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TITLE 9. HEALTH SERVICES
CHAPTER 18. DEPARTMENT OF HEALTH SERVICES
ADULT-USE MARIJUANA PROGRAM

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ARTICLE 1. GENERAL

R9-18-101. Definitions

In addition to the definitions in A.R.S. § 36-2850, the following definitions apply in this Chapter unless otherwise stated:

1. "Accreditation" means being deemed as technically competent under ISO 17025 by the:
   a. American Association of Laboratory Accreditation,
   b. Perry Johnson Laboratory Accreditation,
   c. ANSI National Accreditation Board,
   d. International Accreditation Services, or
   e. Commission on Office Laboratory Accreditation.
2. "Accuracy testing" means a mechanism in which a laboratory performs testing on samples with known characteristics, prepared by the laboratory, to determine a laboratory agent's ability to analyze samples within specific acceptance criteria.
3. "Acquire" means to obtain through any type of transaction and from any source.
4. "Analyte" means a specific substance for which testing is performed by a marijuana testing facility or laboratory with a laboratory registration certificate issued under 9 A.A.C. 17.
5. "Applicant" means:
   a. An individual submitting an application for a marijuana facility agent license;
   b. An entity submitting an application for a marijuana establishment license, to make a change affecting a marijuana establishment license, or for an approval to operate a marijuana establishment; or
   c. An individual or entity submitting an application for a marijuana testing facility license, for an approval to test, or for an approval to change parameters.
6. "Batch" means:
   a. When referring to cultivated marijuana, a specific lot of marijuana that is uniform in strain, grown from one or more seeds or cuttings that are planted and harvested at the same time, and cultivated under the same conditions;
   b. When referring to marijuana products, a specific amount of a marijuana product infused, manufactured, or prepared for sale from the same set of ingredients at the same time; and

c. When referring to a laboratory testing marijuana or a marijuana product according to R9-18-408, a specific set of no more than 20 samples prepared and tested during the same run using the same equipment.

7. "Batch number" means a unique numeric or alphanumeric identifier assigned to a batch by a marijuana establishment when:
   a. The batch of marijuana is planted; or
   b. The batch of a marijuana product is infused, manufactured, or prepared for sale.
8. "Calendar day" means each day, not including the day of the act, event, or default from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, statewide furlough day, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, statewide furlough day, or legal holiday.
9. "Change" means:
   a. When used in relation to a marijuana facility agent license, adding or deleting information about a marijuana facility agent;
   b. When used in relation to a place, moving to a different location, or increasing or decreasing the size of the licensed premises at a current location;
   c. When used in relation to a marijuana establishment license, adding or removing the activities that a licensee is approved to do at the marijuana establishment's retail site, cultivation site, or manufacturing site;
   d. When used in relation to parameters, revising a marijuana testing facility's standard operating procedures or quality assurance plan, required in R9-18-409(B), due to:
      i. Adding or removing a parameter,
      ii. Altering a testing method, or
      iii. Using a different instrument for performing a test; and
   e. When used in relation to testing results, altering the testing results in any way and for any reason.
10. "Commercial device" means a "commercial device," as defined in A.R.S. § 3-3401, that is licensed or certified according to A.R.S. § 3-3451.
11. "Contaminant" means matter, a pollutant, a hazardous substance, or another substance that is not intended to be part of marijuana or a marijuana product.

12. "Cultivation site" means the single off-site location where marijuana may be cultivated and processed and where marijuana products may be manufactured for a marijuana establishment.
13. "Current photograph" means an image of an individual, taken no more than 60 calendar days before the submission of the individual's application, in a Department-approved electronic format capable of producing an image that:
    a. Has a resolution of at least 600 x 600 pixels but not more than 1200 x 1200 pixels;
    b. Is 2 inches by 2 inches in size;
    c. Is in natural color, without any filter or digital alterations or enhancements;
    d. Is a front view of the individual's full face, without a hat or headgear that obscures the hair or hairline;
    e. Has a plain white or off-white background; and
    f. Has between 1 and 1 3/8 inches from the bottom of the chin to the top of the head.
14. "Dispensary" means the same as "nonprofit medical marijuana dispensary" in A.R.S. § 36-2801, whether or not the entity is operated on a not-for-profit basis.
15. "Dispensary agent" means the same as "nonprofit medical marijuana dispensary agent" as defined in A.R.S. § 36-2801, whether or not the associated dispensary is operated on a not-for-profit basis.
16. "Edible marijuana product" means a substance, beverage, or ingredient, containing marijuana or a marijuana product, used or intended for use or for sale in whole or in part for human oral or sublingual consumption.
17. "Entity" means the same as in A.R.S. § 29-2102.
18. "Inhalable" means intended for use, in whole or in part, through intake into the lungs of an individual.
19. "Laboratory" means a facility in which testing of a substance is performed through chemical analyses or microbial analyses to determine the level of contaminants in the substance.
20. "Laboratory agent" means the same as "independent third-party laboratory agent" as defined in A.R.S. § 36-2801.
21. "License" means the same as in A.R.S. § 41-1001.

22. "Limited access area" means any location in a marijuana establishment's cultivation site, manufacturing site, or retail site where marijuana or marijuana products are cultivated, processed, manufactured, stored, or moved from one place to another.
23. "Manufacturing site" means the single off-site location where marijuana products may be manufactured and packaged and marijuana and marijuana products stored for a marijuana establishment.
24. "Parameter" means the combination of a particular type of sample with a specific instrument or equipment by which the sample will be tested for a specific analyte or characteristic.
25. "Proficiency testing" means a mechanism to determine the ability of a marijuana facility agent to analyze samples within specific acceptance criteria in which the characteristics of the samples are known by the source of the samples but are unknown to a marijuana testing facility receiving the samples from the source.
26. "Proficiency testing service" means an independent company or other person with ISO/IEC 17043:2010 certification, that:
    a. Is the source for samples with known characteristics for proficiency testing, and
    b. Assesses the acceptability of the testing results generated by a marijuana facility agent of a marijuana testing facility from the samples with known characteristics during proficiency testing.
27. "Retail site" means the single location at which a marijuana establishment may sell marijuana and marijuana products to consumers, cultivate marijuana, and manufacture marijuana products.
28. "Sample" means:
    a. A representative portion of a larger quantity marijuana or a marijuana product,
    b. A specific quantity of a substance or set of substances to be used for testing purposes, or
    c. To collect the representative portion in subsection (28)(a).
29. "Time/temperature control for safety food" means the same as in the Food Code: 2017 Recommendations of the United States Public Health Service, Food and Drug Administration, § 1-201.10.
30. "Topical" means intended for use through application to the surface of the skin of an individual.
31. "Working day" means a Monday, Tuesday, Wednesday, Thursday, or Friday that is not a state holiday or a statewide furlough day.

R9-18-102. Fees

A. An applicant submitting an application to the Department shall submit the following nonrefundable fees:

1. Except as specified in subsection (B), for a marijuana facility agent license:
   a. For an initial license for an applicant submitting the applicant's fingerprints on a fingerprint card, $300;
   b. For renewal of a license for an applicant submitting the applicant's fingerprints on a fingerprint card, $300;
   c. For an initial license for an applicant submitting a copy of the applicant's current level 1 fingerprint clearance card issued pursuant to A.R.S. § 41-1758.07, $150; and
   d. For renewal of a license for an applicant submitting a copy of the applicant's current level 1 fingerprint clearance card issued pursuant to A.R.S. § 41-1758.07, $150;
2. For changing information on a marijuana facility agent's license, $10;
3. For requesting a replacement marijuana facility agent license, $10;
4. For a marijuana establishment license:
   a. An application fee for an initial license, $25,000; and
   b. A license fee for license renewal, $5,000;
5. For applying for an approval to operate a marijuana establishment, $2,500;
6. To change the location of a marijuana establishment's retail site, cultivation site, or manufacturing site, $2,500;
7. To add a cultivation site or manufacturing site for a marijuana establishment, $2,500;
8. To add to the approved activities for a marijuana establishment's retail site, cultivation site, or manufacturing site, $2,500; and
9. For a marijuana testing facility license:
   a. For an initial license, $25,000; and
   b. For license renewal, $5,000.

B. An applicant for an initial marijuana facility agent license is not required to submit the applicable fee in subsection (A)(1) if the applicant, as part of the application packet in R9-18-201, submits an attestation that the applicant meets the criteria for waiver of licensing fees in A.R.S. § 41-1080.01.

R9-18-103. Time-frames

A. Within the administrative completeness review time-frame for each type of approval in Table 1.1, the Department shall:

1. Issue:
   a. A marijuana facility agent license;
   b. An initial marijuana establishment license;
   c. Renewal of a marijuana establishment license;
   d. An approval to operate a marijuana establishment;
   e. An approval to change the location of a marijuana establishment's retail site;
   f. An approval to add or change the location of a marijuana establishment's cultivation site or manufacturing site;
   g. An approval to increase the size of the licensed premises at a current location;
   h. An approval to add an activity that a licensee may do at the marijuana establishment's retail site, cultivation site, or manufacturing site;
   i. An initial marijuana testing facility license;
   j. An approval to change the person with controlling legal or equitable interest in a marijuana testing facility;
   k. Renewal of a marijuana testing facility license;
   l. An approval for testing; or
   m. An approval to add a parameter;
2. Provide a notice of administrative completeness to an applicant; or
3. Provide a notice of deficiencies to an applicant, including a list of the information or documents needed to complete the application.

B. An application for approval to operate a marijuana establishment is not complete until the date the applicant states on a written notice provided to the Department according to R9-18-304 that the marijuana establishment is ready for an inspection by the Department.

C. An application for approval to make a change to a marijuana establishment license is not complete until the date the applicant states on a written notice provided to the Department according to R9-18-306 that the marijuana establishment is ready for an inspection by the Department.

D. A marijuana testing facility's application for approval for testing or to add a parameter is not complete until the date the applicant states on a written notice provided to the Department according to R9-18-403 or R9-18-411, as applicable, that the marijuana testing facility is ready for an inspection by the Department.

E. If the Department provides a notice of deficiencies to an applicant:

1. The administrative completeness review time-frame and the overall time-frame are suspended from the date of the notice of deficiencies until the date the Department receives the missing information or documents from the applicant, and
2. The Department shall consider the application withdrawn if the applicant does not submit the missing information or documents to the Department within the time-frame in Table 1.1.

F. Within the substantive review time-frame for each type of approval in Table 1.1, the Department:

1. According to subsection (H), shall issue or deny:
   a. A marijuana facility agent license, marijuana establishment license renewal, or marijuana testing facility license; or
   b. Approval to operate a marijuana establishment, approval to make a change affecting the marijuana establishment license, approval to change the person with controlling legal or equitable interest in a marijuana testing facility, approval for testing, or approval to add a parameter;
2. Shall notify an applicant for an initial marijuana establishment license according to subsection (H)(3)(b)(i) or (4), as applicable;
3. May complete an inspection that may require more than one visit to a marijuana establishment;
4. May complete an inspection that may require more than one visit to a marijuana testing facility; and
5. May make one written comprehensive request for more information, unless the applicant agrees in writing to allow the Department to submit supplemental requests for information.

G. If the Department issues a written comprehensive request or a supplemental request for information:

1. The substantive review time-frame and the overall time-frame are suspended from the date of the written comprehensive request or the supplemental request for information until the date the Department receives all of the information requested, and
2. The applicant shall submit to the Department all of the information and documents listed in the written comprehensive request or supplemental request for information within the time-frame in Table 1.1.

H. The Department shall issue:

1. The following, as applicable, if the Department determines that the applicant complies with A.R.S. Title 36, Chapter 28.2, and this Chapter:
   a. A marijuana facility agent license;
   b. Renewal of a marijuana establishment license;
   c. An approval to operate a marijuana establishment;
   d. An approval to change the location of a marijuana establishment's retail site;
   e. An approval to add or change the location of a marijuana establishment's cultivation site or manufacturing site;
   f. An approval to increase the size of the licensed premises at a current location;
   g. An approval to add an activity that a licensee may do at the marijuana establishment's retail site, cultivation site, or manufacturing site;
   h. An initial marijuana testing facility license;
   i. An approval to change the person with controlling legal or equitable interest in a marijuana testing facility;
   j. Renewal of a marijuana testing facility license;
   k. An approval for testing; or
   l. An approval to add a parameter;
2. For an applicant for a marijuana facility agent license, a denial that includes the reason for the denial and the process for requesting review if:
   a. The Department determines that the applicant does not comply with A.R.S. Title 36, Chapter 28.2, or this Chapter; or
   b. The applicant does not submit all of the information and documents listed in the written comprehensive request or supplemental request for information within the time-frame in Table 1.1 after the date of the comprehensive written request or supplemental request for information;
3. For an applicant for an initial marijuana establishment license, if the Department determines that the marijuana establishment license application complies with A.R.S. Title 36, Chapter 28.2, and this Chapter:
   a. A marijuana establishment license, if not all available marijuana establishment licenses have been allocated according to the criteria and processes in R9-18-302; or
   b. Written notice that:
      i. The marijuana establishment license application complies with A.R.S. Title 36, Chapter 28.2, and this Chapter;

ii. The applicant was not allocated a marijuana establishment license according to the criteria and processes in R9-18-302 because all available marijuana establishment licenses have been allocated according to the criteria and processes in R9-18-302; and

iii. The written notice is not a denial and is not considered a final decision of the Department subject to administrative review; or

4. For an applicant for a marijuana establishment license, an approval to operate, an approval to change the location of a marijuana establishment's retail site, an approval to add or change the location of a marijuana establishment's cultivation site or manufacturing site, an approval to increase the size of the licensed premises at a current location, an approval to add an activity, a marijuana testing facility license, an approval to change the person with controlling legal or equitable interest in a marijuana testing facility, an approval for testing, or an approval to add a parameter, a denial that includes the reason for the denial and the process for administrative review if:

a. The Department determines that the applicant does not comply with A.R.S. Title 36, Chapter 28.2, or this Chapter or, as applicable, A.R.S. Title 36, Chapter 28.1, or 9 A.A.C. 17; or

b. The applicant does not submit all of the information and documents listed in the written comprehensive request or supplemental request for information within the time-frame in Table 1.1 after the date of the comprehensive written request or supplemental request for information.

Table 1.1. Time-frames

Type of approval	Authority (A.R.S. § or A.A.C.)	Overall Time-frame (in working days)	Time-frame for applicant to complete application (in working days)	Administrative Completeness Time-frame (in working days)	Substantive Review Time-frame (in working days)	Response Time for Request in R9-18-103(G)(2) (in working days)
Applying for a marijuana facility agent license	§ 36-2855 R9-18-201	15	30	5	10	10
Renewing a marijuana facility agent license	§ 36-2855 R9-18-202	15	30	5	10	10
Applying for a marijuana establishment license	§ 36-2854 R9-18-303	90	10	30	60	10
Applying for approval to operate a marijuana establishment	§ 36-2854 R9-18-304	45	90	15	30	60
Changing the location of a marijuana establishment's retail site or adding or changing a marijuana establishment's cultivation site or manufacturing site location	§ 36-2854 R9-18-306	90	90	30	60	60
Increasing the size of the licensed premises at a current location	§ 36-2854 R9-18-306	90	90	30	60	60
Adding an activity	§ 36-2854 R9-18-306	90	90	30	60	60
Renewing a marijuana establishment license	§ 36-2854 R9-18-307	15	30	5	10	10
Applying for a marijuana testing facility license	§ 36-2854	90	90	30	60	60
Changing the person with controlling legal or equitable interest in a marijuana testing facility	§ 36-2854	90	90	30	60	60
Applying for approval for testing	§ 36-2854	90	90	30	60	120
Renewing a marijuana testing facility license	§ 36-2854	15	30	5	10	60
Applying to add a parameter	§ 36-2854	90	90	30	60	120

ARTICLE 2. MARIJUANA FACILITY AGENTS

R9-18-201. Initial Application for a Marijuana Facility Agent License

To apply for a marijuana facility agent license, an applicant who is at least 21 years of age shall submit to the Department in a Department-provided format:

1. The following:
    a. The applicant's first name, middle initial if applicable, last name, and suffix if applicable;
    b. The applicant's date of birth;
    c. The applicant's residence address and Arizona mailing address;
    d. The county where the applicant resides;
    e. The identifying number on the applicable card or document in subsection (2); and
    f. The signature of the individual and the date the individual signed;
2. A copy of the applicant's:
    a. Arizona driver's license issued on or after October 1, 1996;
    b. Arizona identification card issued on or after October 1, 1996;
    c. Arizona registry identification card issued according to 9 A.A.C. 17;
    d. Marijuana facility agent license;
    e. Photograph page in the applicant's U.S. passport or a U.S. passport card; or
    f. Arizona driver's license or identification card issued before October 1, 1996 and one of the following for the applicant:
        i. Birth certificate verifying U.S. citizenship,
        ii. U.S. Certificate of Naturalization, or
        iii. U.S. Certificate of Citizenship;
3. A current photograph of the applicant;
4. For the Department's criminal records check authorized in A.R.S. § 36-2855(B)(2):
    a. The applicant's fingerprints on a fingerprint card, dated no more than six months before the submission of the application, that includes:
        i. The applicant's first name; middle initial, if applicable; and last name;
        ii. The applicant's signature;
        iii. If different from the applicant, the signature of another individual physically rolling the applicant's fingerprints;
        iv. The applicant's address;

v. If applicable, the applicant's surname before marriage and any names previously used by the applicant;
vi. The applicant's date of birth;
vii. The applicant's Social Security number;
viii. The applicant's citizenship status;
ix. The applicant's gender;
x. The applicant's race;
xi. The applicant's height;
xii. The applicant's weight;
xiii. The applicant's hair color;
xiv. The applicant's eye color; and
xv. The applicant's place of birth; or

b. If the applicant's fingerprints and information required in subsection (4)(a) were submitted to the Department as part of an application for a designated caregiver registry identification card, dispensary agent registry identification card, or laboratory agent registry identification card, within the previous six months, the registry identification number on the registry identification card issued to the applicant as a result of the application; or

c. Documentation that the applicant has a valid level I fingerprint clearance card issued according to A.R.S. § 41-1758.07;

5. An attestation that the applicant has not been convicted of an excluded felony offense;
6. An attestation that the information provided in the application is true and correct; and
7. The applicable fee in R9-18-102 for applying for an initial license as a marijuana facility agent.

R9-18-202. Application to Renew a Marijuana Facility Agent License

To renew a license as a marijuana facility agent, an applicant shall submit to the Department, at least 30 calendar days before the expiration of the license as a marijuana facility agent and in a Department-provided format:

1. The applicant's license number on the marijuana facility agent license;
2. A current photograph of the applicant;
3. For the Department's criminal records check authorized in A.R.S. § 36-2855(B)(2):
   a. The applicant's fingerprints on a fingerprint card, dated no more than six months before the submission of the application, that includes:

i. The applicant's first name; middle initial, if applicable; and last name;
ii. The applicant's signature;
iii. If different from the applicant, the signature of another individual physically rolling the applicant's fingerprints;
iv. The applicant's address;
v. If applicable, the applicant's surname before marriage and any names previously used by the applicant;
vi. The applicant's date of birth;
vii. The applicant's Social Security number;
viii. The applicant's citizenship status;
ix. The applicant's gender;
x. The applicant's race;
xi. The applicant's height;
xii. The applicant's weight;
xiii. The applicant's hair color;
xiv. The applicant's eye color; and
xv. The applicant's place of birth;

b. If the applicant's fingerprints and information required in subsection (3)(a) were submitted to the Department as part of an application for a designated caregiver registry identification card, dispensary agent registry identification card, or laboratory agent registry identification card, within the previous six months, the registry identification number on the registry identification card issued to the applicant as a result of the application; or

c. Documentation that the applicant has a valid level I fingerprint clearance card issued according to A.R.S. § 41-1758.07;

4. An attestation that the applicant has not been convicted of an excluded felony offense;
5. An attestation that the information provided in the application is true and correct; and
6. The applicable fee in R9-18-102 for renewal of a license as a marijuana facility agent.

R9-18-203. Updating Information for a Marijuana Facility Agent

A. A marijuana facility agent shall:

1. Notify the Department, in a Department-provided format and within 10 working days, if any of the following information submitted to the Department changes:
   a. The marijuana facility agent's name,

b. The marijuana facility agent's residential address or mailing address, or

c. The marijuana facility agent's e-mail address; and

2. Submit to the Department, in a Department-provided format:

a. For a change in the marijuana facility agent's name, one of the following with the marijuana facility agent's new name:

i. An Arizona driver's license,

ii. An Arizona identification card, or

iii. The photograph page in the marijuana facility agent's U.S. passport or a U.S. passport card;

b. If the documentation in subsection (A)(2)(a) is not available, legal documentation supporting a change in the marijuana facility agent's name, such as a marriage certificate, divorce decree, or court order;

c. For a change in address, the new address and the county where the new address is located;

d. For a change in e-mail address, the new e-mail address;

e. The effective date of the marijuana facility agent's new name or address; and

f. The fee in R9-18-102 for changing marijuana facility agent information.

