special license within the administrative completeness review time frame and the overall time frame listed for the special license in R12-4-106 and in a manner consistent with A.R.S. Title 41, Chapter 6, Article 7.1. During the administrative completeness review time frame, the Department may return to the applicant, without denial, any incomplete application that is lacking information required by the rule governing the specific special license. Each returned application shall be accompanied by written notice stating what information the applicant failed to provide. The administrative completeness review time frame and the overall time frame listed for the special license in R12-4-106 are suspended from the date on the notice until the date that the Department receives the missing information from the applicant. During the substantive review time frame, the Department may make one comprehensive written request for additional information. The Department and the applicant may mutually agree in writing to allow the agency to submit supplemental requests for additional information. The substantive review time frame and the overall time frame listed for the special license in R12-4-106 are suspended from the date on the request until the date that the Department receives the additional information from the applicant. A special license is not valid for any wildlife protected by federal law or regulation unless supported by federally issued documentation rendering the licensed activity lawful. An applicant for any special license listed in subsection (A) shall submit an application to the Department for that license according to the Section that prescribes requirements for that special license. Applications for special licenses are available at any Department office. The Department shall either grant or deny a special license within the overall time-frame prescribed for that special license under R12-4-106, and in a manner consistent with A.R.S. Title 41, Section 6, Article 7.1. By signing the application, the applicant attests that they are authorized or have permission to conduct special license activities at any locations specified in the application.~~
- B. All special licenses expire on December 31 for the year issued unless otherwise specified in the governing rule. If application for a new special license is not made by the expiration date, live wildlife possessed under the expired license is unlawfully possessed and is subject to seizure by the Department. If application for a new special license is made on or before the expiration date, the existing license remains valid until the Department makes a final determination to grant or deny the special license, and, in the event that the application is denied, until the last day for seeking a review of the final determination.
- C. ~~The Department shall deny a special license if the applicant knowingly provides false information upon application. Any special license so obtained is void and of no effect from the date of issuance. In addition to any criteria prescribed by a special license's governing Section, the Department shall deny a special license to an applicant if:~~
 - 1. The applicant's live wildlife privileges are revoked or suspended in this state, any other state, or by the United States;
 - 2. The applicant has been convicted of illegally holding or possessing live wildlife within three years of applying for a special license;
 - 3. The applicant knowingly provides false information on an application; or
 - 4. The applicant submits an incomplete application.
- D. ~~The Department shall provide written notice to an applicant whose application is denied stating the reason for denial with references to the statutes or rules on which the denial is based. The applicant may appeal the denial to the Commission as prescribed in A.R.S. §§ 411092-02 through 411092-12. If an individual obtains a special license despite meeting any crite-~~

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ria for denial, the license shall be void and of no effect from the date of issuance. If an applicant is denied a special license listed in subsection (A), the Department shall provide a written notice to the applicant that states the reason for denial with references to the statutes or rules on which the denial is based. The applicant may appeal the denial to the Commission as prescribed in A.R.S. Title 41, Chapter 6, Article 10.

- ~~E.~~ Special license holders or licensees shall keep records and submit reports as required by the rule governing their special license. The licensee shall exhibit the records to any Department game ranger upon reasonable request. Special license holders are not exempt from any municipal, county, state or federal statutes, rules, or ordinances. A special license does not authorize an individual to engage in any activity using wildlife if the wildlife is protected by federal regulation. A special license holder may only engage in authorized activities using federally-protected wildlife if the license holder possesses a valid license, permit, or other form of documentation issued by the United States that authorizes the license holder to use that wildlife in a manner consistent with the special license.
- ~~F.~~ Facilities of special license holders are subject to reasonable inspection by a game ranger for compliance with any requirements imposed by this Article. A routine inspection is not reasonable if the game ranger has inspected another facility holding wildlife of the same class within the previous 72 hours and the game ranger has had contact with the wildlife or there is reason to believe disease may have been present at the other facility. The Department has the authority to place additional stipulations on a special license at the time of application or renewal if necessary to conserve wildlife populations, prevent introduction and proliferation of wildlife diseases, prevent wildlife from escaping, or for public health or safety.
- ~~G.~~ A special license holder shall keep live wildlife in a facility according to the captivity standards prescribed by R12-4-428, or if applicable, as otherwise required by the Section that prescribes captivity requirements under the special license. The Department may authorize one of its employees to make a reasonable inspection of a facility to ensure that it complies with all requirements prescribed by this Article. The Department shall ensure that an inspection does not inadvertently transmit disease among facilities.
- ~~H.~~ A special license holder shall keep records according to the Section that prescribes requirements for the special license. The license holder shall make the records available for inspection to any authorized Department employee upon reasonable request.
- ~~G I.~~ If a disease, as determined by a person with relevant expertise, or other emergency condition exists that poses an immediate threat to the public or the welfare of wildlife, including the wildlife held under a special license, or the public, as determined by a person with relevant expertise, the Department shall immediately order a cessation of operation under the special license and, if necessary, order humane disposition or quarantine of any contaminated or threatened wildlife. The licensee license holder shall perform disease testing, submit biological samples to the Department or its designee, quarantine the wildlife, or destroy the wildlife as directed by the Department. The licensee license holder shall ensure that any disease giving rise to an emergency condition under this subsection is diagnosed by a person or persons an individual or individuals professionally certified to make the diagnosis. Once operation has ceased and an emergency no longer exists, subsection (H J) applies.
- ~~H J.~~ If a condition exists, including disease or any violation of this Article, that poses a threat to the welfare of wildlife, including the wildlife held, or the public, but the threat does not constitute an emergency, the Department shall provide the licensee license holder a written notice of the condition, by certified mail or personal service, specifying a reasonable time for the licensee license holder to cure the noticed condition. Failure of the licensee license holder to cure the noticed condition within the time specified by the Department is a violation under subsection (I K). If a licensee receives three notices under this subsection for the same condition within a two-year period, the Department shall treat the third notice as a failure to cure.
- ~~I K.~~ The Department shall take any of the following actions against a person for violation of any provision of this rule; the rule governing a specific special license; A.R.S. § 132908 relating to criminal nuisance; A.R.S. § 132910; for a conviction of any other criminal offense involving cruelty to animals; for refusal to permit reasonable inspection of facilities, wildlife, or required records; or for failure to keep required records or submit required reports to the Department:
- ~~1.~~ Filing of criminal charges.
 - ~~2.~~ Suspension of authority of a licensee or any agent of the licensee to hold wildlife under special license for the remainder of the validity of the license period.
 - ~~3.~~ Seizure of any wildlife held under the special license, and its humane disposition except that such wildlife shall not be killed pending appeal by the licensee.
 - ~~4.~~ Denial of subsequent application for a special license for a period not to exceed five years.
- The Department has the authority to do any or all of the following as it deems necessary: file criminal charges; suspend a special license; seize, or seize in place any wildlife held under a special license, and unless the license holder appeals the conviction, humanely dispose of the wildlife, if a special license holder:
1. Violates any provision of this Section;
 2. Violates any provision of the special license that the individual possesses, including any stipulations applied by the Department;
 3. Violates A.R.S. § 13-2908, relating to criminal nuisance;

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4. Violates A.R.S. § 13-2910, relating to cruelty to animals;
 5. Is convicted of any other criminal offense involving cruelty to animals;
 6. Refuses to allow reasonable inspection of facilities, wildlife, or required records; or
 7. Fails to keep records or submit reports if required by this Section or the Section that governs any special license, listed in subsection (A), that the individual possesses.
- J.L.** A person may appeal Department actions identified in subsections (I)(2), (I)(3), and (I)(4) to the Commission as prescribed in A.R.S. §§ 411092.01 through 411092.12. An individual may appeal to the Commission any Department action listed in subsection (K), except filing of criminal charges, as prescribed by A.R.S. Title 41, Chapter 6, Article 10.
- M.** All special licenses listed in subsection (A) expire on December 31 for the year issued unless otherwise specified in the governing Section. If the special license holder does not submit an application to the Department for a new license by the date that the license expires, any live wildlife possessed under the license is considered unlawfully possessed, and the Department has the authority to seize it. If the special license holder submits an application for a new license on or before the date that the license expires, the license holder's current license remains valid until the Department grants or denies the new special license. If the Department denies the new license, and the license holder appeals the denial to the Commission as prescribed by subsection (D), the license holder may continue to hold the wildlife until the date that the Commission makes its final decision on the denial.
- N.** If the special license holder chooses to renew the license, the license holder shall submit an application for a new license as required by the governing Section.
- O.** If required by the governing Section, a special license holder shall submit an annual report to the Department before January 31 of each year on activities performed under the license for the previous calendar year. If the license holder is acting as a representative of an institution, organization, or agency for the purposes of the special license, the annual report is due within 30 days after the license holder's termination of affiliation with that entity. The special license holder shall submit the following information and any additional information required by the governing Section.
1. The license holder's name, address, telephone number, and special license number;
 2. The number and species of all restricted live wildlife obtained and the date when it was obtained;
 3. The source of all restricted live wildlife obtained and the date when it was obtained;
 4. The number of offspring propagated by all restricted live wildlife; and
 5. If applicable, the number, species, and date of disposition and manner of disposition of all wildlife, including the names and addresses of individuals to whom the wildlife was sold, bartered, or given, if authorized.

R12-4-410. Aquatic Wildlife Stocking Permit

- A.** An aquatic wildlife stocking permit allows an individual to perform any or all of the following: import, purchase, possession, possess, transport and stocking of the stock any species designated on the permit at the location specified on the permit.
- B.** The following criteria are requisite to approval of application for permit:
- 1- Applications for stocking aquatic wildlife which have not previously been introduced into the state or do not occur at the location where the stocking is to occur shall include a written proposal which must adequately address biological and socioeconomic ramifications of the introduction. A determination by the Department that negative impact on Arizona wildlife may result from issuance of the permit shall be grounds for denial of the permit. The proposal shall include:
 - a- Purpose for introducing species;
 - b- Anticipated benefits from introducing species;
 - e- Anticipated adverse economic impacts from introduced species;
 - d- Anticipated dangers to indigenous or game fish from introduced species;
 - e- Anticipated ecology problems with introducing species;
 - f- Anticipated diseases inherent to introduced species;
 - g- Anticipated hybridization concerns with introducing species;
 - h- Suggestions for post-introduction evaluation of status and impacts of introduced species.
 - 2- Aquatic wildlife and live eggs, fertilized eggs, and milt shall be obtained from a licensed Arizona fish farm operator or from a private noncommercial fish pond or from a fish farm located outside Arizona which has been certified free of the diseases and causative agents specified in subsection (D).
 - 3- The aquatic wildlife to be stocked shall be compatible with, and pose no threat to, any wildlife within the drainage or area where the stocking is to occur.
- C.** Application shall be made on forms provided by the Department, by the person requesting that the water be stocked. Applications are available from any Department office. An applicant shall apply for an aquatic stocking permit on forms provided by the Department. Applications are available at any Department office. An applicant shall provide the following on the application:
- 1- Application requires the following to be provided by the applicant:
 - a- Name and address of applicant;
 - b- Name and address of business, if applicable;

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- e. Name and address of suppliers;
 - d. Name and legal description of water to be stocked;
 - e. Drainage;
 - f. Planned date of stocking;
 - g. Species of aquatic wildlife to be stocked;
 - h. Any written proposal required at subsection (B) of this rule;
 - i. Signature of applicant.
2. The Department shall issue a stocking permit or deny the application for stocking aquatic wildlife not previously introduced within six months of receiving the application; such applicants shall be advised within 10 calendar days of application if the extended time period will be required. For all other applicants, the Department shall issue a permit or deny the application within 30 calendar days. Authorization will not exceed 20 days and is valid only during the dates shown on the permit.
- 1. Name, address, telephone number, birthdate, physical description, and if applicable, Department ID number;
 - 2. If the applicant will use the wildlife for a commercial purpose, the name, address, and telephone number of the applicant's business;
 - 3. The wildlife species, the number of animals per species, and the approximate size of the wildlife that will be used under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species;
 - 4. The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical location of the holding site, including river drainage, township, range, and section. If the applicant applies to hold wildlife in more than one location, the applicant shall submit a separate application for each location;
 - 5. A detailed description or diagram of the facilities where the applicant will hold the wildlife;
 - 6. The name, address, and telephone number of all wildlife suppliers from whom the applicant will obtain wildlife;
 - 7. The date wildlife will be stocked, or dates if stocking will take more than one day;
 - 8. If the applicant is applying for an aquatic wildlife stocking permit to stock wildlife in an area where the wildlife has not already been introduced, or where the wildlife is not currently established, or to stock wildlife that conflicts with the Department's efforts to conserve wildlife, a typewritten, computer or word processor printed, or legibly handwritten proposal that clearly states:
 - a. The purpose for introducing the aquatic live wildlife species;
 - b. The anticipated benefits from introducing the aquatic live wildlife species;
 - c. The potential adverse economic impacts of introducing the aquatic live wildlife species;
 - d. The potential dangers the introduced species could create for native and game fish, including whether or not the introduced species is compatible with native or game fish;
 - e. The potential ecological problems that the introduced species could create;
 - f. The diseases and parasites inherent in or associated with the introduced species;
 - g. The anticipated hybridization concerns with introducing the species; and
 - h. Any suggestions to evaluate the status and impact of the species after it is introduced; and
 - 9. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant's knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.
- D.** ~~Live fish and eggs, fertilized eggs, and milt imported into the state must be certified free of the following diseases and causative agents when applicable to the species involved. The certification shall be based on a physical inspection of the fish farm of origin within the 12 months preceding the shipment. The inspection shall be conducted by a fish health inspector or fish pathologist certified by the American Fisheries Society. A copy of the certification shall accompany each shipment.~~
- 1. ~~Live fish and eggs, fertilized eggs, and milt:~~
 - a. ~~Causative agent: egtved virus. Disease: VHS, viral hemorrhagic septicemia of salmonids.~~
 - b. ~~Causative agent: infectious hematopoietic necrosis virus. Disease: IHN, infectious hematopoietic necrosis of salmonids.~~
 - e. ~~Causative agent: infectious pancreatic necrosis virus. Disease: IPN, infectious pancreatic necrosis of salmonids.~~
 - d. ~~Causative agent: Ceratomyxa shasta. Disease: ceratomyxosis of salmonids.~~
 - e. ~~Causative agent: Rhabdovirus carpio. Disease: spring viremia of carp. Certification is required in this case only when the original origin of the shipment is from outside the United States.~~
 - f. ~~Causative agent: Renibacterium salmoninarum. Disease: BKD, bacterial kidney disease of salmonids.~~
 - 2. ~~Live fish only:~~
 - a. ~~Causative agent: Aeromonas salmonicida. Disease: furunculosis.~~
 - b. ~~Causative agent: Myxobolus cerebralis. Disease: whirling disease of salmonids.~~
- C.** An aquatic wildlife stocking permit holder shall stock wildlife only on the date or dates stated on the permit. An aquatic

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wildlife stocking permit holder is only authorized to stock wildlife for 20 consecutive days.

- D.** The Department shall issue an aquatic wildlife stocking permit in compliance with R12-4-106. The Department shall deny a wildlife stocking permit if the applicant proposes to use aquatic wildlife that is not compatible with or poses a threat to any wildlife within the drainage or area where the stocking is to occur. If the Department determines that issuance of the permit will result in a negative impact to state wildlife, the Department shall deny the permit. If the Department denies the application for a permit, the Department shall proceed as prescribed by R12-4-409(D).
- E.** An aquatic wildlife stocking permit holder shall obtain all aquatic wildlife, live eggs, fertilized eggs, and milt from a licensed fish farm operator or a private noncommercial fish pond that has been certified free of the diseases and causative agents specified by any additional stipulation placed on the permit by the Department at the time of application or permit renewal, as authorized by R12-4-409(F). Certification is based on a physical inspection of the fish farm or fish pond of origin performed not more than 12 months before the wildlife or biological material is shipped. The Department has the authority to require that an inspection be performed sooner than 12 months. The inspection shall be performed by a qualified fish health inspector or fish pathologist. The inspection shall be performed at the fish farm or fish pond where the wildlife or biological material is held before it is shipped. A copy of the certification shall accompany each shipment.
- F.** Native aquatic wildlife species shall be obtained and disposed of as directed by the Department.
- E G.** The An aquatic wildlife stocking permit holder is subject to the provisions of R12-4-409 and R12-4-428.
- F.** This rule is effective January 1, 1995.

