

2025 BLENDS



Arizona Legislative Council



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August 15, 2025

Pursuant to authority of section 41-1304.03, Arizona Revised Statutes, the attached sections are presented as blends of multiple amendment activity that occurred in the Fifty-seventh Legislature, First Regular Session.

For each blend, the publisher will be instructed to indicate in the source note each of the Laws 2025 chapter versions and to include a reviser's note to explain the blend.

Unless otherwise noted, the effective date of each of the following blends is September 26, 2025.

The following blend sections are included:

- | | |
|-------------|---------------------|
| 1. 8-386 | Chs. 37 and 65 |
| 2. 9-463.01 | Chs. 187 and 252 |
| 3. 13-705 | Chs. 75 and 174 |
| 4. 13-2910 | Chs. 232 and 255 |
| 5. 13-3401 | Chs. 34 and 163 |
| 6. 13-4405 | Chs. 37 and 65 |
| 7. 15-183 | Chs. 100 and 129 |
| 8. 15-1626 | Chs. 72 and 240 |
| 9. 15-1655 | Chs. 92 and 240 |
| 10. 16-938 | Chs. 33 and 173 |
| 11. 28-101 | Chs. 19 and 101 |
| 12. 28-2351 | Chs. 9, 123 and 189 |
| 13. 28-2403 | Chs. 9, 123 and 189 |
| 14. 28-2416 | Chs. 123 and 213 |
| 15. 28-6501 | Chs. 9, 123 and 189 |
| 16. 28-6991 | Chs. 9, 123 and 189 |
| 17. 28-6993 | Chs. 9, 123 and 189 |
| 18. 36-694 | Chs. 68 and 239 |
| 19. 36-2061 | Chs. 66 and 260 |

20.	38-849	Chs. 183 and 192
21.	38-1104	Chs. 14 and 70
22.	39-127	Chs. 37 and 65
23.	41-619.51	Chs. 66, 118 and 179 (<i>Effective</i> <i>1/1/26</i>)
24.	41-1758	Chs. 66, 118 and 179 (<i>Effective</i> <i>1/1/26</i>)
25.	41-1758.01	Chs. 66, 118 and 179 (<i>Effective</i> <i>1/1/26</i>)
26.	42-5061	Chs. 135, 182, 247 and 251
27.	42-5159	Chs. 135, 247 and 251

EXPLANATION OF BLEND
SECTION 8-386

Laws 2025, Chapters 37 and 65

Laws 2025, Ch. 37, section 1

Effective September 26, 2025

Laws 2025, Ch. 65, section 1

Effective September 26, 2025

Explanation

Since these two enactments are compatible, the Laws 2025, Ch. 37 and Ch. 65 text changes to section 8-386 are blended in the form shown on the following pages.

BLEND OF SECTION 8-386
Laws 2025, Chapters 37 and 65

8-386. Information provided to victim by law enforcement agencies

A. As soon after the detection of an offense as the victim may be contacted without interfering with an investigation or arrest, the law enforcement agency responsible for investigating the offense shall provide electronic forms, pamphlets, information cards or other materials to the victim:

1. That allows the victim to request or waive applicable rights to which the victim is entitled, on request, under this article.

2. That provides the victim a method to designate a lawful representative if the victim so chooses pursuant to section 8-384, subsection A or section 8-385.

3. That provides notice to the victim of all of the following information:

(a) The victim's right under the victims' bill of rights, article II, section 2.1, Constitution of Arizona, to be treated with fairness, respect and dignity and to be free of intimidation, harassment or abuse throughout the criminal or juvenile justice process.

(b) The availability, if any, of crisis intervention services and emergency and medical services and, if applicable, that medical expenses arising out of the need to secure evidence may be reimbursed pursuant to section 13-1414.

Chs. 37 and 65 — (c) In cases involving domestic violence, the procedures and resources available ~~for the protection of~~ TO PROTECT the victim pursuant to section 13-3601.

(d) The names and telephone numbers of public and private victim assistance programs, including the county victim compensation program and programs that provide counseling, treatment and other support services.

(e) The police report number, if available, other identifying case information and the following statement:

If within thirty days you are not notified of an arrest in your case, you may call (the law enforcement agency's telephone number) for the status of the case.

(f) Whether the suspect is an adult or juvenile, the victim will be notified by the law enforcement agency at the earliest opportunity after the arrest of a suspect.

(g) If the suspect is a juvenile and the officer requests that the accused be detained, a statement of the victim's right, on request, to be informed if the juvenile will be released or will be detained pending the detention hearing and of the victim's right to be present and heard at the detention hearing and that, to exercise these rights, the victim must contact

the detention screening section of the juvenile probation department immediately to request notice of all of the following:

(i) The juvenile's release.

(ii) The date, time and place of the detention hearing and any changes to that schedule.

(iii) If the victim chooses to exercise the right to be heard through a written statement, how that statement may be submitted to the court.

(h) That the victim or the immediate family member of the victim, if the victim is killed or incapacitated, has the right to receive one copy of the police report, including any supplements to the report, **AUDIO RECORDINGS AND VIDEO RECORDINGS** from the investigating law enforcement agency **OR CHARGING PROSECUTORIAL AGENCY** at no charge pursuant to section 39-127.

Ch. 65 —
Chs. 37 and 65 —
Ch. 37 —

B. If at the time of contact with a law enforcement agency the victim is physically or emotionally unable to request or waive applicable rights, the law enforcement agency shall designate this in a format that is authorized by subsection A of this section and the entities that may be subsequently affected shall presume that the victim invoked the victim's right to request applicable rights to which the victim is entitled, on request, unless the victim later waives those rights.

C. The law enforcement agency shall submit one copy of the victim's request or waiver of predisposition rights form to the detention center, if the arresting officer is requesting that the accused be detained, at the time the juvenile is taken to detention. If detention is not requested, the form copies shall be submitted to the juvenile probation intake section at the time the case is otherwise referred to court. The probation intake section shall submit a copy of the victim's request or waiver of predisposition rights form to the prosecutor and the departments or governmental agencies, as applicable, that are mandated by this article to provide victims' rights services on request.

