

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF PHARMACY

[R07-101]

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 23, Board of Pharmacy
Articles and their headings: 4, Professional Practices;
Section numbers: R4-23-404; R4-23-407 (Sections may be added, modified, or deleted as necessary.)

- 2. Subject matter of the proposed rule:**
A.R.S. § 32-1968(D) specifies that any drug dispensed in the course of the conduct of a business of dispensing drugs pursuant to diagnosis by mail or the Internet is misbranded. A.R.S. § 32-1965(1) states that selling any drug that is misbranded is prohibited. According to A.R.S. § 32-1996(A), a person who sells a misbranded drug is guilty of either a class 2 misdemeanor or a class 5 felony based on intent. A.R.S. § 32-1901.01(B)(12) states that a pharmacist or intern is guilty of unprofessional conduct for knowingly dispensing a drug on a prescription order that was issued in the course of the conduct of a business of dispensing drugs pursuant to diagnosis by mail or the Internet. The Board intends to amend R4-23-404 (Unethical Practices) and R4-23-407 (Prescription Requirements) by adding language to specifically address the issue of dispensing prescriptions received from a business conducted by mail or the Internet, specifically prescription orders based on an Internet-based questionnaire, and Internet-based consultation, or a telephonic consultation, all without a valid preexisting medical practitioner-patient relationship. The rules will include format, style, and grammar necessary to comply with the current rules of the Secretary of State and Governor's Regulatory Review Council.

The agency docket number, if applicable:

R0702

- 3. A Citation to all published notices relating to the proceeding:**

None

- 4. Name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Dean Wright, Compliance Officer

Address: Arizona Board of Pharmacy
4425 W. Olive Ave., Ste. 140
Glendale, AZ 85302

Telephone: (623) 463-2727, ext. 131

Fax: (623) 934-0583

E-mail: rxcop@cox.net

- 5. The time during which the agency will accept written comments:**

The Board will accept written comments Monday through Friday, 8:00 a.m. to 5:00 p.m.

The time and place where oral comments may be made:

Time: Monday through Friday, 8:00 a.m. to 4:30 p.m.

Location: Arizona Board of Pharmacy
4425 W. Olive Ave., Ste. 140
Glendale, AZ 85302

Nature: Oral comments

Written and oral comments will be accepted until the close of record on a date and time as yet undetermined.

- 6. A timetable for agency decisions or other action in the proceeding:**

None

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ENVIRONMENTAL QUALITY

SOLID WASTE MANAGEMENT

[R07-99]

1. **Title and its heading:** 18, Environmental Quality
Chapter and its heading: 13, Department of Environmental Quality - Solid Waste Management
Articles and their headings: 13, Special Waste; 16, Best Management Practices for Petroleum Contaminated Soil
Section numbers: R18-13-1301 through R18-13-1307, including Table A, Exhibit 1 and Appendices A and B; R18-13-1601 through R18-13-1614 (Sections may be added, modified, or deleted as necessary.)
2. **The subject matter of the proposed rule:**

The Department is considering amendments to the rules governing the management, treatment, storage, and disposal of special waste. Special waste is defined by A.R.S. § 49-852 as waste that contains petroleum contaminated soils and waste from shredding motor vehicles, and is currently regulated by two rules. The first, Title 18, Chapter 13, Article 13, regulates registration, manifesting, and fees for both petroleum contaminated soils (PCS), and shredder residue, and provides best management practices (BMPs) for facilities shredding motor vehicles. The second, Title 18, Chapter 13, Article 16, provides BMPs for handling PCS only. Although both rules address the handling of special waste, they were written at different times using different regulatory philosophies, often resulting in inconsistencies between the two rules. In some cases the rules did not envision numerous special waste handling scenarios which have since become issues that must be addressed in rule in order to provide clear direction for the safe and proper handling of special waste.

The Department proposes to combine Title 18, Chapter 13, Article 13 (Special Waste) with Chapter 13, Article 16 (Best Management Practices for Petroleum Contaminated Soil) into one rule as Title 18, Chapter 13, Article 13 (Special Waste). These revisions will rectify contradictions between the two original rules and existing rules and statute, and create a uniform and consistent regulatory structure for all special waste. Revisions will also provide clear direction on waste handling procedures previously not addressed.
3. **A citation to all published notices relating to the proceeding:**

Notice of Rulemaking Docket Opening: 8 A.A.R. 5176, December 20, 2002
Notice of Rulemaking Docket Opening: 10 A.A.R. 1631, April 23, 2004
Notice of Rulemaking Docket Opening: 11 A.A.R. 1365, April 8, 2005
Notice of Rulemaking Docket Opening: 12 A.A.R. 1101, April 7, 2006
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Mindi Cross
Address: 1110 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 771- 4418
Fax: (602) 771- 4138
E-mail: cross.mindi@azdeq.gov
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**

To be published in the Notice of Proposed Rulemaking
6. **A timetable for agency decisions or other action on the proceeding, if known:**

To be published in the Notice of Proposed Rulemaking