R12-4-411. Minnow Live Bait Dealer's License

- A.** ~~A minnow live bait dealer's license allows an individual to perform any or all of the following: import, transport, purchase, possession possess, display exhibit for sale, offer for sale, sell as live bait, kill, trade, or export of any or all of the following live aquatic live wildlife as bait:~~
 1. Fathead minnow, ~~Pimephales promelas~~ *Pimephales promelas*;
 2. Golden shiner, ~~Notemigonus crysoleucas~~ *Notemigonus crysoleucas*;
 3. Goldfish, ~~Carassius auratus~~ *Carassius auratus*;
 4. Mosquito fish, ~~Gambusia affinis~~ *Gambusia affinis*;
 5. Red shiner, ~~Notropis lutrensis~~ *Cyprinella lutrensis*;
 6. Threadfin shad, ~~Dorosoma petenense~~ *Dorosoma petenense*; and
 7. Waterdogs, *Ambystoma tigrinum*, except in that portion of Santa Cruz County lying east and south of State Highway 82, or that portion of Cochise County lying west of the San Pedro River and south of State Highway 82.
- B.** ~~A minnow dealer's license allows the take for sale, transport, and sale of waterdogs from the waters of Arizona in compliance with Commission order.~~
- C.** ~~An applicant for a minnow dealer's license shall submit:~~
 1. ~~One application for each place of business. Each place of business is licensed separately; and~~
 2. ~~One application for each person taking waterdogs for sale.~~
- D.** ~~An applicant for a minnow live bait dealer's license shall apply on a form provided by the Department and available from any Department office. The Department shall issue the license or deny the application within 30 calendar days. The applicant shall provide the following information~~
 1. ~~Name of applicant;~~
 2. ~~Date of birth;~~
 3. ~~Mailing address;~~
 4. ~~Location where aquatic wildlife will be held and sold;~~
 5. ~~Species of aquatic wildlife to be sold; and~~
 6. ~~Signature of applicant.~~
 1. Name, address, telephone number, birthdate, physical description, and if applicable, Department ID number;
 2. The name, address, and telephone number of the applicant's business;
 3. The wildlife species and the number of animals per species that will be sold under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species;
 4. The name, address, and telephone number of the location where the wildlife will be held and sold. If the applicant applies to hold wildlife in more than one location, the applicant shall submit a separate application for each location;
 5. A detailed description or diagram of the facilities where the applicant will hold the wildlife;
 6. The name, address, and telephone number of all wildlife suppliers from whom the special license applicant will obtain wildlife; and
 7. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant's knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.
- C.** The Department shall issue a live bait dealer's license in compliance with R12-4-106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D).
- E D.** A person may import live baitfish specified in subsection (A) from California and Nevada without accompanying certification that the fish are free from disease, or import live baitfish from any other state if accompanied by certification that

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~~the fish are free of furunculosis. A live bait dealer's license holder shall obtain live baitfish from a facility that is certified free of the diseases and causative agents specified in any stipulations placed on the permit by the Department as authorized by R12-4-409(F).~~

- ~~E.~~ To receive certification that a facility is free of diseases or causative agents specified in any stipulations that may be placed on the license, the operator of the facility shall ensure that:
 - 1. ~~The inspection is performed by a qualified fish health inspector or fish pathologist;~~
 - 2. ~~The inspection is performed at the facility where the wildlife is held before it is shipped; and~~
 - 3. ~~The inspection is performed not more than 12 months before the wildlife is shipped. The Department has the authority to require that an inspection be performed sooner than 12 months before shipping.~~
- ~~F.~~ A ~~minnow~~ live bait dealer's license is subject to the provisions of R12-4-409 and R12-4-428.
- ~~G.~~ This rule is effective May 25, 2001.

R12-4-413. Private Game Farm License

- ~~A.~~ A private game farm license allows any or all of the following: offer for sale, sale, trade, rent or lease, giving away, purchase, display for sale, import, possession, propagation, rearing, transport and export of the live wildlife specified on the license. A private game farm license requires the commercial use of wildlife held under the license. The commercial use of wildlife under this license allows only the following: to offer for sale, sell, trade, rent or lease, give away, purchase, display for sale, import, possess, propagate, rear, transport, and export wildlife or the carcass of wildlife or its parts, as specified on the license. As defined in R12-4-401, propagation involves only wildlife and does not permit possession of domestic animals or other non-wildlife species for propagation. Private game farm wildlife may be killed or slaughtered, but a person an individual shall not kill or allow the wildlife to be killed by hunting or in a manner that could be perceived as hunting or recreational sport harvest. Private game farm wildlife shall not be killed by a person an individual who pays a fee to the owner of the game farm for killing the wildlife, nor shall the game farm owner accept a fee for killing the wildlife, except as allowed under R12-4-414, R12-4-415, R12-4-416, and R12-4-419.
- ~~B.~~ The following criteria are prerequisites for approval of a private game farm license:
 - 1. ~~Escape of the proposed species will not create a threat to indigenous wildlife.~~
 - 2. ~~An applicant shall provide, with the application required by subsection (C), a detailed diagram of the facilities where wildlife is to be held and a detailed description of the procedures to be employed by the applicant in meeting the requirements of R12-4-428.~~
 - 3. ~~The Department may issue a license for only the following pen-reared game birds:~~
 - a. ~~*Alectoris chukar*, chukar;~~
 - b. ~~*Callipepla californica*, California or valley quail;~~
 - e. ~~*Callipepla gambelii*, Gambel's quail;~~
 - d. ~~*Callipepla squamata*, scaled quail;~~
 - e. ~~*Colinus virginianus*, northern bobwhite. License is required only Units 34A, 36A, 36B, and 36C, as prescribed in R12-4-108;~~
 - f. ~~*Cyrtonyx montezumae*, Montezuma or Mearn's quail;~~
 - g. ~~*Dendragapus obscurus*, blue grouse; and~~
 - h. ~~*Phasianus colchicus*, ringneck and whitewing pheasant.~~
 - 4. ~~The Department may issue a license for fox or mink if a prior inspection of the holding facilities or the plans for those facilities by the Department proves escape is unlikely.~~
 - 5. ~~With the exception of live cervids, which shall not be imported, transported, or possessed except as allowed under R12-4-430, the Department may issue a license for other mammals listed as restricted live wildlife only if:~~
 - a. ~~The same species does not exist in the wild in Arizona;~~
 - b. ~~The wildlife is disposed of only by export from Arizona, to game farms licensed under this rule, to zoos licensed under R124420, or to medical or scientific research facilities with an exemption under R124407;~~
 - e. ~~The application required in subsection (C) is accompanied by proof of current licensing by the United States Department of Agriculture under 9 CFR Subchapter A., Animal Welfare; and~~
 - d. ~~The application required in subsection (C) is accompanied by a typed proposal explaining the species to be possessed, the purpose of possession, the purpose of propagation if applicable, the planned disposition of wildlife including progeny, and how the licensee will prevent escape, threat to native wildlife, and threat to public safety.~~
 - 6. ~~The Department may issue a license for any other restricted live wildlife not addressed in subsections (B)(3), (B)(4), or (B)(5), only if the wildlife was held under a private game farm license issued before April 28, 1989.~~
 - 7. ~~An applicant shall submit a separate application for each location.~~
- ~~C.~~ **B.** An applicant shall use an application form available from any Department office. The applicant shall provide the following information on the form:
 - 1. Name, address, and telephone number of the applicant;
 - 2. Location of game farm, including street address or legal description;
 - 3. Species and number of live wildlife to be obtained or, if application is for renewal, species and number of live wildlife that are currently in captivity; and

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4. Signature of applicant.
 1. Name, address, telephone number, birthdate, physical description, and if applicable, Department ID number;
 2. Name, address, and telephone number of the applicant's business;
 3. The wildlife species and the number of animals per species that will be used under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species. Except for live cervids, which shall not be imported, transported, or possessed, except as authorized by R12-4-430, the Department shall only issue a license for the following species:
 - a. Pen-reared game birds:
 - i. Blue grouse, *Dendragapus obscurus*;
 - ii. Chukar, *Alectoris chukar*;
 - iii. California or valley quail, *Callipepla californica*;
 - iv. Gambel's quail, *Callipepla gambelii*;
 - v. Scaled quail, *Callipepla squamata*;
 - vi. Montezuma or Mearns' quail, *Cyrtonyx montezumae*;
 - vii. Northern bobwhite, *Colinus virginianus*. License is required only for game farms located in game management units 34A, 36A, 36B, and 36C, as prescribed in R12-4-108; and
 - viii. Ringneck and whitewing pheasant, *Phasianus colchicus*;
 - b. Mammals that are restricted live wildlife listed in R12-4-406 only if:
 - i. The same species does not exist in the wild in this state;
 - ii. The applicant submits with the application proof that the applicant has a license issued by the United States Department of Agriculture under 9 CFR Subchapter A, Animal Welfare;
 - iii. The applicant submits with the application a typewritten, computer or word processor printed, or legibly handwritten proposal that clearly states the species to be possessed, the purpose of possession, the purpose of propagation, if applicable, and how the applicant will prevent escape, a threat to native wildlife, and a threat to public safety; and
 - iv. The applicant clearly states how the applicant will dispose of the wildlife, either by export from the state, to another game farm licensed under this Section, to a zoo licensed under R12-4-420, to a medical or scientific research facility exempted under R12-4-407, or as otherwise authorized by this Section;
 4. If the applicant is renewing the private game farm license, the species and number of animals per species that are currently in captivity;
 5. The name, address, and telephone number of the location of the game farm where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical location of the game farm, including township, range, and section. If the applicant applies to hold wildlife in more than one location, the applicant shall submit a separate application for each location;
 6. A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12-4-428 and any other captivity standards prescribed by this Section;
 7. The name, address, and telephone number of all wildlife suppliers from whom the special license applicant will obtain wildlife;
 8. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant's knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.
- C. The Department shall issue a private game farm license in compliance with R12-4-106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D).
- D. A licensee private game farm license holder shall ensure that each shipment of live wildlife imported into the state is accompanied by a certificate of health issued by a licensed veterinarian.
- E. A licensee shall maintain records for three years that include the number, species, source, and date of wildlife obtained or raised and the number, species, and date of disposition and manner of disposition of all wildlife, including the names of persons to whom wildlife is sold, bartered or given.
- F. A licensee private game farm license holder shall provide a receipt to each person transporting individual that transports dead wildlife from the site of the game farm. The receipt shall include the date of purchase, barter, or gift that the wildlife was purchased, traded, or given as a gift; the name of the game farm; and the number of dead wildlife, by species, of transported wildlife that are being transported.
- G. A licensee private game farm license holder shall ensure that shipments of wildlife made by the game farm are accompanied by documentation showing the name of the game farm license holder, the license number of the valid game farm license for the current year, the date shipped, the species and the number of individuals per species of wildlife in the shipment, the name of the person individual or common carrier transporting the shipment, and the name of the person who will receive the shipment.
- G. Before January 31 of each year, a private game farm license holder shall file a written report on activities performed under the license for the previous calendar year. A private game farm license holder shall submit an annual report on a form

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available from the Department as prescribed by R12-4-409(O). The annual report shall also include the following information:

1. The number of animals per wildlife species, and the source of all wildlife that the license holder obtained or propagated;
2. The date when the wildlife was obtained or propagated;
3. The date when the wildlife was disposed of and the manner of disposition; and
4. If the wildlife was disposed of by sale, barter, or given as a gift, the names of individuals who received the wildlife.

H. A private game farm license holder shall maintain records of all wildlife possessed under the license for three years. The records shall include the information required in subsection (G)(1) through (4) and R12-4-409(O)(1) through (5).

H I. A game farm licensee license holder is subject to the provisions of R12-4-409, R12-4-428, and R12-4-430.

R12-4-414. Game Bird Shooting Preserve License

A. A game bird shooting preserve license allows the year-round release of pen-reared game birds as specified on prescribed by the license, at the site specified on the license, for the purpose of hunting or shooting by persons individuals who may be charged a fee. ~~¶~~ The license also allows an individual to do any or all of the following: import, purchase, possession possess, transport, trade, display for sale, offer for sale, sale, give as a gift, propagation propagate, and or export of the live wildlife specified on the license.

B. The following criteria are requisite to approval of a shooting preserve license:

1. A possible escape of the proposed species would not create an unacceptable danger to indigenous wildlife.
2. The operation of the facility shall not pose a threat to public safety or to indigenous wildlife.
3. The Department may issue a license for only the following game birds:
 - a. Alectoris chukar, chukar.
 - b. Anas platyrhynchos, mallard duck.
 - e. Colinus virginianus, northern bobwhite.
 - d. Phasianus colchicus, ringneck and whitewing pheasant.
4. The Department may issue a license for any other live wildlife only when the wildlife was held pursuant to a shooting preserve license prior to the effective date of this rule.
5. The shooting preserve shall be located on private land and shall not exceed 1000 acres.

C. Application An applicant shall make application for a shooting preserve license shall be made on a form provided by the Department, and shall be accompanied by a detailed diagram of the facilities where the wildlife is to be held establishing how the licensee shall prevent escape, threat to native wildlife and threat to public safety, and a detailed description of the procedures to be employed by the applicant in meeting the requirements of R12-4-428. The Department shall issue the license or deny the application within 30 calendar days of receiving the application. Application will require the following to be provided by the applicant The applicant shall provide the following on the application:

1. Name, address, and telephone number;
2. Legal description of shooting preserve location;
3. Species and number of individuals of each species of live wildlife to be obtained or, if application is for renewal, which are currently in captivity;
4. Signature of applicant.
1. Name, address, telephone number, birthdate, physical description, and if applicable, Department ID number;
2. If the applicant will use the wildlife for a commercial purpose, the name, address, and telephone number of the applicant's business;
3. The wildlife species and the number of animals per species that will be used under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species. The Department shall only issue a license for the following game bird species:
 - a. Chukar, *Alectoris chukar*;
 - b. Mallard duck, *Anas platyrhynchos*;
 - c. Northern bobwhite, *Colinus virginianus*, except that no license will be issued for this species in game management units 34A, 36A, 36B, and 36C, as prescribed in R12-4-108; and
 - d. Ringneck and whitewing pheasant, *Phasianus colchicus*;
4. If the applicant is renewing the game bird shooting preserve license, the species and number of animals per species that are currently in captivity;
5. The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical description of the location, including township, range, and section;
6. A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12-4-428, and any other captivity standards that may be prescribed by this Section;
7. A detailed description or diagram of the shooting preserve where the applicant will release the wildlife. The shooting preserve shall not be more than 1000 acres and shall be located on private land;
8. The name, address, and telephone number of the shooting preserve where the wildlife will be released, if applicable. Otherwise, the physical location of the shooting preserve, including township, range, and section. If the applicant

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applies to release wildlife at more than one shooting preserve, the applicant shall submit a separate application for each preserve;

9. The name, address, and telephone number of all wildlife suppliers from whom the special license applicant will obtain wildlife; and

10. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant's knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.

C. The Department shall issue a game bird shooting preserve license in compliance with R12-4-106. The Department shall not issue a game bird shooting preserve license if escape of any species listed on the application or operation of a game bird shooting preserve will create a threat to native wildlife or public health or safety. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D).

D. Each A game bird shooting preserve license holder shall ensure that each shipment of live wildlife imported into the state shall be is accompanied by a certificate of health issued by a licensed veterinarian.

E. The A game bird shooting preserve license holder shall post visible and legible signs every 100 yards that mark the boundaries of the shooting preserve shall be plainly posted every 100 yards with legible signs. Each sign shall indicate that the area behind the sign is a private game bird shooting preserve and display the name of the shooting preserve.

F. A receipt shall be provided to each person transporting A game bird shooting preserve license holder shall provide a receipt to each individual that transports dead wildlife from the site of the game bird shooting preserve. The receipt shall include the date of purchase and, the name of the shooting preserve, and the number by species of wildlife to be transported.

G. Shipments A game bird shooting preserve license holder shall ensure that shipments of dead wildlife made by the game bird shooting preserve shall be are accompanied by documentation showing the name of the shooting preserve license holder, the license number of the valid game bird shooting preserve license for the current year, the date the wildlife is shipped, the number and of animals per species of wildlife in the shipment, and the name of the person individual or common carrier transporting the shipment, and the name of the person individual who will receive the shipment.

H. No A hunting license is not required to hunt released wildlife on a licensed game bird shooting preserve, and the season may be yearlong. The season for taking game birds on a shooting preserve may be yearlong. Wildlife released on a shooting preserve and found outside the preserve shall not be taken under provisions of a game bird shooting preserve license.

I. Wildlife Game birds released on a shooting preserve may be taken by any method not prohibited in by R12-4-303.

J. Licensee shall keep records for three years which shall include the number, source and date of wildlife obtained or reared and the number, species and date of disposition and manner of disposition of all wildlife, including the names of persons to whom the wildlife was sold, bartered or given. Before January 31 of each year, a game bird shooting preserve license holder shall file a written report on activities performed under the license for the previous calendar year. A game bird shooting preserve license holder shall submit an annual report on a form available from the Department as prescribed by R12-4-409(O). The annual report shall also include the following information:

1. The number of animals per wildlife species, and the source of all wildlife that the license holder obtained or propagated;

2. The date when the wildlife was obtained or propagated;

3. The date when the wildlife was disposed of, and the manner of disposition; and

4. If the wildlife was disposed of by sale, barter, or given as a gift, the names of individuals who received the wildlife.

K. A game bird shooting preserve license holder shall maintain records of all wildlife possessed under the license for three years. The records shall include all information required in an annual report as stated in subsection (J)(1) through (4) and R12-4-409(O).

~~K~~ L. Shooting Game bird shooting preserve licenses are subject to the provision provisions of R12-4-409 and R12-4-428.