D. If the accused juvenile is cited and released by an Arizona traffic ticket and complaint form pursuant to section 8-323, the law enforcement agency shall inform the victim how to obtain additional information about subsequent proceedings.

E. Law enforcement agencies within a county may establish different procedures designed to efficiently and effectively provide notice of the victim's rights pursuant to this article and notice to affected entities of victim request or waiver information. If different procedures are established, the procedures shall:

1. Be reported to the entities within a county affected by the procedures and reported to the attorney general.

2. Be designed so that detention centers within a county receive notice of the victim's request or waiver of the victim's predisposition rights at the same time that an accused juvenile is detained.

3. Be designed so that the juvenile probation intake section of the county receives notice of the victim's request or waiver of the victim's predisposition rights at the same time that the case is referred to court.

4. Provide that the notice to affected entities of a victim's request or waiver of the victim's predisposition rights includes information that allows the affected entity to contact the victim.

5. Be supported by the use of electronic forms, brochures or other written materials developed by the law enforcement agencies within a county and reviewed by the attorney general pursuant to section 8-398, subsection B.

EXPLANATION OF BLEND
SECTION 9-463.01

Laws 2025, Chapters 187 and 252

Laws 2025, Ch. 187, section 1

Effective September 26, 2025

Laws 2025, Ch. 252, section 1

Effective September 26, 2025

Explanation

Since these two enactments are compatible, the Laws 2025, Ch. 187 and Ch. 252 text changes to section 9-463.01 are blended in the form shown on the following pages.

BLEND OF SECTION 9-463.01
Laws 2025, Chapters 187 and 252

9-463.01. Authority

A. Pursuant to this article, the legislative body of every municipality shall regulate the subdivision of all lands within its corporate limits.

B. The legislative body of a municipality shall exercise the authority granted in subsection A of this section by ordinance prescribing:

1. Procedures to be followed in the preparation, submission, review and approval or rejection of all final plats.

2. Standards governing the design of subdivision plats.

3. Minimum requirements and standards for the installation of subdivision streets, sewer and water utilities and improvements as a condition of final plat approval.

C. By ordinance, the legislative body of any municipality shall:

1. Require the preparation, submission and approval of a preliminary plat as a condition precedent to submission of a final plat.

2. Establish the procedures to be followed in the preparation, submission, review and approval of preliminary plats.

3. Make requirements as to the form and content of preliminary plats.

4. Either determine that certain lands may not be subdivided, by reason of adverse topography, periodic inundation, adverse soils, subsidence of the earth's surface, high water table, lack of water or other natural or man-made hazard to life or property, or control the lot size, establish special grading and drainage requirements and impose other regulations deemed reasonable and necessary for the public health, safety or general welfare on any lands to be subdivided affected by such characteristics.

Ch. 187 — 5. Require payment of a proper and reasonable fee by the subdivider based ~~upon~~ ON the number of lots or parcels on the surface of the land to defray municipal costs of plat review and site inspection.

6. Require the dedication of public streets, sewer and water utility easements or rights-of-way, within the proposed subdivision.

7. Require the preparation and submission of acceptable engineering plans and specifications for the installation of required street, sewer, electric and water utilities, drainage, flood control, adequacy of water and improvements as a condition precedent to recordation of an approved final plat.

8. Require the posting of performance bonds, assurances or such other security as may be appropriate and necessary to assure the installation of required street, sewer, electric and water utilities, drainage, flood control and improvements meeting established minimum standards of design and construction. THE MUNICIPALITY MAY ALLOW AN APPLICANT TO REQUEST A HOLD ON THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY AS A SECURITY REQUIRED BY THIS PARAGRAPH TO ASSURE THE INSTALLATION OF THE REQUIRED STREETS, SEWER, ELECTRIC AND WATER UTILITIES, DRAINAGE, FLOOD CONTROL AND IMPROVEMENTS MEETING ESTABLISHED STANDARDS OF DESIGN AND CONSTRUCTION.

Ch. 187

D. The legislative body of any municipality may require by ordinance that land areas within a subdivision be reserved for parks, recreational facilities, school sites and fire stations subject to the following conditions:

Ch. 187

1. The requirement may only be made ~~upon~~ ON preliminary plats filed at least thirty days after the adoption of a general or specific plan affecting the land area to be reserved.

2. The required reservations are in accordance with definite principles and standards adopted by the legislative body.

3. The land area reserved shall be of such a size and shape as to ~~permit~~ ALLOW the remainder of the land area of the subdivision within which the reservation is located to develop in an orderly and efficient manner.

Ch. 187

4. The land area reserved shall be in such multiples of streets and parcels as to ~~permit~~ ALLOW an efficient division of the reserved area in the event that it is not acquired within the prescribed period.

5. IF GROUNDWATER SAVINGS CREDITS HAVE BEEN PLEDGED TO A CERTIFICATE OF ASSURED WATER SUPPLY FOR A SUBDIVISION, A MUNICIPALITY MAY NOT CONDITION FINAL APPROVAL OF THE SUBDIVISION PLAT ON INCLUSION OF A SCHOOL SITE WITHIN THE SUBDIVISION PLAT UNLESS ALL OF THE FOLLOWING APPLY:

Ch. 252

(a) THE MUNICIPALITY PLEDGES TO THE CERTIFICATE OF ASSURED WATER SUPPLY A VOLUME OF WATER THAT IS EQUAL TO THE PROBABLE WATER USE ON THE SCHOOL SITE AS DETERMINED BY THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES.

(b) THE WATER PLEDGED BY A MUNICIPALITY PURSUANT TO THIS PARAGRAPH MEETS ALL REQUIREMENTS FOR INCLUSION AS AN ASSURED WATER SUPPLY AS PRESCRIBED IN TITLE 45, CHAPTER 2.

(c) THE MUNICIPALITY DOES NOT REQUIRE AN APPLICANT FOR FINAL PLAT APPROVAL TO PROCURE OR PROVIDE MONIES TO PROCURE WATER THAT IS REQUIRED TO BE PLEDGED BY A MUNICIPALITY PURSUANT TO THIS PARAGRAPH.

