



NOTICES OF PROPOSED RULEMAKING

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

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

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

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

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

**NOTICE OF PROPOSED RULEMAKING
TITLE 12. NATURAL RESOURCES
CHAPTER 4. GAME AND FISH COMMISSION**

[R18-43]

PREAMBLE

<u>1. Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
R12-4-101	Amend
R12-4-216	Amend
R12-4-301	Amend
R12-4-302	Amend
R12-4-303	Amend
R12-4-304	Amend
R12-4-305	Amend
R12-5-306	Amend
R12-4-307	Amend
R12-4-308	Amend
R12-4-309	Amend
R12-4-310	Amend
R12-4-311	Amend
R12-4-313	Amend
R12-4-314	New Section
R12-4-315	Repeal
R12-4-316	Repeal
R12-4-317	Repeal
R12-4-318	Amend
R12-4-319	Amend
R12-4-320	Amend
R12-4-321	Amend
R12-4-322	Amend
R12-4-401	Amend

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

Authorizing statute: A.R.S. § 17-231(A)(1)

Implementing statutes: A.R.S. §§ 13-3107, 13-3108, 17-102, 17-211(E)(4), 17-231(A)(1), 17-231(A)(2), 17-231(A)(3), 17-231(A)(4), 17-231(B)(8), 17-232, 17-233, 17-234, 17-235, 17-236, 17-239, 17-251, 17-301, 17-302, 17-305, 17-306, 17-307, 17-309, 17-331, 17-332, 17-333, 17-333.02, 17-335, 17-346, 17-361, and 17-371

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

Notice of Rulemaking Docket Opening: 24 A.A.R. 577, March 16, 2018 (*in this issue*)

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

Name: Jay Cook, Regional Supervisor FOR6
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Please visit the AZGFD website to track the progress of this rule; view the regulatory agenda and all previous Five-year Review Reports; and learn about any other agency rulemaking matters at https://www.azgfd.com/agency/rulemaking/.

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

The Arizona Game and Fish Commission propose to amend its Article 3 rules, governing the taking and handling of wildlife, to enact amendments developed during the preceding Five-year Review Report. The amendments proposed in the five-year review report are designed to clarify current rule language; protect public health and safety and private property rights; facilitate job growth and economic development; support Fair Chase ethics and the tenets of the North American Model of Wildlife Conservation; enable the Department to provide better customer service; and reduce regulatory and administrative burdens wherever possible. After evaluating the scope and effectiveness of the proposed amendments specified in the review, the Commission proposes additional amendments to further implement the original proposals.

Arizona's great abundance and diversity of native wildlife can be attributed to careful management and the important role of the conservation programs the Arizona Game and Fish Department has developed. The Department's management of both game and nongame species as a public resource depends on sound science and active management. As trustee, the state has no power to delegate its trust duties and no freedom to transfer trust ownership or management of assets to private establishments. Without strict agency oversight and management, the fate of many of our native species would be in jeopardy. Wildlife can be owned by no individual and is held by the state in trust for all the people.

An exemption from Executive Order 2015-01 was provided for this rulemaking by Hunter Moore, Natural Resource Policy Advisor, Governor's Office, in an email dated August 22, 2017.

In addition to the replacing the term "buffalo" with "bison" and "individual" with "person", and nonsubstantive amendments made to make rules clearer and more concise; the Commission proposes the following substantive amendments:

R12-4-101. Definitions

The objective of the rule is to establish definitions that assist persons regulated by the rule and members of the public in understanding the unique terms that are used throughout 12 A.A.C. 4. Game and Fish Commission Rules. The rule was adopted to facilitate consistent interpretation of Commission rules and to prevent persons regulated by the rule from misinterpreting the intent of Commission rules.

Because the terms "cervid," "nonprofit organization," and "person" are used in multiple Game and Fish Commission rules, the Commission proposes to amend the rule to define these terms under R12-4-101. The Commission proposes to amend the rule to define terms used in multiple Game and Fish Commission rules and Commission Orders: "bow," "crossbow," "handgun," "muzzleloading shotgun," "pneumatic weapon," "rifle," and "shotgun." Defining these terms will aid in facilitating a consistent interpretation of Commission Orders and rules. In addition, the Commission proposes to amend the rule to define "export" and "import" to reduce regulatory ambiguity. It is often assumed the terms "import" and "export" mean something is being brought into or taken out of the country. For the purposes of Game and Fish Commission rules, "import" and "export" mean something is being brought into or taken out of the State. These changes are proposed as a result of customer comments received by the Department.

The Commission proposes to amend the rule to replace the term "animal" with "wildlife" to make the rule more concise.

R12-4-216. Crossbow Permit

The objective of the rule is to establish eligibility requirements, conditions, and restrictions for the crossbow permit. The permit allows a person, who cannot draw and hold a bow, to use a crossbow during an archery-only hunt.

The Commission proposes to amend the rule to allow a Crossbow Permit holder to use a pre-charged pneumatic weapon, as defined under R12-4-301, using bolts or arrows for the take of wildlife. This change is proposed as a result of customer comments received by the Department.

R12-4-301. Definitions

The objective of the rule is to establish definitions that assist persons regulated by the rule and members of the public in understanding the unique terms that are used throughout Article 3. The rule was adopted to facilitate consistent interpretation of Article 3 rules and to prevent persons regulated by the rule from misinterpreting the intent of Commission rules.

The Commission proposes to amend the definition of "administer" to remove the phrase "pursue, capture, or otherwise restraining wildlife" as the language is unnecessarily restrictive.

In recent years, due to the affordability and availability of drones, their use has significantly increased. While the definition of "aircraft" includes any lighter-than-air contrivance designed for flight, confusion remains as to whether a drone is considered an aircraft. The Commission proposes to amend the definition of "aircraft" to address the use of drones.

Many anglers believe scented, flavored, and chemically treated devices are legal artificial lures because the definition of "artificial lures" does not specifically address them. Since this definition was adopted, the popularity of these types of baits, often marketed as "lures" and "artificial," has increased; and their use is causing unacceptable mortality rates in released trout caught in some catch-and-release waters. The Commission proposes to amend the definition to clearly state that artificial flies and lures does not include chemical and organic attractants. The purpose of restricting scented, flavored, and chemically treated flies and lures is to minimize the mortality of fish, particularly trout mortalities because trout tend to gulp the lure deeper, resulting in a 30 to 90% mortality rate after being released. In addition, the Commission proposes to amend the definition of "artificial lures and flies" to



increase consistency between Commission rules, Commission Orders and public outreach materials; Commission rules use the phrase “artificial lures and flies;” Commission Orders, and all other public outreach materials use the phrase “artificial flies and lures.”

The Commission proposes to repeal the definition of “cervid.” Because the term is used in multiple Game and Fish Commission rules, the Commission intends to define this term under R12-4-101.

Under A.R.S. § 13-3102(A)(4), a person commits misconduct involving weapons by knowingly possessing a deadly weapon or prohibited weapon if such person is a prohibited possessor. Under A.R.S. § 13-3101(A)(1), “deadly weapon” means anything that is designed for lethal use. As a result of amendments made to R12-4-303 (Unlawful Devices, Methods, and Ammunition), the Commission proposes to define “deadly weapon,” “prohibited possessor,” and “prohibited weapon.”

The Commission also proposes to define “edible portions of game meat” to increase consistency between statute, Commission Orders, and rules. While A.R.S. § 17-340 defines edible portions of bighorn sheep, bison, deer, elk, game fish, javelina, migratory game birds, pronghorn antelope, upland game birds, and wild turkey, the statute does not address bear or bison, which are considered big game. This change is in response to customer comments received by the Department.

The Commission recognized the need to evaluate regulatory measures pertaining to the use of trail cameras, as they relate to the ‘take of wildlife’ and the Fair Chase hunting ethic; and directed the Department to evaluate current rule language and make recommendations to prohibit the use of trail cameras capable of sending a wireless remote signal to another electronic device. As a result of amendments made to R12-4-303 (Unlawful Devices, Methods, and Ammunition), the Commission proposes to define “developed water source” and “live-action trail camera.”

A.R.S. §§ 17-231(A)(3) and 17-301(D)(2) authorizes the Commission to adopt rules establishing the taking of wildlife with firearms, with fishing equipment, with archery equipment, or other implements in hand as may be defined. The Commission also proposes to amend the rule to define “device,” “hybrid device,” “muzzleloading shotgun,” “pneumatic weapon,” “rifle,” and “shotgun.” Defining these terms will aid in facilitating a consistent interpretation of Commission Orders and rules.

In addition, the Commission is aware of devices that use lasers and computers that enable a person with no hunting or shooting experience to easily hit a target up to 500 yards away. As a result of amendments made to R12-4-303 (Unlawful Devices, Methods, and Ammunition), the Commission proposes to define “smart device.” This change is in response to customer comments received by the Department.

R12-4-302. Use of Tags

The objective of the rule is to establish requirements for the possession and lawful use of tags issued by the Department. A.R.S. § 17-332 authorizes the Commission to prescribe the manner in which a licensee shall attach a tag to a big game animal. The rule was adopted to establish the manner and method in which a person shall attach a tag to wildlife and ensure consistent interpretation of and compliance with A.R.S. § 17-332.

The Commission is aware of a problem with the enforcement of the rule. The rule establishes that only the hunter listed on the tag shall use the tag and attach it to game lawfully harvested by the hunter listed on the tag. When two persons are hunting, and knowingly deviate from this mandate - both parties are involved in the violation. There is a circumstance within the current rule that results in only one person unlawfully using a tag in violation of the rule. For example: Hunter A harvests an elk. Hunter A then allows Hunter B to place Hunter B's tag on the elk, enabling Hunter A to continue hunting for another elk after having reached their bag limit for elk. Even though both parties were involved in the unlawful tagging of the elk, only Hunter B would be cited under this rule. The Commission proposes to amend the rule to establish that it is unlawful for a person to allow another person's tag to be attached to wildlife that person harvested.

The Commission proposes to amend the rule to replace the term “hunt area” with “taking wildlife” as a Commission Order may authorize the take of wildlife outside of an established hunt area.

R12-4-303. Unlawful Devices, Methods, and Ammunition

The objective of the rule is to establish those devices, methods, and ammunition that are unlawful for taking of any wildlife in Arizona. A.R.S. § 17-301(D)(2) authorizes the Commission to adopt rules establishing the taking of wildlife with firearms, archery equipment, or other implements in hand as may be defined. The rule was adopted to establish methods and devices that are unlawful for the take of wildlife and ensure consistent interpretation of and compliance with 17-301(D)(2).

The Commission believes the reason the rule exists is to prohibit those devices and methods that compromise the spirit of fair chase. “Fair Chase” means the ethical and lawful pursuit and take of free-range wildlife in a manner that does not give the hunter or angler improper or unfair advantage over such wildlife. The following criteria are used to evaluate whether a new technology or practice violates the Fair Chase ethic; does the technology or practice allow a hunter or angler to: locate or take wildlife without acquiring necessary hunting and angling skills or competency; pursue or take wildlife without being physically present and pursuing wildlife in the field; or almost guarantee the harvest of wildlife when the technology or practice prevents wildlife from eluding take.

The Commission is aware that confusion exists regarding the use of full-jacketed ammunition. Full-jacketed ammunition is sold by sporting goods stores and is often labeled by the manufacturer for use in target practice, but there are manufacturers who also label the ammunition for use in hunting. Confusion exists because full-jacketed ammunition is readily available in sporting goods stores and the rule prohibits the use of full-jacketed ammunition “designed for military use.” A person could assume the ammunition sold by a sporting goods store may be used for hunting purposes because it is readily available to the public for purchase. The use of full-jacketed ammunition for hunting is prohibited because it does not create a substantial wound for the humane harvest of an animal. The uniform and aerodynamic design means the ammunition is more likely to penetrate the animal and keep going out the other side, possibly injuring people farther downrange and leaving only a small wound in the animal, resulting in wounding loss. This would impact hunter opportunity, because a person who wounds an animal may not be aware the animal was



wounded and would continue to hunt and possibly wound or take another animal. Ammunition designed to expand creates a wound cavity and slows the bullet down so that it will not continue beyond the target with much force, if at all. The Commission proposes to amend the rule to remove “designed for military use” and specify that any ammunition that does not expand on impact shall not be used for the take of wildlife to make the rule more concise.

The Commission is aware of arrows or bolts capable of being fitted with explosive tips that discharge upon impact, some allow the user to insert a bullet into a modified broadhead itself and others are manufactured with a small broadhead inside a shotgun shell. Under R12-4-303, a person is prohibited from using any projectile that contains explosives because the Commission believes they compromise the spirit of fair chase. The Commission proposes to amend the rule to include projectiles that contain a secondary propellant to proactively address emerging technology.

Due to technological advances in hunting scopes (for rifles and bows), the Commission proposes to clarify the rule to address laser range finders that project a non-visible light onto an animal. A laser distance meter emits a pulse of laser at a target. The pulse then reflects off the target and back to the sending device (in this case, a laser distance meter). This “time of flight” principle is based on the fact that laser light travels at a fairly constant speed through the Earth’s atmosphere. Inside the meter, a simple computer quickly calculates the distance to target. The Commission does not believe these types of hunting scopes compromise the spirit of fair chase because the hunter still must possess the necessary hunting skills or competency in order to take an animal. This change is in response to customer comments received by the Department.

Smart devices are becoming more and more prevalent in the firearm and hunting industries (devices equipped with a target-tracking system or an electronically-controlled, electronically-assisted, or computer-linked trigger or release). These smart devices enable a person with little or no experience to easily hit a target more than 500 yards away with very high accuracy; once a target is selected, the smart device controls the trigger mechanism and discharges only when the weapon is pointed at the designated target, taking into account dozens of variables, including wind, shake, and distance to the target. Normally, it takes years of practice to hit a target at that distance, but a smart device can make a person into a sharpshooter in a matter of hours or even less. Because the Commission believes these devices compromise the spirit of fair chase and the Commission’s Fair Chase Policy, the Commission proposes to amend the rule to prohibit the use or possession of a smart device while taking wildlife. This change is in response to customer comments received by the Department.

While the current use of self-guided ammunition is not popular due to limited availability and the high costs involved, the Commission believes it is necessary to proactively address concerns about the use of self-guided ammunition and prohibit its use for taking or aiding in the take of wildlife.

The Commission is aware of instances where a person will use a watercraft to chase and harass waterfowl in an effort to force the waterfowl to take flight so they may be hunted by another person. The Commission proposes to amend the rule to clarify federally prohibited activities to ensure consistent interpretation of A.R.S. § 17-301 as it applies to migratory birds and prevent persons from inadvertently violating federal regulations applicable to migratory bird hunting.

Under A.R.S. § 17-309(A)(4), it is unlawful to discharge a firearm while taking wildlife within one-fourth mile of an occupied farmhouse or other residence, cabin, lodge or building without permission of the owner or resident. Under R12-4-303(A)(3)(h), it is unlawful to discharge a pneumatic weapon .30 caliber or larger while taking wildlife within one-fourth mile of an occupied farmhouse or other residence, cabin, lodge or building without permission of the owner or resident. In addition, the Commission is aware of instances where a hunter who lives on the edge of a municipal boundary is unable to archery hunt on his own property because Commission Order closes areas within one-fourth mile of an occupied residence. For example, a hunter who lives on the edge of a forest boundary and who is miles away from the nearest residence is unable to archery hunt on their own property because of the location of their own home. In addition, the Commission and Department have received a number of complaints about persons archery hunting near their private property. The Commission proposes to amend the rule to prohibit the discharge of hybrid device, arrow, or bolt while taking wildlife within one-fourth mile of an occupied farmhouse or other residence, cabin, lodge or building without permission of the owner or resident, to increase consistency between statute and rules. This language mirrors statutory language under A.R.S. § 17-309, which prohibits a person from discharging a firearm while taking wildlife within one-fourth mile of an occupied farmhouse or other residence, cabin, lodge, or building without permission of the owner or resident. This change is in response to customer comments received by the Department.

In addition, the Commission is aware confusion exists as to what distance constitutes “one-fourth mile” and “one-half mile.” The Commission proposes to clarify this distance by also referencing this distance in yards (440 or 880, as applicable) to reduce regulatory uncertainty. This change is in response to customer comments received by the Department.

The Commission recognized the need to evaluate regulatory measures pertaining to the use of trail cameras, as they relate to the ‘take of wildlife’ and the Fair Chase hunting ethic, and directed the Department to evaluate current rule language as it pertains to trail cameras. The team benchmarked with other states and spoke with members of industry and made recommendations to prohibit the use of trail cameras capable of sending a wireless remote signal to another electronic device and the use of any trail camera within one-fourth mile of a developed water source. While the current use of satellite imagery for hunting is not popular due to the costs involved, the Commission believes it is necessary to proactively address concerns about the use of satellite imagery and prohibit its use for taking or aiding in the take of wildlife. This change is in response to customer comments received by the Department.

Under A.R.S. § 13-3102(A)(4), a person commits misconduct involving weapons by knowingly possessing a deadly weapon or prohibited weapon if such person is a prohibited possessor. Under A.R.S. § 13-3101(A)(1), “deadly weapon” means anything that is designed for lethal use. The Commission proposes to amend the rule to prohibit a person who is a prohibited possessor from using a deadly weapon or prohibited weapon to take wildlife to remove regulatory uncertainty.

R12-4-304. Lawful Methods for Taking Wild Mammals, Birds, and Reptiles

The objective of the rule is to establish lawful devices and methods a person may use to take wild mammals, birds, and rep-



tiles during seasons established by Commission Order. A.R.S. § 17-301(D)(2) authorizes the Commission to adopt rules establishing the taking of wildlife with firearms, archery equipment, or other implements in hand as may be defined. The rule was adopted to establish methods and devices that may be used for the take of specific wildlife and ensure consistent interpretation of and compliance with A.R.S. § 17-301(D)(2).

The availability of hybrid devices (weapons with components from two or more different devices) is increasing. Depending on the species, some hybrid devices may be used for the take of wildlife, while others cannot. The Commission proposes to amend the rule to allow the use of a hybrid device for the taking of wildlife provided all components of the device are authorized for the take of that species. This change is in response to customer comments received by the Department.

The Commission proposes to amend the rule to replace references to “antelope” with “pronghorn antelope” to reflect language used in Commission Order and public outreach materials.

In 2013, the Commission amended the rule to allow the use of pre-charged pneumatic weapons for the take of all wildlife, except bison, elk, and turkey due to concerns that pre-charged pneumatic weapons would not create a substantial wound for the humane harvest of a large animal (bison and elk) and public safety concerns (turkey). Subsequent discussions with persons in the pre-charged pneumatic weapon industry indicate that it is also necessary to reference the caliber of the bullet. This change enables the Commission to establish a lethal standard for the take of bison and elk using a pre-charged pneumatic weapon. These changes are in response to customer comments received by the Department.

The Commission believes technological advances in ceramic or ceramic coated broadheads have proven they can be as effective as traditional metal broadheads. A ceramic broadhead is typically produced by dry-pressing zirconia powder and then hardening the broadheads through the process of compacting and forming a solid mass of material by heat or pressure to make the ceramic as hard as metal. The broadhead is then sharpened by grinding the edges with a diamond-dust-coated grinding wheel. Zirconia is 8.5 on the Mohs scale of mineral hardness, compared to 4.5 for normal steel and 7.5 to 8 for hardened steel and 10 for diamond. This very hard edge significantly reduces the need for sharpening, making them a desirable product for archery hunters. The Commission proposes to amend the rule to allow the use of ceramic and ceramic-coated broadheads. This change is in response to customer comments received by the Department.

The Commission proposes to allow the use of pre-charged pneumatic weapons using arrows or bolts for the take of wildlife wherever a bow or crossbow is listed as a lawful method of take for that species: bear, bighorn sheep, bison, deer, elk, javelina, mountain lion, pronghorn antelope, and turkey. The Commission believes these types of devices do not compromise the spirit of fair chase. This change is in response to customer comments received by the Department.

Under A.R.S. § 17-235, the Commission is required to prescribe seasons, bag limits, possession limits and other regulations pertaining to taking migratory birds in accordance with the Migratory Bird Treaty Act and regulations issued thereunder. The Commission proposes to incorporate by reference the most recent version of 50 C.F.R. 20.21 and reflect the most recent Government Printing Office contact information.

The Commission proposes to amend the rule to replace references to “handguns using black powder or synthetic black powder” with “muzzleloading handguns” to make the rule more concise.

R12-4-305. Possessing, Transporting, Importing, Exporting, and Selling Carcasses or Parts of Wildlife

The objective of the rule is to conserve wildlife resources by establishing requirements for the lawful possession, transport, import, export, or sale of wildlife. The Commission’s rule protects native wildlife by preventing the spread of disease, reducing the risk of released animals competing with native wildlife, discouraging illegal trade of native wildlife, and preventing interactions between humans and wildlife that may threaten public health or safety. The rule was adopted to prevent the unlawful possession, transport, import, export, or sale of wildlife and allow for lawful possession by establishing the methods for complying with governing statutes.

The Commission proposes to amend the rule to state the tag shall be attached in the manner indicated on the tag to increase consistency between Commission rules.

In addition, the Commission proposes to amend the rule to specify the manner in which a person may provide evidence of legality for Eurasian collared-doves to reduce regulatory ambiguity.

The rule requires a person who receives a portion of wildlife to provide the identity of the person who took and gave the wildlife, but does not state under what circumstances this action is required. The Commission proposes to amend the rule to add “upon request to any peace officer, wildlife manager, or game ranger” to reduce ambiguity and increase consistency between Commission rules.

The Department issues both permit-tags (through computer draw) and non-permit tags (over the counter) for the take of wildlife. The Commission proposes to amend the rule to reflect both types of tags issued by the Department to make the rule more concise.

Under A.R.S. § 17-302(A), a landowner or lessee who is a livestock operator and whose livestock were recently attacked or killed by bear or mountain lion may lawfully exercise such measures as necessary to prevent further damage from the offending bear or mountain lion, including the taking of such bear or mountain lion; and further states that dogs may be used to facilitate the pursuit of the depredating bear or mountain lion. The statute also states that no portion of an animal taken pursuant to A.R.S. § 17-302 shall be retained or sold by any person except as authorized by the Commission. In response to comments made by hunters, the Commission amended R12-4-305(H) to allow a person who takes a depredating bear or mountain lion to retain the carcass provided the person has a valid hunting license and the carcass is immediately tagged with a nonpermit-tag (unless the person has already taken the applicable bag limit for that big game animal). This change also prevents the animal from going to waste.

The Commission proposes to amend the rule to restrict the import of velvet antlers of cervids to address Chronic Wasting Disease (CWD) concerns. Growing antlers of male cervids are covered by a highly innervated and vascularized apical skin layer,



referred to as velvet, which is shed after an increase in testosterone and ossification of antlers. In a recent study, findings of prions in antler velvet of CWD-affected elk suggest that this tissue may play a role in disease transmission among cervids. Humans who consume antler velvet as a nutritional supplement are at risk for exposure to prions. At this time, the most effective management approach has to be to take measures to ensure, to the greatest extent possible, that the disease does not enter into Arizona. If it does, there will be substantial financial impact to the Department, captive cervid breeders, and the rural economy that is supported, in part, by hunting.

The Commission proposes to amend the rule to clarify that, when possessing, transporting, or importing cervid meat that has been cut and packaged, the meat may be personally or commercially cut and packaged. This change is in response to customer comments received by the Department.

The Commission also proposes to replace the phrase “wild mammal, bird, or reptile” with “wildlife” to indicate the rule applies to all wildlife, unless otherwise specified, to make the rule more concise.

R12-4-306. Buffalo Hunt Requirements

The objective of the rule is to establish rules of practice governing bison hunts, which are conducted by the Department to harvest bison appropriate to management objectives and land carrying capacity. In Arizona, bison are found on two wildlife areas operated solely by the Department; Raymond, located east of Flagstaff, and House Rock, located east of the North Kaibab National Forest. Both wildlife areas are managed to provide viewing opportunities as well as hunting opportunity. The rule was adopted to ensure the Department manages these herds on a sustainable basis.

In the past, the hunts on Raymond and House Rock were managed differently to allow the Department greater flexibility in conducting these hunts. Over time, the Department has implemented more effective control measures for these hunts and, as a result, now manages both areas in the same manner. The Commission proposes to amend the rule to combine bison hunt requirements into one subsection to make the rule more concise.

Currently, a hunter who takes a bison, or their designee, is required to present the bison in person to the Department for inspection. The Commission proposes to amend the rule to allow the hunter to check out either in person or by telephone to reduce the burden and costs on persons regulated by the rule. This change is in response to customer comments received by the Department.

The Commission is aware of electronic methods implemented by other fish and wildlife agencies that allow a person to check-in or check-out electronically, such as an online system or mobile device application. The Commission proposes to amend the rule to allow a person to check-in and check-out electronically, when made available by the Department, to reduce the costs and burdens to persons regulated by the rule. This change is in response to customer comments received by the Department.