R12-4-415. Game Bird Field Trial License

A. A game bird field trial license allows an individual to the release and take of released live pen-reared game birds specified on the license for the purpose of conducting a competition to test the performance of hunting dogs in one field trial event. It also allows the import or purchase within Arizona the state, possession, and transport of the game birds specified on the license for one field trial event. Birds Game birds may be possessed alive by the licensee license holder after the field trial event until December 31 of the year the license was issued. Birds Game birds possessed alive subsequent to the field trial event may be transported and may be given away, exported, or killed.

B. The following criteria are requisite to approval of any field trial license application:

1. The field trial event shall not exceed 10 consecutive days.

2. Release shall not be approved for any site where there is an established wild population of the same species of upland game birds or where release of birds may interfere with wildlife or habitat restoration programs, or during nesting periods if there are nesting upland game birds or waterfowl in the area.

3. The Department may issue a license for only the following game birds:

a. Alectoris chukar, chukar;

b. Anas platyrhynchos, mallard duck;

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- e. Colinus virginianus, northern bobwhite;
 - d. Phasianus colchicus, ringneck and whitewing pheasant.
- C. B.** Application shall be made An individual shall apply for a game bird field trial license on a form provided by the Department. The form shall be accompanied by a detailed description of the procedures to be employed by the applicant in meeting the requirements of R12-4-428. The Department shall issue the license or deny the application within 30 calendar days of receiving the application. The form requires that the following be provided by the applicant An applicant shall submit the following on the application:
- 1. Name, phone number and address of the applicant;
 - 2. Number and species of live birds to be used in the event;
 - 3. Legal description for location of event;
 - 4. Beginning dates of the event;
 - 5. Signature of applicant.
- 1. Name, address, telephone number, birthdate, physical description, and if applicable, Department ID number;
 - 2. If the applicant will use the wildlife for a commercial purpose, the name, address, and telephone number of the applicant's business. If the applicant will use the wildlife for an activity sponsored by an organization, the name of the organization, and the name, address, and telephone number of the organization chair or local chapter;
 - 3. The wildlife species and the number of animals per species that will be used under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species. The Department shall only issue a license for the following game bird species:
 - a. Chukar, *Alectoris chukar*;
 - b. Mallard duck, *Anas platyrhynchos*;
 - c. Northern bobwhite, *Colinus virginianus*, except that no license shall be issued for this species in game management units 34A, 36A, 36B, and 36C, as prescribed in R12-4-108; and
 - d. Ringneck and whitewing pheasant, *Phasianus colchicus*;
 - 4. The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical description of the location, including township, range, and section;
 - 5. A description of how the license holder will comply with R12-4-428, and any other captivity standards that may be prescribed by this Section;
 - 6. The beginning date of the event. A game bird field trial event shall not last longer than 10 consecutive days;
 - 7. The name, address, and telephone number of the location where the wildlife will be released, if applicable. Otherwise, the physical description of the location, including township, range, and section. If the applicant is applying to release wildlife at multiple locations, the applicant shall provide the name, address, and telephone number of each location or the physical description of the location, including township, range, and section;
 - 8. The name, address, and telephone number of all wildlife suppliers from whom the special license applicant will obtain wildlife;
 - 9. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant's knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.
- C.** The Department shall issue a game bird field trial license in compliance with R12-4-106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D). The Department shall not issue a game bird field trial license if:
- 1. Escape of any species listed on the application or operation of a game bird shooting preserve will create a threat to native wildlife or public health or safety;
 - 2. There is already an established wild population of upland game birds at the site where the field trial event is planned to take place, and the wild population is the same species as the wildlife listed on the license;
 - 3. The release of game birds interferes with wildlife or habitat restoration programs; or
 - 4. The release of game birds takes place during nesting periods of upland game birds or waterfowl that nest in the area.
- D.** Each shipment of game birds imported shall be accompanied by a certificate of health from a licensed veterinarian for the shipment.
- E.** The field trial event shall be held only on the dates and in A game bird field trial license holder shall only hold a field trial event at the location specified on the license, and shall only release or take the species of game birds specified on the permit shall be released or taken.
- F.** Any released game birds not taken or recovered during the dates specified on the permit license become property of the state, and shall not be taken under a game bird field trial license.
- G.** No A hunting license shall be is not required for participants to participate in a field trial event held pursuant to under the provisions of this rule Section. The licensee license holder or a representative for the licensee license holder shall have the field trial license in possession during the event at the site of the event specified on the license. Released wildlife may be taken by any method not prohibited in R12-4-303.
- H. Wildlife** The license holder shall ensure that wildlife being transported from a field trial event shall have a tag or label

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affixed to each container of live birds, carcass, or package listing that lists the following:

1. The name of the licensee license holder,
2. The date of shipment or transport,
3. The number and of animals per species of wildlife, and
4. The name of the person individual or common carrier transporting them and the name and address of the person individual who will receive the shipment.

I. Licensee A game bird field trial license holder shall submit a report to the Department within 30 calendar days following the event, of that specifies the species and number of birds per species released and retaken. A The license holder shall maintain a list of names and addresses of participants shall be available for inspection by the Department.

J. Field trial licenses are A field trial license holder is subject to the provisions of R12-4-409 and R12-4-428.

R12-4-416. Game Bird Field Trial Training Permit

A. A game bird field trial training permit allows the an individual to release and take of released live pen-reared game birds specified on the permit, by one individual for the purpose of dog or raptor training a dog or raptor to hunt. Birds Game birds may be purchased within Arizona the state, or imported when if the shipment is accompanied by a certificate of health issued by a licensed veterinarian. Birds Game birds possessed pursuant to this rule under this Section may be transported, and may be given away, exported or killed.

B. The following criteria are requisite to approval of any field trial training permit:

1. Release shall not be approved for any site where there is an established wild population of the same species of birds or where release of birds may interfere with wildlife or habitat restoration programs, or during nesting periods if there are nesting upland game birds or waterfowl in the area.
2. The Department may issue a license for only the following game birds:
 - a. *Alectoris chukar*, chukar;
 - b. *Anas platyrhynchos*, mallard duck;
 - c. *Colinus virginianus*, northern bobwhite;
 - d. *Phasianus colchicus*, ringneck and whitewing pheasant.

C B. Application shall be made An applicant shall apply on a form provided by the Department. The form shall be accompanied by a detailed description of the procedures to be employed by the applicant in meeting the requirements of R12-4-428. The Department shall issue the permit or deny the application within 30 calendar days of receiving the application. The form requires that the following be provided by the applicant:

1. Name, address and phone number;
2. Proposed geographic location of sites where release is to occur;
3. Proposed dates during which training would occur at each site;
4. Signature of applicant.
1. Name, address, telephone number, birthdate, physical description, and if applicable, Department ID number;
2. The wildlife species and the number of animals per species that will be used under the permit. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species. The Department shall only issue a permit for the following game bird species:
 - a. *Chukar, Alectoris chukar*;
 - b. *Mallard duck, Anas platyrhynchos*;
 - c. *Northern bobwhite, Colinus virginianus*, except that no license shall be issued for this species in game management units 34A, 36A, 36B, and 36C, as prescribed in R12-4-108; and
 - d. *Ringneck and whitewing pheasant, Phasianus colchicus*.
3. The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical description of the location, including township, range, and section;
4. A description of how the applicant will comply with R12-4-428, and any other captivity standards that may be prescribed by this Section;
5. The name, address, and telephone number of the location where the wildlife will be released, if applicable. Otherwise, the physical description of the location, including township, range, and section. If the applicant applies to release wildlife at more than one location, the applicant shall submit a separate application for each location;
6. A range of dates within which training may take place;
7. The name, address, and telephone number of all wildlife suppliers from whom the applicant will obtain wildlife;
8. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant's knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.

C. The Department shall issue a game bird field training permit in compliance with R12-4-106. If the Department denies the application for a permit, the Department shall proceed as prescribed by R12-4-409(D). The Department shall not issue a game bird field training permit if:

1. There is already an established wild population of upland game birds at the site where the field training event is planned to take place, and the wild population is the same species as the wildlife listed on the license;

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2. The release of game birds interferes with wildlife or habitat restoration programs, or
3. The release of game birds takes place during nesting periods of upland game birds or waterfowl that nest in the area.
- D.** An applicant may request in writing that one or more named individuals be authorized to act as an agent on the applicant's behalf. An individual that has had wildlife privileges revoked in this state, any other state, or by the United States is not eligible to be agent. An agent is subject to the stipulations on the applicant's permit. The permit holder is responsible for acts of the agents if they fall within the requirements of this Section.
- E.** A game bird field training permit holder may make a written request to amend the permit to add or delete an agent at any time during the license period. The permit holder shall obtain written authorization from the Department before designating any additional agents.
- F.** A game bird field training permit holder shall notify the Department in writing within 10 calendar days of terminating an agent.
- G.** A game bird field training permit holder shall have the permit in possession and a permit holder's authorized agent shall have a copy of the permit in possession while conducting the activities authorized by the permit. The permit holder and agents shall make the permit and any copies of a permit available for Department inspection when conducting permitted activities.
- ~~**H.** Release shall occur only within locations and dates approved and specified on the permit, and only the species of birds specified on the permit shall be released or taken. A permit holder shall release authorized wildlife only at the location specified on the permit. Any released game birds not taken or recovered after the field training activity become property of the state and shall not be taken under a game bird field training permit.~~
- ~~**I.** The permit shall be in the possession of the permittee during dog training and transport of wildlife.~~
- ~~**J.** No hunting license shall be required for take of birds released pursuant to the provisions of this rule by the permittee. Pursuit of nonreleased wildlife requires a hunting license. A hunting license is not required to take game birds released under the provisions of this Section.~~
- ~~**K.** The A field training permit holder is subject to the provisions of R12-4-409 and R12-4-428.~~

R12-4-417. Wildlife Holding License

- ~~**A.** With the exception of all live cervids, which shall not be imported, transported, or possessed except as allowed under R12-4-430, the Department shall issue wildlife holding licenses to qualified individuals for the purposes provided in this Section. The wildlife holding license authorizes the person holding the license to engage in specific activities with the specific live wildlife listed on the license. The activities shall be listed on the license to be authorized and may include but not be limited to any of the following: possession, transportation, importation, educational display, exhibit, purchase, propagation, export, give away, or kill. The Department's evaluation of the applicant's proposal and qualifications, and the purpose of the license will determine if the Department will issue or deny the permit and the activities the license authorizes. A wildlife holding license authorizes an individual to: possess, transport, import, display for educational purposes, photograph for commercial purposes, purchase, propagate, export, give away, or euthanize either restricted live wildlife or live wildlife lawfully held under a hunting or fishing license for purposes listed in subsection (B). An individual shall perform only those authorized activities that are specifically stated on the license with the specific live wildlife listed on the license. The Department shall not issue a wildlife holding license to an individual for the use of live cervids, which shall not be imported, transported, or possessed except as allowed under R12-4-430.~~
- ~~**B.** The Department shall not issue a license to any applicant whose privilege to take or possess wildlife is under current suspension or revocation by the government of any state or the United States.~~
- ~~**C.** The Department shall issue a wildlife holding license only for the primary purposes following, when the purpose if the Department determines that issuing the license is in the best interest of the wildlife or the species, it will not adversely impact other wildlife in Arizona in this state, and may be served without posing it does not pose a threat to wildlife or public health or safety, and only for the following purposes:
 1. Wildlife management: gathering information valuable to maintenance of wild populations;
 2. Education;
 3. The advancement of science, or promotion of the public health or welfare;
 4. When humane treatment by a person is necessary to safeguard and protect the interests of an animal unable to meet its own needs in the wild, when it has been abandoned, or permanently disabled, or is no longer useful for any previously existing licensed purpose.
 1. The advancement of science, wildlife management, or promotion of public health or welfare;
 2. Education;
 3. To photograph for a commercial purpose live wildlife that is already possessed under the authority of R12-4-404, or already possessed under this Section, but only if:
 - a. The wildlife will be photographed without posing a threat to other wildlife or the public,
 - b. The photography will not adversely impact other affected wildlife in this state, and
 - c. The applicant meets the criteria prescribed in subsection (C); or
 4. To lawfully possess restricted live wildlife if:
 - a. It is necessary for an individual to give humane treatment to restricted live wildlife that has been abandoned or~~

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permanently disabled, and is therefore unable to meet its own needs in the wild; or

- b. It is requested to lawfully possess restricted live wildlife that was possessed under another special license, and the primary purpose for that special license no longer exists.

D. The Department shall issue a wildlife holding license for the sole purpose of exhibiting live wildlife already possessed under the authority of R12-4-404 or already possessed under R12-4-417, when the wildlife may be exhibited without posing a threat to wildlife or the public and will not adversely impact other affected wildlife in Arizona.

E C. Applicants for a wildlife holding license shall obtain from and submit to the Department a form providing the following information:

1. The applicant's name, mailing address, and telephone number.
2. If applicable, the name, address, and telephone number of the educational, scientific, or other institutional affiliation of the applicant.
3. The species, or higher taxa, if appropriate, of wildlife proposed for an allowable activity.
4. The applicant's signature.

An applicant for a wildlife holding license shall apply on a form provided by the Department and available from any Department office. The applicant shall provide the following information:

1. Name, address, telephone number, birthdate, physical description, and (if applicable) Department ID number;
2. If the applicant will use the wildlife for a commercial purpose, the name, address, and telephone number of the applicant's business. If the applicant will use wildlife for activities authorized by an educational or scientific institution that employs, contracts, or is similarly affiliated with the applicant, the applicant shall provide the name, address, and telephone number of the institution;
3. The wildlife species and the number of animals per species that will be used under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species;
4. An applicant for a wildlife holding license shall include a typewritten, computer or word processor printed, or legibly handwritten proposal that describes the activity that the applicant intends to perform under the license, and clearly states the contribution the proposed activity will make to one or more of the primary purposes listed in subsection (B). If the applicant is applying to possess restricted live wildlife to give humane treatment, the applicant shall also explain in the written statement why the wildlife is unable to meet its own needs in the wild. If the Department determines that humane treatment is necessary as grounds for issuance of a wildlife holding license, the Department has the authority to authorize the appropriate disposition of the wildlife for humane treatment, including care, placement, or euthanasia;
5. If the applicant is renewing the wildlife holding license, the species and number of animals per species that are currently in captivity, and evidence of lawful possession as defined in R12-4-401;
6. A statement of the applicant's experience in handling and providing care for the wildlife to be held or the applicant's experience that may be relevant to handling or providing care for wildlife;
7. The name, address, and telephone number of the facility where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical location of the facility, including township, range, and section. If the applicant applies to hold wildlife in more than one facility, the applicant shall submit a separate application for each facility;
8. A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12-4-428, and any other captivity standards that may be prescribed by this Section;
9. The dates that the applicant will begin and end holding wildlife;
10. A clear description of how the applicant intends to dispose of the wildlife once the proposed activity in subsection (C)(4) ends; and
11. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information they have provided is true and correct to their knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.

D. The Department shall issue a wildlife holding license in compliance with R12-4-106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D).

F. Applicants for a wildlife holding license shall also submit the following with their application form:

1. If the wildlife is currently in possession, submit evidence of lawful possession as defined in R12-4-401. If the wildlife is not yet in possession, submit proof of application for evidence of lawful possession. If the application is for exhibit of wildlife possessed under the authority of R12-4-404, provide an affidavit that the wildlife was lawfully taken under authority of a hunting or fishing license in accordance with Commission order or is the progeny of wildlife lawfully taken.
2. The street address or legal description of the location where the wildlife is to be held and a detailed diagram of the facilities where the wildlife is to be held.
3. A detailed description of the procedures that will be used to meet the requirements of R12-4-428.
4. A statement of the applicant's experience in handling and providing care for the wildlife to be held or of other experience that may be relevant to handling or providing care for wildlife.
5. The dates proposed to begin and end holding the wildlife.