E. The public agency for whose benefit an area has been reserved shall have a period of one year after recording the final subdivision plat to enter into an agreement to acquire such reserved land area. The purchase price shall be the fair market value of the reserved land area at the time of the filing of the preliminary subdivision plat plus the taxes against such reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of such reserved area, including the interest cost incurred on any loan covering such reserved area.

Ch. 187

F. If the public agency for whose benefit an area has been reserved does not exercise the reservation agreement set forth in subsection E of this section within such ~~one year~~ ONE-YEAR period or such extended period as may be mutually agreed ~~upon~~ ON by such public agency and the subdivider, the reservation of such area shall terminate.

G. The legislative body of every municipality shall comply with this article and applicable state statutes pertaining to the hearing, approval or rejection, and recordation of:

1. Final subdivision plats.
2. Plats filed for the purpose of reverting to acreage of land previously subdivided.
3. Plats filed for the purpose of vacating streets or easements previously dedicated to the public.
4. Plats filed for the purpose of vacating or redescribing lot or parcel boundaries previously recorded.

Ch. 187

H. Approval of every preliminary and final plat by a legislative body is conditioned ~~upon~~ ON compliance by the subdivider with:

1. Rules as may be established by the department of transportation relating to provisions for the safety of entrance ~~upon~~ ON and departure from abutting state primary highways.
2. Rules as may be established by a county flood control district relating to the construction or prevention of construction of streets in land established as being subject to periodic inundation.
3. Rules as may be established by the department of health services or a county health department relating to the provision of domestic water supply and sanitary sewage disposal.

Ch. 187

I. If the subdivision is ~~comprised~~ COMPOSED of subdivided lands, as defined in section 32-2101, and is within an active management area, as defined in section 45-402, the final plat shall not be approved unless it is accompanied by a certificate of assured water supply issued by the director of water resources, or unless the subdivider has obtained a written commitment of water service for the subdivision from a city, town or private water company designated as having an assured water supply by the director of water resources pursuant to section 45-576 or is exempt from the requirement pursuant to section 45-576. The legislative body of the municipality shall note on the face of the final plat that a certificate of assured water supply has been submitted with the plat or that the subdivider has obtained a written commitment of water service for the proposed subdivision from a city, town or private water company designated as having an assured water supply, pursuant to section 45-576, or is exempt from the requirement pursuant to section 45-576.

J. Except as provided in subsections K and P of this section, if the subdivision is composed of subdivided lands as defined in section 32-2101 outside of an active management area and the director of water resources has given written notice to the municipality pursuant to section 45-108, subsection H, the final plat shall not be approved unless one of the following applies:

1. The director of water resources has determined that there is an adequate water supply for the subdivision pursuant to section 45-108 and the subdivider has included the report with the plat.

2. The subdivider has obtained a written commitment of water service for the subdivision from a city, town or private water company designated as having an adequate water supply by the director of water resources pursuant to section 45-108.

K. The legislative body of a municipality that has received written notice from the director of water resources pursuant to section 45-108, subsection H or that has adopted an ordinance pursuant to subsection O of this section may provide by ordinance an exemption from the requirement in subsection J or O of this section for a subdivision that the director of water resources has determined will have an inadequate water supply because the water supply will be transported to the subdivision by motor vehicle or train if all of the following apply:

1. The legislative body determines that there is no feasible alternative water supply for the subdivision and that the transportation of water to the subdivision will not constitute a significant risk to the health and safety of the residents of the subdivision.

2. If the water to be transported to the subdivision will be withdrawn or diverted in the service area of a municipal provider as defined in section 45-561, the municipal provider has consented to the withdrawal or diversion.

3. If the water to be transported is groundwater, the transportation complies with the provisions governing the transportation of groundwater in title 45, chapter 2, article 8.

4. The transportation of water to the subdivision meets any additional conditions imposed by the legislative body.

L. A municipality that adopts the exemption authorized by subsection K of this section shall give written notice of the adoption of the exemption, including a certified copy of the ordinance containing the exemption, to the director of water resources, the director of environmental quality and the state real estate commissioner. If the municipality later rescinds the exemption, the municipality shall give written notice of the rescission to the director of water resources, the director of environmental quality and the state real estate commissioner. A municipality that rescinds an exemption adopted pursuant to subsection K of this section shall not readopt the exemption for at least five years after the rescission becomes effective.

M. If the legislative body of a municipality approves a subdivision plat pursuant to subsection J, paragraph 1 or 2 or subsection O of this section, the legislative body shall note on the face of the plat that the director of water resources has reported that the subdivision has an adequate water supply or that the subdivider has obtained a commitment of water service for the proposed subdivision from a city, town or private water company designated as having an adequate water supply pursuant to section 45-108.

N. If the legislative body of a municipality approves a subdivision plat pursuant to an exemption authorized by subsection K of this section or granted by the director of water resources pursuant to section 45-108.02 or 45-108.03:

1. The legislative body shall give written notice of the approval to the director of water resources and the director of environmental quality.

2. The legislative body shall include on the face of the plat a statement that the director of water resources has determined that the water supply for the subdivision is inadequate and a statement describing the exemption under which the plat was approved, including a statement that the legislative body or the director of water resources, whichever applies, has determined that the specific conditions of the exemption were met. If the director subsequently informs the legislative body that the subdivision is being served by a water provider that has been designated by the director as having an adequate water supply pursuant to section 45-108, the legislative body shall record in the county recorder's office a statement disclosing that fact.