R12-4-307. Trapping Regulations, Licensing; Methods; Tagging of Bobcat Pelts

The objective of the rule is to establish requirements and restrictions necessary to regulate trapping in a fair and humane manner with the utmost regard for wildlife management principles and public safety. In addition, the rule establishes trapping reporting requirements as required under A.R.S. § 17-361(D). Trapping is the use of a device to remotely catch an animal. Fur-bearing and predatory animals may be trapped for a variety of purposes, including food, the fur trade, pest control, and wildlife management. Under A.R.S. § 17-301, it is unlawful to take wildlife with any leghold trap, instant kill body gripping design trap, or by a poison or a snare on any public land. The rule was adopted to establish requirements and restrictions to ensure responsible trapping and safeguard the future of trapping and ensure consistent interpretation of and compliance with A.R.S. § 17-301.

The Commission proposes to amend the rule to remove redundant language regarding the issuance of a trapping registration number.

In 2013, the Legislature amended A.R.S. Title 17 to allow the Arizona Game and Fish Commission to establish license classifications and fees. As a result of the subsequent rulemaking, any person age 10 and older is required to possess a license in order to lawfully take wildlife; this change was consistent with other Western states. The Commission proposes to amend the rule to require a person age 10 or older to possess a trapping license in order to trap in Arizona to increase consistency between Commission rules. In addition, under A.R.S. § 17-361(D) a person who possesses a trapping license is required to submit a trapping report. A trapper under the age of 14 was not required to submit a trapping report because they were not required to possess a trapping license. Reducing the trapping license age requirement will also enable the Department to gather additional valuable harvest data.

The Commission has amended license rules within Article 2 (licenses; permits; stamps; tags) and 4 (live wildlife) to increase consistency in format between application requirements. The Commission proposes to amend the rule to reflect changes made to other license application rules to increase consistency between Commission rules.

The Commission is aware of some confusion as to the daily trap check requirement prescribed under A.R.S. § 17-361(B). The statute requires a trapper to inspect all traps in use daily. Some trappers have asked if a trail camera could be used to meet this statutory mandate. Because “inspect” and “view” are very different actions, the Commission believes a trapper should be physically present in the trap area when inspecting their traps in order to meet the inspection requirements prescribed in statute.

Under R12-4-321, a city, county, or town may limit or prohibit any person from hunting within one-fourth mile (440 yards) or trapping within one-half mile (880 yards) of any developed picnic area, campground, boat ramp, shooting range, occupied structure, or golf course. The Commission also proposes to amend the rule to incorporate other areas developed for public use, as referenced under R12-4-321, to increase consistency between rules within Article 3.

In addition, under A.R.S. § 17-309 and R12-4-303, a person is prohibited from conducting certain activities involving the take of wildlife within a specific distance from “an occupied farmhouse or other residence, cabin, lodge or building,” while this rule references “occupied residence or building.” The Commission proposes to amend the rule to mirror statutory language to increase consistency between statute and Commission rule.



In addition, the Commission is aware confusion exists as to what distance constitutes “one-fourth mile” and “one-half mile.” The Commission proposes to clarify this distance by also referencing this distance in yards (440 or 880, as applicable) to reduce regulatory uncertainty. This change is in response to customer comments received by the Department.

To comply with CITES (Convention on International Trade in Endangered Species), which aims to protect against over-exploitation of certain species, a person is required to obtain and attach a bobcat seal to all bobcats taken (trapped or hunted) in Arizona. The information gathered from persons obtaining these seals is used to record population and biological information that helps in conservation management decisions. Currently, a person who takes a bobcat in Arizona is required to obtain a bobcat seal from the Department and attach the seal to the bobcat pelt within ten days of the end of the bobcat season. The Commission proposes to amend the rule to require a trapper to ensure a bobcat seal is attached to a bobcat no later than April 1 of each year to reduce the burden on persons regulated by the rule; this is approximately 30 days after the close of the trapping season and coincides with the date the annual trapping report is due.

Since the rule was last amended, the Department implemented a new organizational structure; the Game Branch is now referred to as the Terrestrial Wildlife Branch. The Commission proposes to amend the rule to reference the Terrestrial Wildlife Branch to make the rule more concise.

In light of comments received by the Department, the Commission proposes to amend the rule to allow a trapper to use a trail camera for the purpose of remotely observing traps they have lawfully set. While this change will allow the trapper to view their traps without disturbing the immediate area, this change is not intended to allow the trapper to use the trail camera to meet the daily inspection requirement prescribed under A.R.S. § 17-361(B).

R12-4-308. Wildlife Inspections, Check Stations, and Roadblocks

The objective for the rule is to establish requirements for wildlife check stations and wildlife inspections, as authorized by the Director. Wildlife check stations and inspections enable the Department to obtain biological data and verify evidence of legality. Under A.R.S. § 17-211(E), game rangers and wildlife managers may inspect all wildlife taken or transported and seize all wildlife taken or possessed in violation of law, or showing evidence of illegal taking. The rule was adopted to ensure consistent interpretation of and compliance with A.R.S. § 17-211(E) and all applicable laws and rules.

The Commission believes that to have a successful hunt, one does not have to harvest wildlife; whether a person bags a bull elk, a spike deer, a limit of dove, or goes home empty-handed, the Commission believes the times spent in the field with friends and family are some of the best times a person can ever have. The Commission proposes to amend the rule to replace the phrase “successful hunter” with “hunter who harvests” because the Commission believes a harvest is not required in order to have a “successful” hunt.

In addition, the Commission proposes to replace the phrase “produce and display any license, tag, stamp, or permit required for taking or transporting wildlife” with “provide evidence of legality as defined under R12-4-301” to make the rule more concise.

The Commission is aware of electronic methods implemented by other fish and wildlife agencies that allow a person to check-in or check-out electronically, such as an online system or mobile device application. The Commission proposes to amend the rule to allow a person to check-in and check-out electronically, when made available by the Department, to reduce the costs and burdens to persons regulated by the rule. This change is in response to customer comments received by the Department.

R12-4-309. Authorization for Use of Drugs on Wildlife

The objective of the rule is to establish the restrictions, application, reporting, and exemption from requirements for the authorization for use of drugs on wildlife, including but not limited to, fertility drugs, growth hormones, and tranquilizers. Such drugs are used in research and population management for fertility control, disease prevention or treatment, immobilization, or growth stimulation. The rule was adopted to proactively provide the Department with measures designed to ensure the necessary regulatory measures are in place for the use of drugs on wildlife.

In 2015, the Commission amended Article 4 special license rules to notice license holders that a special license does not exempt the license holder from any municipal, county, state or federal code, ordinance, statute, regulation, or rule or authorize the license holder to engage in any activity using wildlife that is protected by federal regulation. The Commission proposes to amend the rule to state the authorization does not exempt a person from any municipal, county, state or federal code, ordinance, statute, regulation, or rule or authorize a person to engage in any activity using wildlife that is protected by federal regulation to increase consistency between Commission rules.

The Commission proposes to amend the rule to remove the requirement that the applicant include information regarding federal approvals and/or permits because having this language in rule implies the Department verifies that the applicant possesses all of the necessary approvals and/or permits and that those approvals and/or permits are valid. The Commission believes it is the applicant's responsibility to ensure they apply for and obtain all required federal approvals and/or permits.

The Commission proposes to amend the rule to require the written endorsement to be signed by a person who has the authority to sign documents on behalf of a government agency, university, or institution to ensure the applicant has sufficient permission to conduct the activities noted on the application and associated documents.

Statute and rules that require a person to present a license, stamp, permit, or authorization to members of law enforcement also reference the terms “wildlife manager” and “game ranger.” The Commission proposes to amend the rule to reference “wildlife manager” and “game ranger” to increase consistency between Commission rules.

The rule requires a person who is authorized to use drugs on wildlife by the Department to submit an annual and final report; however, the rule does not establish a time-frame for either of these reports. The Commission proposes to establish due dates for the annual and final report to make the rule more concise.

The Commission proposes to amend the rule to require a person applying for authorization to use drugs on wildlife to indem-



nify the Department against any injury or damage resulting from the use of animal drugs in light of recent law suits taking place at the federal level.

In 2013, the Commission amended R12-4-428 (captivity standards) to remove the annual veterinary inspection requirement from R12-4-428 and place the inspection requirement only in those rules where an annual veterinary inspection should be required; R12-4-413 (game farms) and R12-4-420 (zoos). The Commission proposes to amend the rule to replace the reference to R12-4-428 with R12-4-413 and R12-4-420 to make the rule more concise and increase consistency between Commission rules.

R12-4-310. Fishing Permits

The objective of the rule is to establish requirements for the fishing permit available to governmental agencies and nonprofit organizations that provide rehabilitation and treatment services for persons with disabilities. The Commission recognizes fishing and hunting as a fundamental requirement of wildlife conservation in Arizona and introductory fishing or hunting events actively promote participation in a variety of recreational opportunities. The rule was adopted to permit these agencies to provide outdoor fishing opportunities to persons with physical, developmental, or mental disabilities, without requiring them to obtain a fishing license.

The Commission proposes to amend the rule to remove the requirement that a nonprofit be licensed or contracted with the Department of Economic Security (DES) or Department of Health Services (DHS) to provide physical or mental rehabilitation or training to persons with physical, developmental, or mental disabilities and replace the terms “rehabilitation or training” with “treatment and care.” The Department receives approximately 100 fishing permit applications annually. Of those 100 applications, approximately 50% are denied either because the agency, department, or nonprofit is not contracted with DES or DHS or they provide “habilitative care and treatment” instead of “rehabilitative care and treatment.” The Fishing Permit was originally established to provide unlicensed fishing opportunities to a segment of the public that has difficulty engaging in this recreational activity. The Commission believes the rule with the proposed amendments will continue to meet the original intent of the rule, while expanding unlicensed fishing opportunities to additional agencies, departments, and nonprofits.

The Commission proposes to amend the rule to specify the permit is valid for any two days within a 30 day period. An agency, department, or nonprofit is required to submit a report no later than 30 days after the end of the authorized fishing dates; and an agency, department, or nonprofit that fails to submit the report is not eligible for another permit until the reporting requirement has been met. Currently, a Fishing Permit applicant may choose any two days within a within a calendar year; some applicants have chosen dates more than six months apart, which can be problematic when the agency, department, or nonprofit submits a subsequent application before the second date listed on the first permit has passed.

Currently, the Fishing Permit allows up to 20 persons to fish without a license. When an applicant proposed to hold an event for more than 20 persons, the applicant was required to submit an additional application. In these scenarios, the Department also issued and administered additional fishing permits. The Commission proposes to amend the rule to remove the twenty person limit to reduce the burdens and costs to persons regulated by the rule.

The Commission proposes to amend the rule to require a nonprofit to provide a copy of its Articles of Incorporation and a document identifying its mission at the time of application. Because the rule is being amended to remove the requirement that a nonprofit be contracted or licensed by DES or DHS, the Department will use these documents to determine the applicant's eligibility for the fishing permit.

The Commission proposes to amend the rule to replace the reference to “lesson plan” with “curriculum outline” to make the rule more concise. The Department's Education Branch is responsible for the issuance of the fishing permit; their internal documents and outreach information refers to the instructional document as a curriculum outline, rather than a lesson plan: a lesson plan is a detailed description of topics to be covered in a single class (to include what information is provided when); a curriculum outline establishes the key points that must be covered in a single class. The order and manner in which the instruction is provided should be left to the judgment of the instructor as more or less information on a particular key point may be required depending on the individuals receiving the instruction.

R12-4-311. Exemptions from Requirement to Possess an Arizona Fishing License or Hunting License While Taking Wildlife

The objective of the rule is to establish the circumstances under which a person is not required to possess a fishing or hunting license while taking wildlife. A.R.S. § 17-331 states, “Except as provided by this title, rules prescribed by the commission or commission order, a person shall not take any wildlife in this state without a valid license or a commission approved proof of purchase.” The rule was adopted to identify the circumstances under which a fishing or hunting license is not required due to statutory exemptions or when determined necessary by the Commission. The Commission recognizes fishing or hunting as a fundamental requirement of wildlife conservation in Arizona and introductory fishing or hunting events actively promote participation in a variety of recreational opportunities.

The Commission proposes to amend the rule to reference “trapping license” as one of the licenses that may be revoked by the Commission; provide examples of terrestrial mollusks and crustaceans; and remove the reference to “sport fishing contractor” as the Department no longer contracts this service to make the rule more concise.

The Commission proposes to amend the rule to provide examples of nonnative terrestrial mollusks to reduce regulatory ambiguity.

A.R.S. § 17-215 states, each employee and volunteer who has contact with children or vulnerable adults as part of their regular duties must have a valid fingerprint clearance card issued pursuant to A.R.S. § 41-1758.07 or provide the Department documentation of the person's application for a fingerprint clearance card. The Commission proposes to amend the rule to allow a person to provide documentation of the person's application for a fingerprint clearance card as prescribed under A.R.S. § 17-215 to reflect statutory requirements.

**R12-4-313. Lawful Methods of Taking Aquatic Wildlife**

The objective of the rule is to establish lawful devices and methods a person may use to take aquatic wildlife during seasons established by Commission Order. A.R.S. § 17-301 authorizes the Commission to determine lawful methods for the taking of fish. The rule was adopted to establish additional devices and methods by which a person may lawfully take aquatic wildlife and ensure consistent interpretation of and compliance with A.R.S. § 17-301.

The Commission proposes to combine R12-4-313 and R12-4-317 (Seasons for Lawfully Taking Fish, Mollusks, Crustaceans, Amphibians, and Aquatic Reptiles) to increase consistency between Commission Orders, rules, and Department publications; with this amendment R12-4-317 will be repealed.

The Commission proposes to amend the title of the rule to Lawful Methods of Take and Seasons for Aquatic Wildlife to more accurately reflect the subject matter of the rule as amended.

The Commission recently amended R12-4-609 Commission Orders to authorize the Commission to establish a special season allowing fish to be taken by additional methods on waters where a fish die-off is imminent. This change was made as a result of an incident involving Tempe Town Lake that gave light to the fact that the Commission did not have sufficient authority to issue an Order to allow the take of fish by additional methods on waters where a fish die-off was imminent. The Commission proposes to amend the rule to increase consistency between Commission rules.

Because scientific terms are italicized in other Commission rules, the Commission proposes to italicize scientific terms referenced in this rule to increase consistency in formatting with other Commission rules.

In 2014, the Commission amended its license and stamp rules as a result of legislation that authorized the Commission to simplify its license structure. In an effort to simplify the licensing process and increase value, the Department decided to eliminate the “two-pole” stamp and roll the simultaneous fishing privilege into the fishing license. As a result of eliminating the two-pole stamp, there is some confusion as to how many poles are lawful for one person to use while fishing. The Commission proposes to amend the rule to state a person may not use more than two lines at any one time while fishing to facilitate a consistent interpretation of simultaneous fishing.

The availability of hybrid devices (weapons with components from two or more different devices) is increasing. Depending on the species, some hybrid devices may be used for the take of aquatic wildlife, while others cannot. The Commission proposes to amend the rule to allow the use of a hybrid device for the taking of aquatic wildlife provided all components of the device are authorized for the take of that species. This change is in response to customer comments received by the Department.

In addition, under A.R.S. § 17-211(E)(4), a game ranger may seize all wildlife taken or possessed in violation of law or showing evidence of illegal taking. The Commission proposes to amend the rule to state aquatic wildlife taken in violation of Title 17 or this rule is unlawfully taken.

The Commission proposes to amend the rule to prohibit a person from snagging aquatic wildlife or using a bow and arrow, crossbow, snare, gig, spear or spear gun within 200 yards of a designated swimming area, as indicated by way of posted signs or notices, and fishing pier to protect public health and safety.

R12-4-315. Possession of Live Fish; Unattended Live Boxes and Stringers

The objective of the rule is to establish requirements necessary for the temporary possession of live fish. All freshwater game fish are listed as restricted live wildlife. Under R12-4-406, a person must possess a valid special license and any required federal authorization or have a lawful exemption in order to lawfully possess restricted live wildlife. The rule was adopted to provide a lawful mechanism by which a person can temporarily hold live freshwater game fish.

The Commission proposes to combine R12-4-315 and R12-4-316 (Possession, Transportation, or Importation of Live Baitfish, Crayfish, or Waterdogs) to increase consistency between Commission Orders, rules, and Department publications; with this amendment the Commission will adopt a new rule, R12-4-314, and both R12-4-315 and R12-4-316 will be repealed.

The Commission proposes to amend the title of the rule to Possession, Transportation, or Importation of Aquatic Wildlife to more accurately reflect the subject matter of the rule as amended.

The Commission proposes to amend the rule to add the following native fish to the list of live baitfish that a person may use for live bait: Longfin Dace (*Agosia chrysogaster*), Sonora Sucker (*Catostomus insignis*), Speckled Dace (*Rhynchithys osculus*), and Desert Sucker (*Catostomus clarki*). As a result of the Department's Statewide Sport Fish Stocking Consultation with the U.S. Fish and Wildlife Service, a conservation measure was developed within the Conservation and Mitigation Program to conduct a state-wide live bait use assessment and complete a risk analysis to identify recommendations for live bait management in Arizona. The Live Bait Team evaluated the potential to minimize the risk and threats to native aquatic species, while continuing to maintain live bait use opportunities that have social and economic importance to the angling community. The goal of the live bait management team's recommendations is to prevent the transport and introduction of nonnative live bait and aquatic invasive species, pathogens, and parasites that impinge on the Department's ability to manage the State's aquatic resources. Because the unlawful release or improper use of nonnative live baitfish has resulted in established populations, to better protect native aquatic wildlife and its habitat, the team recommends allowing the use of certain native live baitfish for use in angling.

Both A.R.S. § 17-236(C) and R12-4-307 prohibit a person from disturbing the trap of another unless permitted by the owner. The Commission proposes to amend the rule to prohibit a person from knowingly disturbing the crayfish net, live box, minnow trap, or stringer of another unless authorized to do so by the owner to increase consistency between statute and Commission rules.

R12-4-316. Possession, Transportation, or Importation of Live Baitfish, Crayfish, or Waterdogs

The objective of the rule is to establish restrictions designed to control the introduction of undesirable species and to reduce the likelihood that baitfish, crayfish, and waterdogs (larval salamanders) may be released in waters where they could establish populations that compete with existing and native aquatic wildlife. The rule was adopted to protect and preserve native aquatic wildlife



and habitat.

With this rulemaking, the Commission proposes to combine R12-4-315 (Possession of Live Fish; Unattended Live Boxes and Stringers) and R12-4-316 to increase consistency between Commission Orders, rules, and Department publications; and renumber the rule to R12-4-314 and repeal both R12-4-315 and R12-4-316.

R12-4-317. Seasons for Lawfully Taking Fish, Mollusks, Crustaceans, Amphibians, and Aquatic Reptiles

The objective of the rule is to establish special restrictions and requirements for various seasons to allow the Department to achieve management plans and goals for the preservation and harvest of aquatic wildlife, while providing maximum hunt opportunities for the public. A.R.S. § 17-301(D)(2) authorizes the Commission to adopt rules establishing the taking of wildlife with firearms, with fishing equipment, with archery equipment, or other implements in hand as may be defined. The rule was adopted to ensure consistent interpretation of and compliance with A.R.S. § 17-301(D)(2).

With this rulemaking, the Commission proposes to combine R12-4-313 (Lawful Methods of Taking Aquatic Wildlife) and R12-4-317 to increase consistency between Commission Orders, rules, and Department publications; and repeal this rule.

R12-4-318. Seasons for Lawfully Taking Wild Mammals, Birds, and Reptiles

The objective of the rule is to establish special restrictions and requirements for various hunt structures in order to allow the Department to achieve management goals for the preservation and harvest of wildlife, while at the same time providing maximum wildlife-oriented recreational opportunities for the public. Under A.R.S. § 17-301(D)(2), the Commission has the authority to adopt rules establishing the taking of wildlife with firearms, with fishing equipment, with archery equipment, or other implements in hand as may be defined. The rule was adopted to ensure consistent interpretation of and compliance with A.R.S. § 17-301(D)(2).

The Commission proposes to amend the rule to reference rules where lawful devices are defined to ensure consistent interpretation of terms used within Commission Orders and rules. In the current rule, R12-4-301 is referenced under each season. The Commission proposes to amend the rule to reference R12-4-301 only under subsection (A) to remove redundant language. These changes are made to make the rule more concise.

The availability of hybrid devices (weapons with components from two or more different devices) is increasing. Depending on the species, some hybrid devices may be used for the take of wildlife, while others cannot. The Commission proposes to amend the rule to allow the use of a hybrid device for the taking of wildlife provided all components of the device are authorized for the take of that species. This change is in response to customer comments received by the Department.

The Commission proposes to amend the rule to provide the devices and methods listed under each season by their range of effectiveness, from greatest range to least range to assist persons regulated by the rule; knowing which devices and methods are most effective may aid a person in choosing a device or method for their hunt.

The Commission proposes to amend the rule to reference “muzzleloading handguns” under subsection (C)(7) to ensure persons regulated by the rule are aware that only a muzzleloading handgun is lawful under that season to remove regulatory ambiguity.

The Commission proposes to amend the rule to allow a person to use a single shot pre-charged pneumatic weapon discharging a single projectile .35 caliber or larger as a lawful method of take during a “handgun, archery, and muzzleloader (HAM)” season to provide persons regulated by the rule additional hunter opportunity.

The Commission proposes to amend the rule to allow a person to use a muzzleloading shotgun as a lawful method of take during a “limited weapon-shotgun” season to provide persons regulated by the rule additional hunter opportunity.

The Commission proposes to amend the rule to allow a person to use a muzzleloading shotgun shooting shot as a lawful method of take during a “limited weapon-shotgun shooting shot” season to provide persons regulated by the rule additional hunter opportunity.

R12-4-319. Use of Aircraft to Take Wildlife

The objective of the rule is to prohibit the use of aircraft for the purpose of hunting or harassing wildlife to provide for fair chase and pursuit of game animals. A.R.S. § 17-301(B) states, “A person shall not take wildlife, except aquatic wildlife, or discharge a firearm or shoot any other device from a motor vehicle, including an automobile, aircraft, train or powerboat, or from a sailboat, boat under sail, or a floating object towed by powerboat or sailboat except as expressly permitted by the commission.” The rule was adopted to ensure consistent interpretation of and compliance with A.R.S. § 17-301(B).

In recent years, the availability and use of drones has increased significantly. The Commission proposes to amend R12-4-319 to clarify drones are considered to be aircraft and are not lawful to use for the purpose of locating or assisting in locating wildlife.

R12-4-320. Harassment of Wildlife

The objective of the rule is to prohibit the use of vehicles for the purpose of hunting or harassing wildlife to provide for fair chase and pursuit of game animals. A.R.S. § 17-301(B) states, “A person shall not take wildlife, except aquatic wildlife, or discharge a firearm or shoot any other device from a motor vehicle, including an automobile, aircraft, train or powerboat, or from a sailboat, boat under sail, or a floating object towed by powerboat or sailboat except as expressly permitted by the commission.” The rule was adopted to ensure consistent interpretation of and compliance with A.R.S. § 17-301(B).

The rule prohibits the use of vehicles for the purpose of hunting or harassing wildlife to provide for fair chase and pursuit of game animals. The Commission proposes to amend the rule to provide further clarity to the term “aircraft” by referencing drones. The Commission anticipates these changes will result in a rule that is more understandable.

The Commission proposes to amend R12-4-320 to replace the term “individual” with “person” to increase consistency between Commission rules.



R12-4-321. Restrictions for Taking Wildlife in City, County, or Town Parks and Preserves

The objective of the rule is to establish restrictions for hunting in city, county, or town parks and preserves. The rule was adopted to allow a person to hunt in city, county, or town parks and preserves where possible. The Maricopa County Parks and Recreation Commission and the Arizona Game and Fish Commission entered into an agreement in 1976 with the following stated objective: "To recognize hunting, fishing and trapping as practical methods for harvesting wildlife resources and to limit restrictions on such methods of harvest to recreational facilities and other developments where people are congregated and require safety precautions." The agreement further specifies restrictions necessary to meet the objectives of the agreement. Because the restrictions affect the public and are more restrictive than methods commonly established under R12-4-304, R12-4-313, R12-4-317, and R12-4-318, they are appropriately established within this rule as well as within the agreement. The agreement remains in effect to date without change.

Under R12-4-307(H)(2)(a), a trapper shall not set a trap within one-half mile of certain public use areas. The Commission proposes to amend the rule to incorporate trapping restrictions and increase consistency between Commission rules.

Because some parks have replaced a physical check in station with an online check-in system, the Commission proposes to amend the rule to clarify a hunter shall declare their intent to hunt when the park or preserve has established a check-in process.

The Commission believes the distance restrictions provided in rule are needed to ensure public health and safety. Persons participating in a reptile and amphibian limited weapon hand or hand-held implement season established by Commission Order use their hand or a catch-pole, snake hook, or snake tongs. Because these methods and devices do not use projectiles, they do not pose the same type of hazard; the Commission proposes to amend the rule to exempt persons participating in a reptile and amphibian limited weapon hand or hand-held implement season from the 1/4 and 1/2 mile (440 or 880 yards, as applicable) prohibition when hunting in a city, county, or town park or preserve.

R12-4-322. Pickup and Possession of Wildlife Carcasses or Parts

The objective of the rule is to allow persons to pick up and possess naturally shed antlers, horns, or other wildlife parts that are not fresh without a permit or Department inspection when it can be determined the animal died of natural causes and prohibit the pickup and possession of any threatened or endangered species carcass or its parts. Prior to adopting this rule, law and rule did not adequately address the legality of picking up fresh wildlife parts.