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6. ~~A statement of the planned disposition and method of disposition of the wildlife at the conclusion of the proposed activities.~~
 7. ~~If the purpose of the license is for wildlife management, education, the advancement of science, or the promotion of the public health or welfare, submit a detailed description of the proposed management, educational, or scientific activity.~~
 8. ~~If the purpose of the license is for humane treatment, submit a written statement explaining why the wildlife is unable to meet its own needs in the wild, whether it has been abandoned, or permanently disabled, or is no longer useful for any previously existing licensed purpose. The statement shall also specify where the wildlife is currently possessed and who possesses it.~~
 9. ~~If the purpose of the license is to exhibit live wildlife already possessed under the authority of R124404 or already possessed under R12-4-417, submit a detailed description of the proposed exhibit activity.~~
- G. E.** ~~The Department may~~ has the authority to require that a wildlife holding license holder permanently mark any restricted live wildlife that is used for lawful activities under the authority of the wildlife holding license ~~be permanently marked for identification purposes, when~~ if the Department determines this is necessary for it is in the best interest of the public and the wildlife. If this is a requirement, it ~~the Department exercises this authority, the marking requirement will be specified on the license.~~
- F.** A wildlife holding license holder shall ensure that restricted live wildlife, offspring of restricted live wildlife, or their parts obtained or held under the authority of the license are not sold, offered for sale traded, bartered, loaned for the purposes of commercial activities, given as a gift, or disposed of in any way except as stipulated or directed in writing by the Department.
- G.** A wildlife holding license is no longer valid once the primary purpose for which it was issued, as prescribed in subsection (B), no longer exists. The wildlife holding license holder shall submit a report to the Department as prescribed in subsection (J).
- H.** ~~The licensee~~ A wildlife holding license holder shall ensure that a copy of the license accompanies any shipment of wildlife made under the authority of the license.
- I.** The Department may conduct reasonable inspections of the facilities as described in R12-4-409(G) where wildlife are held under a wildlife holding license.
- I. J.** ~~The licensee shall annually obtain from and submit to the Department a report form providing the following information within 30 days after the license expires~~ Before January 31 of each year, a wildlife holding license holder shall file a written report on activities performed under the license for the previous calendar year. A wildlife holding license holder shall submit an annual report on a form available from the Department as prescribed by R12-4-409(O). The annual report shall also include the following information:
1. The licensee's name, address, and phone number; A list of each animal by species held during the year, including the source and date the wildlife was acquired;
 2. A listing of each animal held during the year, by species, including the source and date of acquisition and the place and date of disposition for each animal. If applicable, the permanent mark or identifier of the wildlife, such as name, number, or another identifier as prescribed in subsection (E) for each animal held during the year. This designation or identifier shall be provided with other relevant reported details for the holding or disposition of the individual animal;
 3. Whether the wildlife is alive or dead;
 4. The current location of the wildlife; and
 5. A list of all educational displays where the wildlife held under this license was utilized during the year, including the date, location, organization or audience, approximate attendance, and wildlife used.
- J.** ~~The licensee shall comply with R12-4-409, R12-4-428, and R12-4-430.~~
- K.** ~~Wildlife holding licenses expire on~~ A wildlife holding license expires on December 31 of the year ~~of issuance that it was issued, or, if the licensee~~ license holder is a representative of an institution, organization, or agency ~~stated in (C)(2), upon termination of affiliation with that entity, whichever comes first.~~
- L.** A wildlife license holder shall comply with R12-4-409, R12-4-428, and R12-4-430.

R12-4-418. Scientific Collecting Permit

- A.** ~~A scientific collecting permit allows the following, subject to Department evaluation of and stipulations to the application submitted in compliance with subsection (C):~~
1. ~~A permittee may take wildlife specified on the permit in the localities and time periods specified on the permit by any method prescribed in R12-4-304 or R12-4-313. If specifically authorized on the permit, the permittee may take the wildlife by the use of stupefying or deleterious substance, electroshock, pitfall, leghold trap, snare, or net, and at night by firearm, providing the least onerous, practical method is employed. The Department may rescind or modify any method of take authorized on the permit to protect the interests of wildlife or public safety. The permit may restrict the number of animals per species or other taxa that may be taken, as well as the age or condition of the wildlife that may be taken.~~
 2. ~~A permittee may possess, transport, propagate, or educationally display live wildlife specified on the permit. A person shall not exhibit wildlife held under a scientific collecting permit.~~

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3. A permittee shall dispose of live wildlife specified on the permit by releasing the wildlife when not removed from the area where captured, by releasing the wildlife in a location previously approved by the Department, or as authorized by the Department.
4. A permittee shall only release live wildlife specified on the permit when the wildlife is not removed from the area where captured, or when the wildlife is released in a location previously approved by the Department.
- B.** The Department shall issue a scientific collecting permit only if:
 1. The applicant's privilege to take or possess wildlife is not under current suspension or revocation by the government of any state or the United States;
 2. The permit is for the purpose of wildlife management; gathering information valuable to maintenance of wild populations; education; the advancement of science; or promotion of the public health or welfare;
 3. The permit is for a purpose that is in the best interest of the wildlife or the species, will not adversely impact other affected wildlife in Arizona, and may be served without posing a threat to wildlife or public safety;
 4. The permit is for a purpose that does not unnecessarily duplicate previously documented projects; and
 5. The Department has verified the purpose based on a written project proposal submitted as part of the application form required in subsection (C).
 6. The Department may require submission of interim reports in addition to those required by subsection (G), and may make the submission of these additional interim reports a criterion for permit issuance.
- C.** An applicant shall provide the following information on an application form supplied by the Department:
 1. Name, home address, home telephone number, and physical description of applicant;
 2. If applicable, the name, address, and telephone number of the scientific or educational institution affiliation or governmental employer;
 3. A complete list by species, or higher taxa, if applicable, of all wildlife for which collecting authorization is sought and the number of individuals per taxon;
 4. The locality or localities for which collecting activities are proposed;
 5. Whether the applicant proposes to:
 - a. Salvage specimens found dead;
 - b. Collect specimens alive and keep them;
 - c. Collect specimens by killing;
 - d. Collect specimens alive and release at the site where taken without transporting from that site after photographing, banding, or marking them with rings, bands, collars, brands, or other markings.
 6. The method or methods of take to be used, including justification for selection of the methods proposed; and
 7. Planned disposition of wildlife collected and progeny of wildlife collected.
- D.** An applicant shall submit with the application form, a detailed project proposal, not to exceed three pages, explaining the purpose, methods, completion schedule, and publication intent of the project; stating the qualifications of the applicant relative to the proposal; and describing in detail the procedures the applicant will use to meet the requirements of R12-4-428.
- E.** The applicant shall submit the application to the Department's Phoenix office.
- F.** The Department issues each scientific collecting permit to an individual, but an applicant may request in writing that one or more named individuals be authorized to act as an agent on the applicant's behalf, provided that:
 1. An employment or supervisory relationship exists between the permittee and the agent, and the agent's privilege to take or possess wildlife is not under current suspension or revocation by the government of any state or the United States; and
 2. If the permit limits the number of animals that may be collected, the limit applies to the aggregate of all agent collectors.
- G.** A permittee may at any time during the license period make a written request to amend the permit to add or delete agents meeting the criteria in subsection (F). The Department shall approve or deny the request within 30 calendar days of receipt.
- H.** A permittee shall notify the Department in writing within 10 calendar days of terminating any agent.
- I.** Before collecting any wildlife at night with firearms, a permittee shall notify the regional Department office nearest the locality of the planned collection and advise that office of the dates, times, places and methods of collection.
- J.** A permittee shall ensure that a copy of the permit accompanies any shipment of wildlife made under authority of the permit.
- K.** A permittee shall file a written report on a form available from the Department, within 30 days after expiration of the permit. A report is required even if no collecting was done. The permittee shall provide the following information and shall include information from agents acting for the permittee:
 1. Name and address of the permittee and any agency affiliation relevant to the permit;
 2. Name and address of all agents;
 3. Scientific collecting permit number and date of issuance;
 4. A list by specimen of all species collected, live or dead, of any species the Department includes on the permit, provid-

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~~ing detailed localities of collection, observation, banding, or other handling, dates of take, places of disposition, and other relevant information the Department includes on the permit; and~~

~~5. A list by individual for all species live or dead, collected, banded, possessed, or disposed of that are not listed in accordance with subsection (K)(4).~~

~~L. A permittee under this Section is subject to R12-4-409 and R12-4-428.~~

~~M. A scientific collecting permit expires on December 31 of the year of issuance, or, if the permittee is a representative of an institution, organization, or agency, upon the permittee's termination of affiliation with that entity, whichever comes first.~~

~~N. This rule is effective July 1, 2001.~~

A. A scientific collecting permit allows an individual to take, possess, transport, photograph for noncommercial purposes, and display for educational purposes the live wildlife specified on the permit, subject to the conditions specified in subsection (B). A permit holder shall not exhibit wildlife held under the permit. The Department shall issue a scientific collecting permit only if:

1. The permit is for the purpose of wildlife management; gathering information valuable to the maintenance of wild populations; education; the advancement of science; or promotion of the public health or welfare;

2. The permit is for a purpose that is in the best interest of the wildlife or the species, will not adversely impact other affected wildlife in this state, and may be authorized without posing a threat to wildlife or public safety;

3. The permit is for a purpose that does not unnecessarily duplicate previously documented projects; and

4. The applicant has submitted an acceptable typewritten, computer or word processor printed, or legibly handwritten project proposal as part of the application form required in subsection (C).

B. Scientific collecting permits are subject to the following conditions:

1. A scientific collecting permit holder shall only take wildlife under the permit using the least onerous, practical method possible, and shall:

a. Take wildlife at the locations and time periods specified on the permit by any method prescribed by R12-4-304 or R12-4-313;

b. Not take wildlife by using a stupefying or deleterious substance, electroshock, pitfall trap, leghold trap, snare, or net unless specifically authorized on the permit; and

c. Not take wildlife at night by using a firearm unless authorized by the permit.

2. If it is in the best interest of the wildlife or public safety, the Department has the authority to:

a. Rescind or modify any method of take authorized by the permit;

b. Restrict the number of animals per species or other taxa that may be taken under the permit;

c. Restrict the age or condition of wildlife that may be taken under the permit;

d. Deny or substitute the number of specimens and taxa requested on an application.

3. A scientific collecting permit holder shall dispose of wildlife as follows:

a. If the wildlife was not removed from the area where it was taken, by releasing it;

b. If the wildlife was removed from the area where it was taken, by releasing the wildlife in a location previously approved by the Department; or

c. As otherwise stipulated or directed in writing by the Department.

4. Wildlife, its parts, or its offspring obtained or held under the authority of the license shall not be sold, offered for sale, traded, bartered, loaned for the purpose of commercial activities, given as a gift, or disposed of in any way except as stipulated or directed in writing by the Department.

C. An applicant for a scientific collecting permit shall apply on a form provided by the Department and available from any Department office, and shall return a completed form to the Department's Phoenix Headquarters. The applicant shall provide the following information:

1. Name, address, telephone number, birthdate, physical description, and if applicable, Department ID number;

2. If the applicant will use the wildlife for a commercial purpose, the name, address, and telephone number of the applicant's business;

3. If the applicant will use wildlife for activities authorized by a scientific, educational, or government institution, organization, or agency that employs, contracts, or is similarly affiliated with the applicant, the applicant shall provide the name, address, and telephone number of the institution and the applicant's title or a description of the nature of affiliation with the institution or organization;

4. A typewritten, computer or word processor printed, or legibly handwritten proposal, not to exceed three pages, that states:

a. The activity that the applicant intends to perform under the license, and clearly states the contribution the proposed activity will make to one or more of the purposes specified in subsection (A)(1) above;

b. If the applicant is applying for a permit to make a contribution to education, the applicant shall also state in the proposal the minimum number of presentations that the applicant anticipates to make during the period that the permit is valid; the name, title, address, and telephone number of individuals whom the applicant has contacted in order to hold educational presentations; and if applicable, the number of specimens of the species requested that the applicant already possesses.

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- c. The applicant's qualifications for completing the project;
- d. The methods of take that the applicant will use to complete the project, justification for using that method, and whether the applicant proposes to:
 - i. Salvage specimens found dead;
 - ii. Collect specimens alive and keep them;
 - iii. Collect specimens by killing them; or
 - iv. Collect specimens alive at the site where taken without transporting them from that site after photographing, banding, or marking them with rings, collars, brands or other markings;
- e. The wildlife species and the number of animals per species that will be used under the license. If the application is for use of multiple species or wildlife of a higher taxon, the applicant shall list each species and the number of animals per species;
- f. The location where collection will take place;
- g. How the applicant will dispose of wildlife or offspring of wildlife, if applicable, as prescribed by subsection (B)(3);
- h. The names and addresses of any agents who will assist the applicant in carrying out the activities described in the proposal. An applicant may request that one or more individuals be authorized to act as an agent on the applicant's behalf, provided that:
 - i. An employment or supervisory relationship exists between the applicant and the agent, and
 - ii. The agent's privilege to take or possess live wildlife is not suspended or revoked by any state.
- i. A schedule of activities and the completion date of the project; and
- j. Whether the applicant intends to publish the project or its findings;
- 5. If the applicant is renewing the wildlife holding license, the species and number of animals per species that are currently in captivity, and evidence of lawful possession as defined in R12-4-401;
- 6. A statement of the applicant's experience in handling and providing care for the wildlife to be held or of the applicant's experience that may be relevant to handling or providing care for wildlife;
- 7. The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical location including township, range, and section. If the applicant applies to hold wildlife in more than one location, the applicant shall submit a separate application for each location;
- 8. A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12-4-428, and any other captivity standards that may be prescribed by this Section;
- 9. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information they have provided is true and correct to their knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.
- D.** The Department shall issue a scientific collecting permit in compliance with R12-4-106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D).
- E.** Before January 31 of each year or as otherwise required by R12-4-409(O), a scientific collecting permit holder shall file a written report on activities performed under the license for the previous calendar year. A scientific collecting permit holder shall submit an annual report on a form containing the information prescribed by R12-4-409(O). The Department may stipulate submission of additional interim reports upon license application or renewal.
- F.** An agent of a scientific collecting permit holder is subject to stipulations placed on the applicant's permit at the time of application. The permit holder is responsible for acts of the agents that fall within the authority of this Section. The Department, acting on behalf of the Commission, may suspend or revoke a permit for violation of this Section by an agent.
- G.** A scientific collecting permit holder and the permit holder's agents shall have the permit or a legible copy in their possession and available for Department inspection while conducting activities authorized under the scientific collecting permit.
- H.** A scientific collecting permit holder may at any time during the license period make a written request to amend the permit to add or delete agents meeting the criteria in subsection (B)(4)(h).
- I.** A scientific collecting permit holder shall notify the Department in writing within 10 calendar days of terminating any agent.

R12-4-419. ~~Wildlife Game Bird Hobby License~~

- A.** A ~~wildlife game bird~~ hobby license allows an individual to do any or all of the following: import, purchase, possess, propagate, give away, kill, transport, ~~and~~ or export pen-reared live ~~wildlife game birds~~ for personal, noncommercial use only. ~~The wildlife Game birds may also be displayed for noncommercial purposes under this license, but shall not be displayed or maintained in conjunction with any commercial establishment exhibited.~~
- B.** The following criteria are requisite to approval of a ~~wildlife hobby license.~~
 - 1. A possible escape of the proposed species would not create a threat to indigenous wildlife.
 - 2. The issuance of a license shall be for a purpose in the best interest of the wildlife or species to be held and shall not adversely impact upon any other affected wildlife in Arizona.
 - 3. The Department may issue a license for only the following ~~pen-reared game birds:~~

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- a. ~~*Alectoris chukar*, chukar;~~
 - b. ~~*Callipepla californica*, California or valley quail;~~
 - e. ~~*Callipepla gambelii*, Gambel's quail;~~
 - d. ~~*Callipepla squamata*, scaled quail;~~
 - e. ~~*Colinus virginianus*, northern bobwhite; a license is required only in Units 34A, 36A, 36B, and 36C as prescribed in R12-4-108;~~
 - f. ~~*Cyrtonyx montezumae*, Montezuma or Mearn's quail;~~
 - g. ~~*Dendragapus obscurus*, blue grouse;~~
 - h. ~~*Phasianus colchicus*, ringneck and whitewing pheasant.~~
- C.** ~~Application shall be made on a form available from any Department office. Application to possess more than 25 birds shall be accompanied by a detailed diagram of the facilities where the wildlife is to be held and a detailed description of the procedures to be employed by the applicant to meet with the requirements of R12-4-428. The Department shall issue the license or deny the application within 30 calendar days. Application requires the following to be provided by the applicant:~~
- 1. ~~Name, address and telephone number of the applicant;~~
 - 2. ~~Location where wildlife is to be held, either:~~
 - a. ~~Street address, or~~
 - b. ~~Legal description;~~
 - 3. ~~Species of wildlife to be obtained or, if application is for renewal, species currently in captivity;~~
 - 4. ~~Signature of applicant.~~
- B.** ~~An applicant for a game bird hobby license shall apply on a form provided by the Department and available at any Department office. The applicant shall provide the following:~~
- 1. ~~Name, address, telephone number, birthdate, physical description, and if applicable, Department ID number;~~
 - 2. ~~The wildlife species and the number of animals per species that will be obtained under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species. The Department shall only issue a license for the following game bird species:~~
 - a. ~~Blue grouse, *Dendragapus obscurus*;~~
 - b. ~~California or valley quail, *Callipepla californica*;~~
 - c. ~~Chukar, *Alectoris chukar*;~~
 - d. ~~Gambel's quail, *Callipepla gambelii*;~~
 - e. ~~Montezuma or Mearns' quail, *Cyrtonyx montezumae*;~~
 - f. ~~Northern bobwhite, *Colinus virginianus*, which only requires a game bird hobby license if used in game management units 34A, 36A, 36B, and 36C;~~
 - g. ~~Ringneck and whitewing pheasant, *Phasianus colchicus*;~~
 - h. ~~Scaled quail, *Callipepla squamata*;~~
 - 3. ~~If the applicant is renewing the game bird hobby license, the species and number of animals per species that are currently in captivity;~~
 - 4. ~~The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical description of the location, including township, range, and section;~~
 - 5. ~~If the applicant is applying to possess more than 50 game birds, the application shall include a detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12-4-428, and any other captivity standards that may be prescribed by this Section;~~
 - 6. ~~The name, address, and telephone number of all wildlife suppliers from whom the special license applicant will obtain wildlife; and~~
 - 7. ~~The applicant's signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant's knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.~~
- C.** ~~The Department shall issue a game bird hobby license in compliance with R12-4-106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D). The Department shall issue a game bird hobby license only if:~~
- 1. ~~A possible escape of the proposed species would not create a threat to native wildlife;~~
 - 2. ~~The purpose for the license is in the best interest of the wildlife or the species; and~~
 - 3. ~~The license may be issued without posing a threat to public health or safety.~~
- D.** ~~Wildlife Game bird hobby licenses are subject to the provisions of R12-4-409 and R12-4-428.~~

R12-4-420. Zoo License

- A.** ~~With the exception of all live cervids, which shall not be imported, transported, or possessed except as allowed under R12-4-430, a zoo license allows an individual to perform all of the following: exhibit, educational display for educational purposes, import, purchase, export, possession, propagation, euthanization, possess, propagate, euthanize, transport, giving give away, offering offer for sale, and sale sell, or trade of restricted live wildlife and other Arizona wildlife legally~~

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possessed, subject to the following restrictions:

1. A licensee zoo license holder shall hold all wildlife possessed in the facilities specified on the license except when the wildlife is transported to or from a temporary ~~exhibits exhibit~~. ~~Temporary exhibits~~ A temporary exhibit shall not exceed ~~20~~ 60 consecutive days at any one location.
2. A licensee zoo license holder shall only dispose of restricted live wildlife ~~within Arizona in this state by selling, giving, or trading it~~ to another zoo licensed under this Section, to an appropriate special license holder such as a game farm licensed under R124413 R12-4-413, to a medical or scientific research facility exempted under ~~R124407~~ R12-4-407, by exporting it to a zoo that is certified by the American Zoo and Aquarium Association, or as directed by the Department.
3. A licensee zoo license holder shall not accept any wildlife ~~donations, or purchase or otherwise obtain wildlife that is donated, purchased, or otherwise obtained~~ without accompanying evidence of lawful possession.
4. A licensee ~~may zoo license holder shall~~ dispose of all wildlife obtained under a scientific collecting permit or wildlife that has been loaned to the zoo by the Department only as directed in writing by the Department.
5. A zoo license holder shall hold wildlife in such a manner as to prevent it from escaping from the facilities specified on the license, and to prevent the entry of unauthorized individuals or other wildlife.