B. A marijuana facility agent shall notify the Department within 48 hours after the following:

1. Beginning employment or other association with a marijuana establishment, dispensary according to A.R.S. § 36-2804.01(F), or marijuana testing facility, or

2. Ending employment or other association with a marijuana establishment, dispensary according to A.R.S. § 36-2804.01(F), or marijuana testing facility.

R9-18-204. Requesting a Replacement Marijuana Facility Agent License

To request a replacement for a marijuana facility agent license that has been lost, stolen, or destroyed, a marijuana facility agent shall submit to the Department, in a Department-provided format and within 10 working days after the marijuana facility agent license was lost, stolen, or destroyed, a request for a replacement marijuana facility agent license that includes:

1. The marijuana facility agent's name and date of birth;

2. The license number on the lost, stolen, or destroyed marijuana facility agent license;

3. A copy of one of the following documents that the marijuana facility agent submitted with an application for the license or to renew the license:

a. Arizona driver's license,

b. Arizona identification card, or

c. Photograph page in the marijuana facility agent's U.S. passport or a U.S. passport card; and

4. The fee in R9-18-102 for requesting a replacement marijuana facility agent license.

R9-18-205. Denial, Suspension, or Revocation of a Marijuana Facility Agent License

A. The Department shall deny an application for or renewal of a marijuana facility agent license if a marijuana facility agent does not meet the definition "marijuana facility agent" in A.R.S. § 36-2850.

B. The Department may deny an application for or renewal of a license of a marijuana facility agent if the marijuana facility agent:

1. Previously had a registry identification card revoked for not complying with A.R.S. Title 36, Chapter 28.1 or 9 A.A.C. 17;
2. Previously had a marijuana facility agent license revoked for not complying with A.R.S. Title 36, Chapter 28.2 or this Chapter or, if the marijuana facility agent is acting as a dispensary agent pursuant to A.R.S. § 36-2804.01, A.R.S. Title 36, Chapter 28.1, or 9 A.A.C. 17;
3. Does not comply with A.R.S. Title 36, Chapter 28.2, or this Chapter or, if the marijuana facility agent is acting as a dispensary agent pursuant to A.R.S. § 36-2804.01, A.R.S. Title 36, Chapter 28.1, or 9 A.A.C. 17; or
4. Provides false or misleading information to the Department.

C. The Department may suspend or revoke the license of a marijuana facility agent and may assess a civil penalty if the marijuana facility agent:

1. Diverts marijuana or a marijuana product to an individual who or entity that is not allowed to possess marijuana, pursuant to A.R.S. Title 36, Chapter 28.1 or 28.2;
2. Has been convicted of an excluded felony offense;
3. Provides false or misleading information to the Department; or
4. Violates A.R.S. Title 36, Chapter 28.2, or this Chapter or, if the marijuana facility agent is acting as a dispensary agent pursuant to A.R.S. § 36-2804.01, A.R.S. Title 36, Chapter 28.1, or 9 A.A.C. 17.

D. If the Department denies, suspends, or revokes the license of a marijuana facility agent, the Department shall provide notice to a marijuana facility agent that includes:

1. The specific reason or reasons for the denial, suspension, or revocation; and
2. The process for requesting a review of the Department's decision pursuant to A.R.S. Title 41, Chapter 6, Article 10.

ARTICLE 3. MARIJUANA ESTABLISHMENTS

R9-18-301. Principal Officers and Board Members

A. For the purposes of this Chapter, a principal officer or board member of a marijuana establishment is an individual whom the marijuana establishment has designated as a principal officer or board member for purposes of licensing under this Article according to one of the following:

1. In an application for an initial license as a marijuana establishment, according to R9-18-303(A)(1)(e); or
2. As part of an approved change affecting the marijuana establishment license, according to R9-18-305(F) and R9-18-308(B)(10).

B. If an entity is a dual licensee, both the marijuana establishment and the dispensary shall have the same set of principal officers and board members.

R9-18-302. Marijuana Establishment License Allocation Process

A. The Department may periodically review current valid marijuana establishment licenses to determine if the Department may issue additional marijuana establishment licenses pursuant to A.R.S. § 36-2854(A)(1)(b).

1. If the Department determines that the Department may issue additional marijuana establishment licenses, the Department shall post, on the Department's website, that the Department is accepting marijuana establishment license applications, including the deadline for accepting marijuana establishment license applications.
    a. The Department shall post the information in subsection (A)(1) at least 30 calendar days before the date the Department begins accepting applications.
    b. The deadline for submission of marijuana establishment license applications is 10 working days after the date the Department begins accepting applications.
    c. Ninety working days after the date the Department begins accepting applications, the Department shall determine if the Department received more marijuana establishment license applications that are complete and in compliance with A.R.S. Title 36, Chapter 28.2 and this Chapter to participate in the allocation process than the Department is allowed to issue.
        i. If the Department received more marijuana establishment license applications than the Department is allowed to issue, the Department

shall allocate any available marijuana establishment licenses according to the priorities established in subsection (B).

ii. If the Department is allowed to issue a marijuana establishment license for each marijuana establishment license application the Department received, the Department shall allocate the marijuana establishment licenses to those applicants.

2. If the Department determines that the Department is not allowed to issue additional marijuana establishment licenses, the Department shall, on the Department's website:

a. Post the information that the Department is not accepting marijuana establishment license applications, and

b. Maintain the information until the next review.

B. If the Department receives more marijuana establishment license applications according to R9-18-303 that are complete and compliant with A.R.S. Title 36, Chapter 28.2, and this Chapter to participate in the allocation process than the number of licenses the Department is allowed to issue, the Department shall allocate the marijuana establishment licenses based on random drawing.

C. If an entity is allocated a marijuana establishment license under subsection (A)(1)(c)(ii) or (B), the entity shall ensure that each principal officer or board member, specified according to R9-18-301, obtains a marijuana facility agent license according to R9-18-201 before the entity submits an application for an approval to operate according to R9-18-304.

D. If the Department does not allocate a marijuana establishment license to an applicant that had submitted a marijuana establishment license application according to R9-18-303 that the Department determined was complete and compliant with A.R.S. Title 36, Chapter 28.2, and this Chapter to participate in the allocation process, the Department shall provide a written notice to the applicant that states that, although the applicant's marijuana establishment license application was complete and compliant with A.R.S. Title 36, Chapter 28.2, and this Chapter, the Department did not allocate the applicant a marijuana establishment license under the processes in this Section.

E. If the Department receives a marijuana establishment license application at a time other than during the application period stated in subsection (A)(1), the Department shall return the application, including the application fee, to the entity that submitted the application.

R9-18-303. Applying for an Initial Marijuana Establishment License

A. To apply for an initial marijuana establishment license, an applicant shall electronically submit to the Department, during the application period specified according to R9-18-302(A)(1):

1. The following information in a Department-provided format:
   a. The legal name of the proposed marijuana establishment;
   b. The physical address of the proposed marijuana establishment's retail site;
   c. The county in which the proposed marijuana establishment's retail site is located;
   d. The following information for the applicant:
      i. Name of the entity applying,
      ii. Type of business organization,
      iii. Arizona mailing address,
      iv. Telephone number, and
      v. E-mail address;
   e. The name, residence address, and date of birth of each principal officer or board member, according to R9-18-301;
   f. Whether the applicant agrees to allow the Department to submit supplemental requests for information;
   g. An attestation that, if the applicant is issued a marijuana establishment license, the proposed marijuana establishment will not operate until the proposed marijuana establishment is inspected and obtains an approval to operate from the Department;
   h. An attestation that the applicant understands and will comply with the requirements in A.R.S. Title 36, Chapter 28.2, and this Chapter;
   i. An attestation that information provided to the Department to apply for a marijuana establishment license is true and correct;
   j. An attestation that the submission of the application is authorized by the marijuana establishment; and
   k. The signatures of each principal officer or board member of the proposed marijuana establishment according to R9-18-301 and the date signed;
2. Documentation that the applicant is in good standing with the Arizona Corporation Commission;

3. For each principal officer or board member listed according to subsection (A)(1)(e), documentation of the principal officer's or board member's marijuana facility agent license;
4. An attestation, in a Department-provided format, signed and dated by each principal officer or board member listed according to subsection (A)(1)(e) that the principal officer or board member:
   a. Does not have an excluded felony offense, as defined in A.R.S. § 36-2801;
   b. Does not have a direct or indirect familial or financial relationship with a marijuana testing facility or a laboratory with a laboratory registration certificate issued under 9 A.A.C. 17; and
   c. Has not had an ownership interest in a marijuana business, licensed in Arizona or any other state, that had the license to operate the marijuana business revoked; and
5. The application fee in R9-18-102 for a marijuana establishment license.

B. An applicant shall ensure that no principal officer or board member of the applying entity is a principal officer or board member on more than one other marijuana establishment license application, for a total of no more than two marijuana establishment license applications, submitted according to subsection (A).

C. Before an entity with a marijuana establishment license begins operating a marijuana establishment, the entity shall apply for and obtain an approval to operate a marijuana establishment from the Department.

R9-18-304. Applying for Approval to Operate a Marijuana Establishment

A. To apply for approval to operate a marijuana establishment, a principal officer or board member of the entity holding a marijuana establishment license shall electronically submit to the Department, within 18 months after the marijuana establishment license was issued:

1. The following information in a Department-provided format:
   a. The name and license number of the marijuana establishment;
   b. The physical address of the marijuana establishment's retail site;
   c. The county in which the marijuana establishment's retail site is located;
   d. The marijuana establishment's Transaction Privilege Tax Number issued by the Arizona Department of Revenue;
   e. The marijuana establishment's proposed hours of operation;

f. Which of the following activities the marijuana establishment plans to provide at the retail site:
   i. Cultivate marijuana;
   ii. Manufacture marijuana products;
   iii. Prepare edible marijuana products; or
   iv. Sell edible marijuana products that are either:
      (1) A time/temperature control for safety food, or
      (2) Not prepared in individually packaged containers;

g. Whether the marijuana establishment agrees to allow the Department to submit supplemental requests for information;

h. Whether the marijuana establishment's retail site is ready for an inspection by the Department;

i. If the marijuana establishment's retail site is not ready for an inspection by the Department, the date the marijuana establishment's retail site will be ready for an inspection by the Department;

j. An attestation that the information provided to the Department to apply for approval to operate a marijuana establishment is true and correct;

k. An attestation that the submission of the application is authorized by the marijuana establishment; and

l. The signature of each principal officer or board member of the marijuana establishment according to R9-18-301 and the date signed;

2. A copy of documentation issued by the local jurisdiction to the marijuana establishment authorizing occupancy of the building as a marijuana establishment's retail site, such as a certificate of occupancy, a special use permit, or a conditional use permit;

3. A statement, in a Department-provided format, signed and dated within 60 calendar days before the date of the application by a representative of the local jurisdiction:

   a. Certifying that the marijuana establishment is in compliance with any local zoning restrictions; and

   b. Including:
      i. Information identifying the local jurisdiction and the local jurisdiction's representative,
      ii. The legal name of the marijuana establishment, and
      iii. The physical address of the marijuana establishment's retail site as specified according to subsection (A)(1)(b);

4. Documentation, in a Department-provided format, of:
   a. Ownership of the physical address of the marijuana establishment's retail location, signed and dated within 60 calendar days before the date of application; or
   b. Permission from the owner of the physical address of the marijuana establishment's retail location for the applicant to operate a marijuana establishment at the physical address, signed, notarized, and dated within 60 calendar days before the date of application;
5. A copy of the marijuana establishment's license or permit of the location as a food establishment, issued under 9 A.A.C. 8, Article 1, if the marijuana establishment plans to:
   a. Prepare edible marijuana products, as specified in subsection (A)(1)(f)(iii); or
   b. Sell edible marijuana products, as specified in subsection (A)(1)(f)(iv);
6. A site plan drawn to scale of the marijuana establishment's retail site showing streets, property lines of the contiguous premises, buildings, parking areas, outdoor areas if applicable, fences, security features, fire hydrants if applicable, and access to water mains;
7. A floor plan drawn to scale of the building where the marijuana establishment's retail site is located showing the:
   a. Layout and dimensions of each room,
   b. Name and function of each room,
   c. Location of each hand washing sink,
   d. If planning to conduct any of the activities specified according to subsection (A)(1)(f), location of each piece of fixed equipment required to conduct the activity;
   e. Location of each toilet room,
   f. Means of egress,
   g. Location of each video camera,
   h. Location of each panic button, and
   i. Location of natural and artificial lighting sources;
8. Documentation of the marijuana facility agent license for each principal officer or board member according to R9-18-301; and
9. The applicable fee in R9-18-102 for applying for an approval to operate.

B. The Department shall process, as provided in R9-18-103, a request submitted according to subsection (A) for approval to operate a marijuana establishment.

R9-18-305. Changes Affecting a Marijuana Establishment License

A. An entity that is a dual licensee may not separately transfer or assign the dispensary registration certificate or the marijuana establishment license.

B. Except as provided in subsections (C) and (D), a marijuana establishment may change the location of the marijuana establishment's retail site, manufacturing site, or cultivation site to another location in the state.

C. For an entity that is a dual licensee, the marijuana establishment shall ensure that:

1. The marijuana establishment's retail site and the dispensary are at the same location; and
2. No changes are requested, including a change of location, that are not in compliance with requirements for both:
    a. A marijuana establishment license under A.R.S. Title 36, Chapter 28.2, and this Chapter; and
    b. A dispensary registration certificate under A.R.S. Title 36, Chapter 28.1, and 9 A.A.C. 17.

D. For a marijuana establishment that received a marijuana establishment license under A.R.S. § 36-2854(A)(1)(c), the marijuana establishment may only change the location of the marijuana establishment's retail site to another location in the same county for which the original marijuana establishment license was issued.

E. A marijuana establishment shall not cultivate, manufacture, distribute, dispense, or sell marijuana or a marijuana product at a new location of the marijuana establishment's retail site, manufacturing site, or cultivation site or make a change in the activities conducted at a current location until the marijuana establishment:

1. Submits an application for a change in R9-18-306; and
2. Receives from the Department an amended marijuana establishment license or an approval for:
    a. The new location of the marijuana establishment's retail site, manufacturing site, or cultivation site; or
    b. The requested change in the activities conducted at a current location.

F. A marijuana establishment shall notify the Department according to R9-18-308(B)(10) when an individual is to be added or removed as a principal officer or board member for the marijuana establishment.

R9-18-306. Applying to Make a Change Affecting a Marijuana Establishment License

A. A marijuana establishment may submit an application to the Department according to subsections (B) and (C) to request any of the following:

1. To change the location of the marijuana establishment's retail site, manufacturing site, or cultivation site;
2. To add a manufacturing site or cultivation site;
3. To increase the size of the licensed premises at a current location; or
4. To add an activity that the marijuana establishment is approved to do at the retail site, cultivation site, or manufacturing site.

B. A marijuana establishment shall submit a separate application to the Department for each request for one of the possible changes in subsection (A).

C. To request any of the changes specified in subsection (A), a marijuana establishment shall submit to the Department:

1. The following information in a Department-provided format:
    a. The legal name of the marijuana establishment;
    b. The marijuana establishment license number for the marijuana establishment;
    c. Whether the request is for a change in the location of the marijuana establishment's:
        i. Retail site,
        ii. Cultivation site, or
        iii. Manufacturing site;
    d. As applicable, the anticipated date of the change of location;
    e. Whether the marijuana establishment is requesting to add a:
        i. Cultivation site and, if so, the physical address of the proposed cultivation site; or
        ii. Manufacturing site and, if so, the physical address of the proposed manufacturing site;
    f. Whether the marijuana establishment is requesting to increase the size of the licensed premises at the marijuana establishment's:
        i. Retail site,
        ii. Cultivation site, or
        iii. Manufacturing site;
    g. The current physical address of the marijuana establishment's retail site, cultivation site, or manufacturing site, as applicable to the request;

h. Whether the marijuana establishment's proposed retail site or the marijuana establishment's proposed cultivation site or manufacturing site, as applicable to the request, is ready for an inspection by the Department;

i. If the marijuana establishment's proposed retail site or the marijuana establishment's proposed cultivation site or manufacturing site, as applicable, is not ready for an inspection by the Department, the date the marijuana establishment's retail site or the marijuana establishment's proposed cultivation site or manufacturing site will be ready for an inspection by the Department;

j. Whether the marijuana establishment is requesting approval to add any of the following activities at a current location or include any of the following activities at a new location and, if so, whether the activity is planned to occur at the retail site or cultivation site:

i. On-site cultivation;

ii. Manufacturing of marijuana products on-site;

iii. Preparation of edible marijuana products; or

iv. Sale of edible marijuana products that are either:

(1) A time/temperature control for safety food, or

(2) Not prepared in individually packaged containers;

k. Whether the marijuana establishment is requesting approval to add any of the following activities at the current location of the manufacturing site or include any of the following activities at a new location of a manufacturing site:

i. Packaging and storing marijuana or marijuana products,

ii. Manufacturing of marijuana products on-site, or

iii. Preparation of edible marijuana products;

l. If applicable, the anticipated date of the change of activities;

m. An attestation that the information provided to the Department as part of the application is true and correct;

n. An attestation that the submission of the application is authorized by the marijuana establishment; and

o. The signatures of each principal officer or board member of the marijuana establishment according to R9-18-301 and the date signed;

2. A copy of documentation issued by the local jurisdiction to the marijuana establishment authorizing occupancy, as applicable, of the building as a marijuana establishment's proposed retail site or of the location as the marijuana establishment's proposed

cultivation site or manufacturing site, such as a certificate of occupancy, a special use permit, or a conditional use permit;

3. If requesting to change the location of a marijuana establishment's retail site, cultivation site, or manufacturing site, or when requesting to add a cultivation site or manufacturing site or increase the size of the licensed premises, documentation, in a Department-provided format, of:
   a. Ownership of the physical address of the proposed change to the marijuana establishment location, signed and dated within 60 calendar days before the days of application; or
   b. Permission from the owner of the physical address of the proposed change to the location for the marijuana establishment to operate a retail site, cultivation site, or manufacturing site, as applicable, at the physical address, signed, notarized, and dated within 60 calendar days before the days of application;
4. For a change in location of the marijuana establishment's retail site, cultivation site, or manufacturing site, including when any of the activities specified according to subsection (C)(1)(j) or (k) are to be conducted at the new location:
   a. A site plan drawn to scale of the proposed marijuana establishment location, showing streets, property lines of the contiguous premises, buildings, parking areas, outdoor areas if applicable, fences, security features, fire hydrants if applicable, and access to water mains; and
   b. A floor plan, drawn to scale, of the building of the proposed retail site, cultivation site, or manufacturing site, as applicable, showing the:
      i. Layout and dimensions of each room;
      ii. Name and function of each room;
      iii. Location of each hand washing sink;
      iv. If applicable, location of each piece of fixed equipment required to conduct the activity;
      v. Location of each toilet room;
      vi. Means of egress;
      vii. Location of each video camera;
      viii. Location of each panic button; and
      ix. Location of natural and artificial lighting sources, as applicable;

5. For increasing the size of the licensed premises of the marijuana establishment's retail site, cultivation site, or manufacturing site, including when any of the activities specified according to subsection (C)(1)(j) or (k) are to be conducted in the added space:
   a. A site plan drawn to scale of the location at which the licensed premises is to be increased, showing streets and current and, as applicable, expanded property lines of the contiguous premises, buildings, parking areas, outdoor areas if applicable, fences, security features, fire hydrants if applicable, and access to water mains; and
   b. A floor plan, drawn to scale, of any building additions to the proposed premises, showing the:
      i. Layout and dimensions of each room;
      ii. Name and function of each room;
      iii. Location of each hand washing sink;
      iv. If applicable, location of each piece of fixed equipment required to conduct the activity;
      v. Location of each toilet room;
      vi. Means of egress;
      vii. Location of each video camera;
      viii. Location of each panic button; and
      ix. Location of natural and artificial lighting sources, as applicable;
6. For adding an activity to be conducted at a current location, a floor plan, drawn to scale, of the building where the activity will occur showing the:
   a. Layout and dimensions of each room,
   b. Name and function of each room,
   c. Location of each hand washing sink,
   d. Location of each piece of fixed equipment required to conduct the activity,
   e. Means of egress,
   f. Location of each video camera,
   g. Location of each panic button, and
   h. Location of natural and artificial lighting sources;
7. A copy of the marijuana establishment's license or permit of the location as a food establishment, issued under 9 A.A.C. 8, Article 1, if the marijuana establishment plans to:
   a. Prepare edible marijuana products, as specified in subsection (C)(1)(j)(iii) or (C)(1)(k)(iii); or

b. Sell edible marijuana products, as specified in subsection (C)(1)(j)(iv); and

8. The applicable fee in R9-18-102 for applying for:

a. A change in location,

b. The addition of a cultivation site or manufacturing site,

c. The increase of the size of the licensed premises at a current location, or

d. The addition of approved activities at a location.

D. If the information and documents submitted by the marijuana establishment comply with A.R.S. Title 36, Chapter 28.2, and this Chapter, the Department shall, if applicable, issue an amended marijuana establishment license that includes the new address of the new location or amended approved activities and retains the expiration date of the previous marijuana establishment license.

E. An application to request any of the possible changes in subsection (A) may not be combined with an application for renewing a marijuana establishment license. A separate application is required for each change, and the Department shall process each application separately according to the applicable time-frame established in R9-18-103 and Table 1.1.