The Commission proposes to amend the rule to allow a Department employee or agent to assist in determining whether an inspection by a law enforcement officer is required to reduce the burden on the Department and persons regulated by the rule. In the event a law enforcement officer is not available, a Department employee or agent who has experience in determining whether an animal died from natural causes may conduct the inspection.

R12-4-401. Live Wildlife Definitions

The objective of the rule is to establish definitions that assist persons regulated by the rule and members of the public in understanding the unique terms that are used throughout Article 4. The rule was adopted to facilitate consistent interpretation of Article 4 rules and to prevent persons regulated by the rule from misinterpreting the intent of Commission rules.

The Commission proposes to transfer the definition of "cervid" under R12-4-401 to R12-4-101 as the term "cervid" is used in Articles 1 and 3.

The Commission proposes to remove the definition of "person" as person is defined under R12-4-101.

6. A reference to any study relevant to the rule that the agency reviewed and proposes to either rely on or 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:

Angers RC, Seward TS, Napier D, Green M, Hoover E, Spraker T, et al. Chronic Wasting Disease Prions in Elk Antler Velvet. *Emerg Infect Dis.* 2009;15(5):696-703. <https://dx.doi.org/10.3201/eid1505.081458>

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

Not applicable

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

The Commission's intent in proposing the amendments listed above is to address the ethical taking and handling of wildlife, increase hunter opportunity, and encourage hunter recruitment and retention. These areas include the use of tags, lawful and unlawful methods of taking and possessing wildlife and wildlife parts, seasons, check-in/check-out requirements, and reporting requirements. The Commission believes the majority of the rulemaking is intended to benefit persons regulated by the rule and the Department by increasing consistency between Commission Order and rule, reducing regulatory ambiguity, clarifying rule language to ease enforcement, creating consistency among existing Commission rules, providing greater opportunities for hunting and fishing, reducing the burden on persons regulated by the rules where practical, allowing the Department additional oversight to handle advances in hunting and angling technology and protecting the spirit of fair chase. As areas within Arizona become increasingly urbanized, more people are now living isolated from nature and outdoor activities such as hunting. As hunters represent a smaller percentage of the overall population, growing segments of society are questioning the validity of hunting including its benefits, how it is conducted, and if it should continue as a legal activity. Regulated hunting fundamentally supports wildlife conservation efforts in North America. The loss of hunting would equate to a measurable loss in conservation efforts. More and more, there exists a general expectation that hunting be conducted under appropriate conditions; animals are taken for legitimate purposes such as food, to accomplish wildlife agency management goals, and to mitigate property damage. It is also expected that the hunting is done sustainably and legally, and that hunters show respect for the land and animals they hunt. In the broadest sense, hunters are guided by a conservation ethic, but the most common term used to describe the actual ethical pursuit of an animal is "fair chase." "Fair Chase" means the ethical and lawful pursuit and take of free-range wildlife in a manner that does not give the hunter or



angler improper or unfair advantage over such wildlife. The following criteria are used to evaluate whether a new technology or practice violates the Fair Chase ethic; does the technology or practice allow a hunter or angler to: locate or take wildlife without acquiring necessary hunting and angling skills or competency; pursue or take wildlife without being physically present and pursuing wildlife in the field; or almost guarantee the harvest of wildlife when the technology or practice prevents wildlife from eluding take. The Commission anticipates the rulemaking will result in an overall benefit to persons regulated by the rule. The Commission anticipates the rulemaking will result in no impact to political subdivisions of this state, private and public employment in businesses, agencies or political subdivisions, or state revenues. The Commission has determined the rulemaking will not require any new full-time employees. The Commission has determined that there are no less intrusive or costly alternative methods of achieving the purpose of the rulemaking. The Department will incur costs related to the cost of rulemaking, developing an electronic check-in/check-out system, and implementing rule changes (administration, training, forms, etc.); although the Department believes that implementing these changes now will result in resource savings in the future. Therefore, the Commission has determined that the benefits of the rulemaking outweigh any costs.

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

Name: Jay Cook, Regional Supervisor FOR6
Address: Arizona Game and Fish Department
7200 E. University Dr.
Mesa, AZ 85207
Telephone: (480) 324-3540
Fax: (480) 324-3596
E-mail: JCook@azgfd.gov

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

Date: May 4, 2018
Time: 8:00 a.m. to 5:00 p.m.
Location: Mohave County Board of Supervisors Auditorium
700 W. Beale St.
Kingman, AZ 86401
Close of record: May 4, 2018

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

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

For R12-4-307, the rule complies with A.R.S. § 41-1037. The trapping license and bobcat seal described in the rule falls within the definition of "general permit" as defined under A.R.S. § 41-1001(11).
For R12-4-309, the rule complies with A.R.S. § 41-1037. The authorization described in the rule falls within the definition of "general permit" as defined under A.R.S. § 41-1001(11).
For R12-4-310, the rule complies with A.R.S. § 41-1037. The permits described in the rule falls within the definition of "general permit" as defined under A.R.S. § 41-1001(11).

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

Except for the rules listed below, federal law is not directly applicable to the subject of the rules. The rules are based on state law.
For R12-4-303 and R12-4-304, Federal regulation 50 C.F.R. 20.21 is applicable to the subject of the rule. 50 C.F.R. 20.21 establishes general requirements, exceptions, and specific provisions for migratory bird hunting. The Commission has determined the rule is not more stringent than the corresponding federal law.
For R12-4-319, Federal regulation 50 C.F.R. 19 is applicable to the subject of the rule. The Commission has determined the rule is not more stringent than the corresponding federal law. 50 C.F.R. 19 establishes general prohibitions and exceptions for the use of aircraft for the taking of wildlife, requirements for the contents and filing of annual reports by the States regarding permits issued for such shooting or harassing, and regulations necessary for effective enforcement of the Fish and Wildlife Act of 1956 as amended. The Commission has determined the rule is not more stringent than the corresponding federal law.

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

The agency has not received an analysis that compares the rule's impact of competitiveness of business in this state to the impact on business in other states.

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

Under R12-4-101, C.F.R. 17.11, revised October 1, 2013.
Under R12-4-101, 50 C.F.R. 10.13 revised October 1, 2014.
Under R12-4-303 and R12-4-304, 50 C.F.R. 20.21, revised October 1, 2015.



13. The full text of the rules follows:

**TITLE 12. NATURAL RESOURCES
CHAPTER 4. GAME AND FISH COMMISSION**

ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

Section
R12-4-101. Definitions

ARTICLE 2. LICENSES; PERMITS; STAMPS; TAGS

Section
R12-4-216. Crossbow Permit

ARTICLE 3. TAKING AND HANDLING OF WILDLIFE

Section
R12-4-301. Definitions
R12-4-302. Use of Tags
R12-4-303. Unlawful Devices, Methods, and Ammunition
R12-4-304. Lawful Methods for Taking Wild Mammals, Birds, and Reptiles
R12-4-305. Possessing, Transporting, Importing, Exporting, and Selling Carcasses or Parts of Wildlife
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R12-4-309. Authorization for Use of Drugs on Wildlife
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R12-4-311. Exemptions from Requirement to Possess an Arizona Fishing License or Hunting License While Taking Wildlife
R12-4-313. Lawful Methods of ~~Taking~~ Take and Seasons for Aquatic Wildlife
R12-4-314. Possession, Transportation, or Importation of Aquatic Wildlife
R12-4-315. ~~Possession of Live Fish; Unattended Live Boxes and Stringers~~ Repeal
R12-4-316. ~~Possession, Transportation, or Importation of Live Baitfish, Crayfish, or Waterdogs~~ Repeal
R12-4-317. ~~Seasons for Lawfully Taking Fish, Mollusks, Crustaceans, Amphibians, and Aquatic Reptiles~~ Repeal
R12-4-318. Seasons for Lawfully Taking Wild Mammals, Birds, and Reptiles
R12-4-319. Use of Aircraft to Take Wildlife
R12-4-320. Harassment of Wildlife
R12-4-321. Restrictions for Taking Wildlife in City, County, or Town Parks and Preserves
R12-4-322. Pickup and Possession of Wildlife Carcasses or Parts

ARTICLE 4. LIVE WILDLIFE

Section
R12-4-401. Live Wildlife Definitions

**TITLE 12. NATURAL RESOURCES
CHAPTER 4. GAME AND FISH COMMISSION**

ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

R12-4-101. Definitions

A. In addition to the definitions provided under A.R.S. § 17-101, R12-4-301, R12-4-401, and R12-4-501, the following definitions apply to this Chapter, unless otherwise specified:

“Bobcat seal” means the tag a person is required to attach to the raw pelt or unskinned carcass of any bobcat taken by trapping in Arizona or exported out of Arizona regardless of the method of take.

“Bonus point” means a credit that authorizes the Department to issue an applicant an additional computer-generated random number.

“Bow” means a long bow, flat bow, recurve bow, or compound bow of which the bowstring is drawn and held under tension entirely by the physical power of the shooter through all points of the draw cycle until the shooter purposely acts to release the bowstring either by relaxing the tension of the toes, fingers, or mouth or by triggering the release of a hand-held release aid.

“Certificate of insurance” means an official document, issued by the sponsor's and sponsor's vendors, or subcontractors insurance carrier, providing insurance against claims for injury to persons or damage to property which may arise from, or in connection with, the solicitation or event as determined by the Department.

“Cervid” means a mammal classified as a Cervidae, which includes but is not limited to caribou, elk, moose, mule deer, reindeer, wapiti, and whitetail deer; as defined in the taxonomic classification from the Integrated Taxonomic Information System, available online at www.itis.gov.

“Commission Order” means a document adopted by the Commission that does one or more of the following:



- Open, close, or alter seasons,
- Open areas for taking wildlife,
- Set bag or possession limits for wildlife,
- Set the number of permits available for limited hunts, or
- Specify wildlife that may or may not be taken.

“Crossbow” means a device consisting of a bow affixed on a stock having a trigger mechanism to release the bowstring.

“Day-long” means the 24-hour period from one midnight to the following midnight.

“Department property” means those buildings or real property and wildlife areas under the jurisdiction of the Arizona Game and Fish Commission.

“Export” means to carry, send, or transport wildlife or wildlife parts out of Arizona to another state or country.

“Firearm” means any loaded or unloaded handgun, pistol, revolver, rifle, shotgun, or other weapon that will discharge, is designed to discharge, or may readily be converted to discharge a projectile by the action of an explosion caused by the burning of smokeless powder, black powder, or black powder substitute.

“Handgun” means a firearm designed and intended to be held, gripped, and fired by one or more hands and that uses the energy from an explosive in a fixed cartridge to fire a single projectile through a barrel for each single pull of the trigger.

“Hunt area” means a management unit, portion of a management unit, or group of management units, or any portion of Arizona described in a Commission Order and not included in a management unit, opened to hunting.

“Hunt number” means the number assigned by Commission Order to any hunt area where a limited number of hunt permits are available.

“Hunt permits” means the number of hunt permit-tags made available to the public as a result of a Commission Order.

“Hunt permit-tag” means a tag for a hunt for which a Commission Order has assigned a hunt number.

“Identification number” means the number assigned to each applicant or license holder by the Department as established under R12-4-111.

“Import” means to bring, send, receive, or transport wildlife or wildlife parts into Arizona from another state or country.

“License dealer” means a business authorized to sell hunting, fishing, and other licenses as established under ~~to~~ R12-4-105.

“Live baitfish” means any species of live freshwater fish designated by Commission Order as lawful for use in taking aquatic wildlife under R12-4-317.

“Management unit” means an area established by the Commission for management purposes.

“Nonpermit-tag” means a tag for a hunt for which a Commission Order does not assign a hunt number and the number of tags is not limited.

“Nonprofit organization” means an organization that is recognized under Section 501(c) of the U.S. Internal Revenue Code.

“Person” has the meaning as provided under A.R.S. § 1-215.

“Proof of purchase,” for the purposes of A.R.S. § 17-331, means an original, or any authentic and verifiable form of the original, of any Department-issued license, permit, or stamp that establishes proof of actual purchase.

“Restricted nonpermit-tag” means a tag issued for a supplemental hunt as established under R12-4-115.

“Solicitation” means any activity that may be considered or interpreted as promoting, selling, or transferring products, services, memberships, or causes, or participation in an event or activity of any kind, including organizational, educational, public affairs, or protest activities, including the distribution or posting of advertising, handbills, leaflets, circulars, posters, or other printed materials for these purposes.

“Solicitation material” means advertising, circulars, flyers, handbills, leaflets, posters, or other printed information.

“Sponsor” means the person or persons conducting a solicitation or event.

“Stamp” means a form of authorization in addition to a license that authorizes the license holder to take wildlife specified by the stamp.

“Tag” means the Department authorization a person is required to obtain before taking certain wildlife as established under A.R.S. Title 17 and 12 A.A.C. 4.

“Waterdog” means the larval or metamorphosing stage of a salamander.

“Wildlife area” means an area established under 12 A.A.C. 4, Article 8.

B. If the following terms are used in a Commission Order, the following definitions apply:

“Antlered” means having an antler fully erupted through the skin and capable of being shed.

“Antlerless” means not having an antler, antlers, or any part of an antler erupted through the skin.

“Bearded turkey” means a turkey with a beard that extends beyond the contour feathers of the breast.

“Buck antelope” means a male pronghorn antelope.

“Adult bull ~~buffalo~~ bison” means a male ~~buffalo~~ bison of any age or any ~~buffalo~~ bison designated by a Department employee during an adult bull ~~buffalo~~ bison hunt.



“Adult cow ~~buffalo~~ bison” means a female ~~buffalo~~ bison of any age or any ~~buffalo~~ bison designated by a Department employee during an adult cow ~~buffalo~~ bison hunt.

“Bull elk” means an antlered elk.

“Designated” means the gender, age, or species of ~~an animal~~ wildlife or the specifically identified ~~animal~~ wildlife the Department authorizes to be taken and possessed with a valid tag.

“Ram” means any male bighorn sheep.

“Rooster” means a male pheasant.

“Yearling ~~buffalo~~ bison” means any ~~buffalo~~ bison less than three years of age or any ~~buffalo~~ bison designated by a Department employee during a yearling ~~buffalo~~ bison hunt.

ARTICLE 2. LICENSES; PERMITS; STAMPS; TAGS

R12-4-216. Crossbow Permit

- A. For the purposes of this Section, “healthcare provider” means a person who is licensed to practice by the federal government, any state, or U.S. territory with one of the following credentials:
 Medical Doctor,
 Doctor of Osteopathy,
 Doctor of Chiropractic,
 Nurse Practitioner, or
 Physician Assistant.
- B. A crossbow permit allows a person to use ~~a crossbow or any bow to be drawn and held with an assisting device, the following devices~~ during an archery-only season, as prescribed under R12-4-318, when authorized under R12-4-304 as lawful for the species hunted:
 1. ~~A crossbow as defined under R12-4-101.~~
 2. ~~Any bow to be drawn and held with an assisting device, or~~
 3. ~~Pre-charged pneumatic weapons, as defined under R12-4-301, using arrows or bolts.~~
- C. The crossbow permit does not exempt the permit holder from any other applicable method of take or licensing requirement. The permit holder shall be responsible for compliance with all applicable regulatory requirements.
- D. The crossbow permit does not expire, unless:
 1. The medical certification portion of the application indicates the person has a temporary physical disability; then the crossbow permit shall be valid only for the period of time indicated on the crossbow permit as specified by the healthcare provider,
 2. The permit holder no longer meets the criteria for obtaining the crossbow permit, or
 3. The Commission revokes the person’s hunting privileges under A.R.S. § 17-340. A person whose crossbow permit is revoked by the Commission may petition the Commission for a rehearing as established under R12-4-607.
- E. An applicant for a crossbow permit shall apply by submitting an application to the Department. The application form is furnished by the Department and is available at any Department office and online at www.azgfd.gov. A crossbow permit applicant shall provide all of the following information on the application:
 1. The applicant's:
 a. Name;
 b. Date of birth;
 c. Physical description, to include the applicant's eye color, hair color, height, and weight;
 d. Department identification number, when applicable;
 e. Residency status;
 f. Mailing address, when applicable;
 g. Physical address;
 h. Telephone number, when available; and
 i. E-mail address, when available;
 2. Affirmation that:
 a. The applicant meets the requirements of this Section, and
 b. The information provided on the application is true and accurate, and
 3. Applicant’s signature and date.
 4. The certification portion of the application shall be completed by a healthcare provider. The healthcare provider shall:
 a. Certify the applicant has one or more of the following physical limitations:
 i. An amputation involving body extremities required for stable function to use conventional archery equipment;
 ii. A spinal cord injury resulting in a disability to the lower extremities, leaving the applicant nonambulatory;
 iii. A wheelchair restriction;
 iv. A neuromuscular condition that prevents the applicant from drawing and holding a bow;
 v. A failed functional draw test that equals 30 pounds of resistance and involves holding it for four seconds;
 vi. A failed manual muscle test involving the grading of shoulder and elbow flexion and extension or an impaired range-of-motion test involving the shoulder or elbow; or
 vii. A combination of comparable physical disabilities resulting in the applicant's inability to draw and hold a bow.
 b. Indicate whether the disability is temporary or permanent and, when temporary, specify the expected duration of the physical limitation; and
 c. Provide the healthcare provider's:
 i. Typed or printed name,
 ii. License number,
 iii. Business address,



- iv. Telephone number, and
- v. Signature and date;
- 5. A person who holds a valid Challenged Hunter Access/Mobility Permit (CHAMP) and who is applying for a crossbow permit is exempt from the requirements of subsection (E)(4) and shall indicate "CHAMP" in the space provided for the medical certification on the crossbow permit application.
- F. All information and documentation provided by the applicant is subject to Department verification. The Department shall return the original or certified copy of a document to the applicant after verification.
- G. The Department shall deny a crossbow permit when the applicant:
 - 1. Fails to meet the criteria prescribed under this Section,
 - 2. Fails to comply with the requirements of this Section, or
 - 3. Provides false information during the application process.
- H. The Department shall provide written notice to the applicant stating the reason for the denial. The applicant may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- I. The applicant claiming a temporary or permanent disability is responsible for all costs associated with obtaining the medical documentation, re-evaluation of the information, or a second medical opinion.
- J. When acting under the authority of a crossbow permit, the crossbow permit holder shall possess the permit, and exhibit the permit upon request to any peace officer, wildlife manager, or game ranger.
- K. A crossbow permit holder shall not:
 - 1. Transfer the permit to another person, or
 - 2. Allow another person to use or possess the permit.

ARTICLE 3. TAKING AND HANDLING OF WILDLIFE

R12-4-301. Definitions

In addition to the definitions provided under A.R.S. § 17-101 and R12-4-101, the following definitions apply to this Article unless otherwise specified:

"Administer" means to ~~pursue, capture, or otherwise restrain wildlife in order to~~ directly apply a drug directly to wildlife by injection, inhalation, ingestion, or any other means.

"Aircraft" means any contrivance used for flight in the air or any lighter-than-air contrivance, including unmanned aircraft systems also known as drones.

"Artificial ~~lures and flies and lures~~" means man-made devices intended as visual attractants ~~for to catch fish and~~ Artificial flies and lures does not include living or dead organisms or edible parts of those organisms, natural or prepared food stuffs, ~~artificial salmon eggs, artificial corn, or artificial marshmallows~~ chemicals or organic materials intended to create a scent, flavor, or chemical stimulant to the device regardless of whether it is added or applied during or after the manufacturing process.

"Barbless hook" means any ~~fishhook~~ fish hook manufactured without barbs or on which the barbs have been completely closed or removed.

"Body-gripping trap" means a device designed to capture an animal by gripping the animal's body.

"Cervid" means ~~any member of the deer family (Cervidae); which includes caribou, elk, moose, mule deer, reindeer, wapiti, and whitetail deer.~~

"Confinement trap" means a device designed to capture wildlife alive and hold it without harm.

"Crayfish net" means a net that does not exceed 36 inches on a side or in diameter and is retrieved by means of a hand-held line.

"Deadly weapon" has the same meaning as provided under A.R.S. § 13-3101.

"Device" has the same meaning as provided under A.R.S. § 17-101.

"Dip net" means any net, excluding the handle, that is no greater than ~~3~~ three feet in the greatest dimension, that is hand-held, non-motorized, and the motion of the net is caused by the physical effort of the ~~individual person.~~

"Drug" means any chemical substance, other than food or mineral supplements, ~~which~~ that affects the structure or biological function of wildlife.

"Developed water source" means any developed, placed, or man-made structure that collects or stores water with the primary purpose of providing water to wildlife or livestock.

"Edible portions of game meat" means, for:

Upland game birds, migratory game birds and wild turkey: breast.

Bear, bighorn sheep, bison, deer, elk, javelina, mountain lion, and pronghorn antelope: front quarters, hind quarters, loins (backstraps), neck meat, and tenderloins.

Game fish: fillets of the fish.

"Evidence of legality" means the wildlife is accompanied by the applicable license, tag, stamp, or permit required by law and is identifiable as the "legal wildlife" prescribed by Commission Order, which may include evidence of species, gender, antler or horn growth, maturity, and size.

"Foothold trap" means a device designed to capture an animal by the leg or foot.

"Hybrid device" means a device with a combination of components from two or more lawful devices and is used for the take of wildlife, such as but not limited to a firearm, pneumatic weapon, or slingshot that shoots arrows or bolts.



“Instant kill trap” means a device designed to render an animal unconscious and insensitive to pain quickly with inevitable subsidence into death without recovery of consciousness.

“Land set” means any trap used on land rather than in water.

“Live-action trail camera” means an unmanned device capable of transmitting images, still photographs, video, or satellite imagery, wirelessly to a remote device such as but not limited to a computer, smart phone, or tablet. This does not include a trail camera that only records photographic or video data and stores the data for later use, provided the device is not capable of transmitting data wirelessly.

“Minnow trap” means a trap with dimensions that do not exceed 12 inches in depth, 12 inches in width, and 24 inches in length.

“Muzzleloading handgun” means a firearm intended to be fired from the hand, incapable of firing fixed ammunition, ~~having a single barrel, and loaded through the muzzle~~ with black powder or synthetic black powder and a single projectile.

“Muzzleloading rifle” means a firearm intended to be fired from the shoulder, incapable of firing fixed ammunition, having a single barrel ~~and single chamber~~, and loaded through the muzzle with black powder or synthetic black powder and a single projectile.

“Muzzleloading shotgun” means a firearm intended to be fired from the shoulder, incapable of firing fixed ammunition, having a single or double smooth barrel and loaded through the muzzle with black powder or synthetic black powder and using ball shot as a projectile.

“Nonprofit organization” means an organization that is recognized as nonprofit under Section 501(c) of the U.S. Internal Revenue Code.

“Paste-type bait” means a partially liquefied substance used as a lure for animals.

“Person” means any individual, corporation, partnership, limited liability company, non-governmental organization or club, licensed animal shelter, government entity other than the Department, and any officer, employee, volunteer, member or agent of a person.

“Pneumatic weapon” means a device that fires a projectile by means of air pressure or compressed gas. This does not include tools that are common in the construction and art trade such as, but not limited to, nail and rivet guns.

“Pre-charged pneumatic weapon” means an air gun or pneumatic weapon that is charged from ~~an external~~ a high compression source such as an air compressor, air tank, or internal or external hand pump.

“Prohibited possessor” has the same meaning as provided under A.R.S. § 13-3101.

“Prohibited weapon” has the same meaning as provided under A.R.S. § 13-3101.

“Rifle” means a firearm intended to be fired from the shoulder that uses the energy from an explosive in a fixed cartridge to fire a single projectile through a rifled bore for each single pull of the trigger. This does not include a pre-charged pneumatic weapon.

“Shotgun” means a firearm intended to be fired from the shoulder and that uses the energy from an explosive in a fixed shotgun shell to fire either ball shot or a single projectile through a smooth bore or rifled barrel for each pull of the trigger.

“Sight-exposed bait” means a carcass, or parts of a carcass, lying openly on the ground or suspended in a manner so that it can be seen from above by a bird. This does not include a trap flag, dried or bleached bone with no attached tissue, or less than two ounces of paste-type bait.

“Simultaneous fishing” means taking fish by using only two lines at one time and not more than two hooks or two artificial flies or lures ~~or flies~~ per line.

“Single-point barbless hook” means a fishhook with a single point, manufactured without barbs, or on which the barbs have been completely closed or removed. This does not include a treble fishhook.

“Sinkbox” means a low-floating device with a depression that affords a hunter a means of concealment beneath the surface of the water.

“Smart device” means any device equipped with a target-tracking system or an electronically-controlled, electronically-assisted, or computer-linked trigger or release. This includes but is not limited to smart rifles.

“Trap flag” means an attractant made from materials other than animal parts that is suspended at least three feet above the ground.

“Water set” means any trap used and anchored in water rather than on land.