O. If a municipality has not been given written notice by the director of water resources pursuant to section 45-108, subsection H, the legislative body of the municipality, to protect the public health and safety, may provide by ordinance that, except as provided in subsections K and P of this section, the final plat of a subdivision located in the municipality and outside of an active management area will not be approved by the legislative body unless the director of water resources has determined that there is an adequate water supply for the subdivision pursuant to section 45-108 or the subdivider has obtained a written commitment of water service for the subdivision from a city, town or private water company designated as having an adequate water supply by the director of water resources pursuant to section 45-108. Before holding a public hearing to consider whether to enact an ordinance pursuant to this subsection, a municipality shall provide written notice of the hearing to the board of supervisors of the county in which the municipality is located. A municipality that enacts an ordinance pursuant to this subsection shall give written notice of the enactment of the ordinance, including a certified copy of the ordinance, to the director of water resources, the director of environmental quality, the state real estate commissioner and the board of supervisors of the county in which the municipality is located. If a municipality enacts an ordinance pursuant to this subsection, water providers may be eligible to receive monies in a water supply development fund, as otherwise provided by law.

P. Subsections J and O of this section do not apply to:

1. A proposed subdivision that the director of water resources has determined will have an inadequate water supply pursuant to section 45-108 if the director grants an exemption for the subdivision pursuant to section 45-108.02 and the exemption has not expired or if the director grants an exemption pursuant to section 45-108.03.

2. A proposed subdivision that received final plat approval from the municipality before the requirement for an adequate water supply became effective in the municipality if the plat has not been materially changed since it received the final plat approval. If changes were made to the plat after the plat received the final plat approval, the director of water resources shall determine whether the changes are material pursuant to the rules adopted by the director to implement section 45-108. If the municipality approves a plat pursuant to this paragraph and the director of water resources has determined that there is an inadequate water supply for the subdivision pursuant to section 45-108, the municipality shall note this on the face of the plat.

Q. If the subdivision is composed of subdivided lands as defined in section 32-2101 outside of an active management area and the municipality has not received written notice pursuant to section 45-108, subsection H and has not adopted an ordinance pursuant to subsection O of this section:

1. If the director of water resources has determined that there is an adequate water supply for the subdivision pursuant to section 45-108 or if the subdivider has obtained a written commitment of water service for the subdivision from a city, town or private water company designated as having an adequate water supply by the director of water resources pursuant to section 45-108, the municipality shall note this on the face of the plat if the plat is approved.

2. If the director of water resources has determined that there is an inadequate water supply for the subdivision pursuant to section 45-108, the municipality shall note this on the face of the plat if the plat is approved.

R. Every municipality is responsible for the recordation of all final plats approved by the legislative body and shall receive from the subdivider and transmit to the county recorder the recordation fee established by the county recorder.

S. Pursuant to provisions of applicable state statutes, the legislative body of any municipality may itself prepare or have prepared a plat for the subdivision of land under municipal ownership.

T. The legislative bodies of cities and towns may regulate by ordinance land splits within their corporate limits. Authority granted under this section refers to the determination of division lines, area and shape of the tracts or parcels and does not include authority to regulate the terms or condition of the sale or lease nor does it include the authority to regulate the sale or lease of tracts or parcels that are not the result of land splits as defined in section 9-463.

U. For any subdivision that consists of ten or fewer lots, tracts or parcels, each of which is of a size as prescribed by the legislative body, the legislative body of each municipality may expedite the processing of or waive the requirement to prepare, submit and receive approval of a preliminary plat as a condition precedent to submitting a final plat and may waive or reduce infrastructure standards or requirements proportional to the impact of the subdivision. Requirements for dust-controlled access and drainage improvements shall not be waived.

EXPLANATION OF BLEND
SECTION 13-705

Laws 2025, Chapters 75 and 174

Laws 2025, Ch. 75, section 1

Effective September 26, 2025

Laws 2025, Ch. 174, section 1

Effective September 26, 2025

Explanation

Since these two enactments are compatible, the Laws 2025, Ch. 75 and Ch. 174 text changes to section 13-705 are blended in the form shown on the following pages.

BLEND OF SECTION 13-705
Laws 2025, Chapters 75 and 174

13-705. Dangerous crimes against children: sentences;
definitions

A. A person who is at least eighteen years of age and who is convicted of a dangerous crime against children in the first degree involving commercial sexual exploitation of a minor or child sex trafficking and the person has previously been convicted of a dangerous crime against children in the first degree shall be sentenced to imprisonment in the custody of the state department of corrections for natural life. A person who is sentenced to natural life is not eligible for commutation, parole, work furlough, work release or release from confinement on any basis for the remainder of the person's natural life.

B. A person who is at least eighteen years of age and who is convicted of a dangerous crime against children in the first degree involving sexual assault of a minor who is twelve years of age or younger or sexual conduct with a minor who is twelve years of age or younger shall be sentenced to life imprisonment and is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the person has served thirty-five years or the sentence is commuted. This subsection does not apply to masturbatory contact.

C. Except as otherwise provided in this section, a person who is at least eighteen years of age or who has been tried as an adult and who is convicted of a dangerous crime against children in the first degree involving attempted first degree murder of a minor who is under twelve years of age, sexual assault of a minor who is under twelve years of age, sexual conduct with a minor who is under twelve years of age or manufacturing methamphetamine under circumstances that cause physical injury to a minor who is under twelve years of age may be sentenced to life imprisonment and is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the person has served thirty-five years or the sentence is commuted. If a life sentence is not imposed pursuant to this subsection, the person shall be sentenced to a term of imprisonment as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
13 years	20 years	27 years

D. Except as otherwise provided in this section, a person who is at least eighteen years of age or who has been tried as an adult and who is convicted of a dangerous crime against children in the first degree involving second degree murder of a minor who is under fifteen years of age may be sentenced to life imprisonment and is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except

as specifically authorized by section 31-233, subsection A or B until the person has served thirty-five years or the sentence is commuted. If a life sentence is not imposed pursuant to this subsection, the person shall be sentenced to a term of imprisonment as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
25 years	30 years	35 years

E. Except as otherwise provided in this section, a person who is at least eighteen years of age or who has been tried as an adult and who is convicted of a dangerous crime against children in the first degree involving attempted first degree murder of a minor who is twelve, thirteen or fourteen years of age, sexual assault of a minor who is twelve, thirteen or fourteen years of age, taking a child for the purpose of prostitution, child sex trafficking, commercial sexual exploitation of a minor, sexual conduct with a minor who is twelve, thirteen or fourteen years of age[, ~~or~~] manufacturing methamphetamine under circumstances that cause physical injury to a minor who is twelve, thirteen or fourteen years of age or involving or using minors in drug offenses shall be sentenced to a term of imprisonment as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
13 years	20 years	27 years