B. The following criteria are prerequisites for approval of a zoo license:

- 1- ~~The Department shall ensure that the operation meets the definition of "zoo" at A.R.S. § 17101(A)(23).~~
- 2- ~~An applicant shall submit with the application proof of current licensing by the United States Department of Agriculture under 9 CFR Subchapter A, Animal Welfare.~~
- 3- ~~The Department shall ensure that the issuance of a license is for a purpose in the best interest of the wildlife or species to be held, does not adversely impact upon any other wildlife in Arizona, and does not pose a threat to wildlife or public safety.~~

The Department shall issue a zoo license only for the following purposes:

1. The advancement of science, wildlife management, or promotion of public health or welfare;
2. Education; or
3. Conservation, or maintaining a population of wildlife threatened with extinction in the wild.

C. An applicant shall use a form available from any Department office. The applicant shall provide the following information on the form:

- 1- Name and location of the zoo;
- 2- Mailing address and telephone number for the zoo;
- 3- Signature of owner or person responsible for the zoo; and
- 4- If the application is not for renewal of a previously granted license, a list, by species, of restricted live wildlife and other legally possessed Arizona wildlife to be held and the number of each species. The list shall include scientific and common names for restricted live wildlife as specified in R12-4-406.

An applicant for a zoo license shall apply on a form provided by the Department and available from any Department office. The applicant shall provide the following information:

1. Name, address, telephone number, birthdate, physical description, and Department ID number (if applicable) of the applicant;
2. If the applicant will use the wildlife for a commercial purpose, the name, address, and telephone number of the applicant's business. If the applicant will use wildlife for activities authorized by an educational or scientific institution that employs, contracts, or is similarly affiliated with the applicant, the applicant shall provide the name, address, and telephone number of the institution;
3. The wildlife species and the number of animals per species that will be held under the license. The list shall include scientific and common names for all wildlife held;
4. An applicant for a zoo license shall include a typewritten, computer or word processor printed, or legibly handwritten proposal that describes the following:
 - a. How the facility or operation meets the definition of a zoo, as stated in A.R.S. § 17-101; and
 - b. The purpose of the license. Acceptable purposes of a zoo license are listed in subsection (B);
5. If the applicant is renewing the zoo license, the species and number of animals per species that are currently in captivity, and evidence of lawful possession as defined in A.R.S. § 17-101;
6. Proof of current licensing by the United States Department of Agriculture under 9 CFR Subchapter A, Animal Welfare;
7. The name, address, and telephone number of the zoo where the wildlife will be held. If the applicant applies to hold wildlife in more than one location, the applicant shall submit a separate application for each location;
8. A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12-4-428, and any other captivity standards that may be prescribed by this Section. The Department shall not approve a license application until the wildlife holding facility satisfies a Department inspection; and
9. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information

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they have provided is true and correct to their knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.

- D. The Department shall issue a zoo license in compliance with R12-4-106. If the Department denies the application for a zoo license, the Department shall proceed as prescribed by R12-4-409(D). The Department shall issue a license for the purposes stated in subsection (B) if:
 - 1. It is in the best interest of the wildlife, and
 - 2. Issuance of the license will not adversely impact other wildlife in the state.
- E. A zoo license holder shall clearly display an entrance sign that states the days of the week and hours when the facility is open for viewing by the general public.
- ~~D~~ E. A licensee zoo license holder shall maintain a record of each animal obtained under subsection (A)(4) for three years following the date of disposition. The record shall include the species, source of the wildlife, date received, any Department approval authorizing acquisition, and the date and method of disposition.
- G. Before January 31 of each year, a zoo license holder shall file a written report on activities performed under the license for the previous calendar year. A zoo license holder shall submit an annual report to the Department in compliance with R12-4-409(O). The report shall summarize the current species inventory, and acquisition and disposition of all wildlife held under the license.
- H. A zoo license holder may not add restricted live wildlife as specified in R12-4-406 to the license without making a written request to and receiving approval from the Department.
- ~~E~~ I. A licensee under this Section zoo license holder is subject to ~~R124409~~ R12-4-409, R12-4-428, and R12-4-430.

R12-4-421. Wildlife Service License

- A. A wildlife service license allows the live capture, transport, and relocation to the wild of furbearing, predatory, or non-game wildlife that is causing a nuisance or property damage, or posing a threat to the health or life of any human being, or if the life, health, or well-being of the wildlife is threatened by the condition of its immediate environment. A wildlife service license also allows the live capture, transport, and relocation to the wild of small game wildlife if the licensee is operating under a valid small game depredation permit issued under R12-4-113 to the wildlife service licensee or another for whom the licensee is acting as an agent. The Department shall issue a wildlife service license to a qualified individual subject to Department evaluation of and stipulations to the application submitted in compliance with subsection (C). Only the individual named on the license may conduct activities the license authorizes. A wildlife service license is not valid for any wildlife protected by federal law or regulation unless supported by federally issued documentation rendering the activity lawful. Persons employed by and conducting activities under the auspices of any public safety government agency or incorporated business authorized to provide public safety measures are exempt from the licensing requirements of this Section.

Any individual or company that provides, advertises, or offers assistance with nuisance wildlife to the general public with or without a fee shall obtain a wildlife service license. A wildlife service license allows an individual to capture, remove, transport, and relocate to the wild designated live wildlife if the wildlife causes a nuisance, property damage, poses a threat to public health or safety, or if the health or well-being of the wildlife is threatened by its immediate environment. A wildlife service license holder may euthanize designated wildlife, but only as prescribed by the Department. For the purposes of this Section, the following are designated live wildlife:

 - 1. Furbearing wildlife;
 - 2. Javelina (*Tayassu tajacu*);
 - 3. Nongame wildlife;
 - 4. Predatory wildlife; and
 - 5. Small game wildlife.
- B. The following criteria are prerequisites for approval of a wildlife service license:
 - 1. The applicant's privilege to take or possess wildlife is not under current suspension or revocation by the government of any state or the United States; and
 - 2. The licensee has provided documentation to prove a minimum of six months of full-time employment or voluntary service experience in handling wildlife of the species or groups of species for which the wildlife service license will be valid.

An employee of a governmental public safety agency or incorporated business authorized to provide public safety measures is not required to possess a wildlife service license if the employee is acting within the scope of the employee's official duties.
- C. An applicant shall use a form available from any Department office. An applicant shall provide the following information at the time of application:
 - 1. The applicant name, mailing address, day and night telephone numbers to be provided to the public seeking service, and hours and days of the week when the applicant will be available for service;
 - 2. A list of furbearing, predatory, small game, or nongame wildlife, by species or groups of species, for which authorization is requested;
 - 3. The general geographic area where services are to be performed;

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4. ~~The signature of the applicant and the date of application submittal; and~~
5. ~~A written narrative statement containing an explanation of the applicant's experience in the capture, handling, and removal of wildlife, specifying all species of wildlife for which the applicant has performed the function and referencing the general location and dates that the services were performed, along with the methods of disposition for wildlife captured.~~

An applicant for a wildlife service license shall apply on a form provided by the Department and available from any Department office. The applicant shall provide the following information:

1. Name, address, telephone number, birthdate, physical description, and (if applicable) Department ID number;
2. If the applicant will perform license activities for a commercial purpose, the name, address, telephone number, and hours and days of the week when the applicant will be available for service of the applicant's business;
3. The designated wildlife species or groups of species listed in subsection (A) that will be used under the license;
4. The methods that the wildlife license holder will use to perform authorized activities;
5. A typewritten, computer or word processor printed, or legibly handwritten description of the following:
 - a. The applicant's experience in the capture, handling, and removal of wildlife;
 - b. Specific species that the applicant has had experience capturing, handling, or removing;
 - c. The general location and dates when the activities listed in subsection (C)(5)(b) were performed;
 - d. The methods used to carry out the activities; and
 - e. The methods used to dispose of the wildlife;
6. The general geographic area where services will be performed;
7. Documentation that clearly proves that the applicant has a minimum of six months of full-time employment or volunteer experience handling wildlife of the species or groups of species listed in subsection (C)(3); and
8. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information they have provided is true and correct to their knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.

D. The Department shall issue a wildlife service license as prescribed in R12-4-106. If the Department denies the application for a wildlife service license, the Department shall proceed as prescribed by R12-4-409(D).

~~D~~ E. A licensee wildlife service license holder shall be in possession of possess a copy of the approved license at all times when the licensed function is being performed performing activities authorized by the license.

~~E~~ F. A licensee shall capture, remove, transport, or relocate to the wild any wildlife taken under this Section in the manner that is least likely to cause injury to the wildlife and least likely to result in negative human interaction. The licensee shall not possess wildlife beyond the period of time necessary to transport and relocate the wildlife to the wild, except as allowed by R12-4-427. Wildlife shall not be displayed or exhibited during any period of possession under this Section.

A wildlife service license holder shall capture, remove, transport, and relocate designated wildlife as follows:

1. In a manner that is least likely to cause injury to the wildlife;
2. In a manner that will prevent the wildlife from coming into contact with the general public;
3. If the license holder intends to capture, remove, transport, relocate, or euthanize javelina, the license holder shall obtain special authorization from the Department by contacting the Department regional office that has jurisdiction over the area where the activities will be conducted; and
4. If the license holder traps wildlife, the license holder shall comply with A.R.S. § 17-361(B) and (C).

G. A wildlife service license holder may euthanize wildlife taken under authority of the license only if authorized to do so under the license. If authorized, the license holder shall euthanize the wildlife by the safest, quickest, and most humane method available. Unless otherwise stipulated in the license, a license holder shall dispose of all wildlife that is euthanized or that otherwise dies while held under license by burial or incineration within 30 days of death.

H. Except as allowed by R12-4-427, a wildlife service license holder shall not possess designated wildlife beyond the period of time necessary to transport and relocate the wildlife to the wild, or to provide euthanization. Wildlife shall not be displayed or exhibited at any time when it is possessed under this license.

I. A wildlife service license holder shall release captured designated wildlife as follows:

1. Without immediate threat to the animal or injurious contact with humans;
2. During an ecologically appropriate time of year;
3. Into a habitat suitable for sustaining it;
4. In the same geographic area as the animal was originally captured, except that birds may be released at any location statewide within the normal range of that species in an ecological suitable habitat;
5. In an area designated by the Department regional office that has jurisdiction over the area where it was captured; or
6. Injured or orphaned wildlife may be given to an Arizona wildlife rehabilitation license holder.

~~F~~ J. A wildlife service licensee license holder shall advise inform the Department in writing within five working days of any change in telephone number, area of service, or business hours or days previously submitted to the Department.

~~G~~ K. A licensee wildlife service license holder may, at any time during the license period, make a written request to amend the license to add or delete authority to transport control and release designated species of wildlife, provided that any addition requested meets the requirements of subsection (A). The Department shall grant or deny the request within 60 calendar

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days of receipt.

~~H L.~~ A licensee seeking wildlife service license holder that seeks renewal of a wildlife service license without change to the species or species groups ~~they are that the license holder is~~ authorized to handle under ~~an approved the~~ license may reference ~~supportive supporting~~ materials submitted previously, rather than submitting copies of the materials with the application for renewal.

~~I M.~~ A licensee shall submit a written report to the Department before January 21 following each license year. The report shall contain the following information: Before January 31 of each year, a wildlife service license holder shall file a written report on activities performed under the license for the previous calendar year. A wildlife service license holder shall submit an annual report on a form available from the Department as prescribed by R12-4-409(O). The annual report shall also include a list of all services performed under the license during the preceding calendar year, including for each service:

1. The date and location of service;
2. The number and species of wildlife removed, and
3. The method of disposition for each animal removed, including the location and date of release.

~~J N.~~ A licensee under this Section wildlife service license holder is subject to R12-4-409 and R12-4-428.

~~K.~~ This rule is effective July 1, 2001.

R12-4-423. Wildlife Rehabilitation License

A. For the purposes of this Section, the following definitions apply:

1. "Agent" means ~~a person designated on a license who assists a licensee in performing rehabilitative functions, including transport or release of wildlife, provided there is an employment or direct supervisory relationship between the licensee and the person~~, in addition to the definition in R12-4-401, means the same as "sublicensee" or "subpermitter" as these terms are used in federal regulations that this Section references.
2. "Assistant" means ~~a person an individual who is not designated as an agent, as defined in R12-4-401 and this Section, who assists a licensee wildlife rehabilitation license holder, and is under the direct supervision of the license holder at the premises described on the license.~~
3. "License" means ~~a form issued by the Department, and an application form submitted by an applicant and approved by the Department, including any stipulations made upon approval.~~
4. "Migratory birds" means all species listed ~~at in~~ 50 CFR 10.13, revised October 1, 1999, not including any later amendments or editions, which is incorporated by reference ~~in this Section~~. A copy of the incorporated ~~matter is on file with the Secretary of State and material is~~ available for inspection at any Department office, or it may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.
5. "Taxa" means groups of animals within specific classes of wildlife occurring in ~~Arizona the state~~ with common characteristics that establish relatively similar requirements for habitat, food, and other ecological or behavioral factors pertinent to establishing standards of housing, care, or rehabilitation, ~~as follows:~~
 - a. ~~Amphibians: all amphibians;~~
 - b. ~~Reptiles: all reptiles;~~
 - c. ~~Birds:~~
 - i. ~~Non-passerines, birds in any order other than those named below;~~
 - ii. ~~Raptors, birds in the orders Falconiformes or Strigiformes;~~
 - iii. ~~Quail, birds in the order Galliformes;~~
 - iv. ~~Doves, birds in the order Columbiformes;~~
 - v. ~~Hummingbirds, birds in the order Trochiliformes; and~~
 - vi. ~~Passerines, birds in the order Passeriformes.~~
 - d. ~~Mammals:~~
 - i. ~~Nongame mammals;~~
 - ii. ~~Bats: all bats;~~
 - iii. ~~Big game mammals other than cervids: bighorn sheep, bison, black bear, javelina, mountain lion, and pronghorn; and~~
 - iv. ~~Carnivores: bobcat, coati, coyote, foxes, ringtail, skunks, and weasel.~~
 - e. ~~All other systems of classification or nomenclature notwithstanding, endangered or threatened species and threatened native wildlife, as defined in R12-4-401, and golden eagles, Gila monsters, twin-spotted rattlesnakes, and banded rock rattlesnakes are not included in the taxa defined above and shall not be possessed under license unless specifically authorized on that license.~~

B. A wildlife rehabilitation license allows ~~the live an individual to capture alive; transport; possession temporarily possess; rehabilitation rehabilitate;~~ transfer to a practicing veterinarian for treatment or euthanasia or to another rehabilitator licensed for the wildlife; ~~or release; and euthanasia of the or euthanize an~~ injured, diseased, disabled, orphaned, or otherwise debilitated live wildlife specified on the license. ~~The license may also allow the wildlife to be exported, transferred to a licensed zoo, or disposed of as directed by the Department~~ The license also allows an individual to export, transfer to a licensed zoo, or dispose of wildlife as directed in writing by the Department. A ~~person~~ wildlife rehabilitation license holder shall not ~~educationally display for educational purposes or, exhibit, or permanently possess~~ wildlife held under a

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~~wildlife rehabilitation the license. The authorized activities are subject to Department evaluation of, and stipulations to, applications submitted in compliance with subsections (D) or (E). The Department may add stipulations to a license, as stated in R12-4-409, if the Department finds it is necessary to do so after reviewing an application for a license, submitted as prescribed by subsection (D), and evaluating the activities that an applicant proposes to perform. The Department shall issue wildlife rehabilitation licenses subject to the following conditions:~~

- ~~1. The Department shall issue a wildlife rehabilitation license only for the purpose of restoring wildlife to the wild through rehabilitative activities. All wildlife held under the license remains the property of the state and shall be returned to the Department upon request;~~
- ~~2. The Department shall issue a wildlife rehabilitation license to provide a public service. The names and telephone numbers of all licensees are subject to public disclosure by the Department, and a licensee shall not charge a fee or other compensation for the wildlife rehabilitation functions performed;~~
- ~~3. The Department shall issue a wildlife rehabilitation license to an individual who is solely responsible for all expenses incurred and all actions taken under the license, including all actions and omissions of all agents and assistants; and~~
- ~~4. The Department shall issue a wildlife rehabilitation license that is valid only for the premises described on the license.~~

C. Before applying for a wildlife rehabilitation license, an individual shall take an examination administered and supervised by the Department that covers wildlife rehabilitation; handling, transport, humane treatment, and nutritional, behavioral, developmental, ecological, and habitat requirements of wildlife; captivity standards established under R12-4-428; human and wildlife safety considerations; and state laws regarding wildlife rehabilitation, specifically R12-4-409 and this Section. An individual shall make an appointment with the Department to take the examination during normal business hours. An individual may request that the test be written or tape-recorded. The Department shall mail the results to the individual within 30 calendar days of the examination. The Department shall consider only those parts of the examination that are applicable to the taxa of wildlife for which the license is sought in establishing the qualifications of the applicant.