R12-4-302. Use of Tags

- A. In addition to meeting requirements prescribed under A.R.S. § 17-331, ~~an individual~~ a person who takes wildlife shall have in possession any tag required for the particular season or hunt area.
- B. A tag obtained in violation of statute or rule is invalid and shall not be used to take, transport, or possess wildlife.
- C. ~~An individual~~ A person who lawfully possesses both a nonpermit-tag and a hunt permit-tag shall not take a genus or species in excess of the bag limit established by Commission Order for that genus or species.
- D. ~~An individual~~ A person shall:
 1. Take and tag only the wildlife identified on the tag; ~~and,~~
 2. Use a tag only in the season and hunt for which the tag is valid; as specified by Commission Order.
- E. Except as permitted under R12-4-217, ~~an individual~~ a person shall not:
 1. Allow their tag to be attached to wildlife killed by another ~~individual~~ person,
 2. Allow their tag to be possessed by another ~~individual who is in a hunt area~~ person while taking wildlife,
 3. Allow wildlife killed by that person to be tagged with another person's tag,
 - 3-4. Attach their tag to wildlife killed by another ~~individual~~ person,
 4. Attach a tag issued to another individual to wildlife, or
 5. Possess a tag issued to another ~~individual~~ person while ~~in a hunt area~~ taking wildlife.



- F. Except as permitted under R12-4-217, immediately after ~~an individual~~ a person kills wildlife, the ~~individual~~ person shall attach the tag to the wildlife carcass in the manner indicated on the tag.
- G. ~~An individual~~ A person who lawfully takes wildlife with a valid tag and authorizes another ~~individual~~ person to possess, transport, or ship the tagged portion of the carcass shall complete the Transportation and Shipping Permit portion of the original tag authorizing the take of that ~~animal~~ wildlife.
- H. If a tag is cut, notched, mutilated, or the Transportation and Shipping Permit portion of the tag is signed or filled out, the tag is no longer valid for the take of wildlife.

R12-4-303. Unlawful Devices, Methods, and Ammunition

- A. In addition to the prohibitions prescribed under A.R.S. §§ 17-301 and 17-309, the following devices, methods, and ammunition are unlawful for taking any wildlife in this state:
 1. ~~An individual~~ A person shall not use any of the following to take wildlife:
 - a. Fully automatic firearms, including firearms capable of selective automatic fire; or
 - b. Tracer, armor-piercing, or full-jacketed ~~ammunition~~ bullets that are not designed for military use to expand upon impact,
 - c. Any smart device as defined under R12-4-301, or
 - d. Any self-guided projectiles.
 2. ~~An individual~~ A person shall not use or possess any of the following while taking wildlife:
 - a. Poisoned projectiles or projectiles that contain explosives or a secondary propellant;
 - b. Pitfalls of greater than 5-gallon size, explosives, poisons, or stupefying substances, except as permitted under A.R.S. § 17-239 or as allowed by a scientific collecting permit issued under A.R.S. § 17-238;
 - c. Any lure, attractant, or cover scent containing any cervid urine; ~~or~~
 - d. Electronic night vision equipment, electronically enhanced light-gathering devices, thermal imaging devices or laser sights projecting a visible light; except for devices such as laser range finders projecting a non-visible light, scopes with self-illuminating reticles, and fiber optic sights with self-illuminating sights or pins that do not project a visible light onto an animal.
 3. ~~An individual~~ A person shall not by any means:
 - a. Hold wildlife at bay other than during daylight hours, unless authorized by Commission Order.
 - b. Injure, confine, ~~or~~ place, or use a tracking device in or on wildlife for the purpose of taking or aiding ~~another individual to~~ in the take of wildlife.
 - c. Place any substance, device, or object in, on, or by any water source to prevent wildlife from using that water source.
 - d. Place any substance in a manner intended to attract bears.
 - e. Use a manual or powered jacking or prying device to take reptiles or amphibians.
 - f. Use dogs to pursue, tree, corner or hold at bay any wildlife for a hunter, unless that hunter is present for the entire hunt.
 - g. Take migratory game birds, except Eurasian ~~Collared~~ collared-doves, using a shotgun larger than 10 gauge, a shotgun of any description capable of holding more than three shells unless it is plugged with a one piece filler that cannot be removed without disassembling the shotgun so that its total capacity does not exceed three shells, electronically amplified bird calls, or baits, as prohibited under 50 CFR 20.21, revised October 1, 2009. The material incorporated by reference in this Section does not include any later amendments or editions. The incorporated material is available at any Department office, online from the Government Printing Office web site www.gpoaccess.gov, or may be ordered from the Superintendent of Documents, U.S. Government Printing Office, 732 N. Capitol St. N.W., Stop IDCC, Washington, D.C. 20401:
 - i. Using a shotgun larger than 10 gauge, a shotgun of any description capable of holding more than three shells unless it is plugged with a one-piece filler that cannot be removed without disassembling the shotgun so that its total capacity does not exceed three shells;
 - ii. Using electronically amplified bird calls or baits;
 - iii. By means or aid of any motordriven land, water, or air conveyance, or any sailboat used for the purpose of or resulting in the concentrating, driving, rallying, or stirring up of any migratory bird.
 - iv. Activities described under subsections (g)(i) through (g)(iii) are prohibited under 50 C.F.R. 20.21, revised October 1, 2015. The material incorporated by reference in this Section does not include any later amendments or editions. The incorporated material is available at any Department office, online from the Government Printing Office website www.gpoaccess.gov, or may be ordered from the Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000.
 - h. Discharge a ~~pneumatic weapon .30 caliber or larger~~ any of the following devices while taking wildlife within one-fourth mile (440 yards) of an occupied farmhouse or other residence, cabin, lodge or building without permission of the owner or resident:
 - i. Arrow or bolt,
 - ii. Hybrid device, or
 - iii. Pneumatic weapon .35 caliber or larger.
 4. A person shall not use a live-action trail camera, or images from a live-action trail camera, for the purpose of:
 - a. Taking or aiding in the take of wildlife, or
 - b. Locating wildlife for the purpose of taking or aiding in the take of wildlife.
 5. A person shall not use any trail camera, or images from a trail camera, for the purpose of taking or aiding in the take of wildlife within one-fourth mile (440 yards) of the outer perimeter of a developed water source.
 6. A person shall not use a satellite or other device that orbits the earth, or images from a satellite or other device that orbits the earth, and is equipped to produce and transmit images for the purpose of:
 - a. Taking or aiding in the take of wildlife, or
 - b. Locating wildlife for the purpose of taking or aiding in the take of wildlife.



- 4.7. ~~An individual~~ A person shall not use edible or ingestible substances to aid in taking big game. The use of edible or ingestible substances to aid in taking big game is unlawful when:
- ~~An individual~~ A person places edible or ingestible substances for the purpose of attracting or taking big game, or
 - ~~An individual~~ A person knowingly takes big game with the aid of edible or ingestible substances placed for the purpose of attracting wildlife to a specific location.
- 5.8. Subsection ~~(A)(4)~~ (A)(7) does not limit Department employees or Department agents in the performance of their official duties.
- 6.9. For the purposes of subsection ~~(A)(4)~~ (A)(7), edible or ingestible substances do not include any of the following:
- Water.
 - Salt.
 - Salt-based materials produced and manufactured for the livestock industry.
 - Nutritional supplements produced and manufactured for the livestock industry and placed during the course of livestock or agricultural operations.

B. It is unlawful for a person who is a prohibited possessor to take wildlife with a deadly weapon or prohibited weapon.

~~B.C.~~ Wildlife taken in violation of this Section is unlawfully taken.

~~C.D.~~ This Section does not apply to any activity allowed under A.R.S. § 17-302, to ~~an individual~~ a person acting within the scope of their official duties as an employee of the state or United States, or as authorized by the Department.

R12-4-304. Lawful Methods for Taking Wild Mammals, Birds, and Reptiles

A. A hybrid device is lawful for the take of wildlife provided all components of the device are authorized for the take of that species under this Section.

B. An individual A person may only use the following methods to take big game when authorized by Commission Order and subject to the restrictions under R12-4-303 and R12-4-318.

1. ~~To take antelope:~~

- ~~Centerfire rifles;~~
- ~~Muzzleloading rifles;~~
- ~~All other rifles using black powder or synthetic black powder;~~
- ~~Centerfire handguns;~~
- ~~Handguns using black powder or synthetic black powder;~~
- ~~Shotguns shooting slugs, only;~~
- ~~Pre-charged pneumatic weapons .35 caliber or larger;~~
- ~~Bows with a standard pull of 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges; and~~
- ~~Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(1)(h) to be drawn and held with an assisting device.~~

2.1. ~~To take bear:~~

- ~~Centerfire rifles;~~
- ~~Muzzleloading rifles;~~
- ~~All other rifles using black powder or synthetic black powder;~~
- ~~Centerfire handguns;~~
- ~~Handguns using black powder or synthetic black powder~~ Muzzleloading handguns;
- ~~Shotguns shooting slugs, only;~~
- ~~Pre-charged pneumatic weapons .35 caliber or larger;~~
- Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges and capable of firing a minimum of 250 feet per second;
- ~~Bows with a standard pull of 30 or more lbs pounds, using arrows with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges;~~
- ~~Crossbows with a minimum draw weight of 125 lbs pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges or bows as described in subsection (A)(2)(h) (B)(1)(i) to be drawn and held with an assisting device; and~~
- ~~Pursuit with dogs only between August 1 and December 31, provided the individual person shall immediately kill or release the bear after it is treed, cornered, or held at bay. For the purpose of this subsection, "release" means the individual person removes the dogs from the area so the bear can escape on its own after it is treed, cornered, or held at bay.~~

3.2. ~~To take bighorn sheep:~~

- ~~Centerfire rifles;~~
- ~~Muzzleloading rifles;~~
- ~~All other rifles using black powder or synthetic black powder;~~
- ~~Centerfire handguns;~~
- ~~Handguns using black powder or synthetic black powder~~ Muzzleloading handguns;
- ~~Shotguns shooting slugs, only;~~
- ~~Pre-charged pneumatic weapons .35 caliber or larger;~~
- Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges and capable of firing a minimum of 250 feet per second;
- ~~Bows with a standard pull of 30 or more lbs pounds, using arrows with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges; and~~



- i-j. Crossbows with a minimum draw weight of 125 ~~lbs~~ pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges or bows as described in subsection ~~(A)(3)(h)~~ (B)(2)(i) to be drawn and held with an assisting device.
- 4-3. To take ~~buffalo bison~~:
 - a. ~~State-wide~~ Statewide, except for the ~~game~~ management units identified under subsection ~~(A)(4)(b)~~ (B)(3)(b):
 - i. Centerfire rifles;
 - ii. Muzzleloading rifles;
 - iii. All other rifles using black powder or synthetic black powder;
 - iv. Centerfire handguns no less than .41 Magnum or centerfire handguns with an overall cartridge length of no less than two inches;
 - v. Pre-charged pneumatic weapons 40 caliber or larger a minimum of 500 foot pounds of energy;
 - vi. Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges and capable of firing a minimum of 300 feet per second; and
 - ~~vii.~~ Bows with a standard pull of 40 or more lbs pounds, using arrows with broadheads of no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges; and
 - ~~viii.~~ Crossbows with a minimum draw weight of 125 lbs pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges or bows as described in subsection ~~(A)(4)(a)~~ (B)(3)(a)(vi) to be drawn and held with an assisting device.
 - b. In ~~game management units~~ Management Units 5A and 5B:
 - i. Centerfire rifles,
 - ii. Muzzleloading rifles, and
 - iii. All other rifles using black powder or synthetic black powder.
- 5-4. To take deer:
 - a. Centerfire rifles;
 - b. Muzzleloading rifles;
 - c. All other rifles using black powder or synthetic black powder;
 - d. Centerfire handguns;
 - e. ~~Handguns using black powder or synthetic black powder~~ Muzzleloading handguns;
 - f. Shotguns shooting slugs, only;
 - g. Pre-charged pneumatic weapons .35 caliber or larger;
 - h. Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges and capable of firing a minimum of 250 feet per second;
 - ~~h-i.~~ Bows with a standard pull of 30 or more lbs pounds, using arrows with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges; and
 - i-j. Crossbows with a minimum draw weight of 125 ~~lbs~~ pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges or bows as described in subsection ~~(A)(5)(h)~~ (B)(4)(i) to be drawn and held with an assisting device.
- 6-5. To take elk:
 - a. Centerfire rifles;
 - b. Muzzleloading rifles;
 - c. All other rifles using black powder or synthetic black powder;
 - d. Centerfire handguns;
 - e. ~~Handguns using black powder or synthetic black powder~~ Muzzleloading handguns;
 - f. Shotguns shooting slugs, only;
 - g. Pre-charged pneumatic weapons 40 caliber or larger and capable of firing a minimum of 500 foot pounds of energy;
 - h. Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges and capable of firing a minimum of 250 feet per second;
 - ~~g-i.~~ Bows with a standard pull of 30 or more lbs pounds, using arrows with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges; and
 - ~~h-j.~~ Crossbows with a minimum draw weight of 125 lbs pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges or bows as described in subsection ~~(A)(6)(g)~~ (B)(5)(h) to be drawn and held with an assisting device.
- 7-6. To take javelina:
 - a. Centerfire rifles;
 - b. Muzzleloading rifles;
 - c. All other rifles using black powder or synthetic black powder;
 - d. Centerfire handguns;
 - e. ~~Handguns using black powder or synthetic black powder~~ Muzzleloading handguns;
 - f. Shotguns shooting slugs, only;
 - g. Pre-charged pneumatic weapons .35 caliber or larger;
 - h. Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges and capable of firing a minimum of 250 feet per second;
 - ~~h-i.~~ Bows with a standard pull of 30 or more lbs pounds, using arrows with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges;



- i-j. Crossbows with a minimum draw weight of 125 ~~lbs~~ pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges or bows as described in subsection (A)(7)(h) ~~(B)(6)(i)~~ to be drawn and held with an assisting device;
- j-k. .22 rimfire magnum rifles; and
- k-l. 5 mm rimfire magnum rifles.
- 8-7. To take mountain lion:
- Centerfire rifles;
 - Muzzleloading rifles;
 - All other rifles using black powder or synthetic black powder;
 - Centerfire handguns;
 - ~~Handguns using black powder or synthetic black powder~~ Muzzleloading handguns;
 - Shotguns shooting slugs or shot;
 - Pre-charged pneumatic weapons .35 caliber or larger;
 - Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges and capable of firing a minimum of 250 feet per second;
 - i. Bows with a standard pull of 30 or more ~~lbs~~ pounds, using arrows with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges;
 - j. Crossbows with a minimum draw weight of 125 ~~lbs~~ pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges or bows as described in subsection (A)(8)(h) ~~(B)(7)(i)~~ to be drawn and held with an assisting device;
 - k. Artificial light, during seasons with day-long hours, provided the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail; and
 - l. Pursuit with dogs, provided the ~~individual person~~ shall immediately kill or release the mountain lion after it is treed, cornered, or held at bay. For the purpose of this subsection, "release" means the ~~individual person~~ removes the dogs from the area so the mountain lion can escape on its own after it is treed, cornered, or held at bay.
8. To take pronghorn antelope:
- Centerfire rifles;
 - Muzzleloading rifles;
 - All other rifles using black powder or synthetic black powder;
 - Centerfire handguns;
 - Muzzleloading handguns;
 - Shotguns shooting slugs, only;
 - Pre-charged pneumatic weapons .35 caliber or larger;
 - Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges and capable of firing a minimum of 250 feet per second;
 - i. Bows with a standard pull of 30 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges; and
 - j. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges or bows as described in subsection (B)(8)(i) to be drawn and held with an assisting device.
9. To take turkey:
- Shotguns shooting shot;
 - Bows with a standard pull of 30 or more ~~lbs~~ pounds, using arrows with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges; and
 - Crossbows with a minimum draw weight of 125 ~~lbs~~ pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges or bows as described in subsection (A)(9)(b) ~~(B)(9)(b)~~ to be drawn and held with an assisting device.
 - Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges and capable of firing a minimum of 250 feet per second;
- ~~B-C. An individual~~ A person may only use the following methods to take small game, when authorized by Commission Order and subject to the restrictions under R12-4-303 ~~and~~, R12-4-318, ~~and~~ R12-4-422.
- To take cottontail rabbits and tree squirrels:
 - Firearms,
 - Bow and arrow,
 - Crossbow,
 - Pneumatic weapons,
 - Slingshots,
 - Hand-held projectiles,
 - Falconry, and
 - Dogs.
 - To take all upland game birds and Eurasian ~~Collared~~ collared-dove:
 - Bow and arrow;
 - Falconry;
 - Pneumatic weapons;
 - Shotguns shooting shot, only;



- e. Handguns shooting shot, only;
 - f. Crossbow;
 - g. Slingshot;
 - h. Hand-held projectiles; and
 - i. Dogs.
3. To take migratory game birds, except Eurasian ~~Collared~~ collared-dove:
- a. Bow and arrow;
 - b. Crossbow;
 - c. Falconry;
 - d. Dogs;
 - e. Shotguns shooting shot:
 - i. Ten gauge or smaller, except that lead shot shall not be used or possessed while taking ducks, geese, swans, mergansers, common moorhens, or coots; and
 - ii. Incapable of holding more than a total of three shells; as prescribed under 50 ~~CFR C.F.R.~~ 20.21, published October 1, 2009 2015. The material incorporated by reference in this subsection does not include any later amendments or editions. The material is available at any Department office, online from the Government Printing Office ~~web site~~ website www.gpoaccess.gov, or may be ordered from the Superintendent of Documents, ~~U.S. Government Printing Office, 732 N. Capitol St. N.W., Stop: IDCC, Washington, D.C. 20401~~ P.O. Box 979050, St. Louis, MO 63197-9000.

C.D. ~~An individual~~ A person may take waterfowl from any watercraft, except a sinkbox, subject to the following conditions:

- 1. The motor is shut off, the sail is furled, as applicable, and any progress from a motor or sail has ceased;
- 2. The watercraft may be:
 - a. Adrift as a result of current or wind action;
 - b. Beached;
 - c. Moored;
 - d. Resting at anchor; or
 - e. Propelled by paddle, oars, or pole; and
- 3. The ~~individual~~ person may only use the watercraft under power to retrieve dead or crippled waterfowl; shooting is prohibited while the watercraft is underway under power.

D.E. ~~An individual~~ A person may take predatory and ~~fur-bearing~~ fur-bearing animals by using the following methods, when authorized by Commission Order and subject to the restrictions under R12-4-303 and R12-4-318:

- 1. Firearms;
- 2. Pre-charged pneumatic weapons .22 caliber or larger;
- 3. Bow and arrow;
- 4. Crossbow;
- 5. Traps not prohibited under R12-4-307;
- 6. Artificial light while taking raccoon provided the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail;
- 7. Artificial light while taking coyote during seasons with day-long hours, provided the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail; and
- 8. Dogs.

E.F. ~~An individual~~ A person may take nongame mammals and birds by any method authorized by Commission Order and not prohibited under R12-4-303 ~~or~~ R12-4-318, and R12-4-422, subject to the following restrictions. ~~An individual~~ A person:

- 1. Shall not take nongame mammals and birds using foothold traps;
- 2. Shall check pitfall traps of any size daily, release non-target species, remove pitfalls when no longer in use, and fill any holes;
- 3. Shall not use firearms at night; and
- 4. May use artificial light while taking nongame mammals and birds, if the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail.

F.G. ~~An individual~~ A person may take reptiles by any method not prohibited under R12-4-303 or R12-4-318 subject to the following restrictions. ~~An individual~~ A person:

- 1. Shall check pitfall traps of any size daily, release non-target species, remove pitfalls when no longer in use, and fill any holes;
- 2. Shall not use firearms at night; and
- 3. May use artificial light while taking reptiles provided the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail.

R12-4-305. Possessing, Transporting, Importing, Exporting, and Selling Carcasses or Parts of Wildlife

A. ~~An individual~~ A person shall ensure that evidence of legality remains with the carcass or parts of a carcass of any ~~wild mammal, bird, or reptile~~ wildlife that the ~~individual~~ person possesses, transports, or imports until arrival at the ~~individual's~~ person's permanent abode, a commercial processing plant, or the place where the wildlife is to be consumed.

B. In addition to the requirement ~~in~~ under subsection (A), ~~an individual~~ a person possessing or transporting the following wildlife shall ensure each:

- 1. Big game animal, sandhill crane, and pheasant has the required valid tag attached ~~as prescribed under R12-4-302~~ in the manner indicated on the tag;
- 2. Migratory game bird, except sandhill cranes, has one fully feathered wing attached;
- 3. Sandhill crane and Eurasian-collared dove has either the fully feathered head or one fully feathered wing attached; ~~and~~
- 4. Quail has attached a fully feathered head, or a fully feathered wing, or a leg with foot attached, when the current Commission Order has established separate bag or possession limits for any species of quail; and



5. Freshwater fish has the head, tail, or skin attached so the species can be identified and the total number and required length determined.
- C. ~~An individual~~ A person who has lawfully taken wildlife that requires a valid tag when prescribed by the Commission may authorize its transportation or shipment by completing and signing the Transportation and Shipping Permit portion of the valid tag for that animal. A separate Transportation and Shipping Permit issued by the Department is necessary to transport or ship to another state or country any big game taken with a resident license. Under A.R.S. § 17-372(B), ~~an individual a person~~ may ship other lawfully taken wildlife by common carrier after obtaining a valid Transportation and Shipping Permit issued by the Department. ~~The individual person~~ shall provide the following information ~~on the permit form~~:
1. Number and description of the wildlife to be transported or shipped;
 2. Name, address, license number, and license class of the ~~individual person~~ who took the wildlife;
 3. Tag number;
 4. Name and address of the ~~individual person~~ receiving a portion of the carcass of the wildlife as authorized under subsection (D), if applicable;
 5. Address of destination where the wildlife is to be transported or shipped; and
 6. Name and address of transporter or shipper.
- D. ~~An individual~~ A person who lawfully takes wildlife under a tag may authorize another individual to possess the head or carcass of the wildlife by separating and attaching the tag as prescribed under R12-4-302.
- E. ~~An individual~~ A person who receives a portion of the wildlife shall provide the identity of the ~~individual person~~ who took and gave the portion of the wildlife upon request to any peace officer, wildlife manager, or game ranger.
- F. ~~An individual~~ A person shall not possess the horns of a bighorn sheep, taken by a hunter in this state, unless the horns are marked or sealed as ~~prescribed~~ established under R12-4-308.
- G. Except as provided under R12-4-307, before ~~an individual a person~~ may sell, offer for sale, or export the raw pelt or unskinned carcass of a bobcat taken in this state, the ~~individual person~~ shall:
1. Present the bobcat for inspection at any Department office, and
 2. Purchase a bobcat seal by paying the fee established under R12-4-102 at any Department office or other location as determined and published by the Department. Department personnel or an authorized agent shall attach and lock the bobcat seal only to a pelt or unskinned carcass presented with a validated transportation tag.
- H. ~~An individual~~ A person who takes bear or mountain lion under A.R.S. § 17-302 ~~during a closed season~~ may retain the carcass of the wildlife if the ~~individual person~~ has a valid hunting license and the carcass is immediately tagged with a nonpermit-tag or a valid hunt permit-tag as required under R12-4-114 and R12-4-302, ~~unless provided~~ the ~~individual person~~ has ~~already taken~~ not reached the applicable bag limit for that big game animal. An animal retained under this subsection shall count ~~towards~~ toward the applicable bag limit for bear or mountain lion as authorized by Commission Order. The ~~individual person~~ shall comply with inspection and reporting requirements established under R12-4-308.
- I. ~~An individual~~ A person may possess, transport, or import only the following portions of a cervid lawfully taken in another state or country:
1. Boneless portions of meat, or meat that has been cut and packaged either personally or commercially;
 2. Clean hides and capes with no skull or soft tissue attached, except as required for proof of legality;
 3. Clean skulls with antlers, clean skull plates, or antlers with no meat or soft tissue attached, this includes velvet antlers;
 4. Finished taxidermy mounts or products; and
 5. Upper canine teeth with no meat or tissue attached.
- J. A private game farm license holder may transport a cervid lawfully killed or slaughtered at the license holder's game farm to a licensed meat processor.
- K. ~~An individual~~ A person may possess or transport only the following portions of a cervid lawfully killed or slaughtered at a private game farm authorized under R12-4-413:
1. Boneless portions of meat, or meat that has been cut and packaged either personally or commercially;
 2. Clean hides and capes with no skull or soft tissue attached;
 3. Clean skulls with antlers, clean skull plates, or antlers with no meat or soft tissue attached, this includes velvet antlers;
 4. Finished taxidermy mounts or products; and
 5. Upper canine teeth with no meat or tissue attached.
- L. ~~An individual~~ A person who obtains ~~buffalo bison~~ meat as authorized under R12-4-306 may sell the meat.
- M. Except for cervids, which are subject to requirements established under subsections (I), (J), and (K), ~~an individual a person~~ may import into this state the carcasses or parts of wildlife, including aquatic wildlife, lawfully taken in another state or country if transported and exported in accordance with the laws of the state or country of origin.
- ~~N. An individual in possession of or transporting the carcass of any freshwater fish taken within this state shall ensure that the head, tail, or skin is attached so that the species can be identified, numbers counted, and any required length determined.~~
- ~~O. N. An individual~~ A person shall not transport live crayfish from the site where taken, except as permitted under R12-4-316.
- ~~P. O. An individual~~ A person in possession of a common carp (*Cyprinus carpio*), buffalofish (*Ictiobus* spp.), or crayfish (families *Astacidae*, *Cambaridae*, and *Parastacidae*) carcass taken under Commission Order may sell the carcass.