A person who has been previously convicted of one predicate felony shall be sentenced to a term of imprisonment as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
23 years	30 years	37 years

F. Except as otherwise provided in this section, a person who is at least eighteen years of age or who has been tried as an adult and who is convicted of a dangerous crime against children in the first degree involving aggravated assault, unlawful mutilation, molestation of a child, sexual exploitation of a minor, aggravated luring a minor for sexual exploitation, child abuse or kidnapping shall be sentenced to a term of imprisonment as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
10 years	17 years	24 years

A person who has been previously convicted of one predicate felony shall be sentenced to a term of imprisonment as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
21 years	28 years	35 years

G. Except as otherwise provided in this section, if a person is at least eighteen years of age or has been tried as an adult and is convicted of a dangerous crime against children involving luring a minor for sexual exploitation, sexual extortion or unlawful age misrepresentation and is sentenced to a term of imprisonment, the term of imprisonment is as follows and the person is not eligible for release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the sentence imposed by the court has been served or is commuted, except that if the person is convicted of unlawful age misrepresentation the person is eligible for release pursuant to section 41-1604.07:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
5 years	10 years	15 years

A person who has been previously convicted of one predicate felony shall be sentenced to a term of imprisonment as follows and the person is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the sentence imposed by the court has been served or is commuted, except that if the person is convicted of unlawful age misrepresentation the person is eligible for release pursuant to section 41-1604.07:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
8 years	15 years	22 years

H. Except as otherwise provided in this section, if a person is at least eighteen years of age or has been tried as an adult and is convicted of a dangerous crime against children involving sexual abuse or bestiality under section 13-1411, subsection A, paragraph 2 and is sentenced to a term of imprisonment, the term of imprisonment is as follows and the person is not eligible for release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the sentence imposed by the court has been served, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
2.5 years	5 years	7.5 years

A person who has been previously convicted of one predicate felony shall be sentenced to a term of imprisonment as follows and the person is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the sentence imposed by the court has been served, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
8 years	15 years	22 years

I. Except as otherwise provided in this section, a person who is at least eighteen years of age or who has been tried as an adult and who is convicted of a dangerous crime against children in the first degree involving continuous sexual abuse of a child shall be sentenced to a term of imprisonment as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
39 years	60 years	81 years

A person who has been previously convicted of one predicate felony shall be sentenced to a term of imprisonment as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
69 years	90 years	111 years

Chs. 75
and 174

J. The presumptive sentences prescribed in subsections C, D, E[, ~~and F~~], F and I of this section or subsections G and H of this section if the person has previously been convicted of a predicate felony may be increased or decreased pursuant to section 13-701, subsections C, D and E.

K. Except as provided in subsections G, H, M and N of this section, a person who is sentenced for a dangerous crime against children in the first degree pursuant to this section is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except

as specifically authorized by section 31-233, subsection A or B until the sentence imposed by the court has been served or commuted.

Chs. 75
and 174

L. A person who is convicted of any dangerous crime against children in the first degree pursuant to subsection C, D, E[, or] F or I of this section and who has been previously convicted of two or more predicate felonies shall be sentenced to life imprisonment and is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the person has served not fewer than thirty-five years or the sentence is commuted.

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and 174

M. Notwithstanding chapter 10 of this title, a person who is at least eighteen years of age or who has been tried as an adult and who is convicted of a dangerous crime against children in the second degree pursuant to subsection B, C, E[, or] F or I of this section is guilty of a class 3 felony and if the person is sentenced to a term of imprisonment, the term of imprisonment is as follows and the person is not eligible for release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the person has served the sentence imposed by the court, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
5 years	10 years	15 years

N. A person who is convicted of any dangerous crime against children in the second degree and who has been previously convicted of one or more predicate felonies is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the sentence imposed by the court has been served, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted.

O. Section 13-704, subsection J and section 13-707, subsection B apply to the determination of prior convictions.

P. The sentence imposed on a person by the court for a dangerous crime against children under subsection H of this section involving sexual abuse may be served concurrently with other sentences if the offense involved only one victim. The sentence imposed on a person for any other dangerous crime against children in the first or second degree shall be consecutive to any other sentence imposed on the person at any time, including sexual abuse of the same victim.

Q. In this section, for purposes of punishment an unborn child shall be treated like a minor who is under twelve years of age.

R. A dangerous crime against children is in the first degree if it is a completed offense and is in the second degree if it is a preparatory offense, except attempted first degree murder is a dangerous crime against children in the first degree.

S. It is not a defense to a dangerous crime against children that the minor is a person posing as a minor or is otherwise fictitious if the defendant knew or had reason to know the purported minor was under fifteen years of age.

Ch. 174

T. For the purposes of this section:

1. "Dangerous crime against children"[:]

Ch. 174 — [1a)] Means any of the following that is committed against a minor
Ch. 75 { who is under fifteen years of age OR AGAINST A PERSON POSING AS A MINOR IF
THE DEFENDANT KNEW OR HAD REASON TO KNOW THAT THE PURPORTED MINOR WAS UNDER
FIFTEEN YEARS OF AGE:

- ~~---~~ (i) Second degree murder.
- ~~---~~ (ii) Aggravated assault resulting in serious physical injury or involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument.
- ~~---~~ (iii) Sexual assault.
- ~~---~~ (iv) Molestation of a child.
- ~~---~~ (v) Sexual conduct with a minor.
- ~~---~~ (vi) Commercial sexual exploitation of a minor.
- ~~---~~ (vii) Sexual exploitation of a minor.
- ~~---~~ (viii) Child abuse as prescribed in section 13-3623, subsection A, paragraph 1.
- ~~---~~ (ix) Kidnapping.
- ~~---~~ (x) Sexual abuse.
- ~~---~~ (xi) Taking a child for the purpose of prostitution as prescribed in section 13-3206.
- ~~---~~ (xii) Child sex trafficking as prescribed in section 13-3212.
- ~~---~~ (xiii) Involving or using minors in drug offenses.
- ~~---~~ (xiv) Continuous sexual abuse of a child.
- ~~---~~ (xv) Attempted first degree murder.
- ~~---~~ (xvi) Sex trafficking.
- ~~---~~ (xvii) Manufacturing methamphetamine under circumstances that cause physical injury to a minor.
- ~~---~~ (xviii) Bestiality as prescribed in section 13-1411, subsection A, paragraph 2.
- ~~---~~ (xix) Luring a minor for sexual exploitation.
- ~~---~~ (xx) Aggravated luring a minor for sexual exploitation.
- ~~---~~ (xxi) Unlawful age misrepresentation.
- ~~---~~ (xxii) Unlawful mutilation.
- ~~---~~ (xxiii) Sexual extortion as prescribed in section 13-1428.

Ch. 174 { (b) FOR THE PURPOSES OF SUBDIVISION (a), ITEMS (vi) AND (vii) OF THIS
PARAGRAPH, INCLUDES A VISUAL DEPICTION THAT IS INDISTINGUISHABLE FROM AN
ACTUAL MINOR WHO IS UNDER FIFTEEN YEARS OF AGE.

2. "Predicate felony" means any felony involving child abuse pursuant to section 13-3623, subsection A, paragraph 1, a sexual offense, conduct involving the intentional or knowing infliction of serious physical injury or the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument, or a dangerous crime against children in the first or second degree.

EXPLANATION OF BLEND
SECTION 13-2910

Laws 2025, Chapters 232 and 255

Laws 2025, Ch. 232, section 1

Effective September 26, 2025

Laws 2025, Ch. 255, section 1

Effective September 26, 2025

Explanation

Since these two enactments are compatible, the Laws 2025, Ch. 232 and Ch. 255 text changes to section 13-2910 are blended in the form shown on the following pages.

The Laws 2025, Ch. 232 version of section 13-2910 made a conforming change to subsection H in a different manner than the Ch. 255 version. Since this would not produce a substantive change, the blend version reflects the Ch. 232 version.

BLEND OF SECTION 13-2910
Laws 2025, Chapters 232 and 255

13-2910. Cruelty to animals: interference with working or service animal: release conditions: classification: definitions

A. A person commits cruelty to animals if the person does any of the following:

1. Intentionally, knowingly or recklessly subjects any animal under the person's custody or control to cruel neglect or abandonment.

2. Intentionally, knowingly or recklessly fails to provide medical attention necessary to prevent protracted suffering to any animal under the person's custody or control.

3. Intentionally, knowingly or recklessly inflicts unnecessary physical injury to any animal.

4. Recklessly subjects any animal to cruel mistreatment.

5. Intentionally, knowingly or recklessly kills any animal under the custody or control of another person without either legal privilege or consent of the owner.

6. Recklessly interferes with, kills or harms a working or service animal without either legal privilege or consent of the owner.

7. Intentionally, knowingly or recklessly leaves an animal unattended and confined in a motor vehicle and physical injury to or death of the animal is likely to result.

8. Intentionally or knowingly subjects any animal under the person's custody or control to cruel neglect or abandonment that results in serious physical injury to the animal.

9. Intentionally or knowingly subjects any animal to cruel mistreatment.

10. Intentionally or knowingly interferes with, ~~kills or harms~~ a working or service animal without either legal privilege or consent of the owner.

11. INTENTIONALLY OR KNOWINGLY KILLS OR SERIOUSLY HARMS A SERVICE ANIMAL WITHOUT EITHER LEGAL PRIVILEGE OR CONSENT OF THE OWNER.

~~12.~~ 12. Intentionally or knowingly allows any dog that is under the person's custody or control to interfere with, kill or cause physical injury to a service animal.

~~13.~~ 13. Recklessly allows any dog that is under the person's custody or control to interfere with, kill or cause physical injury to a service animal.

~~14.~~ 14. Intentionally or knowingly obtains or exerts unauthorized control over a service animal with the intent to deprive the service animal handler of the service animal.

~~15.~~ 15. Intentionally or knowingly subjects a domestic animal to cruel mistreatment.

~~15.~~ 16. Intentionally or knowingly kills a domestic animal without either legal privilege or consent of the domestic animal's owner or handler.

~~16.~~ 17. Intentionally or knowingly harasses a working animal that is in a law enforcement vehicle or trailer without either legal privilege or consent of the owner.

Ch. 232 { 18. INTENTIONALLY, KNOWINGLY OR RECKLESSLY FAILS TO PROVIDE MEDICAL ATTENTION NECESSARY TO PREVENT UNREASONABLE SUFFERING TO ANY DOMESTIC ANIMAL UNDER THE PERSON'S CUSTODY OR CONTROL.

Ch. 255 { 19. INTENTIONALLY OR KNOWINGLY KILLS OR CAUSES SERIOUS HARM TO A WORKING ANIMAL WITHOUT EITHER LEGAL PRIVILEGE OR CONSENT OF THE OWNER.

B. IN ADDITION TO ANY JUSTIFICATION DEFENSE THAT IS APPLICABLE PURSUANT TO CHAPTER 4 OF THIS TITLE, it is a defense to subsection A of this section if:

1. Any person exposes poison to be taken by a dog that has killed or wounded livestock or poison to be taken by predatory animals on premises owned, leased or controlled by the person for the purpose of protecting the person or the person's livestock or poultry, the treated property is kept posted by the person who authorized or performed the treatment until the poison has been removed and the poison is removed by the person exposing the poison after the threat to the person or the person's livestock or poultry has ceased to exist. The posting required shall provide adequate warning to persons who enter the property by the point or points of normal entry. The warning notice that is posted shall be readable at a distance of fifty feet, shall contain a poison statement and symbol and shall state the word "danger" or "warning".