C. The following criteria are prerequisites for approval of a wildlife rehabilitation license:

- ~~1. The privilege of the applicant or any agent to take or possess wildlife is not under current suspension or revocation by the government of any state or the United States.~~
- ~~2. The Department shall issue a license to rehabilitate migratory birds only to persons 18 years of age or older. A minor's parent or legal guardian shall cosign the application of a minor to rehabilitate any other species and shall ensure that the application is notarized before submittal. See subsection (B)(3).~~
- ~~3. The applicant shall provide documentation to prove one or more of the following:
 - ~~a. A valid, current license issued by a state veterinary medical examination authority, authorizing the applicant to practice as a veterinarian;~~
 - ~~b. A minimum of six months of experience performing wildlife rehabilitative work for an average of not less than eight hours per week for the taxa of animals covered under the license, while assisting a licensed wildlife rehabilitator, a veterinarian, or a state or federal wildlife agency; or~~
 - ~~e. A current, valid wildlife rehabilitation license, issued by the government of any state or the United States.~~~~
- ~~4. The applicant shall provide documentation that, within the last five years, the applicant has answered correctly at least 80% of the questions on a written or tape-recorded examination, supervised and administered by the Department, related to: wildlife rehabilitation; handling, transport, humane treatment, and nutritional, behavioral, developmental, ecological, and habitat requirements of wildlife; captivity standards established under R12-4-428; human and wildlife safety considerations; this Section; and R12-4-409.
 - ~~a. The Department shall administer the examination by appointment at any Department office during normal working hours.~~
 - ~~b. The Department shall mail the written score of the examination to the applicant within 30 calendar days of the examination date.~~
 - ~~e. The Department shall consider only those sections of the examination that are applicable to the taxa of wildlife for which the license is sought in establishing the qualifications of the applicant; and~~~~
- ~~5. Any licensee who, before the expiration of a Department license to rehabilitate wildlife, applies to continue without change the authorized activities for the authorized species and for no others is exempt from the written examination required by subsection (C)(4), unless written reports filed under subsection (Q) show that no rehabilitative functions were performed during the license period preceding the one for which the application is submitted.~~

D. An applicant shall use a form available from any Department office to apply for a wildlife rehabilitation license. Applications and licenses issued under this Section shall reference the taxa defined in subsection (A) or shall specify specific species.

1. The applicant shall submit the following information on the form:
 - a. Name, date of birth, mailing address, and telephone number of the applicant;
 - b. Names, dates of birth, mailing addresses, and telephone numbers of all agents;
 - c. Street addresses or legal descriptions of all premises at which wildlife rehabilitation facilities would be established

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- d. ~~The taxa or species of wildlife proposed to be rehabilitated; and~~
- e. ~~Signature of the applicant and date of application submittal.~~
- 2. ~~The applicant shall include with the form typed, signed statements executed by all proposed agents, acknowledging that their privilege to take or possess wildlife is not under current suspension or revocation by the government of any state or of the United States.~~
- 3. ~~The applicant shall also include with the form a typed, signed narrative statement demonstrating, describing, or including at a minimum the following:~~
 - a. ~~Whether the applicant requests that methods of disposition of wildlife include export, transfer to a licensed zoo, or other methods under direction of the Department;~~
 - b. ~~If the application concerns rehabilitation of taxa not currently authorized by the Department, a statement of the applicant's training and experience in handling, capturing, rehabilitating, and caring for, the taxa for which the application is submitted;~~
 - e. ~~Detailed diagrams of all rehabilitation facilities in which wildlife would be held, including facilities to be used by agents. The diagrams must describe holding facility dimensions, though not necessarily to scale, materials, location relative to buildings and fences, and relevant information about proposed construction and expected completion dates; and~~
 - d. ~~A description of the procedures to be employed to ensure the standards set in R12-4-428 are always met, including cleaning methods; food and water supply; shelter; bedding; and mechanisms for prevention of escape by wildlife and, for potentially dangerous animals, protection of human safety.~~
- 4. ~~If required by subsection (C), the application shall include documentation of a passing score on the examination prescribed in subsection (C)(4).~~
- 5. ~~The applicant shall submit one or more of the following with the application:~~
 - a. ~~A typed, signed statement that the applicant is a licensed, practicing veterinarian;~~
 - b. ~~A typed, signed statement from the Department's Adobe Mountain Wildlife Center Coordinator that the Center will assist the applicant in providing rehabilitative treatment for the wildlife to be held under the license; or~~
 - e. ~~A typed, signed statement from a licensed, practicing veterinarian that the veterinarian is reasonably available to give veterinary services requested by the licensee as necessary to facilitate rehabilitation of wildlife. The licensee shall be responsible for any veterinary expenses.~~
- 6. ~~A licensee seeking renewal of a wildlife rehabilitation license without change of species, location, or design of facilities may reference supportive materials submitted previously, rather than submitting copies of the materials with the application for renewal.~~

An applicant shall apply for a wildlife rehabilitation license using a form available from the Department. The applicant shall provide the following information:

1. Name, address, telephone number, birthdate, physical description, and (if applicable) Department ID number;
2. Documentation of one or more of the following:
 - a. A valid, current license issued by a state veterinary medical examination authority that authorizes the applicant to practice as a veterinarian;
 - b. A minimum of six months of experience performing wildlife rehabilitative work for an average of at least eight hours per week for the taxa or species of animal in subsection (D)(5) that is listed on the application; or
 - c. A current and valid license, permit, or other form of authorization issued by another state or the federal government that allows the applicant to perform wildlife rehabilitation;
3. Documentation that the applicant has answered correctly at least 80% of the questions on the examination in subsection (C), and that the applicant took the examination within five years of applying for the license;
4. One or more of the following supporting documents:
 - a. A typed, computer or word processor printed, or legibly handwritten statement signed by the applicant that affirms that the applicant is a licensed, practicing veterinarian;
 - b. A typed, computer or word processor printed, or legibly handwritten statement signed by the Department's Adobe Mountain Wildlife Center Coordinator that the Center will assist the applicant in providing rehabilitative treatment for the wildlife to be held under the license; or
 - c. A typed, computer or word processor printed, or legibly handwritten statement signed by a licensed, practicing veterinarian that the veterinarian is reasonably available to give veterinary services requested by the applicant as necessary to facilitate rehabilitation of wildlife. The license holder shall be responsible for any veterinary expenses.
5. The wildlife taxa or species that will be used under the license. The Department shall only issue a wildlife rehabilitation license for the following taxa or species of wildlife:
 - a. Amphibians: all amphibians;
 - b. Reptiles: all reptiles;
 - c. Birds:
 - i. Non-passerines, birds in any order other than those named in (ii) through (vi);

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- ii. Raptors, birds in the orders Falconiformes or Strigiformes;
- iii. Quails, birds in the order Galliformes;
- iv. Doves, birds in the order Columbiformes;
- v. Hummingbirds, birds in the order Trochiliformes; and
- vi. Passerines, birds in the order Passeriformes;
- d. Mammals:
 - i. Nongame mammals;
 - ii. Bats: all bats;
 - iii. Big game mammals other than cervids: bighorn sheep, bison, black bear, javelina, mountain lion, and prong-horn antelope; and
 - iv. Carnivores: bobcat, coati, coyote, foxes, raccoons, ringtail, skunks, and weasels; and
- e. The Department shall not issue a wildlife rehabilitation license for the following wildlife species unless the applicant specifically states the species on the license application:
 - i. Arizona ridge-nosed rattlesnakes;
 - ii. Banded rock rattlesnakes;
 - iii. Desert massasaugas;
 - iv. Flat-tailed horned lizards;
 - v. Gila monsters;
 - vi. Eagles; and
 - vii. Notwithstanding the taxa listed in subsections (D)(5)(a) through (d), species listed in Federal Endangered and Threatened Wildlife and Plants, 50 CFR 17.11, revised as of August 4, 2004, and species listed in Wildlife of Special Concern;
- 6. If the applicant is applying for a wildlife rehabilitation license to perform authorized activities with migratory birds, evidence showing that the applicant meets the following criteria:
 - a. The applicant is at least 18 years old; or
 - b. The applicant has a parent or legal guardian cosign the application and the signature is notarized;
- 7. A typed, computer or word processor printed, or legibly handwritten narrative that describes the following:
 - a. The method of disposing of the wildlife that the applicant prefers: export, transfer to a licensed zoo, or another method as directed in writing by the Department; and
 - b. If the applicant applies to perform authorized activities with taxa or species of wildlife that are listed in subsection (D)(4)(e), a statement of the applicant's training and experience in handling, capturing, rehabilitating, and caring for the taxa or species;
- 8. The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical description of the location, including township, range, and section;
- 9. A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12-4-428 and any other captivity standards prescribed by this Section;
- 10. If the applicant is authorizing an agent, the information stated in subsections (D)(1), (3), (5), (6), (7), (8), (9), and (11), as applicable to the agent. The agent shall sign and date the affidavit stated in subsection (D)(11), but shall omit (d). By signing the affidavit, the agent attests that the information provided is true and correct to the agent's knowledge and that the agent has not had live wildlife privileges revoked in this state or any other state or the United States.
- 11. The applicant's signature and the date of signing. By signing the application, the applicant attests to the following:
 - a. The information the applicant has provided is true and correct to the applicant's knowledge;
 - b. The applicant is applying for the license for the sole purpose of restoring wildlife to the wild through rehabilitative activities;
 - c. The applicant understands that all wildlife held under the license remains the property of the state and shall be returned to the Department upon request;
 - d. The applicant is solely responsible for all expenses incurred and all actions taken under the license, including all actions and omission of all agents and assistants when they are performing activities authorized under the license;
 - e. The applicant shall conduct rehabilitation at the location listed on the license; and
 - f. The applicant's live wildlife privileges are not revoked in this state, any other state, or the United States.
- E.** The Department shall issue a wildlife rehabilitation license in compliance with R12-4-106. The Department may deny a license or limit a license based upon the training and experience of the applicant. If the Department denies the application for a wildlife rehabilitation license, the Department shall proceed as prescribed by R12-4-409(D).
- F.** A wildlife rehabilitation license expires on December 31 of the third year following the date of issuance of the license. A wildlife rehabilitation license holder shall renew the license before it expires as stated in R12-4-409(M). If the license holder applies to renew the license as prescribed by subsection (D), the license holder may reference supportive material previously submitted to the Department if the license holder is not changing the species, location, or design of the facility where the wildlife will be held. The license holder shall retake the examination in subsection (B) if written reports submit-

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- ted under subsection (S) indicate that the applicant did not perform any rehabilitative activities under the license.
- G.** A wildlife rehabilitation license holder shall capture, remove, transport, and release wildlife under this Section in a manner that is least likely to cause injury to the affected wildlife.
- H.** A wildlife rehabilitation license holder shall keep a current log that records the information specified under subsection (S).
- I.** A wildlife license holder shall participate in one of the following during the license period:
1. Eight or more hours of continuing education sessions on wildlife rehabilitation, offered by the Department at no fee. The Department shall provide each license holder with a minimum of 30 calendar days' notice of the sessions; or
 2. Eight or more hours of continuing education sessions on wildlife rehabilitation offered by an accredited university or college; the National Wildlife Rehabilitation Council, R.R. 1, Box 125 E Brighton, IL 62012; or the International Wildlife Rehabilitation Council, P.O. Box 3007, Walnut Creek, CA 94598.
- J.** A wildlife rehabilitation license holder shall obtain written authorization from the Department before allowing an individual to act as an agent. The agent shall have the authorization in possession and available for Department inspection while performing activities authorized by the license. The Department may suspend or revoke the license holder's license for violation of this Section by an agent.
- K.** A licensee wildlife rehabilitation license holder may, at any time during the license period, make a written request at any time during the license period to amend the license to add or delete agents an agent, to add or delete premises where wildlife is held, or to obtain authority to rehabilitate additional taxa of wildlife. The request shall meet the requirements of subsections (C)(4) and (D)(1) through (D)(3). The Department shall grant or deny a request within 60 calendar days of receipt. To amend the license, the applicant shall submit the following:
1. To add or delete an agent, the information stated in subsections (D)(1), (3), (5) through (9), and (11), as applicable to the agent;
 2. To add or delete premises, the information stated in subsection (D)(1), (5), (8), (9), and (11); and
 3. To obtain authority to rehabilitate additional taxa or wildlife, the information stated in subsection (D)(1) through (9) and (11).
- L.** A licensee may accept donations to defray expenses or to provide materials or facilities essential to the licensed activity. Only those activities allowed under a wildlife rehabilitation license, as identified in subsection (B), are permitted during the solicitation of donations. A wildlife rehabilitation license holder may accept donations from the public to compensate for expenses related to activities authorized under the license, or to provide materials or facilities necessary to perform those activities.
- G.** A licensee shall capture, remove, transport, and release wildlife under this Section in a manner that is least likely to cause injury to the affected wildlife.
- M.** A licensee wildlife rehabilitation license holder authorized to rehabilitate big game mammals, golden eagles, Gila monsters, twin spotted rattlesnakes, banded rock rattlesnakes, endangered or threatened species, or threatened native wildlife as defined in R12-4-401 wildlife taxa or species listed in subsection (D)(5)(d)(iii) and (iv) or (D)(5)(e) shall, contact the Department within 24 hours of receiving the individual animal, contact the Department for to obtain instructions in handling that animal. While awaiting instructions, the license holder shall ensure that emergency veterinary care shall be provided as necessary.
- N.** Except when the Department has authorized possession for a longer period, a licensee wildlife rehabilitation license holder shall not possess a raptor bird longer than 180 days; or other wildlife longer than 90 days; and all wildlife not releasable after these time-frames may be retained, transferred, disposed of, or euthanized as authorized by the Department. All wildlife held under the license remains the property of the state and shall be returned to the Department upon request. A licensee license holder shall submit a written request to the Department to hold wildlife in excess of this period for longer than specified in this subsection. The Department may require the licensee license holder to provide a typed, computer or word processor printed, or legibly handwritten signed statement from signed by a licensed veterinarian listing the medical reasons for the extension if there is a dispute between the Department and the licensee license holder regarding the medical necessity for the requested extension. The Department shall grant or deny a request for extension within 10 days of receipt of the request or the veterinarian's statement. The licensee license holder may continue to hold the specified wildlife while the Department considers the request. The Department shall deny a request for extension in writing and shall include in the written denial specific, time-dated directions on disposition of the animal.
- O.** A licensee wildlife rehabilitation license holder may hold wildlife under a wildlife rehabilitation the license after the wildlife reaches a state of restored health only for the amount of time reasonably necessary to make humane disposition of the wildlife, but in no case not for longer than has been authorized under subsection (H) (N). Rehabilitated wildlife shall be released at an ecologically appropriate time of year and, into a habitat suitable to sustain it and:
1. In the same geographic area as from which the animal was originally obtained, except that birds may be released at any location statewide within the normal range of that species in ecologically suitable habitat; or
 2. In an area designated by the Department; and
 3. Without immediate threat to the animal of injurious contact with humans.
- P.** To permanently hold rehabilitated wildlife that is unsuitable for release, a licensee wildlife rehabilitation license holder shall apply for and obtain a wildlife holding license under as prescribed by R12-4-417.