R12-4-306. ~~Buffalo Bison~~ Hunt Requirements

- A. When authorized by Commission Order, the Department shall conduct a hunt to harvest ~~buffalo bison~~ from the state's ~~buffalo bison~~ herds.
- B. A hunter with a ~~buffalo bison~~ permit-tag or nonpermit-tag shall, when required:
1. Provide a signed written acknowledgment that the hunter received, read, understands, and agrees to comply with the requirements of this Section.
 2. Hunt in the order scheduled.
 2. ~~Be accompanied by an authorized Department employee, when required, and~~



- 3. Be accompanied by an authorized Department employee who:
 - a. Shall designate the bison to be harvested, and
 - b. May assist in taking the bison if the hunter fails to dispatch a wounded bison within a reasonable period of time.
- ~~3.4.~~ Take only the buffalo bison designated by the Department employee, when required.
- ~~C.~~ For the House Rock Herd (Units 12A, 12B, and 13A): when required by the Department, a hunter with a nonpermit tag shall:
 - 1. Hunt in the order scheduled.
 - 2. Be accompanied by a Department employee who:
 - a. Shall designate the buffalo to be harvested, and
 - b. May assist in taking the buffalo if the hunter fails to dispatch a wounded buffalo within a reasonable period.
- ~~D.~~ For the Raymond Herd (Units 5A and 5B):
 - 1. A hunter with a permit tag shall:
 - a. Hunt in the order scheduled, and
 - b. Be accompanied by an authorized Department employee who:
 - i. Shall designate the buffalo to be harvested, and
 - ii. May assist in taking the buffalo if the hunter fails to dispatch a wounded buffalo within a reasonable period.
 - 2. When required by the Department, a hunter with a nonpermit tag shall:
 - a. Hunt in the order scheduled,
 - b. Be accompanied by a Department employee who:
 - i. Shall designate the buffalo to be harvested.
 - ii. May assist in taking the buffalo if the hunter fails to dispatch a wounded buffalo within a reasonable period.
- ~~E.C.~~ A hunter issued a buffalo bison permit-tag or non-permit nonpermit-tag shall check out no more than three days after the end of the hunt, regardless of whether the hunter was successful, unsuccessful, harvested a bison, did not harvest a bison, or did not participate in a buffalo the bison hunt.
 - 1. House Rock Herd (Units 12A, 12B, and 13A): a hunter may check out either in person, electronically, or by telephone at the House Rock Wildlife Area headquarters, with the Department's Flagstaff regional office or Jacob Lake Check station, when open during deer season, or the Department's Flagstaff regional office.
 - 2. Raymond Herd (Units 5A and 5B):
 - a. A successful hunter shall may check out either in person, electronically, or by telephone at with the Department's Flagstaff regional office, or when required, with the Raymond Wildlife Area headquarters or the Department's Flagstaff regional office. The hunter shall present the buffalo harvested bison to the Department for the purpose of gathering biological data.
 - b. An unsuccessful hunter shall check out by telephone at the Raymond Wildlife Area headquarters or the Department's Flagstaff regional office. A hunter may be required to present the harvested bison to the Department for the purpose of gathering biological data when the bison was taken in Units 5A or 5B and a Department employee did not accompany the hunter during the bison hunt.
 - 3. At the time of check-out check out, the hunter shall provide all of the following information:
 - a. Hunter's name,
 - b. Hunter's contact number,
 - c. Tag number,
 - d. Sex of buffalo bison taken,
 - e. Age of the buffalo bison taken: adult or yearling,
 - f. Number of days hunted, and
 - g. Number of buffalo bison seen while hunting.
 - 4. When accompanied by an An authorized Department employee who accompanies the hunter, the employee shall conduct the check-out check out at the end of the hunt.
- ~~F.D.~~ Failure to comply with the requirements of this Section shall result in the invalidation of the hunter's permit-tag or nonpermit-tag, consistent with the written acknowledgment signed and agreed to by the hunter.

R12-4-307. Trapping Regulations, Licensing; Methods; Tagging of Bobcat Pelts

- A. An Arizona trapping license permits an individual a person to trap predatory and fur-bearing animals. The Department shall issue a registration number to a trapper and enter the number on the trapping license at the time the trapper purchases the license. The trapper registration number is not transferable.
- B. A trapping license is required for any individual person 14 10 years of age and older. An individual A person under the age of 14 10 is not required to purchase a trapping license, but shall apply for and obtain a registration number. The trapper registration number is not transferable.
- C. An individual A person born on or after January 1, 1967 shall successfully complete a Department-approved trapping education course before applying for a trapping license.
- D. An individual A person applying for a trapping registration number or trapping license shall pay the applicable fees established under R12-4-102.
- E. An individual A person applying for a trapping registration number or trapping license shall apply using a form furnished by the Department. The form is available at any Department office and online at www.azgfd.gov. The individual person shall provide all of the following information on the form:
 - 1. Applicant's:
 - a. Full name, address, and telephone number;
 - b. Date of birth and physical description;
 - 2. Identification number assigned by the Department;
 - 1. The applicant's personal information:
 - a. Name;



- b. Date of birth;
 - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
 - d. Department identification number;
 - e. Residency status and number of years of residency immediately preceding application, when applicable;
 - f. Mailing address, when applicable;
 - g. Physical address;
 - h. Telephone number, when available; and
 - i. E-mail address, when available;
- 3.2. Category of license:
- a. Resident,
 - b. Nonresident, or
 - c. ~~Juvenile Youth~~, and
- 4.3. The applicant's signature and date.
- F. A trapper may only trap predatory and fur-bearing animals during trapping seasons established by Commission Order.
- G. A trapper shall:
- 1. Inspect traps daily;
 - 2. Kill or release all predatory and fur-bearing animals;
 - 3. Possess a choke restraint device that enables the trapper to release a javelina from a trap when trapping in a javelina hunt unit, as designated by Commission Order;
 - 4. Possess a device that is designed or manufactured to restrain a trapped animal while it is being removed from a trap when its release is required ~~by~~ under this Section; and
 - 5. Release, without additional injury, all animals that cannot lawfully be taken by trap.
 - 6. Subsections (G)(3) and (G)(4) do not apply when the trapper is using a confinement trap.
- H. A trapper shall not:
- 1. Bait a confinement trap with:
 - a. A live animal;
 - b. Any edible parts of small game, big game, or game fish; or
 - c. Any part of any game bird or nongame bird.
 - 2. Set any trap within:
 - a. One-half mile (880 yards) of any of the following areas developed for public use:
 - i. Boat ramp or launching area,
 - ii. Camping area,
 - iii. Picnic area, ~~or~~
 - iv. Roadside rest area, or
 - v. Developed wildlife viewing platform.
 - b. One-half mile of any occupied ~~residence~~ farmhouse or other residence, cabin, lodge or building without permission of the owner or resident.
 - c. One-hundred yards of an interstate highway or any other highway maintained by the Arizona Department of Transportation.
 - d. Fifty feet of any trail maintained for public use by a government agency.
 - e. Seventy-five feet of any other road as defined under A.R.S. § 17-101.
 - f. Subsections (H)(2)(b), (H)(2)(c), (H)(2)(d), and (H)(2)(e) do not apply when the trapper is using a confinement trap.
 - 3. Set a foothold trap within 30 feet of sight-exposed bait.
 - 4. Use any:
 - a. Body-gripping or other instant kill trap with an open jaw spread that exceeds 5 inches for any land set or 10 inches for any water set;
 - b. Foothold trap with an open jaw spread that exceeds 7 1/2 inches for any water set;
 - c. Snare, unless authorized under subsection (I);
 - d. Trap with an open jaw spread that exceeds 6 1/2 inches for any land set; or
 - e. Trap with teeth.
- I. A trapper who uses a foothold trap to take wildlife with a land set shall use commercially manufactured traps that meet the following specifications:
- 1. A padded or rubber-jawed trap or an unpadded trap with jaws permanently offset to a minimum of 3/16 inch and a device that allows for pan tension adjustment;
 - 2. A foothold trap that captures wildlife by means of an enclosed bar or spring designed to prevent the capture of non-targeted wildlife or domestic animals; or
 - 3. A powered cable device with an inside frame hinge width no wider than 6 inches, a cable loop stop size of at least 2 inches in diameter to prevent capture of small non-target species, and a device that allows for a pan tension adjustment.
- J. A trapper who uses a foothold trap to take wildlife with a land set shall ensure that the trap has an anchor chain equipped with at least two swivels as follows:
- 1. An anchor chain 12 inches or less in length shall have a swivel attached at each end.
 - 2. An anchor chain greater than 12 inches in length shall have one swivel attached at the trap and one swivel attached within 12 inches of the trap. The anchor chain shall be equipped with a shock-absorbing spring that requires less than 40 pounds of force to extend or open the spring.
- K. A trapper shall ensure that each trap has either the name and address or the registration number of the trapper marked on a metal tag attached to the trap. The registration number assigned by the Department is the only acceptable registration number.



- L. A trapper shall immediately attach a valid bobcat transportation tag to the pelt or unskinned carcass of a bobcat taken in this state. The trapper shall validate the transportation tag by providing all of the following information on the bobcat transportation tag:
 1. Current trapping license number,
 2. ~~Game management~~ Management unit where the bobcat was taken,
 3. Sex of the bobcat, and
 4. Method by which the bobcat was taken.
- M. The Department shall provide transportation tags with each trapping license. Additional transportation tags are available at any Department office at no charge.
- N. A trapper shall ensure that all bobcats taken in this state have a bobcat seal attached and locked either through the mouth and an eye opening or through both eye openings no later than ~~10 days after the close of trapping season~~ April 1 of each year.
 1. When available, bobcat seals are issued on a first-come, first-served basis at Department offices and other locations at those times and places as determined and published by the Department.
 2. The trapper shall pay the bobcat seal fee established under R12-4-102.
 3. Department personnel or an authorized agent shall attach and lock a bobcat seal only to a pelt or unskinned carcass presented with a validated transportation tag and a complete lower jaw identified with labels provided with the transportation tag. Department personnel or authorized agents shall collect the transportation tags and jaws before attaching the bobcat seal.
- O. Department personnel shall attach a bobcat seal to a bobcat pelt seized under A.R.S. § 17-211(E)(4) before disposal by the Department to the public.
- P. A licensed trapper shall file the annual report prescribed under A.R.S. § 17-361(D). The report form is available at any Department office and online at www.azgfd.gov.
 1. The trapper shall submit the report to Arizona Game and Fish Department, ~~Game~~ Terrestrial Wildlife Branch, 5000 W. Carefree Highway, Phoenix, AZ 85086 by April 1 of each year.
 2. A report is required even when trapping activities were not conducted. ~~The report form is available at any Department office and online at www.azgfd.gov.~~
 3. The Department shall deny a trapping license to any trapper who fails to submit an annual report until the trapper complies with reporting requirements.
- Q. Persons suffering property loss or damage due to wildlife and who take responsive measures as permitted under A.R.S. §§ 17-239 and 17-302 are exempt from this Section. This exemption does not authorize any form of trapping prohibited under A.R.S. § 17-301.

R12-4-308. Wildlife Inspections, Check Stations, and Roadblocks

- A. The Department has the authority to establish mandatory wildlife check stations.
 1. The Department shall publish in the Commission Order establishing the season the:
 - a. Location,
 - b. Check in requirements, and
 - c. ~~Check out~~ Check out requirements for that specific season.
 2. The Department shall ensure a wildlife check station with a published:
 - a. Check in requirement is open:
 - i. 8:00 a.m. the day before the season until 8:00 p.m. the first day of the season, and
 - ii. 8:00 a.m. to 8:00 p.m. during each day of the season.
 - b. ~~Check out~~ Check out requirement is open:
 - i. 8:00 a.m. to 8:00 p.m. during each day of the season, and
 - ii. Until 12:00 ~~noon~~ p.m. on the day after the close of the season.
 3. A hunter shall:
 - a. Check in at a wildlife check station in person before hunting when the Department includes a check in requirement in the Commission Order for that season;
 - b. Check out at a wildlife check station in person after hunting when the Department includes a ~~check out~~ check out requirement in the Commission Order for that season and shall:
 - i. Present for inspection any wildlife taken; and
 - ii. Display any license, tag, or permit required for taking or transporting wildlife.
- B. The Department may conduct inspections of lawfully taken wildlife at the Department's Phoenix and regional offices or designated locations during the posted business hours.
 1. A bighorn sheep hunter shall check out either in person or by designee within three days after the close of the season. The hunter or designee shall submit the intact horns and skull for inspection and photographing. A Department representative shall affix a mark or seal to one horn of each bighorn sheep lawfully taken under Commission Order. It is unlawful for any person to remove, alter, or obliterate the mark or seal.
 2. A ~~successful~~ hunter who harvests a bear or mountain lion ~~hunter~~ shall:
 - a. Report information about the kill to the Department either in person or by telephone within 48 hours of taking the wildlife. The report shall include the:
 - i. Name of the hunter,
 - ii. Hunter's hunting license number,
 - iii. Sex of the wildlife taken,
 - iv. Management unit where the wildlife was taken,
 - v. Telephone number where the hunter can be reached for additional information, and
 - vi. Any additional information required by the Department.
 - b. Present either in person or by designee the skull, hide, and attached proof of sex for inspection within 10 days of taking the wildlife. If a hunter freezes the skull or hide before presenting it for inspection, the hunter shall prop the jaw open to allow access to the teeth and ensure that the attached proof of sex is identifiable and accessible.



3. For seasons other than bear, bighorn sheep, or mountain lion, ~~where a hunter who harvests wildlife for which a harvest objective is established, a successful hunter~~ shall report information about the kill either in person or by telephone within 48 hours of taking the wildlife. The report shall include the information required under subsection (B)(2)(a).
- C. The Director may establish vehicle roadblocks at specific locations when necessary to ensure compliance with applicable wildlife laws. Any occupant of a vehicle at a roadblock shall, upon request, present for inspection all wildlife in possession, and ~~produce and display any license, tag, stamp, or permit required for taking or transporting wildlife~~ provide evidence of legality as defined under R12-4-301.
- D. This Section does not limit the game ranger or wildlife manager's authority to conduct stops, searches, and inspections authorized under A.R.S. §§ 17-211(E), 17-250(A)(4), and 17-331, or to establish voluntary wildlife survey stations to gather biological information.

R12-4-309. Authorization for Use of Drugs on Wildlife

- A. A person shall not administer any drug to any wildlife under the jurisdiction of the state, including but not limited to drugs used for fertility control, disease prevention or treatment, immobilization, or growth stimulation without written authorization from the Department or as otherwise provided under subsection (E). This authorization does not:
1. Exempt a person from any state or federal statute, rule, or regulation, or any municipal or county code or ordinance; or
 2. Authorize a person to engage in any activity using federally protected wildlife.
- B. A person requesting written authorization for the use of drugs on wildlife shall submit the request in writing to the Department at 5000 W. Carefree Hwy Highway, Phoenix, AZ 85086 and at least 120 days before the anticipated start date of the activity ~~and provide~~. The written request shall include all of the following:
1. A plan that includes:
 - a. The purpose and need for the proposed activity;
 - b. A clear statement of the objectives; for fertility control the statement shall include the target wildlife population goals or densities and the anticipated time-frame for meeting these objectives;
 - c. A description of the agent, drug, or method ~~including federal approvals or permits obtained, as applicable,~~ and any mandated labeling restrictions or limitations designed to reduce or minimize detrimental effects to wildlife and humans;
 - ~~d. Required approvals, including, but not limited to, any federal or state agency approvals for specific use;~~
 - ~~e.d.~~ Citations of published scientific literature documenting field studies on the efficacy and safety for both target and non-target species, including predators, scavengers, and humans;
 - ~~f.e.~~ A description of the activity area;
 - ~~g.f.~~ A description of the target species population and current status;
 - ~~h.g.~~ A description of the field methodology for delivery that includes the following, as applicable:
 - i. Timing,
 - ii. Sex and number of animals to be treated,
 - iii. Percentage of the population to be treated,
 - iv. Calculated population effect, and
 - v. Short and long term monitoring and evaluation procedures.
 2. Documentation regarding the experience and credentials of the applicant or the applicant's agents as it applies to the requested activity;
 3. ~~Written endorsement from the agency or institution; required when the applicant is a government agency, university, or other institution; and~~
 - ~~4.3.~~ Written permission from landowners or lessees in all locations where the drug will be administered; and
 4. Written endorsement from the agency or institution; required when the applicant is a government agency, university, or other institution. The person signing the written endorsement shall have the authority to execute the written endorsement on behalf of the agency or institution.
- C. The Department shall notify the applicant of the Department's decision to grant or deny the request within 90 days. The Department has the authority to place conditions on the written authorization regarding:
1. Locations and time-frames,
 2. Drugs and methodology,
 3. Limitations,
 4. Reporting requirements, and
 5. Any other conditions deemed necessary by the Department.
- D. A person with authorization shall:
1. Carry written authorization while engaged in the activity and exhibit it upon request to any peace officer, wildlife manager, or game ranger;
 2. Allow Department personnel to be present to monitor activities for compliance, public safety, and proper treatment of animals;
 3. Adhere to all drug label restrictions and precautions;
 4. Provide an annual and final report:
 - a. The annual report ~~must shall~~ include the number of animals treated, the level of treatment effect obtained to date, and any problems including mortalities or morbidities of target animals. The person shall submit the annual report to the Department by January 31 of each year or as otherwise specified in the written authorization.
 - b. The final report ~~must shall~~ include the end results, including the number of wildlife treated and treatment effects on target and non-target wildlife, including mortalities, morbidities, and reproductive rate changes. The person shall submit the final report to the Department no later than 90 days after the completion of the project for which the permit was issued.
 5. Comply with all conditions and requirements set forth in the written authorization.
- E. This Section does not prohibit the treatment of wildlife by a licensed veterinarian or holder of a special license in accordance with R12-4-407(A)(2) and (8) R12-4-407(B)(2), R12-4-428(B)(13), R12-4-413(K)(5), R12-4-420(J)(3), activities as authorized under



R12-4-418, R12-4-420, R12-4-421, and R12-4-423, ~~an individual~~ a person exempt from special licensing under R12-4-407(A)(4) and (5), or reasonable lethal removal activities for wildlife control as authorized under A.R.S. § 17-239(A).

- F. This Section does not limit:
 1. Department employees or Department agents in the performance of their official duties related to wildlife management,
 2. The practices of aquaculture facilities administered by the ~~US U.S.~~ Fish and Wildlife Service, and commercial aquaculture facilities operating under a valid license from the Arizona Department of Agriculture, or
 3. The use of supplements or drugs as a part of conventional livestock operations where those supplements may incidentally be consumed by wildlife.
- G. The Department shall take possession of and dispose of any remaining wildlife drugs administered in violation of this Section and any devices and paraphernalia used to administer those drugs, as authorized under A.R.S. §§ 17-211(E), 17-231(A), and 17-240(B).
- H. Require the person with authorization to indemnify the Department against any injury or damage resulting from the use of animal drugs.

R12-4-310. Fishing Permits

- A. The Department may issue a fishing permit to state, county, or municipal agencies or departments and to nonprofit organizations ~~licensed by or contracted with the Department of Economic Security or Department of Health Services,~~ whose primary purpose is to provide ~~physical or mental rehabilitation or training~~ treatment and care for ~~individuals~~ persons with physical, developmental, or mental disabilities.
- B. The permit:
 1. Is valid for ~~the any two days specified on the permit within a 30 day period;~~
 2. Authorizes ~~up to 20 individuals~~ persons with physical, developmental, or mental disabilities to fish without a fishing license upon any public waters except that fishing in the waters of the Colorado River is restricted to fishing from the Arizona shoreline only, unless the persons fishing under the authority of the permit also possess a valid Colorado River stamp from the adjacent state; and
 3. Does not exempt ~~individuals~~ persons fishing under the authority of the permit from compliance with other statutes, Commission Orders, and rules not contained in this Section.
- C. An applicant for a fishing permit shall submit a properly completed application to the Department. The application is furnished by the Department and is available from any Department office and online at www.azgfd.gov.
 1. The applicant shall provide all of the following information:
 - a. The name, address, and telephone number of the agency, department, or nonprofit organization requesting the permit;
 - b. The name, position title, and telephone number of the ~~individuals~~ persons responsible for supervising the ~~individuals~~ persons fishing under the authority of the permit;
 - c. The total number of ~~individuals~~ persons who will be fishing under the authority of the permit;
 - d. The dates ~~of the two days~~ for which the permit will be ~~valid used~~; and
 - e. The location for which the permit will be valid.
 2. In addition to the information required under subsection (C)(1), nonprofit organizations shall also submit ~~documentation that they are licensed by or have a contract with the Department of Economic Security or the Department of Health Services for the purpose of providing rehabilitation or treatment services to individuals or groups with physical, developmental, or mental disabilities;~~
 - a. A copy of the organization's articles of incorporation and evidence that the organization has tax-exempt status under Section 501(c) of the Internal Revenue Code, unless a current and correct copy is already on file with the Department; and
 - b. Document identifying the organization's mission.
- D. The Department shall ~~issue either grant~~ or deny the fishing permit ~~to an applicant within 30 calendar days of receiving an application within the applicable overall time-frame established under R12-4-106.~~
- E. The fishing permit holder shall provide instruction on fish identification, fishing ethics, safety, and techniques to the ~~individuals~~ persons who will be fishing under authority of the permit. ~~The Department shall provide the lesson plan for this instruction to the permit holder curriculum outline provided by the Department.~~
- F. Each ~~individual person~~ fishing ~~without a license~~ under the sole authority of the fishing permit may take only one-half the regular bag limit established by Commission Order for any species, unless the regular bag limit is one, in which case the permit authorizes the regular bag limit.
- G. The permit holder shall submit a report to the Department ~~not no~~ later than 30 days after the end of the authorized fishing dates. The report form is furnished by the Department and is available at any Department office. The permit holder shall report all of the following information on the form:
 1. The fishing permit number and the information contained in the permit;
 2. The total number of ~~individuals~~ persons who fished and total hours fished;
 3. The total number of fish caught, kept, and released, by species.
- H. The Department may deny future fishing permits to a permit holder who failed to submit the report required under subsection (G) until the permit holder complies with reporting requirements.

R12-4-311. Exemptions from Requirement to Possess an Arizona Fishing License or Hunting License While Taking Wildlife

In addition to the exemptions prescribed under A.R.S. § 17-335, R12-4-206(E), R12-4-207(E), and R12-4-209(E) and provided the person's fishing ~~and~~ and hunting, ~~or trapping~~ license privileges are not currently revoked by the Commission:

1. A fishing license is not required when a person is:
 - a. Fishing from artificial ponds, tanks, and lakes contained entirely on private lands that are not:
 - i. Open to the public, and
 - ii. Managed by the Department.



- b. Taking ~~terrestrial mollusks or crustaceans~~ from private property nonnative terrestrial mollusks, such as but not limited to brown garden snails (*Helix aspersa*) and decollata snails (*Rumina decollata*), or crustaceans, such as crayfish.
 - c. Fishing in Arizona on any designated Saturday occurring during National Fishing and Boating Week, except in waters of the Colorado River forming the common boundaries between Arizona and California, Nevada, or Utah where fishing without a license is limited to the shoreline, unless the state with concurrent jurisdiction removes licensing requirements on the same day.
 - d. Participating in an introductory fishing education program sanctioned by the Department, during scheduled program hours, only. A sanctioned program shall have a Department employee, ~~sport fishing contractor~~, or authorized volunteer instructor present during scheduled program hours. For the purposes of this subsection, "authorized volunteer instructor" means a person who has successfully passed the Department's required background check, or provided documentation of the person's application for a fingerprint clearance card, and sport fishing education workshop.
2. A hunting license is not required when a person is participating in an introductory hunting event organized, sanctioned, or sponsored by the Department. The person may hunt small game, ~~fur-bearing~~ predator, and designated mammals during scheduled event hours, only. To hunt migratory game birds, the ~~individual person~~ shall have any stamps required by federal regulation. The introductory hunting event shall have a Department employee, certified hunter education instructor, or authorized volunteer present during scheduled hunting hours. For the purposes of this subsection, "authorized volunteer" means a person who has successfully passed the Department's required background check, or provided documentation of the person's application for a fingerprint clearance card, and Department event best practices training ~~or provide documentation of the person's application for a fingerprint clearance card~~. This subsection does not apply to any event that requires ~~participants~~ a participant to obtain a permit-tag or nonpermit-tag.