F. A marijuana establishment shall submit written notification to the Department according to R9-18-308(B)(12) when the marijuana establishment no longer:

1. Uses a previously approved cultivation site or manufacturing site; or

2. Performs any of the activities that the marijuana establishment had previously been approved to perform at the marijuana establishment's retail site, cultivation site, or manufacturing site.

R9-18-307. Renewing a Marijuana Establishment License

To renew a marijuana establishment license, a marijuana establishment that has an approval to operate a marijuana establishment issued by the Department shall submit to the Department, at least 30 calendar days before the expiration date of the marijuana establishment's current marijuana establishment license, the following:

1. An application in a Department-provided format that includes:

a. The legal name of the marijuana establishment,

b. The marijuana establishment license number for the marijuana establishment,

c. An attestation that the information provided to the Department to renew the marijuana establishment license is true and correct,

d. An attestation that the submission of the application is authorized by the marijuana establishment, and

e. The signature of each principal officer or board member of the marijuana establishment according to R9-18-301 and the date signed; and

2. The license fee in R9-18-102 for applying to renew a marijuana establishment license.

R9-18-308. Administration

A. For an entity that is a dual licensee:

1. The dual licensee's marijuana establishment license is subject to all requirements applicable to marijuana establishments under A.R.S. Title 36, Chapter 28.2 and this Chapter;
2. The dual licensee's dispensary registration certificate is subject to all requirements applicable to dispensaries under A.R.S. Title 36, Chapter 28.1 and 9 A.A.C. 17; and
3. Except as otherwise specified in this Chapter, the entity shall comply with the more restrictive requirement in subsection (A)(1) or (2).

B. A marijuana establishment shall:

1. Ensure that the marijuana establishment's retail site is operating and available to provide marijuana and marijuana products to consumers:
   a. At least 30 hours weekly between the hours of 7:00 a.m. and 10:00 p.m.; and
   b. Within 18 months after receiving the marijuana establishment license;
2. Develop, document, and implement policies and procedures regarding:
   a. Job descriptions and employment contracts, including:
      i. Personnel duties, authority, responsibilities, and qualifications; and
      ii. Supervision;
   b. Training of marijuana facility agents, including the requirements of A.R.S. Title 36, Chapter 28.2, and this Chapter;
   c. Inventory control, including:
      i. Tracking,
      ii. Packaging,
      iii. Acquiring marijuana or marijuana products from a dispensary or another marijuana establishment, and
      iv. Providing marijuana or marijuana products to another marijuana establishment or a dispensary;
   d. Laboratory testing, including:
      i. The analytes, including possible contaminants, to be tested for;

ii. The process for separating a batch of marijuana or of a marijuana product until laboratory testing has been completed and testing results received by the marijuana establishment, as specified in R9-18-311(B)(1);

iii. The process for collecting samples of marijuana or a marijuana product for laboratory testing, according to R9-18-311(B)(2), including:

(1) The amount to be collected from each batch,

(2) The method for ensuring that a sample collected is representative of the batch,

(3) The packaging of the sample,

(4) The method for documenting chain of custody for the sample, and

(5) Methods to deter tampering with the sample and to determine whether tampering has occurred;

iv. The process for specifying the analytes to be tested for, consistent with R9-18-311(A), and either:

(1) Providing samples for testing of marijuana or marijuana products to a marijuana testing facility or laboratory with a laboratory registration certificate issued under 9 A.A.C. 17, or

(2) Allowing a marijuana facility agent associated with a marijuana testing facility or laboratory agent associated with a laboratory with a laboratory registration certificate issued under 9 A.A.C. 17 access to marijuana or marijuana products to collect samples for testing by the marijuana testing facility or laboratory;

v. The process for requesting retesting of the remaining portion of a sample of marijuana or a marijuana product; and

vi. Actions to be taken on the basis of laboratory testing results;

e. Remediation, including:

i. Criteria for when a batch of marijuana or marijuana product can be remediated;

ii. The process by which each type of marijuana or marijuana product is remediated, including the methods for remediation and subsequent retesting; and

iii. Documentation of the remediation process;

f. Disposal of marijuana or a marijuana product, including:

i. Destroying a batch of marijuana or a marijuana product that does not meet the requirements in Table 3.1 and documenting the destruction;

ii. Submitting marijuana that is not usable marijuana, as defined in A.R.S. § 36-2801, to a local law enforcement agency and documenting the submission; or

iii. Otherwise disposing of marijuana or a marijuana product such that the marijuana or marijuana product is unrecognizable or cannot otherwise be used and documenting the method of disposal, the marijuana facility agent overseeing the disposal, and the date of disposal;

g. For a marijuana establishment that received the marijuana establishment license under A.R.S. § 36-2854(A)(1)(f), how the marijuana establishment will provide a benefit to one or more communities disproportionately affected by the enforcement of Arizona's previous marijuana laws, such as through:

i. Specific hiring or interning practices; or

ii. Donation of a percentage of gross profits to one or more non-profit, community-based organizations, not affiliated directly or indirectly with the marijuana establishment, that focus on social or health inequities in a community; and

h. Advertising that complies with the requirements in A.R.S. § 36-2859;

i. Labeling of marijuana or a marijuana product provided by the marijuana establishment's retail site to a consumer, consistent with subsection (B)(14) and R9-18-310(A)(2); and

j. If applicable, delivery to a consumer, including:

i. The process for taking an order from a consumer for delivery of marijuana, marijuana plants, or marijuana products;

ii. Ensuring that only marijuana facility agents associated with the marijuana establishment transport marijuana, marijuana plants, or marijuana products for delivery to a consumer;

iii. What to do if a vehicle transporting marijuana, marijuana plants, or marijuana products for delivery to a consumer breaks down or is in a traffic accident;

iv. How to update a trip plan, as required in R9-18-312(F)(1), if the wrong item is delivered, the marijuana facility agent cannot verify that an individual wanting to accept delivery is the ordering consumer and

eligible to receive delivery, or any other event occurs that may require a change to the trip plan; and

v. Requiring the marijuana facility agent transporting marijuana, marijuana plants, or marijuana products for delivery to a consumer to return to the marijuana establishment's retail site if any marijuana, marijuana plants, or marijuana products remain in the vehicle at the completion of the trip plan specified according to R9-18-312(D)(1);

3. Maintain copies of the policies and procedures at the marijuana establishment's retail site and provide copies to the Department for review upon request;
4. Maintain at the marijuana establishment current and valid documentation of any certificate or permit issued by a local jurisdiction related to the operation of the marijuana establishment and provide copies to the Department for review upon request;
5. Review marijuana establishment policies and procedures at least once every 12 months from the issue date of the marijuana establishment license and update as needed;
6. Ensure that all principal officers, board members, employees, and other individuals volunteering or otherwise providing services for the marijuana establishment maintain valid marijuana facility agent licenses with the Department and that the marijuana facility agent licenses are linked to the marijuana establishment through the Department's electronic system;
7. Ensure that neither the marijuana establishment nor a principal officer or board member:
   a. Has a direct or indirect familial or financial relationship with a marijuana testing facility or a laboratory with a laboratory registration certificate issued under 9 A.A.C. 17; or
   b. Had or has an ownership interest in a marijuana business, licensed in Arizona or any other state, that had the license to operate the marijuana business revoked;
8. Ensure that each marijuana facility agent has the marijuana facility agent's license in the marijuana facility agent's immediate possession when the marijuana facility agent is:
   a. On the premises of the marijuana establishment's retail site or the marijuana establishment's cultivation site or manufacturing site, or
   b. Transporting marijuana or a marijuana product for the marijuana establishment;
9. Not allow an individual who does not possess a marijuana facility agent license or who does not meet the requirements in A.R.S. § 36-2855(E) to:
   a. Serve as a principal officer or board member for the marijuana establishment,
   b. Be employed by the marijuana establishment, or

c. Provide services at or on behalf of the marijuana establishment, except as provided in R9-18-312(B);

10. Provide written notice to the Department, in a Department-provided format, when an individual is to be added and within 10 working days after an individual is removed as a principal officer or board member for the marijuana establishment, including the following:

a. The legal name of the marijuana establishment;

b. The license number of the marijuana establishment;

c. Whether the marijuana establishment is adding or removing an individual as a principal officer or board member;

d. The effective date of the addition or removal;

e. When removing an individual as a principal officer or board member, the name of the individual;

f. If an individual is to be added as a principal officer or board member:

i. The name of the individual, and

ii. The individual's license number on the individual's marijuana facility agent license;

g. For an individual to be added as a principal officer or board member, an attestation, in a Department-provided format, signed and dated by the individual that the individual:

i. Does not have an excluded felony offense, as defined in A.R.S. § 36-2801;

ii. Does not have a direct or indirect familial or financial relationship with a marijuana testing facility or a laboratory with a laboratory registration certificate issued under 9 A.A.C. 17; and

iii. Has not had an ownership interest in a marijuana business, licensed in Arizona or any other state, that had the license to operate the marijuana business revoked;

h. An attestation that the information provided to the Department as part of the notification is true and correct;

i. An attestation that the notification is authorized by the marijuana establishment; and

j. The signatures of each principal officer or board member of the marijuana establishment, including the principal officer or board member being added or removed, and the date signed;

11. Provide written notice to the Department, including the date of the event, in a Department-provided format and within 10 working days after the date, when a marijuana facility agent no longer:
    a. Is employed by the marijuana establishment, or
    b. Provides services at or on behalf of the marijuana establishment;
12. If the marijuana establishment ceases to use a cultivation site or manufacturing site specified according to R9-18-306(C) or discontinues a previously approved activity specified in R9-18-304(A)(1)(f) or R9-18-306(C)(1)(j) or (k), provide written notice to the Department, in a Department-provided format and within 10 working days, including:
    a. The legal name of the marijuana establishment;
    b. The marijuana establishment license number for the marijuana establishment;
    c. Whether the marijuana establishment is ceasing to use a cultivation site or manufacturing site or discontinuing a previously approved activity;
    d. The effective date of the change;
    e. An attestation that the information provided to the Department as part of the notification is true and correct;
    f. An attestation that the notification is authorized by the marijuana establishment; and
    g. The signatures of each principal officer or board member of the marijuana establishment and the date signed;
13. Document and report to the appropriate law enforcement agency any loss or theft of marijuana or a marijuana product from the marijuana establishment's retail site, cultivation site, or manufacturing site within 10 working days after the loss or theft is discovered;
14. Maintain the quick response code link and webpage required in R9-18-310(A)(2)(j), as specified in policies and procedures, for at least 30 calendar days after the last date the marijuana establishment's retail site provides the marijuana or marijuana product to which the quick response code link and webpage pertain;
15. Maintain copies of any documentation required in this Chapter for at least 12 months after the date on the documentation and provide copies of the documentation to the Department for review upon request; and

16. Post the following information in a place that can be viewed by individuals entering the marijuana establishment's retail site:
    a. If applicable, the marijuana establishment's approval to operate;
    b. The marijuana establishment license;
    c. A sign in a Department-provided format that contains the following language:
        i. "WARNING: There may be potential dangers to fetuses caused by smoking or ingesting marijuana while pregnant or to infants while breastfeeding," and
        ii. "WARNING: Use of marijuana during pregnancy may result in a risk of being reported to the Department of Child Safety during pregnancy or at the birth of the child by persons who are required to report;" and
    d. The hours of operation during which the marijuana establishment will sell or otherwise transfer marijuana or a marijuana product to a consumer.

C. If the Department receives the notification in subsection (B)(10) that an individual is to be added or removed as a principal officer or board member for the marijuana establishment or in subsection (B)(12) that the marijuana establishment has ceased to use a cultivation site or manufacturing site or discontinued a previously approved activity, the Department shall review the information provided with the notification and, within 15 working days, notify the marijuana establishment that:

1. The Department's records have been updated to reflect the change; or
2. Either:
    a. The Department needs additional information or documentation before the Department's records can be changed:
        i. Specifying the additional information or documentation; and
        ii. Stating that, if the requested information or documentation is not received within 15 working days after the notification in subsection (C)(2)(a), no changes would be made to the Department's records and no further action would be taken based on the notification in subsection (B)(10); or
    b. For a notification that an individual is to be added as a principal officer or board member, the individual does not meet requirements in A.R.S. Title 36, Chapter 28.2, or this Chapter, specifying the applicable requirements.

D. If a marijuana establishment cultivates marijuana, the marijuana establishment shall cultivate the marijuana in a secure location according to R9-18-312.

E. Except as provided in A.R.S. § 41-1009, if the Department determines that a marijuana establishment is not in compliance with the applicable requirements in A.R.S. Title 36, Chapter 28.2, and this Chapter or, if applicable, A.R.S. Title 36, Chapter 28.1, and 9 A.A.C. 17, the Department may:

1. Take an enforcement action as described in R9-18-317;
2. Assess a civil penalty according to A.R.S. §§ 36-2854(B)(2) and 36-2858(B); or
3. Require that the licensee submit to the Department, within 20 working days after written notice from the Department, a corrective action plan acceptable to the Department to address issues of noncompliance that:
   a. Describes how each identified instance of noncompliance will be corrected and reoccurrence prevented, and
   b. Includes a date for correcting each instance of noncompliance that is appropriate to the actions necessary to correct the instance of noncompliance.

R9-18-309. Selling or Otherwise Transferring Marijuana or a Marijuana Product

A. Before a marijuana facility agent of a marijuana establishment sells or otherwise transfers marijuana or a marijuana product to a consumer, the marijuana facility agent shall:

1. Verify the consumer's age through one of the documents in A.R.S. § 4-241(K);
2. Make available the results of testing of the marijuana or marijuana product required in R9-18-311, if requested by the consumer; and
3. Ensure that the amount of marijuana or marijuana product to be sold or otherwise transferred to the consumer in the entire transaction does not exceed one ounce of marijuana, with not more than five grams in the entire transaction being in the form of a marijuana concentrate.

B. A marijuana establishment shall ensure that marijuana or a marijuana product provided by the marijuana establishment to a consumer is sold or otherwise transferred in a container made of material that will not react with or leach into the marijuana or marijuana product.

C. A marijuana establishment shall ensure that any marijuana or marijuana products sold to a consumer meet the requirements in A.A.C. R9-17-317.01.

R9-18-310. Product Labeling and Packaging

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

1. Complies with packaging and labeling requirements in A.R.S. §§ 36-2854.01 and 36-2860(A);
2. Is labeled with:
   a. The marijuana establishment license number;
   b. The amount, strain, and batch number of the marijuana or marijuana product;
   c. For a marijuana product, the amount of marijuana contained in the marijuana product;
   d. The form of the marijuana or marijuana product;
   e. As applicable, the weight of the marijuana or marijuana product;
   f. In compliance with Table 3.1, the potency of the marijuana or marijuana product, based on the results of testing by a marijuana testing facility or a laboratory with a laboratory registration certificate issued under 9 A.A.C. 17, including the number of milligrams per designated unit or percentage of:
      i. Total tetrahydrocannabinol, reported according to R9-18-408(F)(3)(b)(i);
      ii. Total cannabidiol, reported according to R9-18-408(F)(3)(b)(ii); and
      iii. Any other cannabinoid for which the marijuana establishment is making a claim related to the effect of the cannabinoid on the human body;
   g. The following statement: "ARIZONA DEPARTMENT OF HEALTH SERVICES' WARNING: Marijuana use can be addictive and can impair an individual's ability to drive a motor vehicle or operate heavy machinery. Marijuana smoke contains carcinogens and can lead to an increased risk for cancer, tachycardia, hypertension, heart attack, and lung infection. Marijuana use may affect the health of a pregnant woman and the unborn child. KEEP OUT OF REACH OF CHILDREN";
   h. If applicable, the following statement: "NOTICE: This product contains a cannabinoid that was chemically synthesized from another cannabinoid extracted from a cannabis plant.";
   i. For a marijuana product, the ingredients in order of abundance; and
   j. As required by A.R.S. § 36-2854.01, a quick response code linking to a webpage that contains the following:
      i. The tetrahydrocannabinol strain of the marijuana, according to Table 3.1;
      ii. The following statement: Using marijuana during pregnancy could cause birth defects or other health issues to your unborn child;
      iii. Distribution chain information, including:

(1) The name of the marijuana establishment;

(2) If not cultivated by the marijuana establishment, the name and the license number or registry identification number, as applicable, of the marijuana establishment or dispensary that cultivated the marijuana; and

(3) If not infused or prepared for sale by the marijuana establishment, the name and the license number or registry identification number, as applicable, of the marijuana establishment or dispensary that infused or prepared the marijuana product for sale;

iv. A link to the final report of testing marijuana or a marijuana product, specified in R9-18-410(B)(3) or A.A.C. R9-17-404.06(B)(3), as applicable, from a marijuana testing facility or laboratory with a laboratory registration certificate issued under 9 A.A.C. 17;

v. If applicable, the method used to extract tetrahydrocannabinol from the marijuana, including any solvents or other compounds used in the extraction process;

vi. If applicable, the method used to synthesize a cannabinoid from another cannabinoid extracted from a cannabis plant, including any compounds used in the synthesis process;

vii. The batch number and date of harvest of each batch of marijuana that is included in the marijuana or marijuana product provided to the consumer; and

viii. If applicable, the date of manufacture of the marijuana product; and

3. Is placed in child-resistant packaging on exit from the marijuana establishment.

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

1. The marijuana or marijuana product is labeled with:

a. The marijuana establishment license number;

b. The amount, strain, and batch number of the marijuana or marijuana product;

c. For a marijuana product, the amount of marijuana contained in the marijuana product;

d. If applicable, the date of manufacture of the marijuana product; and

e. The date of sale of the marijuana or marijuana product provided to the other marijuana establishment or to the dispensary;

2. For a marijuana product, a list of the batch number and date of harvest of each batch of marijuana used to prepare the marijuana product is provided to the receiving marijuana establishment or dispensary; and

3. If the marijuana or marijuana product has been tested according to R9-18-311 and Table 3.1 at the request of the marijuana establishment, a copy of results of testing by a marijuana testing facility or laboratory with a laboratory registration certificate issued under 9 A.A.C. 17 for the marijuana or marijuana product is provided to the receiving marijuana establishment or dispensary.

R9-18-311. Analysis of Marijuana or a Marijuana Product

A. Before offering a batch of marijuana or of a marijuana product for sale or otherwise transferring marijuana or a marijuana product to a consumer, a marijuana establishment shall ensure that:

1. Except as provided in subsection (A)(2) or (3), each batch of marijuana is tested in compliance with requirements in R9-18-408 and Table 3.1;

2. Each batch of a marijuana product is tested according to requirements in R9-18-408 and Table 3.1 for, as applicable:

a. At least potency and microbial contaminants other than mycotoxins if the marijuana product was prepared from another marijuana product, such as a marijuana concentrate or tincture, that is in compliance with requirements in R9-18-408 and Table 3.1, using none of the following:

i. A temperature above which any analyte could chemically decompose or react with a component of the marijuana product;

ii. A pressure above which any analyte could chemically decompose or react with a component of the marijuana product;

iii. A process by which any analyte in the marijuana product that is in compliance with requirements in R9-18-408 and Table 3.1 may be further concentrated; or

iv. A solvent other than water; or

b. All analytes except:

i. Ethanol if the marijuana product is intended to contain ethanol; or

ii. For a marijuana product intended for topical application, isopropanol if the marijuana product is intended to contain isopropanol; and

3. If the results of testing of the marijuana establishment's marijuana and marijuana products for heavy metals, according to R9-18-408, indicate that the marijuana and marijuana products are in compliance with Table 3.1 for a period of at least six consecutive months:
   a. Each batch of marijuana or a marijuana product is tested according to requirements in R9-18-408 and Table 3.1 for all analytes except heavy metals; and
   b. At least once every three months, each batch of marijuana or a marijuana product is tested according to requirements in R9-18-408 and Table 3.1 for heavy metals.