2. Any person uses poisons in and immediately around buildings owned, leased or controlled by the person for the purpose of controlling wild and domestic rodents as otherwise allowed by the laws of the state, excluding any fur-bearing animals as defined in section 17-101.

C. This section does not prohibit or restrict:

1. The taking of wildlife or other activities permitted by or pursuant to title 17.

2. Activities permitted by or pursuant to title 3.

3. Activities regulated by the Arizona game and fish department or the Arizona department of agriculture.

D. A peace officer, animal control enforcement agent or animal control enforcement deputy may use reasonable force to open a vehicle to rescue an animal if the animal is left in the vehicle as prescribed in subsection A, paragraph 7 of this section.

Ch. 255 { E. E. A person who is convicted of a violation of subsection A, paragraph 6, ~~or~~ 10, 11 OR 19 of this section is liable as follows:

1. If the working or service animal was INJURED, killed or disabled, to the owner or agency that owns the working or service animal and that employs the handler or to the owner or handler for the replacement and training costs of the working or service animal and for any veterinary bills.

2. To the owner or agency that owns a working or service animal for the salary of the handler for the period of time that the handler's services are lost to the owner or agency.

3. To the owner for the owner's contractual losses with the agency.

F. An incorporated city or town or a county may adopt an ordinance with misdemeanor provisions at least as stringent as the misdemeanor provisions of this section, except that any ordinance adopted shall not prohibit or restrict any activity involving a dog, whether the dog is restrained or not, if the activity is directly related to the business of shepherding or herding livestock and the activity is necessary for the safety of a human, the dog or livestock or is permitted by or pursuant to title 3.

G. If a judicial officer orders the release of a person who is currently serving a term of probation for a violation of this section and who is charged with a new violation of this section on the person's own recognizance or on the execution of bail, the judicial officer shall impose a condition of release that prohibits the person from possessing or having contact with any animal.

H. A person who violates subsection A, paragraph 1, 2, 3, 4, 5, 6,

Ch. 255 — 7, ~~12~~ 13

Ch. 232 — , ~~17~~

Ch. 255 — ~~16~~ 17

Ch. 232 — OR 18 of this section is guilty of a class 1 misdemeanor. A person who violates subsection A, paragraph 8, 9, 10, ~~11~~ 12 or ~~13~~ 14 of this section is guilty of a class 6 felony. A person who violates subsection A, paragraph ~~14~~ ~~or~~ 11, 15, 16 OR 19 of this section is guilty of a class 5 felony.

Ch. 255

1. For the purposes of this section:

1. "Animal" means a mammal, bird, reptile or amphibian.

2. "Cruel mistreatment" means to torture or otherwise inflict unnecessary serious physical injury on an animal or to kill an animal in a manner that causes protracted suffering to the animal.

3. "Cruel neglect" means to fail to provide an animal with necessary food, water or shelter OR TO FAIL TO PROVIDE A DOMESTIC ANIMAL WITH ANY OF THE FOLLOWING:

(a) EXCEPT FOR A DOG THAT PRIMARILY RESIDES OUTDOORS, ACCESS TO SHELTER THAT IS NECESSARY AND ADEQUATE.

(b) FOR A DOG THAT PRIMARILY RESIDES OUTDOORS, EXCEPT WHILE A DOG IS ENGAGED IN OR TRAINING FOR LAWFUL HUNTING, POLICE, MILITARY OR PATROL WORK, SEARCH AND RESCUE, HERDING OR LIVESTOCK GUARDING, TRIALS AND OTHER LAWFUL COMPETITIONS, SERVICE AND ASSISTANCE WORK AND OTHER WORKING, SPORTING AND COMPETITIVE FUNCTIONS OR IS UNDER THE CUSTODY OR CONTROL OF A PERSON WHO HAS NO PERMANENT PLACE OF RESIDENCE, ACCESS TO SHELTER THAT MEETS ALL OF THE FOLLOWING REQUIREMENTS:

(i) HAS A NATURAL OR ARTIFICIAL COVER THAT IS ACCESSIBLE THROUGHOUT THE YEAR.

(ii) IS MAINTAINED IN GOOD REPAIR, IS OF SUFFICIENT SIZE TO PROTECT THE DOG FROM INJURY AND ALLOWS THE DOG TO STAND, TURN AROUND, LIE DOWN IN A NATURAL MANNER AND MAINTAIN NORMAL BODY TEMPERATURE.

(iii) IS MAINTAINED IN A MANNER THAT MINIMIZES THE RISK OF DISEASE, INFESTATION OR PARASITES.

4. "Domestic animal" means a mammal, BIRD, REPTILE OR AMPHIBIAN, not regulated by title 3, that is kept primarily as a pet or companion or that is bred to be a pet or companion.

Ch. 232

5. "Handler" means a law enforcement officer or any other person who has successfully completed a course of training prescribed by the person's agency or the service animal owner and who used a specially trained animal under the direction of the person's agency or the service animal owner.

6. "Harass" means to engage in conduct that a reasonable person would expect to impede or interfere with a working animal's performance of its duties.

7. "Service animal" means an animal that has completed a formal training program, that assists its owner in one or more daily living tasks that are associated with a productive lifestyle and that is trained to not pose a danger to the health and safety of the general public.

8. "Working animal" means a horse or dog that is used by a law enforcement agency, that is specially trained for law enforcement work and that is under the control of a handler.

EXPLANATION OF BLEND
SECTION 13-3401

Laws 2025, Chapters 34 and 163

Laws 2025, Ch. 34, section 1

Effective September 26, 2025

Laws 2025, Ch. 163, section 1

Effective September 26, 2025

Explanation

Since these two enactments are compatible, the Laws 2025, Ch. 34 and Ch. 163 text changes to section 13-3401 are blended in the form shown on the following pages.

BLEND OF SECTION 13-3401
Laws 2025, Chapters 34 and 163

13-3401. Definitions

In this chapter, unless the context otherwise requires:

1. "Administer" means to apply, inject or facilitate the inhalation or ingestion of a substance to the body of a person.

2. "Amidone" means any substance identified chemically as (4-4-diphenyl-6-dimethylamine-heptanone-3), or any salt of such substance, by whatever trade name designated.