R12-4-313. Lawful Methods of ~~Taking~~ Take and Seasons for Aquatic Wildlife

- A. ~~An individual may take aquatic wildlife as defined under A.R.S. § 17-101, subject to the restrictions prescribed under R12-4-303, R12-4-317, and of this Section. Aquatic, a person may take aquatic wildlife may be taken during the day or night and may be taken using artificial light as prescribed under A.R.S. § 17-301. When a fish die-off is imminent or when otherwise deemed appropriate, the Commission may designate a special season by Commission Order to allow fish to be taken by hand or by any hand-held, non-motorized implement that does not discharge a projectile.~~
- B. ~~The Commission may, through Commission Order, prescribe legal sizes for possession of aquatic wildlife.~~
- ~~C.~~ B. A person who possesses a valid Arizona fishing license may take aquatic wildlife by angling or simultaneous fishing as defined under R12-4-301 with any bait, artificial lure fly, or fly lure subject to the following restrictions, an individual:
- ~~1. Shall not possess aquatic wildlife other than aquatic wildlife prescribed by Commission Order;~~
 - ~~2.1. Shall not use Except for sunfish of the genus *Lepomis*, the flesh of game fish may not be used as bait, except sunfish of the genus *Lepomis*;~~
 - ~~3.2. May use live Live baitfish, as defined under R12-4-101, may only be used in designated areas designated prescribed by Commission Order; and designated areas may subsequently be closed or restricted by Commission Order.~~
 - ~~4.3. Shall Waterdogs may not use waterdogs be used as live bait 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.~~
 - ~~4. Shall not use more than two lines at any one time.~~
 - ~~5. The Commission may further restrict the lawful methods of take on particular waters by designating one or more of the following special seasons by Commission Order:~~
 - ~~a. An "artificial flies and lures" season in which only artificial flies and lures may be used in designated areas,~~
 - ~~b. A "barbless hooks" season in which only the use of barbless or single-point barbless hooks may be used in designated areas,~~
 - ~~c. An "immediate kill or release" season in which a person must kill and retain the designated species as part of the person's bag limit or immediately release the wildlife,~~
 - ~~d. A "catch and immediate release" in which a person must immediately release the designated species, or~~
 - ~~e. An "immediate kill" season in which a person must immediately kill and retain the designated species as part of the person's bag limit.~~
- ~~D.~~ C. In addition to angling, an individual a person who possesses a valid Arizona fishing license may also take the following aquatic wildlife using the following methods, subject to the restrictions established under R12-4-303, R12-4-317, and this Section:
- ~~1. A hybrid device is lawful for the take of aquatic wildlife provided all components of the device are authorized for the take of that species under this subsection.~~
 - ~~1.2. Carp (Cyprinus carpio), buffalofish, mullet, tilapia, goldfish, and shad may be taken by:~~
 - a. Bow and arrow,
 - b. Crossbow,
 - c. Snare,
 - d. Gig,
 - e. Spear or spear gun, or
 - f. Snagging,
 - ~~3. A person shall not use any of the methods of take listed under subsection (C)(2) within 200 yards of a designated swimming area as indicated by way of posted signs or notices.~~
 - ~~2.4. Except for snagging, an individual a person shall not use any of the methods of take listed under subsection (D)(1) (C)(2) within 200 yards of any boat dock or designated swimming area fishing pier.~~
 - ~~3.5. Striped bass may be taken by spear or spear gun in waters designated by Commission Order.~~
 - ~~4. Live baitfish may be taken for personal use as bait by:~~
 - ~~a. A east net not to exceed a radius of 4 feet measured from the horn to the headline;~~
 - ~~b. A minnow trap, as defined under R12-4-301;~~



- e. A seine net not to exceed 10 feet in length and 4 feet in width; or
- d. A dip net.

5-6. Catfish may be taken by bow and arrow or crossbow in waters designated by Commission Order.

6-7. Amphibians, soft-shelled turtles, mollusks, and crustaceans may be taken by minnow trap, crayfish net, hand, or with any hand-held, non-motorized implement that does not discharge a projectile, unless otherwise permitted under this Section.

7-8. In addition to the methods described under subsection ~~(D)(6)~~ (C)(7), bullfrogs may be taken by:

- a. Bow and arrow,
- b. Crossbow,
- c. Pneumatic weapon, or
- d. Slingshot.

9. Live baitfish may be taken for personal use as bait by:

- a. A cast net not to exceed a radius of 4 feet measured from the horn to the headline;
- b. A minnow trap, as defined under R12-4-301;
- c. A seine net not to exceed 10 feet in length and 4 feet in width; or
- d. A dip net.

8-10. In addition to the methods described under subsection ~~(D)(6)~~ (C)(7), crayfish may be taken with the following devices:

- a. A trap not more than 3 feet in the greatest dimension,
- b. A dip net as defined under R12-4-301, or
- c. A seine net not larger than 10 feet in length and 4 feet in width.

E. An individual who uses a crayfish net and minnow trap shall:

1. Attach a water-resistant identification tag to the trap when it is unattended. The tag shall include the individual's:

- a. Name,
- b. Address, and
- c. Fishing license number.

2. Raise and empty the trap daily.

11. The Commission may further restrict the lawful methods of take on particular waters by designating one or more of the following special seasons by Commission Order:

- a. A "snagging" season in which a person may use this method only at times and locations designated by Commission Order.
- or
- b. A "spear or spear gun" season in which a person may use this method only at times and locations designated by Commission Order.

D. Aquatic wildlife taken in violation of this Section is unlawfully taken.

R12-4-314. Repealed Possession, Transportation, or Importation of Aquatic Wildlife

A. The Commission may prescribe legal sizes for possession of aquatic wildlife through Commission Order.

B. A person who possesses a valid Arizona fishing license may possess live aquatic wildlife lawfully taken on the waters where taken, but the person shall not transport the aquatic wildlife alive from the waters where taken except that:

- 1. A person may transport live baitfish listed in subsection (C)(1);
- 2. A person may transport live waterdogs except in the portion of Santa Cruz County lying east and south of State Highway 82 or the portion of Cochise County lying west of the San Pedro River and south of State Highway 82; and
- 3. Any crayfish taken on waters within Yuma or La Paz Counties may be transported alive for use as live bait in that portion of La Paz County west of Highway 95 and south of Interstate 10, Yuma County, and on the Colorado River from the Palo Verde Diversion Dam downstream to the Southern international boundary with Mexico.

C. A person who possesses a valid Arizona fishing license may import, transport, or possess live baitfish, crayfish, or waterdogs for personal use as live bait only as follows:

- 1. A person may possess or transport only the following live baitfish for personal use as live bait:
 - a. Fathead minnow (*Pimephales promelas*),
 - b. Golden shiners (*Notemigonus crysoleucas*),
 - c. Goldfish (*Carassius auratus*),
 - d. Longfin Dace (*Agosia chrysogaster*),
 - e. Sonora Sucker (*Catostomus insignis*),
 - f. Speckled Dace (*Rhynichthys osculus*), and
 - g. Desert Sucker (*Catostomus clarki*).
- 2. A person may import for personal use live baitfish listed in subsection (C)(1) from:
 - a. California or Nevada, or
 - b. From any other state with accompanying documentation certifying that the fish are free of Furunculosis.
- 3. A person may import, transport, or possess live waterdogs for personal use as bait, except in the portion of Santa Cruz County lying east and south of State Highway 82 or the portion of Cochise County lying west of the San Pedro River and south of State Highway 82.
- 4. A person shall not import, transport, or move live crayfish between waters for personal use as live bait except as allowed in 12 A.A.C. 4, Article 4, or except as allowed in subsection (B)(3).

D. A person shall attach water-resistant identification to any unattended live boxes or stringers holding fish and ensure the identification bears the person's:

- 1. Name,
- 2. Address, and
- 3. Fishing license number.



- E.** A person who uses a crayfish net or a minnow trap shall raise and empty the trap daily and shall attach water-resistant identification to any unattended traps and ensure the identification bears the person's:
1. Name,
 2. Address, and
 3. Fishing license number.

- F.** A person shall not knowingly disturb the crayfish net, live box, minnow trap, or stringer of another unless authorized to do so by the owner.

R12-4-315. Possession of Live Fish, Unattended Live Boxes and Stringers Repeal

- A.** ~~An individual may possess fish taken alive as provided under R12-4-313 on the waters where taken, except when the take or possession is expressly prohibited under R12-4-313 or R12-4-317, but the individual shall not transport the fish alive from the waters where taken except as authorized under R12-4-316.~~

- B.** ~~An individual shall attach water resistant identification to any unattended live boxes or stringers holding fish and ensure the identification bears the individual's:~~

1. ~~Name,~~
2. ~~Address, and~~
3. ~~Fishing license number.~~

R12-4-316. Possession, Transportation, or Importation of Live Baitfish, Crayfish, or Waterdogs Repeal

- A.** ~~An individual may possess live baitfish, crayfish, or waterdogs for use as live bait only as established under R12-4-317 and this Section.~~

- B.** ~~An individual may possess or transport the following live baitfish for personal use as live bait as established under R12-4-317:~~

1. ~~Fathead minnow (*Pimephales promelas*);~~
2. ~~Mosquitofish (*Gambusia affinis*);~~
3. ~~Threadfin shad (*Dorosoma petenense*);~~
4. ~~Golden shiners (*Notemigonus crysoleucas*), and~~
5. ~~Goldfish (*Carassius auratus*).~~

- C.** ~~An individual who possesses a valid Arizona fishing license may:~~

1. ~~Import, transport, or possess live waterdogs for personal use as bait, except in the portion of Santa Cruz County lying east and south of State Highway 82 or the portion of Cochise County lying west of the San Pedro River and south of State Highway 82.~~
2. ~~Import live baitfish listed under subsection (B) from California or Nevada without accompanying documentation certifying the fish are free of disease.~~
3. ~~Import live baitfish listed under subsection (B) from any other state with accompanying documentation certifying that the fish are free of Furunculosis.~~

- D.** ~~An individual may:~~

1. ~~Trap or capture live crayfish as provided under R12-4-313.~~
2. ~~Use live crayfish as bait only in the body of water where trapped or captured, not in an adjacent body of water, except for the portion of La Paz County west of Highway 95 and south of Interstate 10, Yuma County, and on the Colorado River from the Palo Verde Diversion Dam downstream to the Southern international boundary with Mexico.~~

- E.** ~~An individual shall not:~~

1. ~~Import, transport, move between waters, or possess live crayfish for personal use as live bait except as allowed in 12 A.A.C. 4, Article 4, and except for the portion of La Paz County west of Highway 95 and south of Interstate 10, Yuma County, and on the Colorado River from the Palo Verde Diversion Dam downstream to the southern international boundary with Mexico.~~
2. ~~Transport crayfish alive from the site where taken except for the portion of La Paz County west of Highway 95 and south of Interstate 10, Yuma County, and on the Colorado River from the Palo Verde Diversion Dam downstream to the southern international boundary with Mexico.~~
3. ~~Import, transport, move between waters, or possess live red shiner (*Cyprinella lutrensis*) for personal use.~~

R12-4-317. Seasons for Lawfully Taking Fish, Mollusks, Crustaceans, Amphibians, and Aquatic Reptiles Repeal

- A.** ~~Methods of lawfully taking aquatic wildlife during seasons designated by Commission Order as "general" seasons are designated under R12-4-313.~~

- B.** ~~Other seasons designated by Commission Order have specific requirements and lawful methods of take more restrictive than those for general seasons, as prescribed under this Section. While taking aquatic wildlife under R12-4-313 an individual participating in:~~

1. ~~An "artificial lures and flies only" season shall use only artificial lures and flies as defined under R12-4-301. The Commission may further restrict "artificial lures and flies only" season to the use of barbless or single barbless hooks as defined under R12-4-301.~~
2. ~~A "live baitfish" season shall not possess or use any species of fish as live bait at, in, or upon any waters unless that species is specified as a live baitfish for those waters by Commission Order. Live baitfish shall not be transported from the waters where taken except as authorized under R12-4-316.~~
3. ~~An "immediate kill or release" season shall kill and retain the designated species as part of the bag limit or immediately release the wildlife. Further fishing is prohibited after the legal bag limit is killed.~~
4. ~~A "catch and immediate release" season shall immediately release the designated species.~~
5. ~~An "immediate kill" season shall immediately kill and retain the designated species as part of the bag limit.~~
6. ~~A "snagging" season shall use this method only at times and locations designated by Commission Order.~~
7. ~~A "spear or spear gun" season shall use this method only at times and locations designated by Commission Order.~~



- C. A “special” season may be designated by Commission Order to allow fish to be taken by hand or by any hand held, non-motorized implement that does not discharge a projectile. The “special” season may apply to any waters where a fish die off is imminent due either to poor or low water conditions, Department fish renovation activities, or as designated by Commission Order.

R12-4-318. Seasons for Lawfully Taking Wild Mammals, Birds, and Reptiles

- A. Methods of lawfully taking wild mammals, birds, and reptiles during seasons designated by Commission Order as “general” seasons are designated under R12-4-304.
 - 1. Lawful devices are defined under R12-4-101 and R12-4-301.
 - 2. Lawful devices are listed under this Section by the range of effectiveness, from greatest range to least range.
 - 3. A hybrid device may be used in a general season, provided:
 - a. All components of the hybrid device are designated as lawful for a given species under R12-4-304, and
 - b. No components are prohibited under R12-4-303.
- B. Methods of lawfully taking big game during seasons designated by Commission Order as “special” are designated under R12-4-304. “Special” seasons are open only to a person who possesses a special big game license tag authorized under A.R.S. § 17-346 and R12-4-120.
- C. When designated by Commission Order, the following seasons have specific requirements and lawful methods of take more restrictive than those for general and special seasons; as ~~prescribed~~ established under this Section. While taking the species authorized by the season, a person participating in:
 - 1. A “CHAMP” season shall be a challenged hunter access/mobility permit holder as established under R12-4-217.
 - 2. A “youth-only hunt” shall be under the age of 18. A youth hunter whose 18th birthday occurs during a “youth-only hunt” for which the youth hunter has a valid permit or tag may continue to participate for the duration of that “youth-only hunt.”
 - 3. A “pursuit-only” season may use dogs to pursue bears, mountain lions, or raccoons as designated by Commission Order, but shall not kill or capture the quarry. A person participating in a “pursuit-only” season shall possess and, at the request of Department personnel, produce an appropriate and valid hunting license and any required tag for taking the animal pursued, even though there shall be no kill.
 - 4. A “restricted season” may use any lawful method authorized for a specific species under R12-4-304, except dogs may not be used to pursue the wildlife for which the season was established.
 - 5. An “archery-only” season shall not use any other weapons, including crossbows or bows with a device that holds the bow in a drawn position except as authorized under R12-4-216. A person participating in an “archery-only” season may use one or more of the following methods or devices if authorized under R12-4-304 as lawful for the species hunted:
 - a. Bows and arrows, and
 - b. Falconry.
 - 6. A “handgun, archery, and muzzleloader (HAM)” season may use one or more of the following methods or devices if authorized under R12-4-304 as lawful for the species hunted:
 - ~~a. Bows and arrows;~~
 - ~~b. Crossbows or bows to be drawn and held with an assisting device;~~
 - ~~c. Handguns, and~~
 - ~~d. Muzzle loading rifles as defined under R12-4-301.~~
 - a. Muzzleloading rifles.
 - b. Handguns.
 - c. Muzzleloading handguns.
 - d. Bows and arrows.
 - e. Crossbows or bows to be drawn and held with an assisting device, and
 - f. Single shot pre-charged pneumatic weapons discharging a single projectile .35 caliber or larger.
 - 7. A “muzzleloader” season may use one or more of the following methods or devices if authorized under R12-4-304 as lawful for the species hunted:
 - ~~a. Bows and arrows;~~
 - ~~b. Crossbows or bows to be drawn and held with an assisting device; and~~
 - ~~c. Muzzleloading rifles or handguns, as defined under R12-4-301.~~
 - a. Muzzleloading rifles or muzzleloading handguns.
 - b. Bows and arrows, and
 - c. Crossbows or bows to be drawn and held with an assisting device.
 - 8. A “limited weapon” season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:
 - ~~a. Any trap except foothold traps;~~
 - ~~b. Bows and arrows;~~
 - ~~c. Capture by hand;~~
 - ~~d. Crossbows or bows to be drawn and held with an assisting device;~~
 - ~~e. Dogs;~~
 - ~~f. Falconry;~~
 - ~~g. Hand propelled projectiles;~~
 - ~~h. Nets;~~
 - ~~i. Pneumatic weapons discharging a single projectile .25 caliber or smaller, or~~
 - ~~j. Slingshots.~~
 - a. Bows and arrows.
 - b. Crossbows or bows to be drawn and held with an assisting device.
 - c. Pneumatic weapons discharging a single projectile .25 caliber or smaller.



- d. Hand-propelled projectiles.
 - e. Any trap except foothold traps.
 - f. Slingshots.
 - g. Dogs.
 - h. Falconry.
 - i. Nets, or
 - j. Capture by hand.
9. A “limited weapon hand or hand-held implement” season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:
- a. Catch-pole,
 - b. Hand,
 - c. Snake hook, or
 - d. Snake tongs.
10. A “limited weapon-pneumatic” season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:
- ~~a. Capture by hand,~~
 - ~~b. Dogs,~~
 - ~~e. Falconry,~~
 - ~~d. Hand-propelled projectiles,~~
 - ~~e. Nets,~~
 - ~~f. Pneumatic weapons discharging a single projectile .25 caliber or smaller, or~~
 - ~~g. Slingshots.~~
 - a. Pneumatic weapons discharging a single projectile .25 caliber or smaller.
 - b. Hand-propelled projectiles.
 - c. Slingshots.
 - d. Dogs.
 - e. Falconry.
 - f. Nets, or
 - g. Capture by hand.
11. A “limited weapon-rimfire” season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:
- ~~a. Any trap except foothold traps,~~
 - ~~b. Bows and arrows,~~
 - ~~e. Capture by hand,~~
 - ~~d. Crossbows or bows to be drawn and held with an assisting device,~~
 - ~~e. Dogs,~~
 - ~~f. Falconry,~~
 - ~~g. Hand-propelled projectiles,~~
 - ~~h. Nets,~~
 - ~~i. Pneumatic weapons,~~
 - ~~j. Rifled firearms using rimfire cartridges,~~
 - ~~k. Shotgun shooting shot or slug, or~~
 - ~~l. Slingshots.~~
 - a. Rifled firearms using rimfire cartridges.
 - b. Shotgun shooting shot or slug.
 - c. Bows and arrows.
 - d. Crossbows or bows to be drawn and held with an assisting device.
 - e. Pneumatic weapons.
 - f. Hand-propelled projectiles.
 - g. Any trap except foothold traps.
 - h. Slingshots.
 - i. Dogs.
 - j. Falconry.
 - k. Nets, or
 - l. Capture by hand.
12. A “limited weapon-shotgun” season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:
- ~~a. Any trap except foothold traps,~~
 - ~~b. Bows and arrows,~~
 - ~~e. Capture by hand,~~
 - ~~d. Crossbows or bows to be drawn and held with an assisting device,~~
 - ~~e. Dogs,~~
 - ~~f. Falconry,~~
 - ~~g. Hand-propelled projectiles,~~
 - ~~h. Nets,~~
 - ~~i. Pneumatic weapons,~~



- j. ~~Shotgun shooting shot or slug, or~~
 - k. ~~Slingshots.~~
 - a. Shotgun shooting shot or slug.
 - b. Muzzleloading shotgun.
 - c. Bows and arrows.
 - d. Crossbows or bows to be drawn and held with an assisting device.
 - e. Pneumatic weapons.
 - f. Hand-propelled projectiles.
 - g. Any trap except foothold traps.
 - h. Slingshots.
 - i. Dogs.
 - j. Falconry.
 - k. Nets, or
 - l. Capture by hand.
13. A “limited weapon-shotgun shooting shot” season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:
- a. ~~Any trap except foothold traps;~~
 - b. ~~Bows and arrows;~~
 - e. ~~Capture by hand;~~
 - d. ~~Crossbows or bows to be drawn and held with an assisting device;~~
 - e. ~~Dogs;~~
 - f. ~~Falconry;~~
 - g. ~~Hand-propelled projectiles;~~
 - h. ~~Nets;~~
 - i. ~~Pneumatic weapons;~~
 - j. ~~Shotgun shooting shot, or~~
 - k. ~~Slingshots.~~
 - a. Shotgun shooting shot.
 - b. Muzzleloading shotgun shooting shot.
 - c. Bows and arrows.
 - d. Crossbows or bows to be drawn and held with an assisting device.
 - e. Pneumatic weapons.
 - f. Hand-propelled projectiles.
 - g. Any trap except foothold traps.
 - h. Slingshots.
 - i. Dogs.
 - j. Falconry.
 - k. Nets, or
 - l. Capture by hand.
14. A “falconry-only” season shall be a falconer licensed under R12-4-422 unless exempt under A.R.S. § 17-236(C) or R12-4-407. A falconer participating in a “falconry-only” season shall use no other method of take except falconry.
15. A “raptor capture” season shall be a falconer licensed under R12-4-422 unless exempt under R12-4-407.

R12-4-319. Use of Aircraft to Take Wildlife

- ~~A.~~ For the purposes of this Section, “locate” means any act or activity that does not take or harass wildlife and is directed at locating or finding wildlife in a hunt area.
- ~~B.A.~~ ~~An individual~~ A person shall not take or assist in taking wildlife from or with the aid of aircraft, including drones.
- ~~C.B.~~ Except in hunt units with Commission-ordered special seasons under R12-4-115 and R12-4-120 and hunt units with seasons only for mountain lion and no other concurrent big game season, ~~an individual~~ a person shall not locate or assist in locating wildlife from or with the aid of an aircraft, including drones, in a hunt unit with an open big game season. This restriction begins 48 hours before the opening of a big game season in a hunt unit and extends until the close of the big game season for that hunt unit.
- ~~D.C.~~ ~~An individual~~ A person who possesses a special big game license tag for a special season under R12-4-115 or R12-4-120 or ~~an individual~~ a person who assists or will assist such a licensee shall not use an aircraft, including drones, to locate wildlife beginning 48 hours before and during a Commission-ordered special season.
- ~~E.D.~~ This Section does not apply to any ~~individual~~ person acting within the scope of official duties as an employee or authorized agent of the state or the United States to manage or protect or aid in the management or protection of land, water, wildlife, livestock, domesticated animals, human life, or crops.
- E. For the purposes of this Section, “locate” means any act or activity that does not take or harass wildlife and is directed at locating or finding wildlife in a hunt area.

R12-4-320. Harassment of Wildlife

- A. In addition to the provisions established under A.R.S. § 17-301, it is unlawful to harass, molest, chase, rally, concentrate, herd, intercept, torment, or drive wildlife with or from any aircraft, including drones, as defined under R12-4-301, or with or from any motorized terrestrial or aquatic vehicle.
- B. This Section does not apply to ~~individual’s~~ person’s acting:
 - 1. In accordance with the provisions established under A.R.S. § 17-239; or



2. Within the scope of official duties as an employee or authorized agent of the state or the United States to manage or protect or aid in the management or protection of land, water, wildlife, livestock, domesticated animals, human life, or crops.

R12-4-321. Restrictions for Taking Wildlife in City, County, or Town Parks and Preserves

- A. All city, county, and town parks and preserves are closed to hunting and trapping, unless open by Commission Order.
- B. Unless otherwise provided under Commission Order or rule, a city, county, or town may:
 1. Limit or prohibit any individual person from hunting ~~or trapping~~ within ~~1/4~~ one-fourth mile (440 yards) or trapping within one half mile (880 yards) of any:
 - a. Developed picnic area,
 - b. Developed campground,
 - c. Developed trailhead.
 - d. Developed wildlife viewing platform.
 - ee. Boat ramp,
 - ef. Shooting range,
 - eg. Occupied structure, or
 - fh. Golf course.
 2. Require ~~an individual~~ a person entering a city, county, or town park or preserve, for the purpose of hunting, to declare the ~~individual's person's~~ intent to hunt within ~~when entering~~ the park or preserve, if the park or preserve has ~~an entry station in operation~~ a check in process established.
 3. Allow ~~an individual~~ a person to take wildlife in a city, county, or town park or preserve only during the posted park or preserve hours.
- C. The requirements of subsection (B)(1) do not apply to a reptile and amphibian limited weapon hand or hand-held implement season established by Commission Order.

R12-4-322. Pickup and Possession of Wildlife Carcasses or Parts

- A. For the purposes of this Section, the following definitions apply:
 1. "Fresh" means the majority of the wildlife carcass or part is not exposed dry bone and is comprised mainly of hair, hide, or flesh.
 2. "Not fresh" means the majority of the wildlife carcass or part is exposed dry bone due to natural processes such as scavenging, decomposition, or weathering.
- B. If not contrary to federal law or regulation, ~~an individual~~ a person may pick up and possess naturally shed antlers or horns or other wildlife parts that are not fresh without a permit or inspection by a Department law enforcement officer.
- C. If not contrary to federal law or regulation, ~~an individual~~ a person may only pick up and possess a fresh wildlife carcass or its parts under this Section if the individual person notifies the Department prior to pick up and possession and:
 1. The Department's first report or knowledge of the carcass or its parts is voluntarily provided by the individual person wanting to possess the carcass or its parts;
 2. A Department law enforcement officer or an authorized Department employee or agent is able to observe the carcass or its parts at the site where the animal was found in the same condition and location as when the animal was originally found by the ~~individual person~~ individual person wanting to possess the carcass or its parts; and
 3. A Department law enforcement officer, using the officer's education, training, and experience, determines the animal died from natural causes. The Department may require the individual person to take the officer to the site where the animal carcass or parts were found when an adequate description or location cannot be provided to the officer.
- D. If a Department law enforcement officer determines that the individual person wanting to possess the carcass or its parts is authorized to do so under subsection (C), the officer may authorize possession of the carcass or its parts.
- E. Wildlife parts picked up and possessed from areas under control of jurisdictions that prohibit such activity, such as other states, reservations, or national parks, are illegal to possess in this state.
- F. This Section does not authorize the pickup and possession of a threatened or endangered species carcass or its parts.