B. A marijuana establishment shall ensure that:

1. Until testing of the marijuana or marijuana product has been completed and testing results received by the marijuana establishment that comply with requirements in R9-18-408 and Table 3.1, a batch of marijuana or of a marijuana product is stored in a location away from marijuana and marijuana products offered for sale or transfer;
2. Except as provided in subsection (D), only one sample of each batch of marijuana or marijuana product is collected according to ANSI/ASQ Standard Z1.4 (2018), General Inspection Level II, incorporated by reference, including no future editions, and available at https://asq.org/quality-resources/z14-z19, including:
   a. Use, as applicable, of one of the following sampling methods:
      i. Top, middle, and bottom sampling using a sample thief, a device consisting of two nested tubes with one or more aligned slots through which a sample may be collected and then sealed into the inner tube by rotating the outer tube;
      ii. Star pattern sampling from the top, middle, and bottom of each storage container;
      iii. Collecting discrete incremental units of a batch, such as every 10th unit or every 20th drop; or
      iv. Quartering until the sample reaches the size specified in subsection (B)(3); and
   b. For sampling methods specified in subsections (B)(2)(a)(i) through (iii), quartering the volume of the aggregated portions collected to obtain the sample size specified in subsection (B)(3);

3. The size of the sample provided to a marijuana testing facility or laboratory with a laboratory registration certificate issued under 9 A.A.C. 17 is sufficient for testing and, if necessary, retesting;
4. Each sample in subsection (B)(3) is packaged in a container made of:
   a. The same material that would be used for sale or transfer, or
   b. Another material that will not react with or leach into the sample;
5. Each packaged sample is labeled with:
   a. The marijuana establishment's license number;
   b. The amount, strain, and batch number of the marijuana or marijuana product;
   c. The analytes for which testing is being requested;
   d. The storage temperature for the marijuana or marijuana product; and
   e. The date of sampling;
6. A packaged sample in subsection (B)(4) is submitted to a marijuana testing facility or laboratory with a laboratory registration certificate issued under 9 A.A.C. 17 that is approved for testing by the Department for each analyte for which testing is being requested;
7. Except as specified in subsections (A)(2) and (3) and (C)(1), as applicable, the samples in subsection (B)(4) are tested for each analyte specified in Table 3.1 by a marijuana testing facility or laboratory with a laboratory registration certificate issued under 9 A.A.C. 17 that is approved by the Department for testing the analyte;
8. Only batches of marijuana or marijuana products for which testing results in subsection (B)(7) are in compliance with the requirements in R9-18-408 and Table 3.1 are offered for sale or transfer; and
9. Except as provided in subsection (C), any batch of marijuana or marijuana product that does not comply with the requirements in R9-18-408 and Table 3.1 is remediated, if applicable, or destroyed according to policies and procedures.

C. If a marijuana establishment receives a final report of testing, specified in R9-18-410(B)(3) or A.A.C. R9-17-404.06(B)(3), from a marijuana testing facility or laboratory with a laboratory registration certificate issued under 9 A.A.C. 17, respectively, that indicates that a batch of marijuana or marijuana product does not comply with the requirements in R9-18-408 and Table 3.1, the marijuana establishment:

1. Within seven days after receiving the final report of testing, may request retesting of the remaining portion of the sample in subsection (B)(4) for all analytes that do not comply with the requirements in R9-18-408 and Table 3.1 by no more than two other marijuana

testing facilities or laboratories with a laboratory registration certificate issued under 9 A.A.C. 17 that are approved by the Department for testing the analytes and independent of any marijuana testing facility or laboratory with a laboratory registration certificate issued under 9 A.A.C. 17 that conducted a test included in the final report of testing;

2. If the final report of testing conducted according to subsection (C)(1) from another, independent marijuana testing facility or laboratory with a laboratory registration certificate issued under 9 A.A.C. 17 indicates that any analyte tested for according to subsection (C)(1) does not comply with the requirements in R9-18-408 and Table 3.1, shall remediate, if applicable, or destroy the batch of marijuana or marijuana product according to policies and procedures; and
3. If the final report of testing from each of the two other independent marijuana testing facilities or laboratories with a laboratory registration certificate issued under 9 A.A.C. 17, allowed according to subsection (C)(1), indicates that all analytes tested for according to subsection (C)(1) comply with the requirements in R9-18-408 and Table 3.1 may offer the batch of marijuana or marijuana product for sale or transfer.

D. A marijuana establishment may request retesting of a batch of marijuana or marijuana product using a second sample only if:

1. The batch of marijuana or marijuana product is still in the possession of the marijuana establishment;
2. The marijuana establishment receives notification from the Department indicating that the final report of testing from a marijuana testing facility, specified in R9-18-410(B)(3), or laboratory with a laboratory registration certificate issued under 9 A.A.C. 17, specified in A.A.C. R9-17-404.06(B)(3), for the batch of marijuana or marijuana product may be inaccurate;
3. The marijuana establishment:
    a. Collects the second sample according to subsections (B)(2) and (3);
    b. Packages and labels the sample according to subsections (B)(4) and (5); and
    c. Submits the sample to a second, independent marijuana testing facility or laboratory with a laboratory registration certificate issued under 9 A.A.C. 17 that is approved by the Department for testing the analytes; and
4. The marijuana establishment follows the requirements in subsections (C)(1) through (3) in determining whether the batch of marijuana or marijuana product:
    a. May be offered for sale or transfer; or
    b. Is required to be remediated, if applicable, or destroyed.

E. A marijuana establishment shall ensure that remediation of a batch of marijuana or of a marijuana product that has undergone testing and does not comply with the requirements in R9-18-408 and Table 3.1:

1. Is performed according to policies and procedures,
2. Uses a method that is appropriate to address an analyte not in compliance with Table 3.1, and
3. Does not introduce or produce a substance in a concentration that is known to be harmful to humans.

F. If a batch of marijuana or a marijuana product is remediated, a marijuana establishment shall submit samples from the remediated batch for testing according to subsection (B).

G. A marijuana establishment shall provide to the Department upon request a sample of the marijuana establishment's inventory of marijuana or a marijuana product of sufficient quantity to enable the Department to conduct an analysis of the marijuana or marijuana product.

Table 3.1. Analytes

Key:

CAS Number = Chemical Abstract Services Registry number
CFU = Colony-forming unit, a method to estimate the number of viable bacteria or fungal cells in a sample
* = Required for marijuana products only

A. Microbial Contaminants

Analyte	Maximum Allowable Contaminants	Required Action
Escherichia coli	10 CFU/g for edible marijuana or an edible marijuana product 100 CFU/g for all other marijuana and marijuana products	Remediate and retest, or Destroy
Salmonella spp.	Detectable in 1 gram	Destroy
Aspergillus flavus *Aspergillus fumigatus* *Aspergillus niger* *Aspergillus terreus*	Inhalable: Detectable in 1 gram	Remediate and retest, Remediate and use for preparing an extract or a concentrate, or Destroy
Mycotoxins: Aflatoxin B1, B2, G1, and G2 Ochratoxin A	Marijuana product, except a marijuana product intended for topical application, prepared from an extract or concentrate of marijuana: 20 µg/kg (ppb) of total aflatoxins 20 µg/kg (ppb) of ochratoxin	Destroy

B. Heavy Metals

Analyte	Maximum Allowable Concentration	Required Action
Arsenic	0.4 ppm	Remediate and retest, or Destroy
Cadmium	0.4 ppm	
Lead	1.0 ppm	
Mercury	0.2 ppm for inhalable marijuana or an inhalable marijuana product 1.2 ppm for non-inhalable marijuana and all other marijuana products 1.2 ppm	

C. *Residual Solvents

Analyte	CAS Number	Maximum Allowable Concentration	Required Action
Acetone	67-64-1	1,000 ppm	Remediate and retest, or Destroy
Acetonitrile	75-05-8	410 ppm	
Benzene	71-43-2	2 ppm	
Butanes (measured as the cumulative residue of n-butane and iso-butane)	106-97-8 and 75-28-5, respectively	5,000 ppm	

Chloroform	67-66-3	60 ppm	
Dichloromethane	75-09-2	600 ppm	
Ethanol	64-17-5	5,000 ppm	
Ethyl Acetate	141-78-6	5,000 ppm	
Ethyl Ether	60-29-7	5,000 ppm	
Heptane	142-82-5	5,000 ppm	
Hexanes (measured as the cumulative residue of n-hexane, 2-methylpentane, 3-methylpentane, 2,2-dimethylbutane, and 2,3-dimethylbutane)	110-54-3, 107-83-5, 96-14-0, 75-83-2, and 79-29-8, respectively	290 ppm	
Isopropyl Acetate	108-21-4	5,000 ppm	
Methanol	67-56-1	3,000 ppm	
Pentanes (measured as the cumulative residue of n-pentane, iso-pentane, and neo-pentane)	109-66-0, 78-78-4, and 463-82-1, respectively	5,000 ppm	
2-Propanol (IPA)	67-63-0	5,000 ppm	
Toluene	108-88-3	890 ppm	
Xylenes (measured as the cumulative residue of 1,2-dimethylbenzene, 1,3-dimethylbenzene, and 1,4-dimethylbenzene, and the non-xylene, ethyl benzene)	1330-20-7 (95-47-6, 108-38-3, and 106-42-3, respectively, and 100-41-4)	2,170 ppm	

D. Pesticides, Fungicides, Growth Regulators

Analyte	CAS Number	Maximum Allowable Concentration	Required Action
Abamectin (B1a)	71751-41-2	0.5 ppm	Remediate and retest, or Destroy
Acephate	30560-19-1	0.4 ppm	
Acetamiprid	135410-20-7	0.2 ppm	
Aldicarb	116-06-3	0.4 ppm	
Azoxystrobin	131860-33-8	0.2 ppm	
Bifenazate	149877-41-8	0.2 ppm	
Bifenthrin	82657-04-3	0.2 ppm	
Boscalid	188425-85-6	0.4 ppm	
Carbaryl	63-25-2	0.2 ppm	
Carbofuran	1563-66-2	0.2 ppm	
Chlorantraniliprole	500008-45-7	0.2 ppm	
Chlorfenapyr	122453-73-0	1.0 ppm	
Chlorpyrifos	2921-88-2	0.2 ppm	
Clofentezine	74115-24-5	0.2 ppm	
Cyfluthrin	68359-37-5	1.0 ppm	
Cypermethrin	52315-07-8	1.0 ppm	

Daminozide	1596-84-5	1.0 ppm	
DDVP (Dichlorvos)	62-73-7	0.1 ppm	
Diazinon	333-41-5	0.2 ppm	
Dimethoate	60-51-5	0.2 ppm	
Ethoprophos	13194-48-4	0.2 ppm	
Etofenprox	80844-07-1	0.4 ppm	
Etoxazole	153233-91-1	0.2 ppm	
Fenoxycarb	72490-01-8	0.2 ppm	
Fenpyroximate	134098-61-6	0.4 ppm	
Fipronil	120068-37-3	0.4 ppm	
Flonicamid	158062-67-0	1.0 ppm	
Fludioxonil	131341-86-1	0.4 ppm	
Hexythiazox	78587-05-0	1.0 ppm	
Imazalil	35554-44-0	0.2 ppm	
Imidacloprid	138261-41-3	0.4 ppm	
Kresoxim-methyl	143390-89-0	0.4 ppm	
Malathion	121-75-5	0.2 ppm	
Metalaxyl	57837-19-1	0.2 ppm	
Methiocarb	2032-65-7	0.2 ppm	
Methomyl	16752-77-5	0.4 ppm	
Myclobutanil	88671-89-0	0.2 ppm	
Naled	300-76-5	0.5 ppm	
Oxamyl	23135-22-0	1.0 ppm	
Paclobutrazol	76738-62-0	0.4 ppm	
Permethrins (measured as the cumulative residue of cis- and trans-isomers)	52645-53-1 (54774-45-7 and 51877-74-8)	0.2 ppm	
Phosmet	732-11-6	0.2 ppm	
Piperonyl_butoxide	51-03-6	2.0 ppm	
Prallethrin	23031-36-9	0.2 ppm	
Propiconazole	60207-90-1	0.4 ppm	
Propoxur	114-26-1	0.2 ppm	
Pyrethrins (measured as the cumulative residue of pyrethrin I and II)	8003-34-7 (121-21-1, 25402-06-6, and 4466-14-2)	1.0 ppm	
Pyridaben	96489-71-3	0.2 ppm	
Spinosad (measured as the cumulative residue of Spinosyn A and Spinosyn D)	168316-95-8	0.2 ppm	
Spiromesifen	283594-90-1	0.2 ppm	
Spirotetramat	203313-25-1	0.2 ppm	
Spiroxamine	118134-30-8	0.4 ppm	

Tebuconazole	107534-96-3	0.4 ppm	
Thiacloprid	111988-49-9	0.2 ppm	
Thiamethoxam	153719-23-4	0.2 ppm	
Trifloxystrobin	141517-21-7	0.2 ppm	

E. Potency

Analyte	Labelling	Required Action
Tetrahydrocannabinolic acid (THC-A)	Label claim is not within +/- 20 % of tested value	Revise label as necessary
Delta-8-tetrahydrocannabinol (Δ8-THC)		
Delta-9-tetrahydrocannabinol (Δ9-THC)		
Delta-10-tetrahydrocannabinol (Δ10-THC)		
Cannabidiolic acid (CBD-A)		
Cannabidiol (CBD)		

R9-18-312. Security

A. A marijuana establishment shall ensure that, if the marijuana establishment cultivates marijuana:

1. If cultivation takes place indoors, the marijuana is cultivated in a closed, locked room; and
2. If cultivation takes place outdoors, the location:

a. Is surrounded by solid, 10-foot walls that are constructed of metal, concrete, or stone that prevent viewing of the marijuana plants; and

b. Has a one-inch thick metal gate.

B. A marijuana establishment shall ensure that only the marijuana establishment's authorized marijuana facility agents are allowed entry into limited access areas, unless the individual is supervised by a marijuana facility agent who is:

1. Associated with the marijuana establishment, and
2. Authorized entry into the limited access area.

C. A marijuana facility agent may transport marijuana, marijuana plants, and marijuana products between:

1. The marijuana establishment's retail site, cultivation site, and manufacturing site;
2. The marijuana establishment's retail site, cultivation site, or manufacturing site and another marijuana establishment's retail site, cultivation site, or manufacturing site;
3. The marijuana establishment's retail site, cultivation site, or manufacturing site and a dispensary or cultivation site of a dispensary with a dispensary registration certificate issued under 9 A.A.C. 17;

4. The marijuana establishment's retail site and a consumer:
   a. Consistent with A.R.S. § 36-2854(D) and R9-18-312.01; and
   b. If the owner of the property at the delivery address provided by the consumer, according to R9-18-312.01(B)(2)(c), has not posted or otherwise notified the marijuana establishment that no deliveries are allowed to the owner's property location; and
5. The marijuana establishment's retail site, cultivation site, or manufacturing site and a marijuana testing facility or a laboratory with a laboratory registration certificate issued under 9 A.A.C. 17.

D. Before transportation, a marijuana facility agent of a marijuana establishment shall:
1. Complete a trip plan that includes:
   a. The name of the marijuana facility agent in charge of transporting the marijuana, marijuana plants, or marijuana products;
   b. If applicable, the license plate number of the vehicle being used to transport the marijuana, marijuana plants, or marijuana products;
   c. The date and start time of the trip;
   d. A description of the marijuana, marijuana plants, or marijuana products being transported;
   e. Any anticipated stops during the trip, including the locations of the stops and estimated arrival time and departure time for each location; and
   f. The anticipated route of transportation; and
2. Provide a copy of the trip plan in subsection (D)(1) to the marijuana establishment.

E. During transportation using a vehicle, a marijuana facility agent shall:
1. Carry a copy of the trip plan in subsection (D)(1) with the marijuana facility agent for the duration of the trip;
2. Use a vehicle that has a current registration with the Arizona Department of Motor Vehicles, issued according to A.R.S. Title 28, Chapter 7, Article 2:
   a. Without any marijuana identification;
   b. Equipped with a global positioning system or other means for the marijuana establishment to track the current location of the vehicle at any point in time;
   c. Capable of providing electronic information about where the vehicle has been during at least the previous 90 days;
   d. With operational video surveillance and recording equipment that:

i. Shows the interior of the vehicle, including the driver's seat and location of the marijuana, marijuana plants, or marijuana products being transported;

ii. Is turned on for the duration of a trip while marijuana or a marijuana product is in the vehicle; and

iii. Either stores the recording for at least 30 calendar days or transmits the recorded images at the time of recording to another location, where the recorded images are stored for at least 30 calendar days; and

e. With a locked compartment, attached or affixed to the vehicle, in which any marijuana, marijuana plants, or marijuana products being transported may be stored during a trip;

3. Have a means of communication with the marijuana establishment;

4. Notate the arrival time and departure time for each stop; and

5. Ensure that the marijuana, marijuana plants, or marijuana products are stored in the locked compartment specified in subsection (E)(2)(e) and are not visible.

F. After transportation, a marijuana facility agent shall:

1. Enter the end time of the trip and any changes to the trip plan on the trip plan required in subsection (D)(1), and

2. Ensure that the updated trip plan is provided to the marijuana establishment.

G. A marijuana establishment shall:

1. Maintain the documents required in subsection (D)(2) and (F) for at least two years after the date of the documentation;

2. If transporting a sample to a marijuana testing facility or laboratory with a laboratory registration certificate issued under 9 A.A.C. 17 for testing, provide a copy of the trip plan in subsection (D)(1) to the marijuana testing facility or laboratory; and

3. Provide a copy of the documents required in subsection (D)(2) and (F) to the Department for review upon request.

H. A marijuana establishment shall not transport marijuana, marijuana plants, or marijuana products to a consumer except as specified in R9-18-312.01.

I. To prevent unauthorized access to marijuana or marijuana products at the marijuana establishment's retail site and, if applicable, the marijuana establishment's cultivation site or manufacturing site, the marijuana establishment shall have the following:

1. Security equipment to deter and prevent unauthorized entrance into limited access areas that include:

a. Devices or a series of devices to detect unauthorized intrusion, which may include a signal system interconnected with a radio-frequency method, such as cellular, private radio signals, or other mechanical or electronic device;

b. Exterior lighting to facilitate surveillance;

c. Electronic monitoring including:

i. At least one 19-inch or greater call-up monitor;

ii. A printer capable of immediately producing a clear still photo from any video camera image;

iii. Video cameras in locations specified according to subsection (I)(1)(d) with a recording resolution of at least 704 x 480 or the equivalent;

iv. Storage of video recordings from the video cameras for at least 30 calendar days;

v. A failure notification system that provides an audible and visual notification of any failure in the electronic monitoring system; and

vi. Sufficient battery backup for video cameras and recording equipment to support at least five minutes of recording in the event of a power outage;

d. Video cameras located and with the capabilities as follows:

i. Video cameras providing coverage of all entrances to and exits from a building, capable of detecting any activity occurring in, or adjacent to the outside perimeter of, the building;

ii. Video cameras providing coverage of all entrances to and exits from limited access areas;

iii. Video cameras providing coverage of activity in all limited access areas, including, as applicable, limited access areas maintained in low light or unlit conditions; and

iv. A video camera at each point of sale location within the marijuana establishment's retail site allowing for the identification of any consumer purchasing marijuana or a marijuana product; and

e. Panic buttons in the interior of each building; and

2. Policies and procedures:

a. That provide for the identification of authorized individuals;

b. That deter unauthorized removal of marijuana or marijuana products from the premises, including:

i. Restricting access to the areas of the marijuana establishment's retail site where marijuana is cultivated, processed or stored and, if applicable, the marijuana establishment's cultivation site or manufacturing site; and

ii. Ensuring that an individual other than a principal officer, board member, or marijuana facility agent associated with the marijuana facility is supervised by a marijuana facility agent associated with the marijuana establishment when in an area specified in subsection (I)(2)(b)(i);

c. That prevent loitering;

d. For conducting electronic monitoring; and

e. For the use of a panic button.

R9-18-312.01. Delivery to Consumers

A. In addition to the requirements in R9-18-312(E)(2), for any vehicles used for delivery to a consumer, a marijuana establishment shall:

1. Maintain a list of the vehicles used for delivery to a consumer, including the make, model, and license plate number of the vehicle;
2. Keep a daily log of vehicle usage, including the date, time period of usage, and retail price of the marijuana, marijuana plants, or marijuana products transported during a trip; and
3. Make a vehicle used for delivery to a consumer available at the retail location for the Department's inspection, within two hours after a Department request.

B. A marijuana establishment shall ensure that no marijuana, marijuana plants, or marijuana products are transported to a consumer unless:

1. The marijuana establishment's retail site has received an order for delivery of the marijuana, marijuana plants, or marijuana products from the consumer during the retail site's regular hours of operation, as posted according to R9-18-308(B)(16);
2. The consumer provides:
   a. The consumer's name and date of birth;
   b. The identifying number on the document that will be used to verify the consumer's age upon delivery; and
   c. The property address of the building and, if applicable, an apartment number for the delivery;
3. A marijuana facility agent at the marijuana establishment's retail site documents the order and includes:

a. The date and time of the order;

b. The name of the marijuana facility agent taking the order;

c. The consumer's name, date of birth, identifying number on the document that will be used to verify the consumer's age, and delivery address;

d. The amount and retail price of the marijuana, marijuana plants, or marijuana products ordered; and

e. The total retail price of the marijuana, marijuana plants, or marijuana products in the order;

4. A copy of the order is attached to the trip plan required in R9-18-312(D)(1);

5. The delivery originates at the marijuana establishment's retail site; and

6. Before transferring the delivered marijuana, marijuana plants, or marijuana products to the consumer, the marijuana facility agent providing delivery of the marijuana, marijuana plants, or marijuana products:

a. Ensures that the individual wanting to accept delivery is the ordering consumer,

b. Verifies the identity and age of the consumer according to the requirements in R9-18-309(A)(1),

c. Complies with the requirements in R9-18-309(A)(2) and (3), and

d. Obtains the hand-written signature of the consumer on the order.

C. Except as specified in subsection (E), when transporting marijuana, marijuana plants, or marijuana products for delivery to a consumer, a marijuana establishment shall ensure that:

1. No delivery is made to any property owned or leased by the United States, this state, a political subdivision of this state, or the Arizona board of regents;

2. No delivery is made to any property address for which the property's owner has informed the marijuana establishment that delivery to a consumer is not permitted at the address;

3. No more than a total retail price of $10,000 of marijuana, marijuana plants, and marijuana products for delivery to a consumer is in a vehicle providing transportation for delivery; and

4. Only marijuana, marijuana plants, or marijuana products associated with one or more orders made according to subsection (B)(1) are in a vehicle providing delivery to a consumer.