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- ~~Q.~~ Unless otherwise stipulated in the license, a licensee wildlife license holder shall dispose of all wildlife that is euthanized or that otherwise dies while held under license within 30 days of death by burial or incineration, except that the licensee license holder shall transfer all carcasses of endangered or threatened species, ~~threatened native wildlife~~ wildlife of special concern as defined in R12-4-401, or ~~golden~~ eagles to the Department.
- ~~M R.~~ A licensee wildlife rehabilitation license holder shall ensure that a copy of the ~~approved license and application, including any stipulations placed on that license,~~ accompanies any shipment or transport of wildlife under this Section, and is available for Department inspection at each of the premises authorized by the license.
- ~~N.~~ A licensee shall keep a current log that shows the date of acquisition, location, and disposition of all wildlife held under the license.
- ~~Q S.~~ Before January ~~16~~ 31 of each year, a licensee wildlife rehabilitation license holder shall file a written report on activities performed under the license for the previous calendar year. The licensee license holder shall report on a form available from the Department. The written report shall contain the following information:
 1. The name, address, date of birth, and telephone number of the licensee and all agents;
 2. The permit or license number of any federal permits or licenses that relate to any rehabilitative function performed by the licensee license holder; and
 3. An itemized list of each animal held under the license during the calendar year for which activity is being reported. For each animal held by the licensee license holder or agent, the itemization shall include the: name of the species; condition that required rehabilitation; source, location, and date of acquisition; if reasonably determinable, age class at acquisition; status at disposition or end-of-year relative to the condition requiring rehabilitation; and method, place, and date of disposition. A copy of the rehabilitator's federal permit report of activities related to federally-protected wildlife satisfies this reporting requirement for federally protected wildlife.
- ~~P.~~ A licensee shall participate in one of the following during the license period:
 - ~~1. Eight hours or more of continuing education sessions on wildlife rehabilitation, offered by the Department at no fee. The Department shall provide each licensee with a minimum of 30 calendar days' notice of the sessions.~~
 - ~~2. Eight hours or more of continuing education sessions on wildlife rehabilitation, offered by an accredited university or college; the National Wildlife Rehabilitators Association, R.R. 1, Box 125 E, Brighton, Illinois 62012; or the International Wildlife Rehabilitation Council, P.O. Box 3007, Walnut Creek, California 94598.~~
- ~~Q.~~ A licensee shall obtain written authorization from the Department under subsections (D) or (E) before designating any agent. The agent shall have the authorization in possession and available for inspection while in possession of wildlife. The licensee is responsible for acts of the agent if they fall within the framework of this Section. The Department may suspend or revoke the rehabilitation license for violation of this Section by an agent.
- ~~R.~~ A wildlife rehabilitation license expires on December 31 of the second year following the date of issuance of the license.
- ~~S T.~~ A wildlife rehabilitation license holder is subject to ~~R124409 and R12 4 428~~ R12-4-409, R12-4-428, and R12-4-430.

R12-4-424. White Amur Stocking and Holding License

- A. For the purposes of this Section:
 1. "Closed aquatic system" means any body of water, water system, canal system, or series of lakes, canals, or ponds where triploid white amur are prevented from ingress or egress by any natural or man-made barrier, as determined by the Department.
 2. "Triploid" means a species that has 3N chromosomes.
- B. A white amur stocking and holding license allows for the ~~importation, transportation, stocking and possession of an individual to import, transport, stock, and possess~~ triploid white amur (*Ctenopharyngodon idella* *Ctenopharyngodon idella*). ~~The Department may make stipulations on what the license will allow, based on evaluation of the application. A white amur stocking license shall be obtained for each closed aquatic system, for each separately managed portion of a closed aquatic system, or for multiple separate closed aquatic systems owned, controlled, or legally held by the same applicant where stocking is to occur.~~
- C. In addition to the requirements in A.R.S. § 17-317, the following criteria are prerequisites for approval of a white amur stocking application:
 - ~~1. The proposed stocking site meets the definition of a "closed aquatic system."~~
 - ~~2. The purpose of the stocking is control of aquatic weeds that interfere with recreational, domestic, municipal, agricultural, or industrial use of water; control of aquatic weeds that impair water quality; or for sale from licensed fish farms.~~
 3. If the Department determines during the substantive review time frame for the special license identified in R12-4-106 and R12-4-409(A) that the stocking will be in watersheds containing threatened native wildlife as defined in R12-4-401, the applicant shall submit a written proposal that addresses the biological ramifications of the introduction. A determination by the Department that negative impact on Arizona wildlife may result from issuance of the license is sufficient grounds for denying a license. The proposal shall include:
 - a. The purpose of the introduction;
 - b. Expected benefits;
 - e. Possible negative impacts;

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- d. ~~An evaluation of the ecology of “threatened native wildlife” species identified by the Department as the reason for requiring the proposal;~~
 - e. ~~An evaluation of potential displacement of “threatened native wildlife” identified by the Department;~~
 - f. ~~An evaluation of disease potential; and~~
 - g. ~~A method for post-introduction evaluation of status and impacts.~~
- D.** An applicant for a white amur stocking and holding license shall use a form available from any Department office. The applicant shall provide the following information on the form:
- 1. Name and address;
 - 2. Name and address of business and title of the position held by the applicant, if applicable;
 - 3. Name and address of suppliers;
 - 4. Name and legal description of the aquatic system to be stocked;
 - 5. Drainage;
 - 6. Purpose of stocking;
 - 7. Planned stocking date;
 - 8. Number and size of triploid white amur to be stocked; and
 - 9. Signature.
 - 1. Name, address, telephone number, birthdate, physical description, and Department ID number (if applicable) of the applicant;
 - 2. Whether the applicant will use the white amur for personal use or a commercial purpose. If the applicant is applying for the license for a commercial purpose, the applicant shall also provide the name, address, and telephone number of the applicant’s business;
 - 3. The purpose of stocking the wildlife:
 - a. To control aquatic weeds that interfere with recreational, domestic, municipal, agricultural, or industrial use of water;
 - b. To control aquatic weeds that impair water quality; or
 - c. For sale from licensed fish farms.
 - 4. A detailed description or diagram of the aquatic system where the applicant will hold the white amur, as required by A.R.S. § 17-317, and a description of how the system meets the definition of a “closed aquatic system” in subsection (A);
 - 5. The name, address, and telephone number of the location where the white amur will be stocked, if applicable. Otherwise, the applicant shall provide the physical location of the stocking site, including township, range, and section. If the applicant applies to stock white amur in more than one location, the applicant shall submit a separate application for each location. The following qualify as separate locations:
 - a. Each closed aquatic system;
 - b. Each separately managed portion of a closed aquatic system; and
 - c. Multiple separate closed aquatic systems owned, controlled, or legally held by the same applicant where stocking is to occur;
 - 6. If the applicant will hold white amur at a business, the name, address, and telephone number of the business, and the title of the position held by the applicant;
 - 7. A detailed description of how the applicant will meet the requirements of A.R.S. § 17-317;
 - 8. The name, address, and telephone number of all white amur suppliers from whom the special license applicant will obtain white amur;
 - 9. The number and size of white amur to be stocked;
 - 10. The date white amur will be stocked, or dates if stocking will take more than one day; and
 - 11. The applicant’s signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant’s knowledge and that the applicant’s live wildlife privileges are not revoked in this state, any other state, or by the United States.
- D.** The Department shall issue a white amur stocking and holding license as prescribed by R12-4-106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D). The Department has the authority to place additional stipulations on a white amur stocking license for additional reasons than those stated in R12-4-409(F) if the Department determines it is necessary to do so during the substantive review time-frame. If the Department determines during the substantive review time-frame that stocking white amur will take place in a watershed that contains wildlife listed in “Wildlife of Special Concern” as defined in R12-4-401, the Department has the authority to request that the applicant submit a typewritten, computer or word processor printed, or legibly handwritten proposal that addresses the biological consequences of introducing white amur. The proposal shall include:
- 1. The purpose of introducing white amur;
 - 2. Expected benefits of the introduction;
 - 3. Possible negative impacts of the introduction;
 - 4. An evaluation of the ecology and potential displacement of wildlife species listed in “Wildlife of Special Concern”

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identified by the Department:

5. An evaluation of disease potential; and
 6. A method for evaluating the status of wildlife listed in “Wildlife of Special Concern” and the impact introducing white amur has had on that wildlife after white amur is introduced.
- E.** If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D). The Department shall deny a white amur stocking license if the Department determines that issuing the license may result in a negative impact on state wildlife.
- F.** A white amur stocking and holding license holder shall ensure that all shipments of white amur are accompanied by certification issued by the U.S. Fish and Wildlife Service that verifies the white amur are triploid. The license holder shall provide a copy of the certificate to the Department before any stocking or restocking.
- G.** A licensee white amur stocking and holding license holder shall report all restocking of white amur to the Department on forms provided by the Department before restocking. The licensee license holder shall provide the following information on the form:
1. Name and address of the licensee as shown on the current white amur stocking license;
 2. Name and address of suppliers;
 3. Name and legal description of aquatic system to be restocked;
 4. Drainage;
 5. Purpose of restocking;
 6. Planned restocking date;
 7. Number and size of triploid white amur to be restocked; and
 8. Signature.
1. Name, address, telephone number, birthdate, physical description, and Department ID number of the license holder as it appears on the current license;
 2. If the applicant will use the white amur for a commercial purpose, the name, address, and telephone number of the applicant’s business;
 3. The purpose for restocking the white amur:
 - a. Control of aquatic weeds that interfere with recreational, domestic, municipal, agricultural or industrial use of water;
 - b. Control of aquatic weeds that impair water quality; or
 - c. For sale from licensed fish farms.
 4. A detailed description or diagram of the aquatic system where the applicant will hold the white amur, and a description of how the facilities meet the definition of a “closed aquatic system”;
 5. If the applicant will hold white amur at a business, the name, address, and telephone number of the business, and the title of the position held by the applicant;
 6. The name, address, and telephone number of all white amur suppliers from whom the special license applicant will obtain white amur;
 7. The number and size of white amur to be stocked;
 8. The date white amur will be stocked, or dates if stocking will take more than one day; and
 9. The applicant’s signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to their knowledge and that the applicant’s have not had their live wildlife privileges revoked in this state or any other state since the current license was issued.
- H.** The Department shall not grant authorization for restocking white amur for more than 20 days. Authorization is valid only during the dates stipulated on the license.
- I.** All shipments of white amur shall be accompanied by certification issued by the U.S. Fish and Wildlife Service verifying triploidy, and a licensee shall provide a copy of the certificate to the Department before stocking. A white amur stocking license holder who applies to renew the license shall pay fees as prescribed by R12-4-102.
- J.** A white amur stocking and holding license holder is subject to R12-4-409.
- H.** This rule is effective July 1, 2001.

R12-4-425. Restricted Live Wildlife Lawfully Possessed without License or Permit ~~Prior to~~ Before the Effective Date of Article 4 or Any Subsequent Amendments

- A.** Any person lawfully possessing ~~An individual who lawfully possessed~~ restricted live wildlife without a license or permit from the Department ~~prior to~~ before the effective date of this ~~rule~~ Section or any subsequent amendments to this Section may continue to possess ~~this the~~ the wildlife and to use ~~this wildlife~~ it for any purpose that was lawful ~~prior to~~ before the effective date of this ~~rule~~ Section or any subsequent amendments, and no special license shall be required ~~provided if:~~
1. The ~~person~~ individual notifies the Department’s Phoenix office in writing ~~within 30 calendar days of the effective date of this rule~~ of the restricted live wildlife held, including the number of individuals of each species and the purpose for which it is used; ~~or~~ and
 2. The individual provides this notice within 30 calendar days of the effective date of this Section or any subsequent amendments to this Section; or

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3. ~~The person~~ individual maintains documentation of the restricted live wildlife held, including the number of individuals of each species and the purpose for which it is used. Documentation shall be notarized and dated within 30 calendar days of the effective date of this ~~rule~~ Section or the effective date of any subsequent amendments in order to be valid.
- B. ~~Written notification or documentation required in subsection (A) shall contain the name and address of the person possessing the restricted live wildlife and the location where the wildlife is held. An individual who possesses restricted live wildlife under this Section shall include the individual's name, address, and the location where the wildlife is held in the written notification or documentation required in subsection (A). The Department shall acknowledge receipt of notification in writing. Those persons maintaining individuals that maintain their own documentation under subsection (A)(3) shall make it available for inspection upon request of a game ranger a designated Department employee.~~
- C. ~~Wildlife possessed pursuant to this rule may be disposed of~~ An individual that possesses wildlife under this Section may dispose of it only by the following methods:
 1. Exportation;
 2. Within Arizona the state, to a holder of a special license, ~~when if~~ that special license authorizes possession of the species involved;
 3. ~~Euthanization~~ Euthanasia; or
 4. As otherwise directed in writing by the Department.
- D. If an individual transfers restricted live wildlife possessed under this Section to a special license holder, the license holder shall use and possess the wildlife only as prescribed by that special license.
- E. An individual who possesses wildlife under this Section shall dispose of any offspring of that wildlife by export, euthanasia, or as otherwise directed in writing by the Department.
- E. An individual who possesses wildlife under this Section or its offspring shall not import the wildlife back into the state unless the individual obtains a special license.
- G. ~~This rule does not apply to desert tortoises, which are exempted pursuant to R12-4-407. An individual is not required to give notice of possession of a desert tortoise (Gopherus agassizii) under this Section. Possession of desert tortoises is prescribed under R12-4-404 and R12-4-407.~~

R12-4-426. Possession of Primates

- A. For the purposes of this Section, the following definitions apply:
 1. "Primate" means a non-human ~~primate animal in the order Primate~~ animal in the order Primate not listed in ~~subsection R12-4-406(A)(4) (G)(4).~~
 2. "Infant" means an animal weighing less than 50% of the weight of an adult as identified in "The Pictorial Guide to Living Primates," ~~Pogonias Pogonias Press 1996, and not including any later edition. This material is incorporated by reference. A copy of the incorporated material and is on file with the Secretary of State and available from all Arizona Game and Fish Department regional offices and from Pogonias Press, 1411 Shannock Rd., Charlestown, RI 02813-3278.~~ Pogonias Pogonias Press 1996, and not including any later edition. This material is incorporated by reference. A copy of the incorporated material and is on file with the Secretary of State and available from all Arizona Game and Fish Department regional offices and from Pogonias Press, 1411 Shannock Rd., Charlestown, RI 02813-3278.
 3. "Zoonotic" means a disease that can be transmitted to humans by vertebrate animals.
- B. ~~A person~~ An individual shall not buy, sell, barter, gift, or import an infant primate in ~~Arizona~~ this state.
- C. ~~A person may~~ An individual shall not import a non-infant primate into ~~Arizona only if this state unless:~~
 1. ~~The primate has been tested for and reported to be disease free from any zoonotic disease that poses a serious health risk, including tuberculosis, Simian Herpes B virus, and Simian Immunodeficiency Virus, as determined by the Arizona Game and Fish Department to be appropriate to the species being imported; and The individual ensures that the primate is tested and reported to be free of any zoonotic disease, as defined in R12-4-401, that poses a serious health risk as determined by the Department. Zoonotic diseases that pose a serious health risk include, but are not limited to:~~
 - a. Tuberculosis;
 - b. Simian Herpes B virus; and
 - c. Simian Immunodeficiency Virus;
 2. ~~Test dates and test result dates are within 30 days prior to the date of importation; and A qualified individual, as determined by the Department, performs the test and provides the test results; and~~
 3. ~~Tests were done by and test results were determined by qualified persons, as determined by the Arizona Game and Fish Department The tests required by subsection (C)(1) are conducted no more than 30 days before the primate is imported and the results are received by the Department before import.~~
- D. ~~A primate shall be contained~~ A legal owner of a primate shall contain the primate within the confines of the legal owner's private property, except as follows: A legal owner of a primate may only transport the primate by cage, crate, or carrier. A legal owner of a primate shall only transport the primate to the following locations:
 1. ~~When transported in a cage, crate, or carrier to~~ To or from a licensed veterinarian; or
 2. ~~When transported in a cage, crate, or carrier into~~ Into or out of Arizona the state for lawful purposes, or within ~~Arizona~~ the state to complete a lawful sale.
- E. A primate that bites, scratches, or otherwise exposes a human to pathogenic organisms, as determined by the ~~Arizona Game and Fish Department~~, shall be examined and laboratory tested for the presence of pathogens as follows:
 1. ~~The Arizona Game and Fish Department Director or the Director's designee shall prescribe examinations and labora-~~

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- tory testing for the presence of pathogens.
2. ~~An Arizona licensed veterinarian shall perform examinations and laboratory test specimen collection and submission. The owner of a primate that bites, scratches, or otherwise exposes a human to pathogenic organisms shall have the primate examined by a state licensed veterinarian who shall perform any examinations or laboratory tests as directed by the Department. The licensed veterinarian shall provide the laboratory results to the Director or the Director's designee within 24 hours of receiving the results. The Department shall notify the exposed individual and the Department of Health Services, Vector Borne and Zoonotic Disease Section within 10 days of receiving notice of the test results.~~
 3. ~~An Arizona licensed veterinarian examining or laboratory testing a primate shall immediately report the results of an examination or laboratory test, by phone and in writing, to the Arizona Game and Fish Department Director or the Director's designee.~~
 4. ~~The legal owner of the primate shall pay all costs associated with the examination, laboratory testing, and maintenance of the primate.~~
- F. ~~A primate that tests positive for a zoonotic disease that poses a serious health risk to humans, or is involved in more than one incident of biting, scratching, or otherwise exposing a human to pathogenic organisms as determined by the Arizona Game and Fish Department, shall be maintained in captivity or disposed of as directed in writing by the Arizona Game and Fish Department Director or the Director's designee, or disposed of as agreed to by the primate owner and the Department Director or the Director's designee.~~