R12-4-401. Live Wildlife Definitions

In addition to definitions provided under A.R.S. § 17-101, and for the purposes of this Article, the following definitions apply:

"Adoption" means the transfer of custody of live wildlife to a member of the public, initiated by either the Department or its authorized agent, when no special license is required.

"Agent" means the person identified on a special license and who assists a special license holder in performing activities authorized by the special license to achieve the objectives for which the license was issued. "Agent" has the same meaning as "sublicensee" and "subpermittee" as these terms are used for the purpose of federal permits.

"Aquarium trade" means the commercial industry and its customers who lawfully trade in aquatic live wildlife.

"Aversion training" means behavioral training in which an aversive stimulus is paired with an undesirable behavior in order to reduce or eliminate that behavior.

"Captive live wildlife" means live wildlife held in captivity, physically restrained, confined, impaired, or deterred to prevent it from escaping to the wild or moving freely in the wild.

"Captive-reared" means wildlife born, bred, raised, or held in captivity.

~~"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 the Integrated Taxonomic Information System, available online at www.itis.gov.~~

"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.



“Commercial purpose” means the bartering, buying, leasing, loaning, offering to sell, selling, trading, exporting or importing of wild-life or their parts for monetary gain.

“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 who held them in captivity or individuals or populations that escaped from human captivity.

“Educational display” means a display of captive live wildlife to increase public understanding of wildlife biology, conservation, and management without requiring or soliciting payment from 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.

“Educational institution” means any entity that provides instructional services or education-related services to persons.

“Endangered or threatened wildlife” means wildlife listed under 50 C.F.R. 17.11, revised October 1, 2013, which is incorporated by reference. A copy of the list is available at any Department office, online at www.gpoaccess.gov, or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000. This incorporation by reference does not include any later amendments or editions of the incorporated material.

“Evidence of lawful possession” means any license or permit authorizing possession of a specific live wildlife species or individual, or other documentation establishing lawful possession. Other forms of documentation may include, but are not limited to, a statement issued by the country or state of origin verifying a license or permit for that specific live wildlife species or individual is not required.

“Exhibit” means to display captive live wildlife in public or to allow photography of captive live wildlife for any commercial purpose.

“Exotic” means wildlife or offspring of wildlife not native to North America.

“Fish farm” means a commercial operation designed and operated for propagating, rearing, or selling aquatic wildlife for any purpose.

“Game farm” means a commercial operation designed and operated for the purpose of propagating, rearing, or selling terrestrial wildlife or the parts of terrestrial wildlife for any purpose stated under R12-4-413.

“Health certificate” means a certificate of an inspection completed by a licensed veterinarian verifying the animal examined appears to be healthy and free of infectious, contagious, and communicable diseases.

“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 wildlife.

“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 and R12-4-317.

“Live bait” means aquatic live wildlife used or intended for use in taking aquatic wildlife.

“Migratory birds” mean all species listed under 50 C.F.R. 10.13 revised October 1, 2014, and no later amendments or editions. The incorporated material is available from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000, and is on file with the Department.

“Noncommercial purpose” means the use of products or services developed using wildlife for which no compensation or monetary value is received.

“Nonhuman primate” means any nonhuman member of the order Primate of mammals including prosimians, monkeys, and apes.

“Nonnative” means wildlife or its offspring that did not occur naturally within the present boundaries of Arizona before European settlement.

~~“Person” has the same meaning as defined under A.R.S. § 1-215.~~

“Photography” means any process that creates durable images of wildlife or parts of wildlife by recording light or other electromagnetic radiation, either chemically by means of a light-sensitive material or electronically by means of an image sensor.

“Rehabilitated wildlife” means live wildlife that is injured, orphaned, sick, or otherwise debilitated and is provided care to restore it to a healthy condition suitable for release to the wild or for lawful captive use.

“Research facility” means any association, institution, organization, school, except an elementary or secondary school, or society that uses or intends to use live animals in research.

“Restricted live wildlife” means wildlife that cannot be imported, exported, or possessed without a special license or lawful exemption.

“Shooting preserve” means any operation where live wildlife is released for the purpose of hunting.

“Special license” means any license issued under this Article, including any additional stipulations placed on the license authorizing specific activities normally prohibited under A.R.S. § 17-306 and R12-4-402.

“Species of greatest conservation need” means any species listed in the Department’s Arizona’s State Wildlife Action Plan list Tier 1a and 1b published by the Arizona Game and Fish Department. The material is available for inspection at any Department office and online at www.azgfd.gov.

“Stock” and “stocking” means to release live aquatic wildlife into public or private waters other than the waters where taken.

“Taxa” means groups of animals within specific classes of wildlife occurring in the state with common characteristics that establish relatively similar requirements for habitat, food, and other ecological, genetic, or behavioral factors.

“Unique identifier” means a permanent marking made of alphanumeric characters that identifies an individual animal, which may include, but is not limited to, a tattoo or microchip.

“USFWS” means the United States Fish and Wildlife Service.



“Volunteer” means a person who:

- Assists a special license holder in conducting activities authorized under the special license,
- Is under the direct supervision of the license holder at the premises described on the license,
- Is not designated as an agent, and
- Receives no compensation.

“Wildlife disease” means any disease that poses a health risk to wildlife in Arizona.

“Zoo” means any facility licensed by the Arizona Game and Fish Department under R12-4-420 or, for facilities located outside of Arizona, licensed or recognized by the applicable governing agency.

“Zoonotic” means a disease that can be transmitted from animals to humans or, more specifically, a disease that normally exists in animals but that can infect humans.

**NOTICE OF PROPOSED RULEMAKING
TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE
CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA**

[R18-44]

PREAMBLE

<u>1. Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
R20-5-106	Amend
R20-5-1301	Amend
R20-5-1302	Amend
R20-5-1303	Amend
R20-5-1309	Amend
R20-5-1310	Amend
R20-5-1311	Amend

2. Citations to agency’s statutory rulemaking authority to include the authorizing statute and the implementing statute:

Authorizing statutes: A.R.S. §§ 23-107(A)(1); 23-921(B)

Implementing statutes: A.R.S. § 23-1062.03; Section 5 of Senate Bill 1332 of the Fifty-third Legislature, First Regular Session

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

Notice of Rulemaking Docket Opening: 24 A.A.R. 578, March 16, 2018 (*in this issue*)

4. The agency’s contact person who can answer questions about the rulemaking:

Name: Jason M. Porter
 Address: Industrial Commission of Arizona
 Legal Division
 800 W. Washington St.
 Phoenix, AZ 85007
 Telephone: (602) 542-5781
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5. An agency’s justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

In 2012, the Arizona Legislature directed the Industrial Commission of Arizona (the “Commission”) to “develop and implement a process for the use of evidence-based treatment guidelines, where appropriate, to treat injured workers.” See A.R.S. § 23-1062.03. With significant stakeholder input, the Commission promulgated twelve rules, published in Title 20, Chapter 5, Article 13 of the Arizona Administrative Code (“Article 13” or the “Treatment Guidelines”). Among other things, the Treatment Guidelines: (1) prescribe the use of evidence-based treatment guidelines as a tool to support clinical decision making and quality health care delivery to injured workers within Arizona’s workers’ compensation system; (2) adopted Work Loss Data Institute’s *Official Disability Guidelines – Treatment in Workers Compensation* (the “*Official Disability Guidelines*” or “ODG”) as the standard reference for evidence-based medicine; (3) until further action of the Commission, limited the applicability of ODG to the management of chronic pain and the use of opioids for all stages of pain management; (4) outlined an administrative process for the Commission to modify the applicability of ODG; (5) outlined a noncompulsory process for a medical provider or injured worker to seek preauthorization from a payer for medical services or treatment; (6) established an administrative review process to help resolve disputes between medical providers, injured workers, and payers; and (7) outlined procedures for bringing unresolved disputes to the Commission for administrative hearing.

Streamlining the Treatment Guidelines’ Authorization Process

In 2017, the Arizona Legislature (in Section 5 of Senate Bill 1332 of the Fifty-third Legislature, First Regular Session) directed the Commission to “review and determine a process for streamlining the authorization process for treatment that is within the evidence-based treatment guidelines.” The Legislature required the Commission to complete the review process on or before



December 31, 2017.

Consequently, on June 29, 2017, the Commission directed its Medical Resource Office to: (1) conduct a review of the existing authorization process under the Treatment Guidelines; and (2) make a recommendation to the Commission regarding “streamlining the authorization process for treatment that is within the evidence-based treatment guidelines.” Stakeholders were provided opportunities to offer suggestions and comments regarding streamlining the authorization process, including during a public hearing conducted on August 17, 2017. At its December 14, 2017 public meeting, the Commission completed its review of the existing authorization process. Based upon suggestions submitted by interested stakeholders, the Commission approved the following methods for streamlining the Article 13 authorization process:

1. Develop and mandate the use of a Medical Treatment Pre-authorization Form with accompanying instructions; and
2. Reduce the time period within which a payer must respond to requests for pre-authorization or reconsideration from ten business days to seven business days.

Modifying the Applicability of the Official Disability Guidelines

In addition to efforts to streamline the Treatment Guidelines, the Commission carefully studied the propriety of modifying the applicability of the *Official Disability Guidelines* pursuant to A.R.S. § 23-1062.03 and A.A.C. R20-5-1301(C). Under A.A.C. R20-5-1301(B), absent further action of the Commission, the *Official Disability Guidelines* only apply to the management of chronic pain and the use of opioids for all stages of pain management. Under R20-5-1301(C), however, the Commission is authorized to “modify or change the applicability of the guidelines” if the Commission determines that modification or changing the applicability of the guidelines will: (1) improve medical treatment for injured workers; (2) make treatment and claims processing more efficient and cost effective; and (3) the guidelines adequately cover the relevant body parts or conditions.

On June 29, 2017, the Commission directed its Medical Resource Office to conduct an investigation and study regarding the three modification criteria. Consistent with the procedural requirements of R20-5-1301(C), the Commission publicly posted study materials and provided an opportunity for public comment. The Commission conducted a public hearing on November 30, 2017.

On December 21, 2017, following its evaluation of the study materials and stakeholder feedback, the Commission determined (at a public Commission meeting) that modifying the applicability of the *Official Disability Guidelines* to cover all body parts and conditions would improve medical treatment for injured workers and would make treatment and claims processing more efficient and cost effective. In addition, based upon written reviews received from board-certified physicians in Arizona (representing various specialties), the Commission determined that the *Official Disability Guidelines* adequately cover all body parts and conditions. Based on these determinations, the Commission took formal action to modify the applicability of the *Official Disability Guidelines* to apply to all body parts and conditions, effective October 1, 2018.

The proposed rulemaking described herein formalizes the Commission’s actions, outlined above, and includes the following:

- Amends R20-5-106 (“Commission Forms”) to describe and mandate the use of the Medical Treatment Pre-Authorization Form.
- Amends R20-5-1301 (“Adoption and Applicability of the Article”) and R20-5-1311 (“Administrative Review by Commission”) to reflect the Commission’s December 21, 2017 decision to modify the applicability of the *Official Disability Guidelines* to apply to all body parts and conditions and to state applicable effective dates. (Note: This rulemaking is non-substantive, as the Commission has already completed the substantive process for modifying the applicability of the *Official Disability Guidelines* under R20-5-1301(C).)
- Amends R20-5-1303 (“Provider Request for Preauthorization”); R20-5-1309 (“Payer Decision on Request for Preauthorization”); R20-5-1310 (“Payer Reconsideration on Request for Preauthorization”); and R20-5-1311 (“Administrative Review by Commission”) to: (1) mandate the use of the Medical Treatment Pre-Authorization Form; (2) reduce the time period for a payer to respond to a request for preauthorization or reconsideration from ten business days to seven business days; (3) remove the pre-existing requirements for a request for preauthorization, a decision on a request for preauthorization, a decision on a request for reconsideration, and a request for administrative review; and (4) provide that a payer’s decision on a request for preauthorization or reconsideration may be provided to the injured worker’s authorized representative.
- Amends R20-5-1309 (“Provider Decision on Request for Preauthorization”) to require that a payer who receives a deficient request for preauthorization – either because it is incomplete or not submitted using the Medical Treatment Pre-Authorization Form – must, within seven business days of receiving and identifying the deficient request, either: (1) act on the deficient request by using the Medical Treatment Pre-Authorization Form; or (2) notify the provider making the request that a request for preauthorization must be submitted on the Medical Treatment Pre-Authorization Form.
- Various non-substantive amendments.

6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or 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:

Modifying the Applicability of the Official Disability Guidelines

The subject rulemaking is merely intended to update Article 13 to reflect the formal action taken by the Commission pursuant to A.A.C. R20-5-1301(C) on December 21, 2017. Consequently, the Commission has not reviewed and is not relying upon any study in its evaluation of or justification for the proposed rulemaking as it related to modifying the applicability to the *Official Disability Guidelines*.

As concerns the Commission’s December 21, 2017 action, the Commission considered various study materials prior to completing the regulatory process for modifying the applicability of the *Official Disability Guidelines*. A list of study materials considered by the Commission during its administrative process is available at <https://www.azica.gov/official-disability-guidelines-study-materials-and-public-comments>. The study materials are available for inspection or reproduction at the Industrial Commission of Arizona, Medical Resource Office, 800 West Washington Street, Phoenix, Arizona 85007, or are electronically available at <https://www.azica.gov/official-disability-guidelines-study-materials-and-public-comments>.



Streamlining the Treatment Guidelines' Authorization Process

The Commission has not reviewed and is not relying upon any study in its evaluation of or justification for the proposed rulemaking relating to streamlining the Treatment Guidelines' authorization process.

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

Not applicable

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

Modifying the Applicability of the Official Disability Guidelines

The proposed rulemaking related to modification of the applicability of the *Official Disability Guidelines* is non-substantive, as the proposed rulemaking is merely intended to update Article 13 to reflect the formal action previously taken by the Commission pursuant to A.A.C. R20-5-1301(C). Therefore, the proposed rulemaking related to modification of the applicability of the *Official Disability Guidelines* creates no economic, small business, or consumer impact beyond that already created by Article 13 and the Commission's formal action taken on December 21, 2017.

Streamlining the Treatment Guidelines' Authorization Process

The Commission anticipates that the proposed amendments related to streamlining the authorization process contained in Article 13 will have some impact on participants in the workers' compensation system. Participants include medical providers, payers (insurance carriers and self-insured employers), attorneys, and the Industrial Commission of Arizona. Although participants in the workers' compensation system are already subject to the Treatment Guidelines, the proposed rulemaking will:

- Mandate the use of the Medical Treatment Pre-Authorization Form when a medical provider seeks preauthorization for medical treatment or services;
- Reduce the time period for a payer to respond to a request for preauthorization or reconsideration from ten business days to seven business days; and
- Require a payer who receives an incomplete request for preauthorization or a request for preauthorization that is not submitted on the Medical Treatment Pre-Authorization Form to, within seven business days of receiving and identifying the deficient request, either: (1) act on the deficient request by using the Medical Treatment Pre-Authorization Form; or (2) notify the provider making the request that a request for preauthorization must be submitted on the Medical Treatment Pre-Authorization Form.

The Commission anticipates that the proposed amendments will streamline the authorization process, reduce delays in providing employees with reasonably required medical treatment, improve the processing of workers' compensation claims, and reduce litigation time and costs.

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

Name: Jason M. Porter
 Address: Industrial Commission of Arizona
 Legal Division
 800 W. Washington St.
 Phoenix, AZ 85007
 Telephone: (602) 542-5781
 Fax: (602) 542-6783
 E-mail: jason.porter@azica.gov

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

Written comments on this rulemaking may be submitted to the person referenced in item #9 of this notice. Written comments for the rulemaking record may be submitted after publication of the Notice of Proposed Rulemaking in the *Arizona Administrative Register* and prior to the close of record date on April 16, 2018. An oral proceeding on the proposed rulemaking is scheduled for April 16, 2018, at 9:00 a.m., in the auditorium of the Industrial Commission of Arizona, 800 W. Washington St., Phoenix, AZ 85007.

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

Not applicable

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

The proposed rulemaking does not require issuance of a regulatory permit or license.

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

Not applicable. The proposed rulemaking does not implicate federal law.

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

No analysis was submitted.



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

None

13. The full text of the proposed rules follows:

**TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE
CHAPTER 5. THE INDUSTRIAL COMMISSION OF ARIZONA**

ARTICLE 1. WORKERS' COMPENSATION PRACTICE AND PROCEDURE

Section
R20-5-106. Commission Forms

ARTICLE 13. TREATMENT GUIDELINES

Section
R20-5-1301. Adoption and Applicability of the Article
R20-5-1302. Definitions
R20-5-1303. Provider Request for Preauthorization
R20-5-1309. Payer Decision on Request for Preauthorization
R20-5-1310. Payer Reconsideration on Request for Preauthorization
R20-5-1311. Administrative Review by Commission

ARTICLE 1. WORKERS' COMPENSATION PRACTICE AND PROCEDURE

R20-5-106. Commission Forms

- A. The following forms shall be used when applicable:
 - 1. Employer's report of industrial injury (form 101) shall contain:
 - a. Employee, employer, and carrier identification;
 - b. Description of employment;
 - c. Description of accident and injury;
 - d. Description of medical treatment received by employee;
 - e. Employee's wage data;
 - f. Date, signature, and title of employer or the employer's representative; and
 - g. Statement doubting the validity of the claim, if the employer doubts the validity of the claim.
 - 2. The physician's portion of the worker's and physician's report of injury (form 102) shall contain:
 - a. Name and address of physician;
 - b. Information regarding preexisting conditions;
 - c. Information regarding the industrial injury, treatment, and prognosis;
 - d. Statement authorizing the attachment of a medical report that contains the information required in form 102; and
 - e. Physician's signature and date.
 - 3. Notice of supportive medical benefits (form 103) shall contain:
 - a. Employee, employer, insurance carrier, and claim identification;
 - b. Description of authorized medical benefits;
 - c. Date the notice is mailed;
 - d. Name and telephone number of the individual issuing the notice; and
 - e. Statement regarding reopening and appeal rights including filing requirements.
 - 4. Notice of claim status (form 104) shall contain:
 - a. Employee, employer, insurance carrier, and claim identification;
 - b. Status of the claim;
 - c. Date the notice is mailed;
 - d. Name and telephone number of the individual issuing the notice; and
 - e. Statement of a party's hearing and appeal rights including filing requirements.
 - 5. Notice of suspension of benefits (form 105) shall contain:
 - a. Employee, employer, insurance carrier, and claim identification;
 - b. Effective date of the suspension;
 - c. Reasons for the suspension;
 - d. Date the notice is mailed;
 - e. Name and telephone number of the individual issuing the notice; and
 - f. Statement of a party's hearing and appeal rights including filing requirements.
 - 6. Notice of permanent disability or death benefits (form 106) shall contain:
 - a. Employee, employer, insurance carrier, and claim identification;
 - b. Applicable statutory authority under which compensation is paid;
 - c. Disability and compensation information;
 - d. Date the notice is mailed;
 - e. Name and telephone number of the individual issuing the notice; and
 - f. Statement regarding hearing and appeal rights including filing requirements.
 - 7. Notice of permanent disability and request for determination of benefits (form 107) shall contain:



- a. Employee, employer, insurance carrier, and claim identification;
 - b. Type of disability;
 - c. Applicable statutory authority for designated disability;
 - d. Designation of dependents where death is involved;
 - e. Designation of advanced payments and amount of the advance;
 - f. Date the notice is mailed; and
 - g. Name and telephone number of the individual issuing the notice.
8. Carrier's recommended average monthly wage calculation (form 108) shall contain:
- a. Employee, employer, insurance carrier, and claim identification;
 - b. Employment and wage history;
 - c. Designation of dependents; and
 - d. Carrier's calculations for the recommended average monthly wage and the basis for the calculation.
9. Notice of permanent compensation payment plan (form 111) shall contain:
- a. Employee, employer, and carrier identification;
 - b. Amount of permanent compensation and description of payment plan;
 - c. Name of the responsible entity contracted by the carrier to administer the payment plan;
 - d. Statement that the carrier remains the responsible party for payment;
 - e. Statement regarding supportive care and reopening rights;
 - f. Date the notice is mailed; and
 - g. Name and telephone number of the individual issuing the notice.
10. Report of insurance coverage (form 0006) shall contain:
- a. Name and address of the carrier;
 - b. Legal name of entity that the carrier insures;
 - c. All other insured names or subsidiary entities under which the carrier's insured does business in Arizona;
 - d. Address of all insured entities with insurance policy information for each address; and
 - e. Employer Identification Number (EIN), Taxpayer Identification Number (TIN), or Federal Identification Number (FIN) assigned to each insured person or entity.
11. Report of significant work exposure to bodily fluids or other infectious material shall contain:
- a. The requirements set forth in A.R.S. §§ 23-1043.02(B), 23-1043.03(B), and 23-1043.04(B);
 - b. Employee identification,
 - c. Employer identification,
 - d. Source of exposure person identification (if known),
 - e. Details of the exposure including:
 - i. Date of exposure,
 - ii. Time of exposure,
 - iii. Place of exposure,
 - iv. How exposure occurred,
 - v. Type of bodily fluid or fluids,
 - vi. Source of bodily fluid or fluids,
 - vii. Part or parts of body exposed to bodily fluid or fluids,
 - viii. Presence of break or rupture in skin or mucous membrane, and
 - ix. Witnesses (if known), and
 - f. Dated signature of employee or the employee's authorized representative.
12. The medical treatment pre-authorization form (MRO-1.1) shall contain five sections, as follows:
- a. Section I (Provider Request for Pre-Authorization) shall contain:
 - i. Injured employee identification, including name, date of injury, date of birth, and payer claim number (if known);
 - ii. Provider identification, including name, phone number, provider medical specialty, preferred method of contact, and contact information;
 - iii. Payer identification, including name and contact information (i.e., mailing address, fax number, or e-mail address);
 - iv. Information regarding requested medical treatment and/or services, including:
 - (1) Applicable diagnosis and/or ICD codes;
 - (2) A detailed statement of the treatment or services requested;
 - (3) Applicable Current Procedural Terminology (CPT) codes and/or National Drug Codes (NDC);
 - (4) Type of request (i.e., routine or urgent); and
 - (5) An indication as to whether the provider has attached documentation to support the medical necessity and appropriateness of the requested treatment and/or services; and
 - v. Dated signature or electronic signature of provider or provider's authorized representative.
 - b. Section II (Payer Decision on Request for Pre-Authorization) shall contain:
 - i. Payer's preferred method of contact and contact information;
 - ii. Date request for preauthorization is received;
 - iii. The Commission claim number;
 - iv. The payer's decision (i.e., approved, partial denial, denied, request for preauthorization incomplete, or IME requested);
 - v. An indication as to whether the payer has attached a statement of what treatment and/or services have been authorized, including, if applicable, a partial authorization, and, if the request for preauthorization is denied, in whole or in part, a statement of explanation that includes the medical reason supporting the payer's decision; and



- vi. Dated signature or electronic signature of payer or payer’s authorized representative.
- c. Section III (Provider or Employee Request for Reconsideration of Payer Decision) shall contain:
 - i. An indication as to whether the provider or injured employee has attached a statement of the specific reasons and justifications to support the request for reconsideration;
 - ii. An indication as to whether the provider or injured employee has attached documentation to support the medical necessity and appropriateness of the requested treatment and/or services, if not previously provided; and
 - iii. Dated signature or electronic signature of provider, provider’s authorized representative, injured employee, or injured employee’s authorized representative.
- d. Section IV (Payer Decision on Request for Reconsideration) shall contain:
 - i. Date request for reconsideration received;
 - ii. The payer’s decision (e.g., approved, partial denial, denied, or IME requested);
 - iii. An indication as to whether the payer has attached a statement of what has been authorized, including if applicable, a partial authorization, and, if the request for preauthorization is denied, in whole or in part, a statement of explanation that includes the medical reason supporting the payer’s decision; and
 - iv. Dated signature or electronic signature of payer or payer’s authorized representative.
- e. Section V (Provider or Employee Request for Administrative Peer Review) shall contain:
 - i. An indication of the basis for the request for administrative peer review (e.g., payer non-response, denial (in whole or in part) of requested treatment or services, the payer’s decision on the request for preauthorization denied treatment or services that are subject to R20-5-1304(B));
 - ii. An indication as to whether the provider or injured employee has attached copies of relevant medical records and, if applicable, documentation related to the payer’s non-response;
 - iii. An indication as to whether the provider or injured employee has attached all documentation and statements previously attached to Sections I-IV; and
 - iv. Dated signature or electronic signature of provider, provider’s authorized representative, injured employee, or injured employee’s authorized representative.