D. A marijuana establishment shall ensure that a marijuana facility agent providing delivery:

1. Returns to the marijuana establishment's retail site at the completion of the trip plan if any marijuana, marijuana plants, or marijuana products associated with one or more

orders made according to subsection (B)(1) have not been transferred to the ordering consumer and remain in the vehicle; and

2. Does not pick up or otherwise receive marijuana, marijuana plants, or marijuana products from a consumer for transport to the marijuana establishment once a delivery has been completed according to subsection (B)(6).

E. For providing on-site delivery to a consumer, a marijuana establishment shall ensure that:

1. The distance from the entrance to the retail site and the locations where on-site delivery would occur does not exceed 200 feet;
2. There are no more than ten locations at which on-site delivery to a consumer would occur;
3. The locations for on-site delivery in subsection (E)(2) are contiguous with each other and visible from the entrance to the retail site;
4. The trip plan required according to R9-18-312(D)(1) contains only one order made according to subsection (B)(1) and (2);
5. A marijuana agent delivering marijuana or a marijuana product to a consumer at a location in subsection (E)(2):
   a. Carries a copy of the trip plan in R9-18-312(D)(1) with the marijuana facility agent,
   b. Has a means of immediate communication with the marijuana establishment,
   c. Transports the marijuana or marijuana product that was ordered according to subsections (B)(1) and (2) directly to the consumer's location from the entrance to the retail site,
   d. Only delivers one order at a time,
   e. Notates the arrival time and departure time for the on-site delivery, and
   f. Complies with subsection (B)(6);
6. In addition to the video cameras required according to R9-18-312(I)(1)(d), video cameras provide coverage of:
   a. The pathway between the entrance to the retail site and a location where on-site delivery would occur, and
   b. Each location where on-site delivery would occur, as the point of sale; and
7. The pathway in subsection (E)(6)(a) and each location in subsection (E)(6)(b) have sufficient lighting to allow a clear image to be recorded, according to subsection (E)(6), of:

a. A marijuana agent walking along the pathway, and

b. A consumer waiting an on-site delivery location.

R9-18-313. Edible Marijuana Products

A. A marijuana establishment that prepares, sells, or otherwise transfers edible marijuana products shall:

1. Before preparing an edible marijuana product under R9-18-304(A)(1)(f)(iii) or selling or otherwise transferring an edible marijuana product under R9-18-304(A)(1)(f)(iv), obtain a license or permit as a food establishment under 9 A.A.C. 8, Article 1, and maintain a valid license or permit as a food establishment until the marijuana establishment ceases to prepare, sell, or otherwise transfer edible marijuana products;
2. If the marijuana establishment prepares the edible marijuana products, ensure that the edible marijuana products are prepared according to the applicable requirements in 9 A.A.C. 8, Article 1;
3. If the edible marijuana products are not prepared at the marijuana establishment, ensure that the other marijuana establishment or dispensary that prepares the edible marijuana products for the marijuana establishment has a current license or permit as a food establishment under 9 A.A.C. 8, Article 1, to prepare edible marijuana products; and
4. If a marijuana establishment sells or otherwise transfers edible marijuana products, ensure that the edible marijuana products:
   a. Are sold or otherwise transferred according to applicable requirements in 9 A.A.C. 8, Article 1;
   b. In compliance with A.R.S § 36-2854(A)(7), contain no more total tetrahydrocannabinol than:
      i. 10 mg per serving; or
      ii. 100 mg per package; and
   c. If packaged as more than one serving, are:
      i. Scored or otherwise delineated into standard serving size, and
      ii. Of homogeneous consistency to ensure uniform disbursement of total tetrahydrocannabinol throughout the edible marijuana product.

B. A marijuana establishment is responsible for the content and quality of any edible product sold or dispensed by the marijuana establishment, even edible products that do not contain marijuana or a marijuana product.

R9-18-314. Inventory Control System

A. A marijuana establishment shall designate in writing a marijuana facility agent associated with the marijuana establishment who has oversight of the marijuana establishment's marijuana inventory control system.

B. A marijuana establishment shall only acquire marijuana from:

1. The marijuana establishment's cultivation site or manufacturing site,
2. Another marijuana establishment, or
3. A dispensary with a dispensary registration certificate issued under 9 A.A.C. 17.

C. A marijuana establishment shall establish and implement an inventory control system for the marijuana establishment's marijuana and marijuana products that documents:

1. The following amounts:
    a. Each day's beginning inventory of marijuana and marijuana products,
    b. Acquisitions according to subsection (B),
    c. Marijuana harvested by the marijuana establishment,
    d. Marijuana and marijuana products provided to a dispensary or another marijuana establishment,
    e. Marijuana and marijuana products sold,
    f. Marijuana and marijuana products submitted to a marijuana testing facility or laboratory with a laboratory registration certificate issued under 9 A.A.C. 17 for testing according to R9-18-311,
    g. Marijuana and marijuana products that were disposed of, and
    h. The day's ending marijuana and marijuana products inventory;
2. For acquiring marijuana or a marijuana product from another marijuana establishment or a dispensary:
    a. A description of the marijuana or marijuana product acquired including:
        i. The amount, batch number, and strain of the marijuana or marijuana product;
        ii. For a marijuana product, the ingredients in order of abundance and date of manufacture; and
        iii. In addition, for an edible marijuana product, the total weight of the edible marijuana product and the estimated amount and batch number of the marijuana or marijuana product contained in the edible marijuana product;
    b. As applicable, either:

i. The name and license number of the marijuana establishment providing the marijuana or marijuana product, or

ii. The name and registry identification number of the dispensary providing the marijuana or marijuana product;

c. The name and license number or registry identification number, as applicable, of the marijuana facility agent or dispensary agent providing the marijuana or marijuana product;

d. The name and license number of the marijuana facility agent receiving the marijuana or marijuana product on behalf of the marijuana establishment; and

e. The date of acquisition;

3. For each batch of marijuana cultivated:

a. The batch number;

b. Whether the batch originated from marijuana seeds or marijuana cuttings;

c. The origin and strain of the marijuana seeds or marijuana cuttings planted;

d. The number of marijuana seeds or marijuana cuttings planted;

e. The date the marijuana seeds or cuttings were planted;

f. A list of all chemical additives, including nonorganic pesticides, herbicides, and fertilizers used in the cultivation;

g. The number of plants grown to maturity; and

h. Harvest information including:

i. Date of harvest;

ii. Final yield weight of processed usable marijuana, as defined in A.R.S. § 36-2801; and

iii. Name and license number of the marijuana facility agent responsible for the harvest;

4. For transferring marijuana or a marijuana product to another marijuana establishment or a dispensary:

a. A description of the marijuana or marijuana product being transferred, including:

i. The amount, batch number, and strain of the marijuana or marijuana product;

ii. For a marijuana product, the ingredients in order of abundance and date of manufacture; and

iii. In addition, for an edible marijuana product, the total weight of the edible marijuana product and the estimated amount and batch number of the

marijuana or marijuana product contained in the edible marijuana product;

b. The name and marijuana establishment license number or registry identification number, as applicable, of the other marijuana establishment or the dispensary;

c. The name and license number or registry identification number, as applicable, of the marijuana facility agent or dispensary agent who received the marijuana or marijuana product on behalf of the other marijuana establishment or the dispensary; and

d. The date the marijuana or marijuana product was provided;

5. For submitting marijuana or marijuana products for testing:

a. The amount, strain, and batch number of the marijuana or marijuana product submitted;

b. As applicable, either:

i. The name and license number of the marijuana testing facility, or

ii. The name and registry identification number of the laboratory with a laboratory registration certificate issued under 9 A.A.C. 17;

c. The name and license number of the marijuana facility agent who received the marijuana or marijuana product on behalf of the marijuana testing facility or the name and registry identification number of the laboratory agent who received the marijuana or marijuana product on behalf of a laboratory with a laboratory registration certificate issued under 9 A.A.C. 17; and

d. The date the marijuana or marijuana product was submitted to the marijuana testing facility or laboratory with a laboratory registration certificate issued under 9 A.A.C. 17; and

6. For disposal of marijuana or a marijuana product that is not to be sold, transferred, or used for making a marijuana product:

a. Description of and reason for the marijuana or marijuana product being disposed of including, if applicable:

i. The number of failed or other unusable plants, and

ii. The results of laboratory testing;

b. Date of disposal;

c. Method of disposal; and

d. Name and license number of the marijuana facility agent responsible for the disposal.

D. The individual designated in subsection (A) shall conduct and document an audit of the marijuana establishment's inventory at least once every 30 calendar days.

1. If the audit identifies a reduction in the amount of marijuana or a marijuana product in the marijuana establishment's inventory not due to documented causes, the marijuana establishment shall determine and document where the loss has occurred and take and document corrective action.
2. If the reduction in the amount of marijuana or a marijuana product in the marijuana establishment's inventory is due to suspected criminal activity by a marijuana facility agent, the marijuana establishment shall report the marijuana facility agent to the Department and to the local law enforcement authorities.

E. A marijuana establishment shall:

1. Maintain the documentation required in subsections (C) and (D) at the marijuana establishment for at least five years after the date on the document, and
2. Provide the documentation required in subsections (C) and(D) to the Department for review upon request.

R9-18-315. Cleaning and Sanitation

A. A marijuana establishment shall ensure that:

1. Any building or equipment used by a marijuana establishment for the cultivation, harvest, preparation, packaging, storage, infusion, or sale of marijuana or marijuana products is maintained in a clean and sanitary condition;
2. Marijuana or marijuana products, in the process of production, preparation, manufacture, packing, storage, sale, distribution, or transportation, are protected from flies, dust, dirt, and all other contamination;
3. Refuse or waste products incident to the manufacture, preparation, packing, selling, distributing, or transportation of marijuana or marijuana products are removed from the building used as a marijuana establishment's retail site and, if applicable, a building at the marijuana establishment's cultivation site or manufacturing site at least once every 24 hours or more often as necessary to maintain a clean condition;
4. All trucks, trays, buckets, other receptacles, platforms, racks, tables, shelves, knives, saws, cleavers, other utensils, or the machinery used in moving, handling, cutting, chopping, mixing, canning, packaging, or other processes are cleaned daily;
5. Any equipment used in the preparation of marijuana products is clean, in good repair, and, if applicable, calibrated according to the manufacturer's recommendations;

6. Any supplies used in the preparation of marijuana products, including flammable or volatile chemicals, are stored in a manner to avoid a hazardous condition from occurring; and
7. All stored marijuana products are securely covered.

B. A marijuana establishment shall ensure that a marijuana facility agent at the marijuana establishment or the marijuana establishment's cultivation site or manufacturing site:

1. Cleans the marijuana facility agent's hands and exposed portions of the marijuana facility agent's arms in a hand washing sink:
   a. Before preparing marijuana or marijuana products, including working with food, equipment, and utensils;
   b. During preparation, as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks;
   c. After handling soiled equipment or utensils;
   d. After touching bare human body parts other than the marijuana facility agent's clean hands and exposed portions of arms; and
   e. After using the toilet room;
2. If working directly with the preparation of marijuana or non-edible marijuana products:
   a. Keeps the marijuana facility agent's fingernails trimmed, filed, and maintained so that the edges and surfaces are cleanable;
   b. Unless wearing intact gloves in good repair, does not have fingernail polish or artificial fingernails on the marijuana facility agent's fingernails; and
   c. Wears protective apparel such as coats, aprons, gowns, or gloves to prevent contamination;
3. If working directly with the preparation of edible marijuana products or marijuana to be used in the preparation of edible marijuana products, follows all applicable requirements in 9 A.A.C. 8, Article 1;
4. Wears clean clothing appropriate to assigned tasks;
5. Reports to the marijuana establishment, according to policies and procedures, any health condition experienced by the marijuana facility agent that may adversely affect the safety or quality of any marijuana or marijuana products with which the marijuana facility agent may come into contact; and
6. If, according to the marijuana establishment's policies and procedures, a marijuana facility agent has a health condition that may adversely affect the safety or quality of the marijuana or marijuana products, the marijuana facility agent is prohibited from direct

contact with any marijuana, marijuana products, or equipment or materials for processing marijuana or manufacturing marijuana products until the marijuana facility agent's health condition will not adversely affect the medical marijuana or marijuana products.

R9-18-316. Physical Plant

A. A marijuana establishment shall ensure that the licensed premises are maintained free from hazards.

B. A marijuana establishment shall provide on-site parking or parking adjacent to the building used as the marijuana establishment's retail site.

C. A building used as a marijuana establishment's retail site or the location used as a marijuana establishment's cultivation site or manufacturing site shall have:

1. At least one toilet room;
2. Each toilet room shall contain:
    a. A flushable toilet;
    b. Mounted toilet tissue;
    c. A sink with running water;
    d. Soap contained in a dispenser; and
    e. Disposable, single-use paper towels in a mounted dispenser or a mechanical air hand dryer;
3. At least one hand washing sink not located in a toilet room, with running water, soap contained in a dispenser, and either disposable, single-use paper towels in a mounted dispenser or a mechanical air hand dryer;
4. Designated storage areas for marijuana, marijuana products, or materials used in direct contact with marijuana, separate from storage areas for toxic or flammable materials; and
5. If preparation or packaging of marijuana is done in the building, a designated area for the preparation or packaging that:
    a. Includes work space that can be sanitized, and
    b. Is only used for the preparation or packaging of marijuana.

D. For each commercial device used at a marijuana establishment retail site, cultivation site, or manufacturing site, the marijuana establishment shall:

1. Ensure that the commercial device is licensed or certified pursuant to A.R.S. § 3-3451,
2. Maintain documentation of the commercial device's license or certification, and
3. Provide a copy of the commercial device's license or certification to the Department for review upon request.

R9-18-317. Denial, Suspension, or Revocation of a Marijuana Establishment License

A. The Department shall deny an application for a marijuana establishment license or a renewal if:

1. A principal officer or board member:
   a. Has been convicted of an excluded felony offense, or
   b. Is under 21 years of age; or
2. The application or the marijuana establishment does not comply with the requirements in A.R.S. Title 36, Chapter 28.2, and this Chapter.

B. The Department may deny an application for or renewal of a marijuana establishment license if a principal officer or board member of the marijuana establishment:

1. Did not obtain an approval to operate the marijuana establishment or a dispensary, as applicable, within 18 months after the dispensary registration certificate or marijuana establishment license was issued;
2. Has had an ownership interest in a marijuana business, licensed in Arizona or any other state, that had the license to operate the marijuana business revoked; or
3. Provides false or misleading information to the Department.

C. The Department may suspend or revoke a marijuana establishment license if:

1. The marijuana establishment:
   a. Provides false or misleading information to the Department;
   b. Operates before obtaining approval to operate a marijuana establishment from the Department;
   c. Diverts marijuana to an individual who or entity that is not allowed to possess marijuana, pursuant to A.R.S. Title 36, Chapter 28.1 or 28.2;
   d. Acquires marijuana from an entity that is not allowed to possess marijuana, pursuant to A.R.S. Title 36, Chapter 28.1 or 28.2; or
   e. Obtains testing according to R9-18-311 from a marijuana testing facility or a laboratory with a laboratory registration certificate issued under 9 A.A.C. 17 with which the marijuana establishment has a direct or indirect financial or familial relationship;
2. A principal officer or board member:
   a. Has been convicted of an excluded felony offense,
   b. Provides false or misleading information to the Department, or
   c. Has a direct or indirect familial or financial relationship with a marijuana testing facility or a laboratory with a laboratory registration certificate issued under 9 A.A.C. 17; or

3. The marijuana establishment does not:
   a. Comply with:
      i. The requirements in A.R.S. Title 36, Chapter 28.2, and this Chapter; or
      ii. The provisions in a corrective action plan submitted according to R9-18-308(E)(3); or
   b. Implement the policies and procedures or comply with the statements provided to the Department with the marijuana establishment's application.

D. If an entity is a dual licensee, the Department may suspend or revoke the dual licensee's marijuana establishment license if the entity does not comply with applicable requirements in A.R.S. Title 36, Chapter 28.1, and 9 A.A.C. 17.

E. If the Department denies a marijuana establishment license application, the Department shall provide notice to the applicant that includes:

1. The specific reason or reasons for the denial, and
2. All other information required by A.R.S. § 41-1076.

F. If the Department suspends or revokes a marijuana establishment license, the Department shall provide notice to the marijuana establishment that includes:

1. The specific reason or reasons for the suspension or revocation; and
2. The process for requesting a review of the Department's decision pursuant to A.R.S. Title 41, Chapter 6, Article 10.

ARTICLE 4. MARIJUANA TESTING FACILITIES

R9-18-401. Owner

A. For the purposes of this Article, the following persons are considered the owner of a marijuana testing facility:

1. The person that has controlling legal or equitable interest in and authority over a marijuana testing facility; or
2. The individual designated by the marijuana testing facility to be responsible for and have authority over licensing requirements and interactions with the Department.

B. When a marijuana testing facility is required by this Chapter to provide information, sign documents, or ensure actions are taken, the individual in subsection (A) shall comply with the requirement on behalf of the marijuana testing facility.

R9-18-402. Applying for a Marijuana Testing Facility License

A. To apply for a marijuana testing facility license, an applicant that does not have a current laboratory registration certificate issued under 9 A.A.C. 17, Article 4, shall submit to the Department the following:

1. An application in a Department-provided format that includes:
   a. The following information for the applicant:
      i. The legal name of the proposed marijuana testing facility,
      ii. Type of business organization,
      iii. Arizona mailing address,
      iv. Telephone number, and
      v. E-mail address;
   b. The physical address of the proposed marijuana testing facility;
   c. The county in which the proposed marijuana testing facility is located;
   d. The name, residence address, and date of birth of the owner;
   e. The name, residence address, and date of birth of the technical laboratory director designated according to R9-18-405(3);
   f. Whether the applicant agrees to allow the Department to submit supplemental requests for information;
   g. A statement that, if the applicant is issued a marijuana testing facility license, the marijuana testing facility will not begin testing marijuana pursuant to R9-18-311

until the marijuana testing facility has been inspected and issued an approval for testing by the Department;

h. An attestation that the applicant understands and will comply with the requirements in A.R.S. Title 36, Chapter 28.2 and this Chapter;

i. An attestation that the information provided to the Department to apply for a marijuana testing facility license is true and correct;

j. An attestation that the submission of the application is authorized by the marijuana testing facility; and

k. The signatures of the owner of the proposed marijuana testing facility, according to R9-18-401(A), and the technical laboratory director and the date each signed;

2. Policies and procedures that comply with the requirements in this Chapter that contain:

a. Inventory control;

b. A chain of custody and sample requirement process;

c. A records retention process;

d. A secure method to transfer the portion of a sample remaining after testing to another marijuana testing facility with an approval for testing issued by the Department:

i. For testing of parameters or analytes that the marijuana testing facility receiving the sample from a marijuana establishment is not approved by the Department to conduct, or

ii. For retesting at the request of a marijuana establishment according to R9-18-311(C);

e. Security; and

f. A process for disposal of marijuana or marijuana products that are submitted to the marijuana testing facility for testing;

3. If the applicant is a business organization, a copy of the business organization's articles of incorporation, articles of organization, or partnership documents that include:

a. The name of the business organization,

b. The type of business organization, and

c. The name and title of the individual in R9-18-401(A);

4. For the owner:

a. The owner's marijuana facility agent license number; and

b. An attestation signed and dated by the owner that the owner does not have a direct or indirect familial or financial relationship with or interest in a dispensary,

marijuana establishment, or related marijuana business entity or management company;

5. Documentation that the technical laboratory director specified in subsection (A)(1)(e) meets the requirements in R9-18-405(3);
6. A statement, in a Department-provided format, signed and dated within 60 calendar days before the date of the application by a representative of the local jurisdiction:
   a. Certifying that the proposed marijuana testing facility is in compliance with any local zoning restrictions; and
   b. Including:
      i. Information identifying the local jurisdiction and the local jurisdiction's representative,
      ii. The legal name of the proposed marijuana testing facility, and
      iii. The physical address of the proposed marijuana testing facility as specified according to subsection (A)(1)(b);
7. A copy of documentation issued by the local jurisdiction to the applicant authorizing occupancy of the building as a marijuana testing facility, such as a certificate of occupancy, a special use permit, or a conditional use permit;
8. A site plan drawn to scale of the location of the proposed marijuana testing facility showing streets, property lines of the contiguous premises, buildings, parking areas, outdoor areas if applicable, fences, security features, fire hydrants if applicable, and access to water mains;
9. A building plan drawn to scale of the building where the proposed marijuana testing facility is located showing the:
   a. Layout and dimensions of each room;
   b. Name and function of each room;
   c. Fire ratings of the materials used for ceilings, walls, doors, and floors of rooms used to store flammable substances;
   d. Location of each fire protection device;
   e. Layout of heating, air conditioning, exhaust, and ventilation systems;
   f. Location and layout of refrigerated rooms or freezer rooms;
   g. Location of each sink, safety shower, other water supply, or plumbing fixture;
   h. Location of fixed or movable equipment and instruments that require dedicated electrical, water, vacuum, gas, or other building systems;

i. Location of security measures or equipment to protect from diversion of marijuana or marijuana products; and

j. Means of egress;

10. Documentation of accreditation of the location specified according to subsection (A)(1)(b) for which the applicant is applying for a marijuana testing facility license;

11. The applicant's Transaction Privilege Tax Number issued by the Arizona Department of Revenue, if applicable; and

12. The fee in R9-18-102 for applying for a marijuana testing facility license.

B. An entity holding a valid laboratory registration certificate issued by the Department under 9 A.A.C. 17, Article 4, may apply for an initial marijuana testing facility license by electronically submitting to the Department, in a Department-provided format:

1. An attestation from the owner listed according to subsection (A)(1)(d) approving the application for a marijuana testing facility license;

2. The license number on the applicant's laboratory registration certificate; and

3. The applicable fee in R9-18-102 for applying for a marijuana testing facility license.

C. For a change in the person with a controlling legal or equitable interest in a marijuana testing facility, an owner shall submit an application to the Department, within 10 working days after the change, providing any information or documentation in subsections (A)(1) through (11) that is changing.