R12-4-427. ~~Rehabilitation Exemption~~ Exemptions from Requirements to Possess a Wildlife Rehabilitation License

- A. ~~Injured, orphaned, or otherwise debilitated live wildlife as listed below, not including eggs, and not including threatened native wildlife as defined in R12-4-401, may be possessed, provided with rehabilitative care, and released to the wild with no special license, provided that no more than 25 individual animals shall be possessed simultaneously in the aggregate, and no individual animal shall be possessed for more than 60 consecutive calendar days. An individual may possess, provide rehabilitative care to, and release to the wild any live wildlife listed below that is injured, orphaned, or otherwise debilitated:~~
1. ~~The order Passeriformes; passerine birds;~~
 2. ~~The order Columbiformes; doves;~~
 3. ~~The family Phasianidae; quail, pheasant, partridge, and chukars;~~
 4. ~~The order Rodentia; rodents; and~~
 5. ~~The order Lagomorpha; hares and rabbits.~~
- B. ~~A hunting license shall not be required to take wildlife subject to this rule, but the wildlife may be taken only by hand or by hand-held implement. An individual is not required to possess a hunting license to take wildlife alive listed in subsection (A). An individual shall only take wildlife listed in subsection (A) by hand or by a hand-held implement. An individual shall not possess the following under the provisions of this Section:~~
1. ~~Eggs of wildlife;~~
 2. ~~Wildlife listed as Wildlife of Special Concern, as defined in R12-4-401; or~~
 3. ~~More than 25 animals at the same time.~~
- C. ~~An individual shall not possess wildlife under this Section for more than 60 days.~~
- D. ~~The exemptions granted by this rule Section shall not apply to any individual who, by his or her own action, has unlawfully injured or orphaned the wildlife.~~
- ~~D E. All wildlife held pursuant to this rule shall be released when rehabilitated, within the 60-day period, into habitat suitable to sustain them, as close as possible to the same geographic area from which they were originally taken. Wildlife not suitable for release to the wild within 60 days shall be given to a licensed rehabilitator or licensed veterinarian, or application must be made for a wildlife holding permit pursuant to R12-4-417, or wildlife shall be humanely killed. If the wildlife is rehabilitated and suitable for release, the individual who possesses the wildlife shall release it within the 60 day period stated in subsection (C) into a habitat that is suitable to sustain the wildlife, or as close as possible to the same geographic area from where it was taken. If the wildlife is not rehabilitated within the 60 day period or if the wildlife requires care normally provided by a veterinarian, the individual who possesses it shall:~~
1. ~~Transfer it to a wildlife rehabilitation license holder or veterinarian;~~
 2. ~~Humanely kill it; or~~
 3. ~~Obtain a wildlife holding permit as prescribed by R12-4-417.~~
- ~~E F. This rule Section does not exempt any person an individual from the requirements of federal law.~~

R12-4-428. Captivity Standards

- A. ~~All wildlife held pursuant to a special license shall be kept in as humane a manner as the licensed purpose allows. An individual who holds a special license listed in R12-4-409(A) shall keep all wildlife held under the license in as humane a manner as the activities authorized by the license allow, to safeguard and protect the interests of the wildlife held. Licensees A special license holder subject to the provisions of this rule Section shall comply with the minimum standards for humane treatment prescribed by this rule Section. The term For the purposes of this Section, "animal" as used in this rule~~

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means any wildlife held pursuant to ~~under~~ a special license, unless otherwise indicated.

- B. ~~All~~ A special license holder shall ensure that all facilities shall required by the special license meet the following minimum standards.
1. The facility shall be constructed of ~~such~~ material and be of ~~such~~ a strength ~~as is~~ appropriate for the nature of the animal held. The facility shall be properly braced and constructed of material of sufficient strength to resist any force the animal may be capable of exerting against it. The facility shall be constructed in such a manner as to reasonably prevent the animal's escape or the entry of unauthorized ~~persons~~ individuals or animals. The ~~housing~~ facility shall be structurally sound and shall be maintained in good repair ~~in order~~ to protect the animals ~~that are~~ held from injury and to facilitate the humane practices prescribed by this rule Section.
 2. ~~When~~ If required to comply with related provisions of this rule Section, there shall be safe, reliable and adequate electric power to the facility. All electric wiring shall be constructed and maintained ~~pursuant to~~ in accordance with all applicable governmental building codes. ~~Such electrical~~ Electrical construction and maintenance shall be sufficient to ~~assure~~ ensure that no animal has direct contact with any electrical wiring or electrical apparatus and is fully protected from any possibility of shock or electrocution from ~~any such~~ electric conducting materials.
 3. Every animal shall be supplied with sufficient potable water to meet its needs. If potable water is not accessible to the animal at all times, it shall be provided as often as necessary for the health and comfort of the animal, and the ~~licensee~~ license holder shall ensure that the level of available water is monitored once daily or more often as the needs of the animal dictate. All water receptacles shall be kept in clean and sanitary condition.
 4. Food shall be wholesome, palatable, and free from contamination, and of sufficient appeal, quantity, and nutritive value to maintain in good health each animal ~~that is held in good health~~. Each animal's diet shall be prepared based upon the nutritional needs and preferences of the animal with consideration for the age, species, condition, size, and type of the animal, and all veterinary directions or recommendations in regard to diet. The quantity of food supplied to each animal shall be sufficient to meet its needs and keep it in good health. Each animal shall be fed as often as its needs dictate, taking into consideration hibernation, veterinary treatment or recommendation, normal fasts, or other professionally accepted humane practices. The ~~licensee~~ license holder shall ensure that the level of available food for each animal is monitored once daily, except for those periods of time ~~where~~ when professionally accepted humane practices dictate that the animal not consume any food during the entire day. Food and food receptacles, if used, shall be sufficient in quantity and accessible to all animals in the facility and shall be placed to minimize potential contamination. Food receptacles shall be kept clean and sanitary at all times. Any self-feeding food receptacles shall function properly and the food they provide shall not be subject to deterioration, contamination, molding, caking, or any other process ~~which that~~ would render ~~such the~~ food unsafe or unpalatable for the animal to be fed. Appropriate means of refrigeration shall be provided for supplies of perishable animal foods.
 5. The facility shall be kept sanitary and regularly cleaned as the nature of the animal requires and allows. Adequate provision shall be made for the removal and disposal of animal waste, food waste, unusable bedding materials, trash, debris and dead animals not intended for food. The facility shall be maintained to minimize the potential of vermin infestation, disease, and unseemly odors. Excreta shall be removed from the primary enclosure facility as often as necessary to prevent contamination of the animals and to minimize hazard of disease and to reduce unseemly odors. The sanitary condition of the facility shall be monitored by the licensee at least daily. When the facility is cleaned by hosing, flushing or the introduction of any chemical substances, adequate measures shall be taken to ensure the animal has no direct contact with any chemical substance and is not directly sprayed with water, steam or chemical substances or otherwise wetted involuntarily.
 6. A sanitary and humane method shall be provided to rapidly eliminate excess water from the facility. If drains are utilized, they shall be properly constructed and kept in good repair to avoid foul odors, and installed so as to prevent backup or accumulation ~~of~~ of debris or sewage.
 7. No animal shall be exposed to any human activity or environment that may have an inhumane or harmful effect upon the animal that is inconsistent with the purpose of ~~not intended by~~ the special license ~~which may have an inhumane or harmful affect upon the animal~~.
 8. Facilities shall not be constructed or maintained in proximity to any physical condition which may give rise to any health threat to the animal including, but not limited to, trash or garbage collection sites and/or pools of standing water. ~~All persons caring individuals that care~~ for the animals shall maintain themselves in a sufficiently clean condition when dealing in or around the animal so as to minimize any threat to the health of the animal.
 9. All animals housed in the same facility or within the same enclosed area shall be compatible and shall not pose a substantial threat to the health, life or well-being of any other animal in the same facility or enclosure, whether or not the other animals are held ~~pursuant to~~ under a special license. This shall not apply to live animals placed as food items in the enclosures.
 10. Facilities for the enclosure of animals shall be constructed and maintained to provide sufficient space to allow each animal adequate freedom of movement to make normal postural and social adjustments. The facility area shall be large enough and constructed in ~~such~~ a manner to allow the animal proper and adequate exercise as is characteristic to each animal's natural behavior and physical need. Facilities for digging or burrowing animals shall have secure safe

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floors below materials supplied for ~~such~~ digging or burrowing activity. Animals ~~which that~~ naturally climb shall be provided with safe and adequate climbing apparatus. Animals ~~which that~~ naturally live in an aquatic environment shall be supplied with sufficient access to safe water so as to meet their aquatic behavioral needs.

11. ~~Licensees~~ A special license holder shall ensure that a sufficient number of properly trained personnel are utilized to meet all the humane husbandry practices ~~set forth in this rule~~ prescribed by this Section. The ~~licensee~~ license holder shall be responsible for the actions of all animal care personnel and all other ~~persons coming~~ individuals that come in contact with the animals.
 12. The facility and holding environment shall be structured to reasonably promote the psychological well-being of any primate held ~~pursuant to~~ under a special license.
 13. ~~Licensees, except holders of~~ Except for wildlife hobby licenses issued pursuant to R12-4-419 ~~possessing license holders that possess fewer than 25 50 birds, and except for licensees in possession of and license holders that possess animals for less than one year,~~ a special license holder shall designate a ~~veterinary doctor~~ veterinarian licensed to practice in ~~the State of Arizona~~ this state as the primary treating veterinarian for each individual species of animal to be held ~~pursuant to~~ under any special license issued. The ~~licensee~~ license holder shall ensure that all animals in their care receive proper, adequate and humane veterinary care as the needs of each animal dictate. Each animal held for one year or more and each facility used shall be inspected by the attending veterinarian at least once every year. Every animal shall receive veterinary care whenever it appears that ~~such the~~ animal is ill, wounded, diseased, infected by parasites or behaving in a substantially abnormal manner, including but not limited to exhibiting loss of appetite or disinclination to normal physical activity. All medications, treatments and other directions prescribed by the attending veterinarian shall be properly administered by the licensee. No prescription medicine or medical treatment shall be administered by any ~~licensee~~ license holder unless under the direction of a veterinarian.
 14. Any animal ~~which that~~ is suspected of or diagnosed to harbor as harboring any infectious or transmissible disease, whether or not the animal is held ~~by~~ under a special license, shall be isolated immediately upon ~~such~~ suspicion or diagnosis from any animal to whom such disease could be transmitted. ~~Such The~~ isolated animal shall continue to be kept in a humane manner and in a facility as required ~~to this rule by this Section~~. ~~Subsequent to the presence of~~ When there is an animal with an infectious or transmissible disease in any animal facility, whether or not the animal is held ~~by~~ under a special license, ~~such the~~ facility shall be reasonably sanitized so as to reasonably eliminate the chance of other animals being exposed to infection. ~~Such sanitation~~ Sanitation procedures may include, but not necessarily be limited to, the washing of facilities or animal-related materials with hot water and appropriate antibacterial chemical agents ~~as well as and~~ appropriate soaps or detergents; the appropriate application of steam under pressure; and the replacement of gravel, sand, water, food, ~~and/or or~~ dirt. All residue of chemical agents utilized in ~~such the~~ sanitation process shall be reasonably eliminated from the facility before any animal is returned ~~thereto to the facility~~. Parasites and avian and mammalian pests shall be controlled and eliminated so as to ensure the continued health and well-being of all animals.
- C. ~~All~~ A special license holder shall ensure that all indoor facilities ~~shall~~ meet the following standards in addition to those set forth in subsection (B).
1. Heating and cooling facilities shall be supplied that are sufficient to regulate the temperature to protect the animals from extremes of temperature as the nature of the wildlife requires and to provide a healthful and humane living environment and prevent discomfort to the animal. The ambient temperature shall not be allowed to fall below nor rise above temperatures compatible with the health, comfort, and humane care of any animal.
 2. Indoor facilities shall be adequately ventilated by natural or mechanical means to provide for the healthful and humane keeping of any animal and prevent the discomfort of any animal. ~~Such The~~ facility shall be provided with fresh air, either by means of windows, doors, vents, fan, or air conditioning sufficient to meet the humane needs of any animal and shall be constructed to minimize drafts, odors and moisture condensation.
 3. Indoor facilities shall have lighting by either natural or artificial means, or both, that is appropriate to the nature of the animals being kept ~~therein by either natural or artificial means or both~~. Lighting shall be of good a quality, distribution, and duration as is appropriate for the needs and nature of the animals held. Lighting shall be utilized in regular cycles as the animal's needs may dictate. Lighting ~~shall be available which is~~ of uniform distribution and sufficient intensity to permit routine inspection and cleaning of the facility shall be available. Lighting shall be designed to protect the animals from excessive or otherwise harmful aspects of illumination.
- D. ~~All~~ A special license holder shall ensure that all outdoor facilities ~~shall~~ meet the following standards in addition to those set forth in subsection (B).
1. If sunlight is likely to cause overheating or discomfort of any animal, sufficient shade by natural or artificial means shall be provided to allow all animals kept outdoors to humanely protect themselves from any harmful affects of direct sunlight.
 2. Sufficient natural or artificial shelter appropriate to humanely protect animals from normally expected local climatic conditions through the year shall be provided for all animals to prevent any discomfort or harm to the animals. No animal shall be exposed to any climatic condition ~~which that~~ is potentially harmful to ~~such the~~ animal. Individual animals shall be acclimated to outdoor climatic conditions before they are housed in any outdoor facility or otherwise

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exposed to the extremes of climate.

- E. ~~When animals~~ If an animal must be handled, ~~they shall be~~ the special license holder that possesses it shall ensure that the animal is handled in an expeditious and careful manner to ensure no unnecessary discomfort, behavioral stress, or physical harm to ~~such handled~~ the animal. ~~Animals~~ An animal that is transported shall be transported in an expeditious, careful, and humane fashion. During periods of transport, ~~animals~~ an animal shall be made as humanely secure as reasonably possible. No animal shall be transported in any manner that poses a substantial threat to the life, health, or behavioral well-being of the animal. All ~~transportation~~ facilities and services utilized in regard to animals used to transport the animal shall provide for the basic humane needs of ~~each~~ the animal during periods ~~where~~ when the animal is held in a transportation facility, including but not necessarily limited to providing the animal with adequate food, ~~adequate~~ adequate water, ~~adequate~~ adequate sanitary conditions, ~~adequate~~ adequate and ventilation, and any medication as prescribed by the attending veterinarian. If any animal is placed on public exhibit or educational display, such animal shall be handled in a manner minimizing the risk of harm to members of the public and to the animal ~~itself~~; minimization. Minimization of risk shall include but not necessarily be limited to sufficient distance existing between the animal and the viewing public to assure the safety of both the public and the animals. Any restraint used on any animal shall be humane in nature and not likely in either its design or use to cause physical harm or discomfort to the restrained animal except when discomfort is necessary to control the animal due to its size or strength.
- F. The Department may impose additional requirements ~~in regard to~~ on facilities ~~to be utilized for the keeping of any animal as the nature and the~~ that hold animals if it becomes necessary to meet the needs of the particular animal and to ensure public health and safety ~~dicate~~. ~~Such~~ Any additional special license facility requirements shall be set forth in writing by the Department at the time ~~of the issuance of~~ the special license is issued. Any ~~such notice of~~ additional requirements for housing facilities shall specify the reason necessitating ~~such~~ the additional measures.

R12-4-430. Importation, Handling, and Possession of Cervids

- A. For the purposes of this Section, the following definitions apply:
1. ~~“Cervid” means a mammal classified as a Cervidae or member of the deer family found anywhere in the world, as defined in the taxonomic classification from Volumes I and II of Walker’s Mammals of the World. A copy is available for inspection at any Department office.~~
 2. ~~“Native cervid” means any member of the deer family in the genus Alces, common name moose; the genus Odocoileus, common name white-tailed and mule deer; or the genus Cervus, common name red deer, wapiti, and elk; or the genus Rangifer, common name reindeer and caribou.~~
 3. ~~“Private game farm” means any facility licensed by the Arizona Game and Fish Department under R12-4-413.~~
 4. ~~“Wildlife disease” means a disease that poses a health risk to wildlife in Arizona.~~
 5. ~~“Zoo” means any facility licensed by the Arizona Game and Fish Department under R12-4-420.~~
 6. ~~“Zoonotic” means a disease that can be transmitted to humans from vertebrate animals.~~
- B. No change
C. No change
D. No change
E. No change
F. No change
G. No change
H. No change
I. No change
J. No change
K. No change
L. No change
M. No change
N. No change
O. No change
P. No change