B. The following forms may be used:

1. The workers’ portion of the worker’s and physician’s report of injury (form 102) requests:
 - a. Employee, employer, insurance carrier, and physician identification;
 - b. Description of the accident, including date of injury; and
 - c. Date and signature of the employee or the employee’s authorized representative.
2. Worker’s report of injury (form 407) requests:
 - a. Employee and employer identification,
 - b. Job title,
 - c. Employment description,
 - d. Employee’s wage data,
 - e. Date of injury,
 - f. Accident and injury descriptions,
 - g. Medical treatment information,
 - h. Information concerning prior injuries of the employee,
 - i. Disability income, and
 - j. Date and signature of the employee or the employee’s authorized representative.
3. Worker’s annual report of income (form 110-A) requests:
 - a. Employee, employer, insurance carrier, and claim identification;
 - b. Employment and wage history for the preceding 12 months;
 - c. Date and signature of the employee or the employee’s authorized representative attesting to the truthfulness of the employment and wage information; and
 - d. Statement that failure to submit an annual report of income may result in a suspension of benefits by the carrier or self-insured employer.
4. Notice of intent to suspend (form 110-B) requests:
 - a. Employee, employer, insurance carrier, and claim identification;
 - b. Employment and wage history for the preceding 12 months;
 - c. Date and signature of the employee or the employee’s authorized representative attesting to the truthfulness of the employment and wage information;
 - d. Statement that failure to submit an annual report within 30 days of the date of the notice shall result in a suspension of benefits by the carrier or self-insured employer.
5. Request for hearing requests:
 - a. Names of the employee, employer, and insurance carrier;
 - b. Claim identification;
 - c. Identification of the award, notice, order, or determination protested and reason(s) for the protest;
 - d. Estimated length of time for hearing and city or town in which hearing is requested;
 - e. Name and address of any witness for whom a subpoena is requested; and
 - f. Date and signature of party or the party’s authorized representative.
6. Petition to reopen requests:
 - a. Names of the employee, employer, and insurance carrier;
 - b. Claim identification;



- c. Identification or description of the new, additional, or previously undiscovered temporary or permanent disability or medical condition justifying the reopening of the claim; and
 - d. Employee's medical and employment history.
 - 7. Petition for rearrangement or readjustment of compensation requests:
 - a. Names of the employee, employer, and insurance carrier;
 - b. Claim identification;
 - c. Income and employment history;
 - d. Medical history; and
 - e. Statement of the basis for the increase or decrease in earning capacity.
 - 8. Claim for dependent's benefits-fatality form requests:
 - a. Identification of dependent filing claim;
 - b. Identification of deceased;
 - c. Date of death;
 - d. Date of injury, if different than date of death;
 - e. Name and address of employer at time of deceased's death;
 - f. Statement of cause of death;
 - g. Names and addresses of health care providers rendering treatment to deceased in two years before death;
 - h. Conditions treated by health care providers in the two years before deceased's death;
 - i. If claim is for spousal benefits, the form requests:
 - i. Name, address, and date of birth of spouse;
 - ii. Copy of marriage certificate;
 - iii. Date and place of marriage to deceased;
 - iv. History of prior marriages of deceased and deceased's spouse, including copies of divorce decrees; and
 - v. Statement of living arrangements at time of deceased's death, including reason for living apart at time of death, if applicable;
 - j. If claim is for a dependent child, the form requests:
 - i. Name, date of birth, and address of child at time of deceased's death;
 - ii. List of children in care and custody of current spouse; and
 - iii. Statement of whether unborn child is expected and date expected;
 - k. If claim is for dependent other than a child, the form requests:
 - i. Name and address of other dependent,
 - ii. Relationship of other dependent to deceased, and
 - iii. Statement of the nature and extent of dependency; and
 - l. Date, telephone number, and signature of dependent or authorized representative of dependent.
 - 9. Request to leave the state form requests:
 - a. Employee, insurance carrier, and claim identification;
 - b. Reason for requesting to leave Arizona;
 - c. Dates leaving and returning to Arizona;
 - d. Out-of-state address;
 - e. Name and telephone number of attending physician; and
 - f. Date and signature of the employee or the employee's authorized representative.
 - 10. Request to change doctors form requests:
 - a. Employee, insurance carrier, and claim identification;
 - b. Reason for requesting change of doctor;
 - c. Name and phone number of claimant's current doctor;
 - d. Name and phone number of doctor claimant requests to change to; and
 - e. Date and signature of the employee or the employee's authorized representative.
 - 11. Complaint of bad faith and unfair claim processing practices requests:
 - a. Employee, employer, and insurance carrier identification;
 - b. Description of the alleged bad faith or unfair claim processing practices;
 - c. Date of the complaint; and
 - d. Name, address, and telephone number of the person signing the complaint.
 - 12. Certification of employer's drug and alcohol testing policy requests:
 - a. Employer's certification as described under A.R.S. § 23-1021(F),
 - b. Name and federal identification number of the employer, and
 - c. Name of all subsidiaries and locations of the employer.
- C. Optional use of a form described in subsection (B) does not affect any requirement under the Act or this Article.
- D. Forms or format for the forms described in this Section are available from the Commission.
- E. Forms prescribed under this Section shall not be changed, amended, or otherwise altered without the prior written approval of the Commission.

ARTICLE 13. TREATMENT GUIDELINES

R20-5-1301. Adoption and Applicability of the Article

- A. The Industrial Commission of Arizona (Commission) has adopted the Work Loss Data Institute's *Official Disability Guidelines – Treatment in Workers Compensation* (ODG) as the standard reference for evidence-based medicine used in treating injured workers within the context of Arizona's workers' compensation system. By adopting and referencing the most recent edition (at the time of



treatment), and continuously updated *Official Disability Guidelines*, the Commission can ensure the latest available medical evidence is used in making medical treatment decisions for injured workers.

- B. Until further action of the Commission, the guidelines shall apply to ~~the management of chronic pain and the use of opioids for all stages of pain management. For purposes of this process, chronic pain shall be defined by the guidelines~~ all body parts and conditions.
- C. The Commission may modify or change the applicability of the guidelines as described in subsection (B) if the Commission determines that modification or changing the applicability of the guidelines will: 1) improve medical treatment for injured workers, 2) make treatment and claims processing more efficient and cost effective, and 3) if the Commission's modification expands the applicability of the guidelines, the guidelines adequately cover the relevant body parts or conditions. Before taking action to modify or change the applicability of the guidelines, the Commission shall provide an opportunity for public comment and hold a public hearing. A decision of the Commission under this subsection shall be made by a majority vote of a quorum of Commission members present at a public meeting.
- D. Action taken by the Commission to modify or change the applicability of the guidelines under subsection (C) shall be published in the minutes of the Commission meeting when such action was taken. The minutes of this action shall be published on the Commission's website and shall be available from the Commission upon request.
- E. The guidelines shall apply prospectively. Recommendations provided in the guidelines related to the management of chronic pain and the use of opioids for all stages of pain management shall apply to medical treatment or services occurring on or after October 1, 2016 ~~the effective date of this Article. For purposes of this process, chronic pain shall be defined by the guidelines. Recommendations provided in the guidelines~~ related to all other body parts and conditions shall apply to medical treatment or services occurring on or after October 1, 2018.
- F. This Article applies to all claims filed with the Commission.
- G. This Article only applies to medical treatment and services for body parts and conditions that have been accepted as compensable.
- H. The guidelines are to be used as a tool to support clinical decision making and quality health care delivery to injured employees. The guidelines set forth care that is generally considered reasonable and are presumed correct if the guidelines provide recommendations related to the requested treatment or service. This is a rebuttable presumption and reasonable medical care may include deviations from the guidelines. To support a request to deviate from the guidelines, the provider must produce documentation and justification that demonstrates by a preponderance of credible medical evidence a medical basis for departing from the guidelines. Credible medical evidence may include clinical expertise and judgment.
- I. The Commission shall provide administrative review and oversight of this Article.

R20-5-1302. Definitions

In this Article ~~and R20-5-106(A)(12), unless the context otherwise requires:~~

- “Act” means the Arizona Workers’ Compensation Act, A.R.S. Title 23, ~~Ch. Chapter 6, Articles 1 through 11.~~
- “Active Practice” means performing patient care for a minimum of eight hours per week in one of the five preceding years.
- “Administrative Law Judge” or “ALJ” means a hearing officer appointed under A.R.S. § 23-108.02.
- “Administrative Review” means a process that includes a peer review for preauthorization of a request for medical treatment or services ~~conducted pursuant to R20-5-1311 that has been denied or partially denied by a payer.~~ The administrative review process will be managed by the Medical Resource Office (MRO) at the Industrial Commission of Arizona.
- “American Board of Medical Specialties” means the organization that develops a uniform system for specialty boards to administer examinations for certification of physicians within specific medicine specialties.
- “American Osteopathic Association” means the organization that develops a uniform system for specialty boards to administer examinations for certification of osteopathic physicians within specific osteopathic medicine specialties.
- “Applicability” means the body parts and medical conditions that are covered under this Article and authorized by the Commission under R20-5-1301(B) and (C).
- “Claim” means the workers’ compensation claim filed by the injured employee under the Act.
- “Contractor” means an independent peer review organization accredited by URAC.
- “Fast Track ALJ Dispute Resolution Program” or “fast track process” means the voluntary dispute resolution process set forth in R20-5-1312(B).
- “International Classification of Diseases Code” or “ICD Code” means a set of medical diagnostic codes that creates a universal language for reporting diseases and injury.
- “International Classification of Diseases” or “ICD” means an official list of categories of diseases, physical and mental, that is issued and maintained by the World Health Organization.
- “IME” means an independent medical examination scheduled under R20-5-114.
- “Injured Employee” means a person defined in A.R.S. § 23-901 whose claim has been accepted for workers’ compensation benefits.
- “Medical File Review Opinions” means a formal examination of patient data and medical records for the purpose of determining the need for medical treatment, services or both.
- “Payer” means an insurance carrier defined under A.R.S. § 23-901, a self-insured employer defined in R20-5-102, a third-party administrator, and the Special Fund of the Industrial Commission of Arizona.
- “Peer Review” means an independent medical review conducted by an individual meeting the requirements of R20-5-1311(I).
- “Preauthorization” means ~~at the written request prescribed by R20-5-1303~~ the written request prescribed by R20-5-1303 from a provider to a payer requesting approval to provide medical treatment or services to an injured employee.
- “Provider” means a physician as defined in R20-5-102.
- “Reconsideration” means a written request to the payer or identified review organization by an injured employee or medical provider to reconsider a previous payer decision to deny medical treatment or services and that identifies the specific justification to support the request.
- “Third-Party Administrator” ~~or “TPA”~~ means an organization that processes insurance or employee benefit claims for a separate entity.



“Treatment Guidelines” or “guidelines” means medical treatment guidelines that are used as a tool to support clinical decision making and quality health care delivery to injured employees.

“URAC” refers to URAC, a non-profit organization formerly known as the Utilization Review Accreditation Commission.

R20-5-1303. Provider Request for Preauthorization

- A. No preauthorization is required under the Act to ensure payment for reasonably required medical treatment or services. While preauthorization is not required under the Act, a provider may seek preauthorization as provided in this subsection.
- B. A provider shall submit a request for preauthorization in writing using Section I (Provider Request for Pre-Authorization) of the Medical Treatment Pre-Authorization Form approved by the Commission under R20-5-106(A)(12). A provider shall attach documentation to a request for preauthorization that supports the medical necessity and appropriateness of the treatment or services requested, such as office notes and diagnostic reports, which shall include the following information:
1. Patient information (including date of injury, date of birth, and payer claim number);
 2. Diagnosis and ICD code;
 3. Date of request;
 4. Type of request—Initial, Routine, Urgent, or Life Threatening;
 5. A statement of the treatment or services requested. Where appropriate, information about quantity, strength, duration and frequency of the treatment or services should be included. Use of the applicable codes should also be included and will facilitate the process; and
 6. Documentation, if not already provided, that supports the medical necessity and appropriateness of the treatment or services requested, such as office notes and diagnostic reports.
- C. A provider may submit the request for preauthorization by mail, electronically or by fax.

R20-5-1309. Payer Decision on Request for Preauthorization

- A. Except as provided in subsections (C) or (D), a payer shall communicate to the provider its decision on a request for preauthorization no later than 407 business days after the request is received. ~~This~~The decision shall be issued in writing using Section II (Payer Decision on Request for Pre-Authorization) of the Medical Treatment Pre-Authorization Form approved by the Commission under R20-5-106(A)(12). A payer shall attach to the decision a statement of what has been authorized, including, if applicable, a partial authorization, and, if the request for preauthorization is denied, in whole or in part, a statement of explanation that includes the medical reason supporting the payer’s decision ~~comply with the requirements set forth in subsection (H).~~ For purposes of this Section, the 407 business days begin to run the day after the payer receives the request.
- B. If a payer fails to communicate to a provider its decision on request for preauthorization within 407 business days, then the payer’s failure to take action is deemed a “no response” and the provider or injured employee may submit a request for administrative review directly to the Commission as provided in R20-5-1311.
- C. If a payer receives a request for preauthorization ~~not submitted on Section I (Provider Request for Pre-Authorization) of the Medical Treatment Pre-Authorization Form approved by the Commission under R20-5-106(A)(12) or an incomplete request for preauthorization using Section I (Provider Request for Pre-Authorization) of the Medical Treatment Pre-Authorization Form approved by the Commission under R20-5-106(A)(12) that fails to meet the requirements of R20-5-1303,~~ the payer ~~may~~shall, in its discretion:
1. No later than 7 business days after the request is received and identified, ~~act~~ on the ~~incomplete~~ request for preauthorization pursuant to subsection (A); or
 2. No later than 407 business days after the request is received and identified, notify the provider in writing that the request for preauthorization is incomplete or, if applicable, that a request for preauthorization must be submitted on Section I (Provider Request for Pre-Authorization) of the Medical Treatment Pre-Authorization Form approved by the Commission under R20-5-106(A)(12).
- D. If, no later than 407 business days after a request for preauthorization has been received, a payer provides written notice to the provider that an IME has been requested under R20-5-114 using Section II (Payer Decision on Request for Pre-Authorization) of the Medical Treatment Pre-Authorization Form approved by the Commission under R20-5-106(A)(12), then the payer’s decision on a request for preauthorization shall be issued no later than 407 business days after the final IME report has been received by the payer. The payer shall provide a copy of the final IME report to the provider upon receipt of the IME report.
- E. Unless the payer decision was supported by an IME or otherwise falls within subsection R20-5-1304(B), an injured employee or provider may seek reconsideration of a payer decision by submitting a written request to the payer (or review organization identified by the payer) using Section III (Provider or Employee Request for Reconsideration) of the Medical Treatment Pre-Authorization Form approved by the Commission under R20-5-106(A)(12). A provider shall attach to a request for reconsideration a statement ~~of that~~ states the specific reasons and justifications to support the request. If not previously provided, the injured employee or provider shall ~~include~~attach supporting medical documentation with ~~their~~the written request for reconsideration.
- F. An injured employee may seek review of a payer decision that is supported by an IME by requesting an investigation under A.R.S. § 23-1061(J).
- G. Unless the decision was supported by an IME, an injured employee or provider may seek review of a payer decision issued under R20-5-1304(B) by requesting administrative review by the Commission as provided in R20-5-1311.
- H. ~~A payer shall include the following information in its written decision to approve or deny, in whole or in part, the request for preauthorization to provide treatment or services:~~
1. ~~The date on which the request for preauthorization was received;~~
 2. ~~Patient information, including date of injury, date of birth, payer claim number and Commission claim number;~~
 3. ~~The date on which an IME was completed, if applicable;~~
 4. ~~A statement of what has been authorized, including if applicable, a partial authorization;~~
 5. ~~A statement of explanation if the request for preauthorization is denied, in whole or in part, which should include the medical reason supporting the payer’s decision;~~



- 6. A statement of the process under which a provider or injured employee may request reconsideration or review of the payer's denial, in whole or in part, of a request for preauthorization, which shall include the following information:
 - a. For a decision that is issued without obtaining an IME that is not subject to R20-5-1304(B):
 - "If you wish to request reconsideration of the decision regarding your request for preauthorization to provide treatment or services, you must send a written request for reconsideration to:
Name of Payer or Review Organization Identified by Payer
Commission Address
Phone
Fax
E-mail
 - You must include the specific reason and justification to support your request. Please include additional supporting medical documentation if not previously provided."
 - b. For a decision that is supported by an IME:
 - "If you wish review of the decision regarding your request for preauthorization to provide treatment or services, then the injured employee is required to file a request for investigation under A.R.S. § 23-1061(J)."
 - e. For a decision that is issued without obtaining an IME that is subject to R20-5-1304(B):
 - "If you disagree with this decision and wish to request review by the Industrial Commission of Arizona, then you may submit a request for administrative review under R20-5-1311 to:
Industrial Commission of Arizona
Attn: Medical Resource Office
Commission Address
Commission Telephone Number
 - The provider shall file this request promptly and include the following information: patient information, including name, address, payer claim number, Commission claim number, and date of injury; diagnosis or ICD code; employer, insurance carrier or TPA information; provider information; information pertaining to request for treatment, including the justification for treatment; applicable treatment guideline or guidelines; denial of treatment by payer; copies of relevant medical information or records; and whether the request for medical treatment or services involves a request for urgent care or a life-threatening condition."

III. A payer shall provide a copy of its written decision to deny treatment or services to the injured employee or, if represented, to the injured employee's authorized representative.

R20-5-1310. Payer Reconsideration on Request for Preauthorization

- A. Except as provided in subsection (C), a payer shall communicate to the provider its decision on a request for reconsideration no later than ~~40~~ business days after the request is received. This decision shall be issued in writing using Section IV (Payer Decision on Request for Reconsideration) of the Medical Treatment Pre-Authorization Form approved by the Commission under R20-5-106(A)(12). A payer shall attach to the decision a statement of what has been authorized, including, if applicable, a partial authorization, and, if the request for preauthorization is denied, in whole or in part, a statement of explanation that includes the medical reason supporting the payer's decision comply with the requirements set forth in subsection (E). For purposes of this subsection, the ~~40~~ business days begin to run the day after the payer receives the request for reconsideration.
- B. If a payer fails to respond to a request for reconsideration within ~~40~~ business days, the provider or injured employee may submit a request for administrative review directly to the Commission as provided in R20-5-1311.
- C. If, no later than ~~40~~ business days after a request for reconsideration has been received, a payer provides written notice to the provider that an IME has been requested under R20-5-114 using Section IV (Payer Decision on Request for Reconsideration) of the Medical Treatment Pre-Authorization Form approved by the Commission under R20-5-106(A)(12), then the payer's decision on a request for reconsideration shall be issued no later than ~~40~~ business days after the final IME report has been received by the payer. The payer shall provide a copy of the final IME report to the provider upon receipt of the report.
- D. Commission Review of Payer Reconsideration Decision:
 - 1. An injured employee or provider may seek review of a payer reconsideration decision by requesting an administrative review by the Commission as provided in R20-5-1311 unless the payer decision was supported by an IME.
 - 2. An injured employee may seek review of a payer reconsideration decision that is supported by an IME by requesting an investigation under A.R.S. § 23-1061(J).
- E. ~~A payer shall include the following information in its written decision to approve or deny, in whole or in part, a request for reconsideration of a denial of preauthorization:~~
 - 1. ~~The date on which the request for reconsideration was received;~~
 - 2. ~~Patient information, including date of injury, date of birth, payer claim number and Commission claim number;~~
 - 3. ~~The date on which an IME was completed, if applicable;~~
 - 4. ~~A statement of what has been authorized including, if applicable, a partial authorization;~~
 - 5. ~~A statement of explanation if the request for treatment is denied, in whole or in part; and~~
 - 6. ~~A statement of the process under which a provider or injured employee may request Commission review of the payer's denial, in whole or in part, of a request for preauthorization, which shall include the following information:~~
 - a. ~~For a reconsideration decision that is issued without obtaining an IME:~~
 - "If you disagree with this reconsideration decision and wish to request review by the Commission, then you may submit a request for administrative review under R20-5-1311 to:
Industrial Commission of Arizona
Attn: Medical Resource Office
Commission Address
Commission Telephone Number.



The provider shall file this request promptly and include the following information: patient information, including name, address, payer claim number, Commission claim number, and date of injury; diagnosis or ICD code; employer, insurance carrier or TPA information; provider information; information pertaining to request for treatment, including the justification for treatment; applicable treatment guideline and denial of treatment by payer; copies of relevant medical information or records; copies of relevant documentation related to the payer reconsideration decision; and whether the request for medical treatment or services involves a request for urgent care or a life-threatening condition.”

- b. For reconsideration of a decision that is supported by an IME:

“If you disagree with this reconsideration decision and wish review by the Commission, then the injured employee is required to file a request for investigation under A.R.S. § 23-1061(J).”

- FE.** A payer shall provide a copy of its written reconsideration decision to deny treatment or services to the injured employee or, if represented, to the injured employee’s authorized representative.

R20-5-1311. Administrative Review by Commission

- A. ~~Until Absent~~ further action of the Commission under R20-5-1301(C), administrative review under this Article is ~~limited to~~ available for requests for medical treatment or services related to ~~the management of chronic pain and the use of opioids for all stages of pain management~~ all body parts and conditions.
- B. A request for administrative review shall be in writing using Section V (Provider or Employee Request for Administrative Peer Review) of the Medical Treatment Pre-Authorization Form approved by the Commission under R20-5-106(A)(12). A request for administrative review must attach copies of relevant medical information or records and copies of all documentation related to the payer’s decision or non-response. A request for administrative review must be ~~and~~ submitted to the Commission by mail, electronically or by fax. ~~The request shall include the following information:~~
1. ~~Identifying information of the injured employee and claim, including the injured employee’s name, address, commission claim number, and date of injury;~~
 2. ~~Diagnosis and ICD code;~~
 3. ~~Identifying information of the employer, insurance carrier or TPA;~~
 4. ~~Identifying information of the provider;~~
 5. ~~Information pertaining to request for treatment, such as the justification for treatment, applicable treatment guideline and, if applicable, the payer’s denial of treatment;~~
 6. ~~Copies of relevant medical information or records;~~
 7. ~~Copies of documentation related to the payer’s decision or non response; and~~
 8. ~~Whether the request for medical treatment or services involves a request for urgent care or a life threatening condition.~~
- C. Upon receipt of a request for administrative review, the Commission shall determine whether the administrative review is available under this Article.
1. If administrative review is not available, then no later than three business days after receiving a request for administrative review, the Commission shall send notice to the injured employee and payer that administrative review is not available.
 2. If administrative review is available, then no later than three business days after receiving the request, the Commission shall send notice to the payer that a request for administrative review has been received and provide information on how to participate in the process.
- D. The administrative review conducted under this Section shall apply the guidelines as described in this Article and include a peer review performed by an individual meeting the requirements of subsection (I). The peer review shall consist of a records review and, when possible as described in subsection (I)(5), a conversation between the provider and individual conducting the peer review.
- E. The Commission may enter into an agreement with one or more contractors, who shall be URAC accredited, to provide the review described in subsection (D).
- F. The payer shall pay for the costs of the peer review conducted by the contractor.
- G. To assist in its review, the Commission or its contractor may request or receive additional information and documentation from the provider, injured employee or payer, who shall cooperate and provide the Commission or its contractor with any necessary medical information, including information pertaining to the payer’s decision.
- H. Before the Commission or its contractor issues a determination denying the request for treatment or services, a good faith effort shall be made to conduct a peer review with the provider requesting authorization to perform the treatment or services.
- I. The individual conducting the peer review shall:
1. Hold an active, unrestricted license or certification to practice medicine or a health profession and be involved in the active practice of medicine or a health profession during the five preceding years. For purposes of this subsection, “active practice” means performing patient care for a minimum of eight hours per week in one of the five preceding years;
 2. Be licensed in Arizona, unless the Commission or its contractor is unable to find such an individual, in which case the peer review may be conducted by an individual who is licensed in another state of the United States and who meets the other requirements of this subsection;
 3. For a review of a request from an allopathic or osteopathic physician, nurse practitioner, physician assistant, or other mid-level provider, hold a current certification from the American Board of Medical Specialties or the American Osteopathic Association in the area or areas appropriate to the condition, procedure or treatment under review;
 4. Be in the same profession and the same specialty or subspecialty as typically performs or prescribes the medical procedure or treatment requested; and
 5. Make a good faith effort to contact the provider requesting the preauthorization. This good faith effort shall include making telephone contact during the provider’s normal business hours and offering to schedule the peer review at a time convenient for the provider.
- J. A provider may bill the payer for time spent participating in a peer review under this Section.
- K. The Commission or its contractor shall issue a written determination of its administrative review that contains the name and title of the person that performed the administrative review, and includes the following information:



1. Whether the request for treatment or services is authorized or denied, in whole or in part;
 2. The information reviewed;
 3. The principle reason for the decision; and
 4. The clinical basis and rationale for the decision.
- L.** An interested party dissatisfied with the administrative review determination may request that the dispute be referred to the Commission's Administrative Law Judge Division for hearing. This request for hearing shall:
1. Be in writing;
 2. Filed no later than 10 business days after the administrative review determination is issued; and
 3. State whether the party requests to participate in the Fast Track ALJ Dispute Resolution Program by stipulation, or declines to participate in the Fast Track ALJ Dispute Resolution Program.
- M.** If a timely request for hearing is filed, the administrative review determination is deemed null and void and shall serve no evidentiary purpose.
- N.** The information provided by the parties under this Section and the determination issued by the Commission shall become a part of the Commission claims file for the injured employee.