D. A change in location of the marijuana testing facility's physical address requires a new application to be submitted according to subsection (A).

E. A separate marijuana testing facility license is required for each noncontiguous portion of a marijuana testing facility.

F. A marijuana testing facility license is valid for two years after the original date of issuance.

R9-18-402. Applying for a Marijuana Testing Facility License

A. To apply for a marijuana testing facility license, an applicant that does not have a current laboratory registration certificate issued under 9 A.A.C. 17, Article 4, shall submit to the Department the following:

1. An application in a Department-provided format that includes:

a. The following information for the applicant:

i. The legal name of the proposed marijuana testing facility,

ii. Type of business organization,

iii. Arizona mailing address,

iv. Telephone number, and

v. E-mail address;

b. The physical address of the proposed marijuana testing facility;

c. The county in which the proposed marijuana testing facility is located;

d. For a business organization that is not a publicly traded corporation, the name, residence address, and date of birth of each owner;

e. For a business organization that is a publicly traded corporation, the name, residence address, and date of birth of each owner who is entitled to 10% or more of the profits of the proposed marijuana testing facility;

f. The name, residence address, and date of birth of the technical laboratory director designated according to R9-18-405(3);

g. Whether the applicant agrees to allow the Department to submit supplemental requests for information;

h. A statement that, if the applicant is issued a marijuana testing facility license, the marijuana testing facility will not begin testing marijuana pursuant to R9-18-311 until the marijuana testing facility has been inspected and issued an approval for testing by the Department;

i. An attestation that the applicant understands and will comply with the requirements in A.R.S. Title 36, Chapter 28.2 and this Chapter;

j. An attestation that the information provided to the Department to apply for a marijuana testing facility license is true and correct; and

k. The signatures of the owner of the proposed marijuana testing facility, according to R9-18-401(A), and the technical laboratory director and the date each signed;

2. Policies and procedures that comply with the requirements in this Chapter that contain:

a. Inventory control;

b. A chain of custody and sample requirement process;

c. A records retention process;

d. A secure method to transfer the portion of a sample remaining after testing to another marijuana testing facility with an approval for testing issued by the Department:

i. For testing of parameters or analytes that the marijuana testing facility receiving the sample from a marijuana establishment is not approved by the Department to conduct, or

ii. For retesting at the request of a marijuana establishment according to R9-18-311(C);

e. Security; and

f. A process for disposal of marijuana or marijuana products that are submitted to the marijuana testing facility for testing;

3. If the applicant is one of the business organizations in R9-18-401(A)(2) through (6), a copy of the business organization's articles of incorporation, articles of organization, or partnership documents that include:

a. The name of the business organization,

b. The type of business organization, and

c. The names and titles of the individuals in R9-18-401(A);

4. For each owner:

a. The owner's marijuana facility agent license number; and

b. An attestation signed and dated by the owner that the owner does not have a direct or indirect familial or financial relationship with or interest in a dispensary, marijuana establishment, or related marijuana business entity or management company;

5. A statement, in a Department-provided format, signed and dated within 60 calendar days before the date of the application by a representative of the local jurisdiction:

a. Certifying that the proposed marijuana testing facility is in compliance with any local zoning restrictions; and

b. Including:

i. Information identifying the local jurisdiction and the local jurisdiction's representative,

ii. The legal name of the proposed marijuana testing facility, and

iii. The physical address of the proposed marijuana testing facility as specified according to subsection (A)(1)(b);

6. A copy of documentation issued by the local jurisdiction to the applicant authorizing occupancy of the building as a marijuana testing facility, such as a certificate of occupancy, a special use permit, or a conditional use permit;

7. A site plan drawn to scale of the location of the proposed marijuana testing facility showing streets, property lines of the contiguous premises, buildings, parking areas, outdoor areas if applicable, fences, security features, fire hydrants if applicable, and access to water mains;

8. A building plan drawn to scale of the building where the proposed marijuana testing facility is located showing the:
   a. Layout and dimensions of each room;
   b. Name and function of each room;
   c. Fire ratings of the materials used for ceilings, walls, doors, and floors of rooms used to store flammable substances;
   d. Location of each fire protection device;
   e. Layout of heating, air conditioning, exhaust, and ventilation systems;
   f. Location and layout of refrigerated rooms or freezer rooms;
   g. Location of each sink, safety shower, other water supply, or plumbing fixture;
   h. Location of fixed or movable equipment and instruments that require dedicated electrical, water, vacuum, gas, or other building systems;
   i. Location of security measures or equipment to protect from diversion of marijuana or marijuana products; and
   j. Means of egress;
9. Documentation of accreditation of the location specified according to subsection (A)(1)(b) for which the applicant is applying for a marijuana testing facility license;
10. The applicant's Transaction Privilege Tax Number issued by the Arizona Department of Revenue, if applicable; and
11. The fee in R9-18-102 for applying for a marijuana testing facility license.

B. An entity holding a valid laboratory registration certificate issued by the Department under 9 A.A.C. 17, Article 4, may apply for an initial marijuana testing facility license by electronically submitting to the Department, in a Department-provided format:

1. An attestation from each owner listed according to subsection (A)(1)(d) approving the application for a marijuana testing facility license;
2. The license number on the applicant's laboratory registration certificate; and
3. The applicable fee in R9-18-102 for applying for a marijuana testing facility license.

C. A change in location of the marijuana testing facility's physical address or ownership requires a new application to be submitted according to subsection (A).

D. A separate marijuana testing facility license is required for each noncontiguous portion of a marijuana testing facility.

E. A marijuana testing facility license is valid for two years after the original date of issuance.

R9-18-403. Applying for Approval for Testing

A. Except as provided in subsection (C), to apply for approval for testing, an applicant shall submit to the Department, at least 60 calendar days before the expiration of the applicant's initial marijuana testing facility license, the following:

1. An application in a Department-provided format that includes:
   a. The name and license number of the marijuana testing facility;
   b. The physical address of the marijuana testing facility;
   c. The name of the applicant;
   d. The name of the technical laboratory director designated according to R9-18-405(3);
   e. For each parameter for which approval for testing is being requested:
      i. The analyte to be tested for,
      ii. The instruments and equipment to be used for testing, and
      iii. The software to be used at the marijuana testing facility for instrument control and data reduction interpretation;
   f. The marijuana testing facility's proposed hours of operation;
   g. Whether the marijuana testing facility agrees to allow the Department to submit supplemental requests for information;
   h. Whether the marijuana testing facility is ready for an inspection by the Department;
   i. If the marijuana testing facility is not ready for an inspection by the Department, the date the marijuana testing facility will be ready for an inspection by the Department;
   j. An attestation that the information provided to the Department to apply for approval for testing is true and correct;
   k. An attestation that the submission of the application is authorized by the marijuana testing facility; and
   l. The signatures of the owner of the marijuana testing facility, according to R9-18-401(A), and the technical laboratory director and the date each signed;
2. For each parameter and analyte listed according to subsection (A)(1)(e):
   a. A copy of current accreditation;
   b. The limit of quantitation for each matrix, according to A.A.C. R9-17-404.03(I);
   c. A copy of a proficiency testing report;
   d. A copy of the standard operating procedure; and

e. Documentation of the initial demonstration of capabilities for each matrix, according to A.A.C. R9-17-404.03(D);

3. Policies and procedures that comply with the requirements in this Chapter that include:
   a. A quality assurance program and standards,
   b. A process to ensure marijuana or marijuana products testing results are accurate, precise, and scientifically valid before reporting the results; and
   c. A process to compile testing results into a single report to be provided to a marijuana establishment; and
4. If different from the building plan submitted according to R9-18-402(A)(8), a building plan drawn to scale of the building where the marijuana testing facility is located showing the:
   a. Layout and dimensions of each room;
   b. Name and function of each room;
   c. Fire ratings of the materials used for ceilings, walls, doors, and floors of rooms used to store flammable substances;
   d. Location of each fire protection device;
   e. Layout of heating, air conditioning, exhaust, and ventilation systems;
   f. Location and layout of refrigerated rooms or freezer rooms;
   g. Location of each sink, safety shower, other water supply, or plumbing fixture;
   h. Location of fixed or movable equipment and instruments that require dedicated electrical, water, vacuum, gas, or other building systems;
   i. Location of security equipment to protect from diversion of marijuana or marijuana products; and
   j. Means of egress.

B. The Department shall process, as provided in R9-18-103, a request submitted according to subsection (A) for approval to test.

C. If an entity receives a marijuana testing facility license according to R9-18-402(B), the entity may begin testing marijuana pursuant to R9-18-311 for any parameters for which the Department has given the entity an approval for testing under A.A.C. R9-17-402.01.

D. A marijuana testing facility's approval for testing shall have the same expiration date as the marijuana testing facility license associated with the marijuana testing facility's approval to test.

R9-18-404. Renewing a Marijuana Testing Facility License

To renew a marijuana testing facility license, an applicant shall submit to the Department, at least 30 calendar days before the expiration date of the current marijuana testing facility license, but no more than 90 days before the expiration date of the current marijuana testing facility license, the following:

1. An application in a Department-provided format that includes:
    a. The legal name of the marijuana testing facility;
    b. The marijuana testing facility license number;
    c. The name of the owner;
    d. The name of the technical laboratory director designated according to R9-18-405(3);
    e. Whether the marijuana testing facility agrees to allow the Department to submit supplemental requests for information;
    f. An attestation that the information provided to the Department to renew the marijuana testing facility license is true and correct;
    g. An attestation that the submission of the application is authorized by the marijuana testing facility; and
    h. The signatures of the owner of the marijuana testing facility, according to R9-18-401(A), and the technical laboratory director and the date each signed;
2. For each current parameter and analyte, documentation of current accreditation;
3. If a change has been made to the standard operating procedure for a current parameter, a copy of the revised standard operating procedure;
4. If a change has been made in the quality assurance plan, required in R9-18-409(B), for a current parameter, a copy of the revised quality assurance plan; and
5. The fee in R9-18-102 for applying to renew a marijuana testing facility license.

R9-18-405. Administration

A. An owner of a marijuana testing facility shall:

1. Comply with the:
    a. Quality assurance requirements in R9-18-409,
    b. Operation requirements in R9-18-410, and
    c. Laboratory records and reports requirements in R9-18-410(B) and (C);
2. Maintain accreditation for each approved parameter and analyte;
3. Designate in writing a technical laboratory director who:

a. Has knowledge and experience in overseeing a marijuana testing facility as documented by:
   i. A doctoral degree in chemistry, biochemistry, microbiology, or a similar laboratory science;
   ii. A master's degree in chemistry, biochemistry, microbiology, or a similar laboratory science and at least two years of experience working in a laboratory and providing testing; or
   iii. A bachelor's degree in chemistry, biochemistry, microbiology, or a similar laboratory science and at least four years of experience working in a laboratory and providing testing; and

b. Is responsible for:
   i. Ensuring that all services and tests provided by the marijuana testing facility are performed in compliance with the requirements in this Article;
   ii. Directing and supervising services and tests provided by the marijuana testing facility;
   iii. Overseeing the work of all personnel in the marijuana testing facility;
   iv. Providing ongoing training to marijuana facility agents, as applicable to the functions performed by a marijuana facility agent; and
   v. Ensuring safety and hazardous substance control in the marijuana testing facility;

4. Notify the Department in writing within 20 working days after any change in the technical laboratory director, providing:
   a. The name and contact information for the new technical laboratory director, and
   b. Documentation that the technical laboratory director specified in subsection (A)(4)(a) meets the requirements in R9-18-405(3);

5. Develop, document, and implement policies and procedures regarding:
   a. Job descriptions and employment contracts, including:
      i. Personnel duties, authority, responsibilities, and qualifications;
      ii. Personnel supervision;
      iii. Ongoing training, applicable to the functions performed by a marijuana facility agent;
      iv. Training in and adherence to confidentiality requirements;

v. Periodic performance evaluations, including proficiency testing on a rotating basis among all marijuana facility agent performing similar functions; and

vi. Disciplinary actions;

b. Business records, such as manual or computerized records of assets and liabilities, monetary transactions, journals, ledgers, and supporting documents, including agreements, checks, invoices, and vouchers;

c. Inventory control, including:

i. Tracking, including sample intake weight verification, weights of the portions of the sample that were tested according to subsection (5)(c)(iv), and the weights of any marijuana or a marijuana product disposed of according to subsection R9-18-412(C)(5)(b);

ii. Accepting marijuana or marijuana products for testing;

iii. Transferring a portion of a sample prepared or selected according to subsection (A)(5)(e)(v) to another marijuana testing facility for testing of parameters or analytes that the marijuana testing facility is not approved by the Department to conduct;

iv. Testing marijuana and marijuana products;

v. Providing a representative portion of the sample of tested marijuana or a marijuana product, which had been prepared or selected according to subsection (A)(5)(e)(v), to up to two other marijuana testing facilities, with an approval for testing issued by the Department, at the request of a marijuana establishment according to R9-18-311(C);

vi. Retaining the residual portion of a sample accepted for testing from a marijuana establishment for at least 14 days after sending the final report of testing required in R9-18-410(B)(3) to the marijuana establishment; and

vii. Disposing of marijuana or a marijuana product such that the marijuana or marijuana product is unrecognizable or cannot otherwise be used and documenting:

(1) The method of disposal;

(2) Whether the marijuana or marijuana product was tested;

(3) If not tested, the reason for not testing;

(4) The marijuana facility agent overseeing the disposal; and

(5) The date of disposal;

d. Standard operating procedures, including:

i. The review and updating of standard operating procedures;

ii. Requirements for a marijuana facility agent to review current, new, or updated standard operating procedures applicable to the functions performed by the marijuana facility agent;

iii. Documenting the review of standard operating procedures by applicable marijuana facility agents; and

iv. Maintaining a revision log for standard operating procedures;

e. Marijuana testing facility records, including:

i. Maintenance and monitoring of instruments and equipment;

ii. Acceptance of marijuana and marijuana products for testing, including the specification of the analytes to be tested for;

iii. The chain of custody and applicable trip plan, according to R9-18-413, for a sample accepted by the marijuana testing facility for testing;

iv. The storage of a submitted sample prior to testing to maintain the integrity of the sample and analyte;

v. The process for ensuring that a homogeneous portion of a submitted sample is prepared or selected for testing, including:

(1) The aseptic removal of a homogeneous portion, with a particle size not greater than 7 mm, of the sample for testing according to R9-18-408;

(2) Further preparation of a homogeneous portion, with a particle size not greater than 1 mm, of the sample, if necessary, for testing according to R9-18-408; and

(3) Documenting the condition and consistency of a heterogeneous sample with a data qualifier notation of Q2, according to R9-18-408(D)(2) or (J)(4) as applicable;

vi. Ensuring testing results are accurate, precise, and scientifically valid before reporting the results;

vii. Reporting of testing results, including:

(1) Testing results obtained from another marijuana testing facility for testing of parameters or analytes that the marijuana testing facility is not approved by the Department to conduct, or

(2) Testing results provided to another marijuana testing facility from which the marijuana testing facility had received a portion of a sample for testing of parameters or analytes that the other marijuana testing facility is not approved by the Department to conduct;

viii. If applicable, transfer of a portion of a sample, according to subsection (A)(5)(e)(v), to another marijuana testing facility with an approval for testing issued by the Department for testing of parameters or analytes that the marijuana testing facility is not approved by the Department to conduct, including:

(1) The name and marijuana establishment license number of the marijuana establishment from which the sample was obtained,

(2) The name and marijuana testing facility license number of the marijuana testing facility to which the portion of the sample is being transferred,

(3) The date of the transfer,

(4) The amount of sample being transferred,

(5) The name and marijuana facility agent license number of the marijuana facility agent receiving the marijuana or marijuana products on behalf of the other marijuana testing facility;

(6) The parameters or analytes being tested by the other marijuana testing facility, and

(7) The testing results obtained from the other marijuana testing facility;

ix. If applicable, transfer of the portion of a sample remaining after testing, according to subsection (A)(5)(c)(v), to no more than two other marijuana testing facilities with an applicable approval for testing issued by the Department at the request of a marijuana establishment according to R9-18-311(C), including:

(1) The name and marijuana establishment license number of the marijuana establishment,

(2) The name and marijuana facility agent license number of the marijuana facility agent requesting the transfer on behalf of the marijuana establishment,

(3) The date of the request,

(4) The amount of sample being transferred,

(5) The name and marijuana testing facility license number of each other marijuana testing facility, and

(6) The name and marijuana facility agent license number of the marijuana facility agent receiving the marijuana or marijuana products on behalf of each receiving marijuana testing facility;

x. Confidentiality; and

xi. Sample retention;

f. A quality assurance program and standards;

g. A records retention process; and

h. Security;

6. Review and document the review of marijuana testing facility policies and procedures at least once every 12 months after the issue date of the marijuana testing facility license and update as needed;

7. Ensure that each marijuana facility agent has the marijuana facility agent's license in the marijuana facility agent's immediate possession when the marijuana facility agent is on the premises of the marijuana testing facility or transporting marijuana or marijuana products for testing;

8. Ensure that a marijuana facility agent accompanies and supervises any individual other than another marijuana facility agent associated with the marijuana testing facility when the individual is present in the area of the marijuana testing facility where marijuana or marijuana products are being tested or stored for testing;

9. Not allow an individual who does not possess a marijuana facility agent license to:

a. Serve as the owner for the marijuana testing facility under R9-18-401,

b. Be employed by the marijuana testing facility, or

c. Provide services at or on behalf of the marijuana testing facility, except as provided in subsection (A)(8);

10. Provide written notice to the Department, including the date of the event, within 10 working days after the date, when a marijuana facility agent no longer:

a. Is employed by the marijuana testing facility, or

b. Provides services at or on behalf of the marijuana testing facility;

11. Provide written notice to the Department, in a Department-provided format, when an individual is to be added and within 10 working days after an individual is removed as

the owner of the marijuana testing facility, as specified according to R9-18-401(A)(2), including the following:

a. The legal name of the marijuana testing facility;

b. The license number of the marijuana testing facility;

c. Whether the marijuana testing facility is adding or removing an individual as the owner;

d. The effective date of the addition or removal;

e. If removing an individual as the owner, the name of the individual;

f. If an individual is to be added as the owner:

i. The name of the individual, and

ii. The individual's license number on the individual's marijuana facility agent license;

g. For an individual to be added as the owner, an attestation, in a Department-provided format, signed and dated by the individual that the individual:

i. Does not have an excluded felony offense, as defined in A.R.S. § 36-2801;

ii. Does not have a direct or indirect familial or financial relationship with a marijuana establishment or a dispensary with a dispensary registration certificate issued under 9 A.A.C. 17; and

iii. Has not had an ownership interest in a marijuana business, licensed in Arizona or any other state, that had the license to operate the marijuana business revoked;

h. An attestation that the information provided to the Department as part of the notification is true and correct;

i. An attestation that the notification is authorized by the marijuana testing facility; and

j. The signatures of both the owner being added and the owner being removed, and the date signed; and

12. Unless otherwise specified, maintain copies of any documentation required in this Chapter for at least two years after the date on the documentation and provide copies of the documentation to the Department for review upon request.

B. If the Department receives the notification in subsection (A)(11) that an individual is to be added or removed as the owner of a the marijuana testing facility, according to R9-18-401(A)(2), the

Department shall review the information provided with the notification and, within 15 working days, notify the marijuana testing facility that:

1. The Department's records have been updated to reflect the change; or
2. Either:
    a. The Department needs additional information or documentation before the Department's records can be changed:
        i. Specifying the additional information or documentation; and
        ii. Stating that, if the requested information or documentation is not received within 15 working days after the notification in subsection (B)(2)(a), no changes would be made to the Department's records and no further action would be taken based on the notification in subsection (A)(11); or
    b. The individual does not meet requirements in A.R.S. Title 36, Chapter 28.2, or this Chapter, specifying the applicable requirements.

R9-18-406. Compliance Monitoring

A. Submission of an application for a marijuana testing facility license constitutes permission for:
1. The Department's entry to and inspection of the marijuana testing facility, and
2. The Department to conduct proficiency testing according to R9-18-407.

B. The Department shall conduct:
1. Except for a marijuana testing facility licensed pursuant to R9-18-402(B), an initial marijuana testing facility inspection; and
2. A follow-up marijuana testing facility inspection, at least annually.

C. The Department shall comply with A.R.S. § 41-1009 in conducting a marijuana testing facility inspection or investigation.

D. The Department shall not accept allegations of a marijuana testing facility's noncompliance with A.R.S. Title 36, Chapter 28.2 or this Chapter from an anonymous source.

E. If the Department receives an allegation of a marijuana testing facility's noncompliance with A.R.S. Title 36, Chapter 28.2 or this Chapter, the Department may conduct an unannounced inspection of the marijuana testing facility.

F. If the Department determines that a marijuana testing facility is not in compliance with the requirements of A.R.S. Title 36, Chapter 28.2, or this Chapter, the Department:
1. Shall provide the owner, according to R9-18-401(A), and technical laboratory director with a written notice that includes the specific rule or statute that was violated; and

2. May:
   a. Take an enforcement action as described in R9-18-415;
   b. Assess a civil penalty according to A.R.S. §§ 36-2854(B)(2) and 36-2858(B); or
   c. Require that the technical laboratory director submit to the Department, within 30 calendar days after written notice from the Department, a corrective action plan to address issues of compliance that do not directly affect the health or safety of a consumer or marijuana facility agent that:
      i. Describes how each identified instance of noncompliance will be corrected and reoccurrence prevented, and
      ii. Includes a date for correcting each instance of noncompliance that is appropriate to the actions necessary to correct the instance of noncompliance.

G. Under A.R.S. § 41-1009(G) and (I), the Department's decision regarding whether a technical laboratory director may submit a corrective action plan on behalf of a marijuana testing facility or whether a deficiency has been corrected or has been corrected within a reasonable period of time is not an appealable agency action as defined by A.R.S. § 41-1092.

R9-18-407. Proficiency Testing; Accuracy Testing

A. At least once in each 12-month period, and more often if requested by the Department, a technical laboratory director shall have at least one marijuana facility agent, selected according to policies and procedures, participate in proficiency testing provided by the Department or a proficiency testing service that:

1. Includes at least one proficiency testing sample, in a matrix similar to the marijuana or marijuana products accepted for testing, for each parameter and analyte for which the marijuana testing facility has been approved or is requesting approval and for which proficiency testing samples are available;
2. Demonstrates the marijuana facility agent's competence in testing for the parameter; and
3. If the marijuana testing facility has been approved or has requested approval to test an analyte by different methods, may use the same proficiency testing sample for each method.

B. If a proficiency testing sample is not available for a specific parameter and analyte, a technical laboratory director shall have at least one marijuana facility agent, selected according to policies and procedures, participate in accuracy testing for the parameter.

C. A technical laboratory director shall consider that a marijuana facility agent has demonstrated competence in testing for a parameter if testing results reported for the parameter are within acceptance limits established by the Department, according to R9-18-408, or the proficiency testing service, as applicable.

D. A technical laboratory director shall ensure that:

1. Each sample for proficiency testing accepted at the marijuana testing facility is analyzed at the marijuana testing facility;
2. Each sample for accuracy testing is analyzed at the marijuana testing facility;
3. Each sample for proficiency testing or accuracy testing is tested according to R9-18-408, using the same procedures and techniques employed for routine sample testing;
4. A proficiency testing service provides the results for each proficiency testing sample directly to the marijuana testing facility and the Department;
5. If proficiency testing is provided by the Department, the marijuana testing facility submits to the Department payment for the actual costs of the materials for proficiency testing;
6. If proficiency testing is not provided by the Department, the marijuana testing facility selects a proficiency testing service and contracts with and pays the proficiency testing service directly for proficiency testing; and
7. For any analyte not within the acceptance limit established by the Department or the proficiency testing service in subsection (D)(6), as applicable:
    a. A corrective action plan:
        i. Is submitted to the Department within 10 calendar days after failing to demonstrate competency in proficiency testing or accuracy testing,
        ii. Describes how each identified instance of failing to demonstrate competency will be corrected, and
        iii. Includes a date for correcting the failure to demonstrate competency that is appropriate to the actions necessary to correct the instance of noncompliance; and
    b. If the marijuana testing facility fails to demonstrate competency in proficiency testing or accuracy testing for any analyte twice in a row, the marijuana testing facility does not test for the analyte until the marijuana testing facility has demonstrated competency in testing for the analyte by repeat proficiency testing or accuracy testing.

E. The Department may submit blind proficiency testing samples to a marijuana testing facility at any time during the certification period.

R9-18-408. Method Criteria and References for Laboratory Analyses

A. In addition to the definitions in A.R.S. § 36-2850 and R9-18-101, the definitions in A.A.C. R9-17-404.03(A) apply in this Section unless otherwise stated.

B. A technical laboratory director shall ensure that the marijuana testing facility complies with the requirements in A.A.C. R9-17-404.03(B) through (O) when using chemical analytical methods for any of the analytes in Table 3.1.

C. A technical laboratory director may release testing results that are scientifically valid and defensible from analyses using chemical analytical methods, according to R9-18-410(B)(3) and (C), with the following data qualifier notations if:

1. The target analyte detected in the calibration blank required in A.A.C. R9-17-404.03(F)(1)(c) or the method blank specified in A.A.C. R9-17-404.03(K)(1) is at or above the limit of quantitation, but the sample result:
    a. For potency testing, is below the limit of quantitation – B1; or
    b. When testing for pesticides, fungicides, growth regulators, mycotoxins, heavy metals, or residual solvents, is below the maximum allowable concentration in Table 3.1 for the analyte – B2;
2. The limit of quantitation and the sample results were adjusted to reflect sample dilution - D1;
3. The relative intensity of a characteristic ion in a sample analyte exceeded the acceptance criteria in A.A.C. R9-17-404.03(L)(1) with respect to the reference spectra, indicating interference – I1;
4. When testing for pesticides, fungicides, growth regulators, mycotoxins, heavy metals, or residual solvents, the percent recovery of a laboratory control sample is greater than the acceptance limits in A.A.C. R9-17-404.03(K)(2)(d), but the sample's target analytes were not detected above the maximum allowable concentrations in Table 3.1 for the analytes in the sample – L1;
5. The recovery from the matrix spike in A.A.C. R9-17-404.03(K)(4) was:
    a. High, but the recovery from the laboratory control sample in A.A.C. R9-17-404.03(K)(2) was within acceptance criteria – M1,
    b. Low, but the recovery from the laboratory control sample in A.A.C. R9-17-404.03(K)(2) was within acceptance criteria – M2, or

c. Unusable because the analyte concentration was disproportionate to the spike level, but the recovery from the laboratory control sample in A.A.C. R9-17-404.03(K)(2) was within acceptance criteria – M3;

6. The analysis of a spiked sample required a dilution such that the spike recovery calculation does not provide useful information, but the recovery from the associated laboratory control sample in A.A.C. R9-17-404.03(K)(2) was within acceptance criteria – M4;

7. The analyte concentration was determined by the method of standard addition, in which the standard is added directly to the aliquots of the analyzed sample – M5;

8. A description of the variance is described in the final report of testing according to R9-18-410(B)(3) and (C) – N1;

9. The relative percent difference for the laboratory control sample and duplicate exceeded the limit in A.A.C. R9-17-404.03(K)(3), but the recovery in A.A.C. R9-17-404.03(K)(2)(d) was within acceptance criteria – R1;

10. The relative percent difference for a sample and duplicate exceeded the limit in A.A.C. R9-17-404.03(O) – R2; or

11. The recovery from continuing initial calibration verification standards or continuing calibration verification standards is greater than the acceptance limits in A.A.C. R9-17-404.03(H)(2) or (J)(1)(b) as applicable, but the sample's target analytes were not detected above the maximum allowable concentrations in Table 3.1 for the analytes in the sample – V1.

D. A technical laboratory director shall include in the final report of testing from analyses using chemical analytical methods, according to R9-18-410(B)(3) and (C), the following data qualifier notations if:

1. Sample integrity was not maintained – Q1;

2. The sample is heterogeneous, and sample homogeneity could not be readily achieved using routine laboratory practices – Q2; or

3. Testing result is for informational purposes only and cannot be used to satisfy marijuana establishment testing requirements in R9-18-311(A) or labeling requirements in R9-18-310 – Q3.

E. For batch analysis of samples to determine potency, a technical laboratory director may check precision by using either a duplicate laboratory control sample or a duplicate sample prepared from the marijuana or marijuana product being tested, according to requirements in A.A.C. R9-17-404.03(K)(2) and (3).

F. A technical laboratory director shall ensure that the reporting units for:

1. Pesticides, fungicides, growth regulators, heavy metals, or residual solvents is in parts per million (ppm);
2. Mycotoxins are according to A.A.C. R9-17-404.04(I)(4); and
3. Potency are:
   a. In either:
      i. Percent (w/w) relative to the bulk plant material or marijuana product, as applicable; or
      ii. Number of milligrams per designated unit; and
   b. For:
      i. Total tetrahydrocannabinol, the sum of:
         (1) Tetrahydrocannabinolic acid (THC-A), multiplied by 0.877;
         (2) Delta-8-tetrahydrocannabinol (Δ8-THC);
         (3) Delta-9-tetrahydrocannabinol (Δ9-THC), and
         (4) Delta-10-tetrahydrocannabinol (Δ10-THC); and
      ii. Total cannabidiol, the sum of cannabidiolic acid (CBD-A), multiplied by 0.877, and cannabidiol (CBD).

G. A technical laboratory director shall ensure that:

1. For samples that do not meet the requirements in Table 3.1, a log is maintained identifying the samples, and
2. A sample is only retested at the initial laboratory:
   a. When quality control standards have failed; or
   b. For a sample tested using a method, developed by an instrument manufacturer, that meets the criteria in A.A.C. R9-17-404.03(B)(2), when recommended by the instrument manufacturer.

H. To perform testing for the microbial contaminants in Table 3.1, a marijuana testing facility shall:

1. Use an applicable method described in A.A.C. R9-17-404.04(A)(1) and validated according to A.A.C. R9-17-404.04(A)(2), and
2. Comply with A.A.C. R9-17-404.04(A)(3) and (4), as applicable.

I. A technical laboratory director shall ensure that the marijuana testing facility complies with the requirements in A.A.C. R9-17-404.04(B) through (G) when performing testing for the microbial contaminants in Table 3.1.

J. A technical laboratory director shall include in the final report of testing for the microbial contaminants in Table 3.1, according to R9-18-410(B)(3) and (C), the following data qualifier notations if:

1. The limit of quantitation and the sample results were adjusted to reflect sample dilution - D1;
2. A description of the variance is described in the final report of testing according to A.A.C. R9-18-410(B)(3) and (C) – N1;
3. Sample integrity was not maintained – Q1;
4. The sample is heterogeneous, and sample homogeneity could not be readily achieved using routine laboratory practices – Q2; or
5. Testing result is for informational purposes only and cannot be used to satisfy marijuana establishment testing requirements R9-18-311(A) or labeling requirements in R9-18-310 – Q3.

K. A technical laboratory director shall ensure that:

1. The reporting units for *Escherichia coli* are colony forming units per gram (CFU/g);
2. Reporting for *Salmonella* is "Detected" or "Not detected" in one gram;
3. Reporting for *Aspergillus* is "Detected" or "Not detected" in one gram; and
4. Reporting for mycotoxins includes:
   a. Total aflatoxins in units of micrograms per kilogram (µg/kg), and
   b. Ochratoxin A in units of micrograms per kilogram (µg/kg).

R9-18-409. Quality Assurance

A. An owner of a marijuana testing facility or applicant shall ensure that the analytical data produced at the owner's or applicant's marijuana testing facility are of known and acceptable precision and accuracy, as prescribed by the method criteria for each analyte in R9-18-408, and are scientifically valid and defensible.

B. An owner of a marijuana testing facility or applicant shall establish, implement, and comply with a written quality assurance plan that contains the following and is available at the marijuana testing facility for Department review:

1. A title page identifying the marijuana testing facility and date of review and including the technical laboratory director's signature of approval;
2. A table of contents;
3. An organization chart or list of the marijuana testing facility personnel, including names, lines of authority, and identification of principal quality assurance personnel;

4. A copy of the current marijuana testing facility license and a list of approved parameters;
5. A statement of quality assurance objectives, including data quality objectives with precision and accuracy goals and the criteria for determining the acceptability of each testing;
6. Specifications for the preservation of samples;
7. A procedure for documenting receipt of samples by the marijuana testing facility and tracking of samples during testing;
8. A procedure for analytical instrument calibration, including frequency of calibration and complying with the requirements for calibration in subsection (D);
9. A procedure for testing data reduction and validation and reporting of final results, including the identification and treatment of data outliers, the determination of the accuracy of data transcription, and all calculations;
10. If using control limits derived by the marijuana testing facility as a basis for determining acceptance of a testing result, a procedure to ensure that the control limits are:
    a. Statistically significant, valid, and defensible; and
    b. Updated at least every 12 months;
11. A statement of the frequency of all quality control checks;
12. A statement of the acceptance criteria for all quality control checks;
13. Preventive maintenance procedures and schedules;
14. Assessment procedures for data acceptability, including appropriate procedures for manual integration of chromatograms and when manual integration is inappropriate;
15. Corrective action procedures to be taken when results from analytical quality control checks are unacceptable, including steps to demonstrate the presence of any interference if the precision, accuracy, or limit of quantitation of the reported testing result is affected by the interference; and
16. Procedures for chain-of-custody documentation, including procedures for the documentation and reporting of any deviation from the sample handling or preservation requirements.

C. An owner of a marijuana testing facility or applicant shall ensure that the written quality assurance plan is a separate document available at the marijuana testing facility and includes all of the components required in subsection (B), but an owner or applicant may satisfy the components required in subsections (B)(3) through (16) through incorporating by reference provisions in separate documents, such as standard operating procedures.

D. An owner of a marijuana testing facility or applicant shall:

1. Have available at the marijuana testing facility all methods, equipment, reagents, and supplies necessary for the testing for which the owner or applicant is approved or is requesting approval;
2. Use only reagents of a grade equal to or greater than that required by the applicable method criteria in R9-18-408, and document the use of the reagents;
3. Maintain and require each marijuana facility agent performing testing on marijuana or a marijuana product to comply with a complete and current standard operating procedure that meets the requirements for each method, as specified in R9-18-408, which shall include at least:
    a. A description of all procedures to be followed, including the recording of the information required according to R9-18-410(B)(1)(h) and (l), when the method is performed;
    b. A list of the concentrations for calibration standards, check standards, and spikes;
    c. Requirements for instrumental conditions and set up;
    d. A requirement for frequency of calibration;
    e. The quantitative methods to be used to calculate the final concentration of an analyte in samples, including any factors used in the calculations and the calibration algorithm used; and
    f. Requirements for preventative maintenance;
4. Calibrate each instrument as required by the standard operating procedure, as specified in R9-18-408, for which the equipment is used;
5. Maintain calibration documentation, including documentation that demonstrates the calculations performed using each calibration model;
6. Develop, document, and maintain a current limit of quantitation, as specified in R9-18-408, for each compliance parameter for each instrument;
7. For each parameter and analyte tested at the marijuana testing facility, use the quality control acceptance criteria specified according to R9-18-408 and Table 3.1;
8. Discard or segregate all expired standards or reagents;
9. Maintain a record showing the traceability of reagents; and
10. Ensure that a calibration model is not used or changed to avoid necessary instrument maintenance.

E. Except as provided in subsection (F), an owner of a marijuana testing facility or applicant shall ensure that each standard operating procedure is a separate document available at the marijuana testing facility and includes all of the components required in subsection (D)(3).

F. An owner of a marijuana testing facility or applicant may satisfy the components required in subsections (D)(3)(e) and (f) through incorporating by reference provisions in separate documents, such as other standard operating procedures.

R9-18-410. Operations

A. A technical laboratory director shall ensure that:

1. A sample of marijuana or a marijuana product accepted at the technical laboratory director's marijuana testing facility is analyzed:
   a. Either:
      i. At the marijuana testing facility with methods approved by the Department; or
      ii. For testing of parameters or analytes that the marijuana testing facility is not approved by the Department to conduct, at another marijuana testing facility or a laboratory with a laboratory registration certificate issued under 9 A.A.C. 17 with an approval for testing issued by the Department;
   b. As received; and
   c. Within 10 calendar days after receipt;
2. If an instrument or equipment used for testing marijuana or a marijuana product has a mechanism to track any changes made to testing results, the tracking mechanism is installed and activated;
3. The facility and utilities required to operate equipment and perform testing of marijuana or marijuana products are maintained;
4. Environmental controls are maintained within the marijuana testing facility to ensure that marijuana testing facility environmental conditions do not affect analytical results beyond quality control limits established for the methods performed at the marijuana testing facility;
5. Storage, handling, and disposal of hazardous materials at the marijuana testing facility are in accordance with all state and federal regulations;
6. The marijuana testing facility complies with all applicable federal, state, and local occupational safety and health regulations; and
7. The following information is maintained for all marijuana facility agents providing supervisory, quality assurance, or analytical functions related to testing of marijuana or a marijuana product:

a. A summary of each marijuana facility agent's education and professional experience;

b. Documentation of each marijuana facility agent's applicable certifications and specialized training;

c. Information related to the marijuana facility agent's license;

d. Documentation of each marijuana facility agent's review of the quality assurance plan required under R9-18-409(B) and the methods and standard operating procedures for all testing of marijuana or marijuana products performed by the marijuana facility agent or for which the marijuana testing facility agent has supervisory or quality assurance responsibility;

e. Documentation of each marijuana facility agent's completion of training on the use of equipment and of proper laboratory technique, including the name of the marijuana facility agent, the name of the instructor, the duration of the training, and the date of completion of the training;

f. Documentation of each marijuana facility agent's completion of training classes, continuing education courses, seminars, and conferences that relate to the testing procedures used by the marijuana facility agent for testing of marijuana or marijuana products;

g. Documentation of each marijuana facility agent's completion of initial demonstration of capability, as required according to R9-18-408, for each approved method performed by the marijuana facility agent;

h. Documentation of each marijuana facility agent's performance of proficiency testing; and

i. Documentation of each marijuana facility agent's completion of training related to instrument calibration that includes:

    i. Instruction on each calibration model that the marijuana facility agent will use or for which the marijuana facility agent will review data;

    ii. For each calibration model in subsection (A)(7)(i)(i), description of the specific aspects of the calibration model that might compromise the data quality, such as detector saturation, lack of detector sensitivity, the calibration model's not accurately reflecting the calibration points, inappropriate extension of the calibration range, weighting factors, and dropping of mid-level calibration points without justification; and

iii. Instruction that a calibration model shall not be used or changed to avoid necessary instrument maintenance.

B. A technical laboratory director shall ensure that:

1. A testing record for marijuana or marijuana products contains:
   a. Sample information, including the following:
      i. A unique sample identification assigned at the marijuana testing facility;
      ii. A description of the marijuana or marijuana product from which the submitted sample was taken, including the net weight in appropriate units, matrix, strain, and batch number;
      iii. The sample collection date and time;
      iv. The type of testing to be performed, including whether the testing is to satisfy the requirement in R9-18-311(A) or A.A.C. R9-17-317.01 or for a marijuana establishment's or dispensary's information only;
      v. The analytes to be tested for, as specified by the marijuana establishment, dispensary, or individual submitting the sample to the marijuana testing facility according to subsection (B)(1)(c); and
      vi. If the sample was submitted for retesting at the request of a marijuana establishment according to R9-18-311(C) or dispensary according to A.A.C. R9-17-317.01(C), the name and, as applicable, the license number of the marijuana establishment or registry identification number of the dispensary;
   b. A color picture of the sample as submitted and in the original packaging or container in which the sample was submitted;
   c. The name and one of the following, as applicable, for the marijuana establishment, dispensary, or individual submitting the sample to the marijuana testing facility:
      i. The marijuana establishment license number,
      ii. The registry identification number of the dispensary, or
      iii. The number on the document used to identify the individual;
   d. If applicable, name and the marijuana facility agent license number of the marijuana facility agent submitting the sample to the marijuana testing facility on behalf of a marijuana establishment;
   e. If applicable, name and registry identification number of the dispensary agent submitting the sample to the marijuana testing facility on behalf of a dispensary;

f. The date and time of receipt of the sample at the marijuana testing facility;

g. The name and registry identification number of the marijuana facility agent who received the sample at the marijuana testing facility;

h. The dates and times of testing, including the date and time of each critical step;

i. Whether testing results related to a sample were changed;

j. If testing results related to a sample were changed, what was changed, the name of the marijuana facility agent who changed the testing results, the time and date the data were changed, and why the testing results were changed;

k. If testing results were changed due to retesting:

i. What was used or done to the sample, and

ii. The original and changed testing results;

l. The actual results of testing, including all raw data, work sheets, and calculations performed;

m. The actual results of quality control data validating the testing results, including the calibration and calculations performed;

n. The name of each marijuana facility agent who performed the testing; and

o. A copy of the final report;

2. A testing result for marijuana or a marijuana product that is known to be inaccurate is not reported; and

3. Except as specified in subsection (C) or (D) as applicable, a final report of testing of marijuana or marijuana products contains:

a. The name, address, and telephone number of the marijuana testing facility;

b. The marijuana testing facility license number issued by the Department;

c. Actual scientifically valid and defensible results of testing of a sample of marijuana or a marijuana product in appropriate units of measure, obtained in accordance with R9-18-408, and the quality assurance plan;

d. As applicable:

i. A statement that testing results were obtained according to requirements in the quality assurance plan in R9-18-409(B), in the applicable standard operating procedure, and in R9-18-408;

ii. A description of any variances from the requirements in the quality assurance plan in R9-18-409(B), the applicable standard operating procedure, or R9-18-408 made to ensure scientifically valid and defensible testing results, and the reason for the variance; or

iii. A qualifier, according to R9-18-408(C), (D), or (J), as applicable, located adjacent to the name of the analyte or testing result to which the qualifier pertains;

e. A list of each method used to obtain the reported results;

f. As applicable, the limit of quantitation;

g. Sample information, including the following:

i. The unique sample identification assigned at the marijuana testing facility;

ii. A color picture of the sample as submitted and in the original packaging or container in which the sample was submitted;

iii. A description of the marijuana or marijuana product from which the submitted sample was taken, including the strain and batch number;

iv. The sample collection date and time;

v. The name and identifying number recorded for the marijuana establishment, dispensary, or individual submitting the sample to the marijuana testing facility according to subsection (B)(1)(c); and

vi. Any changes made to the information recorded according to subsection (B)(1)(a) since sample submission;

h. The date of testing for each parameter reported;

i. The date of the final report; and

j. The technical laboratory director's or designee's signature.

C. If a sample of marijuana or a marijuana product accepted at a marijuana testing facility is analyzed at another marijuana testing facility or a laboratory with a laboratory registration certificate issued under 9 A.A.C. 17, as allowed according to subsection (A)(1)(a)(ii), a technical laboratory director shall ensure that the final report of testing required in subsection (B)(3) includes a copy of the final report of testing from each marijuana testing facility or laboratory to which the marijuana testing facility accepting the sample from a marijuana establishment sent a portion of the sample for testing of parameters or analytes that the marijuana testing facility is not approved by the Department to conduct.

D. If a final report of testing issued according to subsection (B)(3) needs to be changed, amended, or reissued, a technical laboratory director shall ensure that a changed, amended, or reissued report of testing is generated by the marijuana testing facility and includes:

1. The date of the changed, amended, or reissued report of testing;

2. A statement that the changed, amended, or reissued report is an amendment to the original final report of testing, including any unique number or other designator given by the marijuana testing facility to the original final report of testing;
3. If it is necessary to issue a completely new final report of testing, the information required in subsection (B)(3); and
4. The change to the information provided in the original final report of testing and, where appropriate, the reason for the change, located either:
   a. Adjacent to the testing result to which the change pertains, or
   b. On the same page of the final report of testing with an indicator located adjacent to the testing result to which the change pertains.

E. For a sample of marijuana or a marijuana product accepted at the technical laboratory director's marijuana testing facility, a technical laboratory director shall ensure that the final report of testing in subsection (B)(3):

1. For a sample received from a marijuana establishment or dispensary, is sent to the marijuana establishment or dispensary within 10 calendar days after receipt of the sample;
2. For a sample received from a marijuana testing facility according to subsection (A)(1)(a)(ii), is sent to the marijuana testing facility from which the sample was sent within seven calendar days after receipt of the sample;
3. For a sample received from a marijuana testing facility according to R9-18-311(C) or dispensary according to A.A.C. R9-17-317.09(C), to the marijuana establishment or dispensary within seven calendar days after receipt of the sample; and
4. For a sample received from an individual as recorded according to subsection (B)(1)(c), is sent to the individual within 10 calendar days after receipt of the sample.

R9-18-411. Adding or Removing Parameters for Testing

A. During the term of a marijuana testing facility license, a marijuana testing facility may request to have one or more parameters:

1. Added to the marijuana testing facility license, or
2. Removed from the marijuana testing facility license.

B. To request a change to one or more parameters, an applicant shall submit to the Department:

1. The following information in a Department-provided format:
   a. The name, address, and telephone number of the applicant;

b. The name, address, and telephone number of the marijuana testing facility for which the change is requested;

c. If requesting the removal of a parameter, identification of the parameter to be removed;

d. If requesting the addition of a parameter:

i. The analyte to be tested for,

ii. The instruments and equipment to be used for testing,

iii. The software to be used at the marijuana testing facility for instrument control and data reduction interpretation, and

iv. The limit of quantitation, if applicable;

e. Whether the marijuana testing facility is ready for an inspection by the Department;

f. If the marijuana testing facility is not ready for an inspection by the Department, the date the marijuana testing facility will be ready for an inspection by the Department;

g. An attestation that the information provided to the Department to apply for the addition of a parameter is true and correct;

h. An attestation that the submission is authorized by the marijuana testing facility; and

i. The signatures of the owner of the marijuana testing facility, according to R9-18-401(A), and the technical laboratory director and the date each signed;

2. The following for each parameter requested to be added:

a. A copy of current accreditation;

b. A copy of a proficiency testing report;

c. A copy of the standard operating procedure; and

d. Documentation of the initial demonstration of capabilities, according to A.A.C. R9-17-404.03(D); and

3. If applicable, any changes to the quality assurance plan in R9-18-409(B) made due to the addition or removal of the parameter.

C. The Department may conduct an inspection of the marijuana testing facility during the substantive review period for a request to have one or more parameters added to a marijuana testing facility license.

D. The Department shall process a request to have one or more parameters added to a marijuana testing facility license as provided in R9-18-103.

R9-18-412. Inventory Control System

A. A marijuana testing facility shall not accept submissions of marijuana or marijuana products for testing from an individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1 or Chapter 28.2.

B. A technical laboratory director shall designate in writing a marijuana facility agent who has oversight of the marijuana testing facility's inventory control system.

C. A technical laboratory director shall establish and implement an inventory control system for the marijuana testing facility's marijuana and marijuana products that documents:

1. The following amounts in appropriate units:
    a. Each day's beginning inventory of marijuana and marijuana products;
    b. Marijuana and marijuana products accepted for testing, including verifying the amount of each sample of marijuana or marijuana product accepted for testing by measuring:
        i. The net weight, or
        ii. The gross weight and subtracting the tare weight of the container to calculate the net weight;
    c. The portions of a sample of marijuana or a marijuana product removed for testing with the name of the marijuana facility agent removing each portion;
    d. The amount of a sample, as specified in R9-18-405(A)(5)(e)(v)(1), retained for microbial retesting;
    e. The amount of a sample, as specified in R9-18-405(A)(5)(e)(v)(2), retained for chemical retesting;
    f. Marijuana and marijuana products transferred to or from another marijuana testing facility or a laboratory with a laboratory registration certificate issued under 9 A.A.C. 17 for testing of parameters or analytes that the marijuana testing facility or laboratory receiving a sample from a marijuana establishment or dispensary is not approved by the Department to conduct;
    g. Marijuana and marijuana products transferred to another marijuana testing facility or a laboratory with a laboratory registration certificate issued under 9 A.A.C. 17 at the request of a marijuana establishment according to R9-18-311(C) or dispensary according to A.A.C. R9-17-317.09(C);
    h. Marijuana or marijuana products that were disposed of, including verifying that the net weight of marijuana or marijuana product being disposed of is consistent with the net weight accepted for testing minus the amounts used for testing or

transferred to another marijuana testing facility or a laboratory with a laboratory registration certificate issued under 9 A.A.C. 17; and

i. The day's ending marijuana and marijuana products inventory;

2. The chain of custody for each sample of marijuana or a marijuana product submitted to the marijuana testing facility for testing, including, for every step from receiving the sample, through each phase of testing, to disposal of the remaining sample after completion of testing, and including transport to or from the marijuana testing facility according to R9-18-413:
   a. The name and license number of the marijuana facility agent associated with the marijuana testing facility who handled the sample;
   b. The reason the marijuana facility agent specified in subsection (C)(2)(a) had contact with the sample, including, if applicable, the amount of marijuana or marijuana product removed from the sample; and
   c. The date and time the marijuana facility agent specified in subsection (C)(2)(a) had contact with the sample;
3. Any damage to a sample's container or possible tampering;
4. As applicable, for submissions of marijuana and marijuana products for testing:
   a. The information required in R9-18-410(B)(1)(a);
   b. The name and the license number or registry identification number of the marijuana establishment, marijuana testing facility, dispensary, laboratory with a laboratory registration certificate issued under 9 A.A.C. 17, qualifying patient, or designated caregiver, as applicable, submitting the sample to the marijuana testing facility;
   c. If applicable, the name and the license number of the marijuana facility agent or the registry identification number of the dispensary agent or laboratory agent submitting the sample to the marijuana testing facility on behalf of a marijuana establishment, another marijuana testing facility, a dispensary, or a laboratory with a laboratory registration certificate issued under 9 A.A.C. 17;
   d. The date and time of receipt of the sample at the marijuana testing facility; and
   e. The name and license number of the marijuana facility agent who received the sample at the marijuana testing facility; and
5. For disposal of the remaining sample of marijuana or a marijuana product after testing:
   a. The unique sample identification assigned to the sample of medical marijuana or a marijuana product, according to R9-410(B)(1)(a);

b. The laboratory-derived control limits for expected sample loss, by weight for each matrix;

c. The net weight of the marijuana or marijuana product being disposed of;

d. Date of disposal;

e. Method of disposal; and

f. Name and marijuana facility agent license number of the marijuana facility agent responsible for the disposal.

D. The individual designated in subsection (B) shall conduct and document an audit of the marijuana testing facility's inventory that is accounted for at least once every 30 calendar days.

1. If the audit identifies a reduction in the amount of marijuana or marijuana products in the marijuana testing facility's inventory not due to documented causes, the technical laboratory director shall determine where the loss has occurred and take and document corrective action.
2. If the reduction in the amount of marijuana or marijuana products in the marijuana testing facility's inventory is due to suspected criminal activity by a marijuana facility agent, the technical laboratory director shall report the marijuana facility agent to the Department and to the local law enforcement authorities and document the report.

E. A marijuana testing facility shall:

1. Maintain the documentation required in subsections (C) and (D) at the marijuana testing facility for at least five years after the date on the document, and
2. Provide the documentation required in subsections (C) and (D) to the Department for review upon request.

R9-18-413. Security

A. Except as provided in R9-18-405(8), a marijuana testing facility shall ensure that access to the area of the marijuana testing facility where marijuana or marijuana products are being tested, transported, or stored for testing is limited to a marijuana testing facility's authorized marijuana facility agents.

B. A marijuana facility agent associated with a marijuana testing facility may only transport marijuana or marijuana products submitted for testing:

1. From a marijuana establishment or a dispensary to the marijuana testing facility with which the marijuana facility agent is associated, or

2. Between the marijuana testing facility with which the marijuana facility agent is associated and another marijuana testing facility or a laboratory with a laboratory registration certificate issued under 9 A.A.C. 17.

C. Before transportation to a marijuana testing facility or laboratory with a laboratory registration certificate issued under 9 A.A.C. 17, a marijuana facility agent associated with a marijuana testing facility shall:

1. Complete a trip plan that includes:
   a. The name and license number of the marijuana facility agent in charge of transporting the marijuana or marijuana products;
   b. The date and start time of the trip;
   c. A description of the marijuana or marijuana products being transported, including the net weight of each sample submitted for testing;
   d. Any anticipated stops during the trip, including the locations of the stops and arrival time and departure time for each location; and
   e. The anticipated route of transportation; and
2. Provide a copy of the trip plan in subsection (C)(1) to the marijuana testing facility with which the marijuana facility agent is associated.

D. During transportation to a marijuana testing facility or laboratory with a laboratory registration certificate issued under 9 A.A.C. 17, a marijuana facility agent associated with a marijuana testing facility shall:

1. Carry a copy of the trip plan in subsection (C)(1) with the marijuana facility agent for the duration of the trip;
2. Use a vehicle that has a current registration with the Arizona Department of Motor Vehicles, issued according to A.R.S. Title 28, Chapter 7, Article 2:
   a. Without any marijuana identification;
   b. Equipped with a global positioning system or other means of tracking the location of the vehicle at any point in time;
   c. Capable of providing electronic information about where the vehicle has been during at least the previous 90 calendar days;
   d. With an operational video surveillance system and recording equipment that:
      i. Shows the interior of the vehicle, including the driver's seat and location of the marijuana, marijuana plants, or marijuana products being transported;

ii. Is turned on for the duration of a trip while marijuana or a marijuana product is in the vehicle; and

iii. Either stores the recording for at least 30 calendar days or transmits the recorded images at the time of recording to another location, where the recorded images are stored for at least 30 calendar days; and

e. With a locked compartment, attached or affixed to the vehicle, in which any marijuana or marijuana products being transported may be stored during a trip;

3. Have a means of communication with the marijuana testing facility;

4. Notate the arrival and departure time for each stop; and

5. Ensure that the marijuana or marijuana products are stored in the locked compartment specified in subsection (D)(2)(e) and are not visible.

E. If transporting marijuana or a marijuana product from the marijuana testing facility with which a marijuana facility agent is associated to another marijuana testing facility or to a laboratory with a laboratory registration certificate issued under 9 A.A.C. 17 for testing for analytes for which the marijuana testing facility is not approved or for retesting under R9-18-311(C) or A.A.C. R9-17-317.01(C), the marijuana facility agent shall provide a copy of the trip plan in subsection (C)(1) to the other marijuana testing facility or the laboratory.

F. After transportation, a marijuana facility agent associated with a marijuana testing facility shall:

1. Enter the end time of the trip and any changes to the trip plan on the trip plan required in subsection (C)(1), and

2. Ensure that the updated trip plan is provided to the marijuana testing facility with which the marijuana facility agent is associated.

G. If a marijuana facility agent associated with a marijuana establishment transports marijuana or a marijuana product to a marijuana testing facility for testing, the marijuana testing facility shall require that a copy of the trip plan be provided by the marijuana establishment before accepting the marijuana or marijuana product for testing.

H. A marijuana testing facility shall:

1. Maintain the documents required in subsections (C)(2), (F), and (G); and

2. Provide a copy of the documents required in subsections (C)(2), (F), and (G) to the Department for review upon request.

I. To prevent unauthorized access to marijuana or marijuana products at the marijuana testing facility for testing, the marijuana testing facility shall have the following:

1. Security equipment to deter and prevent unauthorized entrance into limited access areas that include:

a. Devices or a series of devices to detect unauthorized intrusion, which may include a signal system interconnected with a radio frequency method, such as cellular, private radio signals, or other mechanical or electronic device;

b. Exterior lighting to facilitate surveillance;

c. Electronic monitoring including:

i. At least one 19-inch or greater call-up monitor;

ii. A printer capable of immediately producing a clear still photo from any video camera image;

iii. Video cameras in locations specified according to subsection (I)(1)(d) with a recording resolution of at least 704 x 480 or the equivalent;

iv. Storage of video recordings from the video cameras for at least 30 calendar days;

v. A failure notification system that provides an audible and visual notification of any failure in the electronic monitoring system; and

vi. Sufficient battery backup for video cameras and recording equipment to support at least five minutes of recording in the event of a power outage;

d. Video cameras located and with the capabilities as follows:

i. Video cameras providing coverage of all entrances to and exits from a building, capable of detecting any activity occurring in, or adjacent to the outside perimeter of, the building;

ii. Video cameras providing coverage of all entrances to and exits from limited access areas; and

iii. Video cameras providing coverage of activity in all limited access areas of the marijuana testing facility where marijuana or marijuana products are being tested or stored for testing, including, as applicable, limited access areas maintained in low light or unlit conditions; and

e. Panic buttons in the interior of each building; and

2. Policies and procedures that:

a. Specify limited access areas and restrict access to the areas of the marijuana testing facility that contain marijuana or marijuana products and, if applicable, to authorized individuals only;

b. Provide for the identification of authorized individuals; and

c. Prevent loitering.

R9-18-414. Physical Plant

A. A marijuana testing facility shall ensure that designated storage areas for marijuana or marijuana products or materials used in direct contact with marijuana or marijuana products are:

1. Separate from storage areas for toxic or flammable materials; and
2. Maintained in a manner to prevent:
   a. Microbial contamination and proliferation, and
   b. Contamination or infestation by insects or rodents.

B. A marijuana testing facility shall ensure that:

1. Storage areas are designated for:
   a. Marijuana and marijuana products awaiting testing;
   b. Reagents, standards, and other testing related chemicals or materials; and
   c. The remaining portions of tested marijuana and marijuana products retained according to R9-18-405(5)(c)(vi);
2. Designated storage areas are monitored to ensure that a:
   a. Room temperature storage area is maintained between 20°C and 28°C,
   b. Refrigerated storage area is maintained between 2°C and 8°C, and
   c. Freezer storage area is maintained at or less than -20°C;
3. A storage area for the storage of marijuana or marijuana product awaiting testing is labelled to indicate the temperature range and types of marijuana or marijuana products to be stored in the storage area;
4. Marijuana or a marijuana product awaiting testing is stored at an appropriate temperature, as specified on the packaged sample;
5. Reagents, standards, and other testing related chemicals or materials are stored according to manufacturer's directions; and
6. The remaining portions of tested marijuana and marijuana products are stored in a refrigerated storage area or a freezer storage area to reduce microbial proliferation.

C. A marijuana testing facility shall ensure that a designated area for testing marijuana or a marijuana product for microbial contaminants is maintained in a manner to prevent exposure of the marijuana or marijuana product to external microbial contaminants.

D. A marijuana testing facility shall ensure that a designated area for testing marijuana or a marijuana product for pesticides, fungicides, mycotoxins, growth regulators, heavy metals, or residual solvents is maintained in a manner to prevent exposure of the marijuana or marijuana product to external contamination.

R9-18-415. Denial, Suspension. or Revocation of a Marijuana Testing Facility License

A. The Department shall deny an application for or renewal of a marijuana testing facility license if:

1. An owner:
   a. Has been convicted of an excluded felony offense, or
   b. Is under 21 years of age; or
2. The application or the marijuana testing facility does not comply with the requirements in A.R.S. Title 36, Chapter 28.2 and this Chapter.

B. The Department may deny an application for or renewal of a marijuana testing facility license if an owner of the marijuana testing facility:

1. Has had an ownership interest in a marijuana business, licensed in Arizona or any other state, that had the license to operate the marijuana business revoked; or
2. Provides false or misleading information to the Department.

C. The Department may deny an application for approval of a parameter for testing, submitted according to R9-18-403 or R9-18-411, if the applicant does not demonstrate compliance with the requirements of this Article related to the parameter or testing of an analyte.

D. The Department may suspend or revoke a marijuana testing facility license if:

1. The marijuana testing facility:
   a. Provides false or misleading information to the Department;
   b. Begins testing marijuana to satisfy requirements in R9-18-311 before obtaining approval for testing from the Department;
   c. Diverts marijuana to an individual who or entity that is not allowed to possess marijuana, pursuant to A.R.S. Title 36, Chapter 28.1 or 28.2;
   d. Acquires marijuana from an individual who or entity that is not allowed to possess marijuana, pursuant to A.R.S. Title 36, Chapter 28.1 or 28.2; or
   e. Provides testing to a marijuana establishment or a dispensary with a dispensary registration certificate issued under 9 A.A.C. 17 with which the marijuana testing facility has a direct or indirect financial or familial relationship;
2. An owner:
   a. Has been convicted of an excluded felony offense,
   b. Provides false or misleading information to the Department, or
   c. Has a direct or indirect familial or financial relationship with a marijuana establishment, a dispensary with a dispensary registration certificate issued under 9 A.A.C. 17, or a related marijuana business entity or management company for

which the marijuana testing facility performs testing or provides testing results under this Chapter;

3. A marijuana facility agent associated with the marijuana testing facility has a direct or indirect financial or familial relationship with a marijuana establishment, a dispensary with a dispensary registration certificate issued under 9 A.A.C. 17, or a related marijuana business entity or management company for which the marijuana testing facility performs testing or provides testing results under this Chapter; or
4. The marijuana testing facility does not:
   a. Comply with:
      i. The requirements in A.R.S. Title 36, Chapter 28.2, and this Chapter; or
      ii. The provisions in a corrective action plan submitted according to R9-18-406(F)(6)(b); or
   b. Implement the policies and procedures or comply with the statements provided to the Department with the marijuana testing facility's application.

E. The Department may revoke a marijuana testing facility's approval of a parameter for testing if the marijuana testing facility does not continue to demonstrate compliance with the requirements of this Article related to the parameter or testing of an analyte.

F. If the Department denies a marijuana testing facility license application, the Department shall provide notice to the applicant that includes:

1. The specific reason or reasons for the denial, and
2. All other information required by A.R.S. § 41-1076.

G. If the Department suspends or revokes a marijuana testing facility license, the Department shall provide notice to the marijuana testing facility that includes:

1. The specific reason or reasons for the revocation; and
2. The process for requesting a review of the Department's decision pursuant to A.R.S. Title 41, Chapter 6, Article 10.