3. "Board" means the Arizona state board of pharmacy.

4. "Cannabis" means the following substances under whatever names they may be designated:

(a) The resin extracted from any part of a plant of the genus cannabis, and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or its resin. Cannabis does not include oil or cake made from the seeds of such plant, any fiber, compound, manufacture, salt, derivative, mixture or preparation of the mature stalks of such plant except the resin extracted from the stalks or any fiber, oil or cake or the sterilized seed of such plant which is incapable of germination.

(b) Every compound, manufacture, salt, derivative, mixture or preparation of such resin or tetrahydrocannabinol.

5. "Coca leaves" means cocaine, its optical isomers and any compound, manufacture, salt, derivative, mixture or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine, ecgonine or substances from which cocaine or ecgonine may be synthesized or made.

6. "Dangerous drug" means the following by whatever official, common, usual, chemical or trade name designated:

(a) Any material, compound, mixture or preparation that contains any quantity of the following hallucinogenic substances and their salts, isomers, whether optical, positional or geometric, and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(i) Alpha-ethyltryptamine.

(ii) Alpha-methyltryptamine.

(iii) (2-aminopropyl) benzofuran (APB).

(iv) (2-aminopropyl)-2, 3-dihydrobenzofuran (APDB).

(v) Aminorex.

(vi) 4-bromo-2, 5-dimethoxyphenethylamine.

(vii) 4-bromo-2, 5-dimethoxyamphetamine.

(viii) Bufotenine.

(ix) [3-(3-carbamoylphenyl)phenyl]N-cyclohexyl carbamate (URB-597).

(x) Diethyltryptamine.

(xi) 2, 5-dimethoxyamphetamine.

- (xii) Dimethyltryptamine.
- (xiii) (2-ethylaminopropyl)-benzofuran (EAPB).
- (xiv) 5-methoxy-alpha-methyltryptamine.
- (xv) 5-methoxy-3, 4-methylenedioxyamphetamine.
- (xvi) 4-methyl-2, 5-dimethoxyamphetamine.
- (xvii) (2-methylaminopropyl)-benzofuran (MAPB).
- (xviii) Ibogaine.
- (xix) Lysergic acid amide.
- (xx) Lysergic acid diethylamide.
- (xxi) Mescaline.
- (xxii) 4-methoxyamphetamine.
- (xxiii) Methoxymethylenedioxyamphetamine (MMDA).
- (xxiv) Methylenedioxyamphetamine (MDA).
- (xxv) 3, 4-methylenedioxymethamphetamine.
- (xxvi) 3, 4-methylenedioxy-N-ethylamphetamine.
- (xxvii) N-ethyl-3-piperidyl benzilate (JB-318).
- (xxviii) N-hydroxy-3, 4-methylenedioxyamphetamine.
- (xxix) N-methyl-3-piperidyl benzilate (JB-336).
- (xxx) N-methyltryptamine mimetic substances that are any substances derived from N-methyltryptamine by any substitution at the nitrogen, any substitution at the indole ring, any substitution at the alpha carbon, any substitution at the beta carbon or any combination of the above. N-methyltryptamine mimetic substances do not include melatonin (5-methoxy n-acetyltryptamine). Substances in the N-methyltryptamine generic definition include AcO-DMT, Baeocystine, Bromo-DALT, DiPT, DMT, DPT, HO-DET, HO-DiPT, HO-DMT, HO-DPT, HO-MET, MeO-DALT, MeO-DET, MeO-DiPT, MeO-DMT, MeO-DPT, MeO-NMT, MET, NMT and Norbufotenin.
- (xxxi) N-(1-phenylcyclohexyl) ethylamine (PCE).
- (xxxii) Nabilone.
- (xxxiii) 1-(1-phenylcyclohexyl) pyrrolidine (PHP).
- (xxxiv) 1-(1-(2-thienyl)-cyclohexyl) piperidine (TCP).
- (xxxv) 1-(1-(2-thienyl)-cyclohexyl) pyrrolidine.
- (xxxvi) Para-methoxyamphetamine (PMA).
- (xxxvii) Psilacetin.
- (xxxviii) Psilocybin.
- (xxxix) Psilocyn.
- (xl) Synhexyl.
- (xli) Trifluoromethylphenylpiperazine (TFMPP).
- (xlii) Trimethoxyamphetamine (TMA).
- (xliii) 1-pentyl-3-(naphthoyl)indole (JWH-018 and isomers).
- (xliv) 1-butyl-3-(naphthoyl)indole (JWH-073 and isomers).
- (xlv) 1-hexyl-3-(naphthoyl)indole (JWH-019 and isomers).
- (xlvi) 1-pentyl-3-(4-chloro naphthoyl)indole (JWH-398 and isomers).
- (xlvii) 1-(2-(4-(morpholinyl)ethyl))-3-(naphthoyl)indole (JWH-200 and isomers).
- (xlviii) 1-pentyl-3-(methoxyphenylacetyl)indole (JWH-250 and isomers).
- (xlix) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone (JWH-015 and isomers).

(1) (6AR, 10AR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210).

(li) 5-(1,1-dimethylheptyl)-2-(3-hydroxycyclohexyl)-phenol (CP 47,497 and isomers).

(lii) 5-(1,1-dimethyloctyl)-2-(3-hydroxycyclohexyl)-phenol (cannabicyclohexanol, CP-47,497 C8 homologue and isomers).

(liii) Xylazine.

(b) Any material, compound, mixture or preparation that contains any quantity of cannabimimetic substances and their salts, isomers, whether optical, positional or geometric, and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation. For the purposes of this subdivision, "cannabimimetic substances" means any substances within the following structural classes:

(i) 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent. Substances in the 2-(3-hydroxycyclohexyl)phenol generic definition include CP-47,497, CP-47,497 C8-Homolog, CP-55,940 and CP-56,667.

(ii) 3-(naphthoyl)indole or 3-(naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent. Substances in the 3-(naphthoyl)indole generic definition include AM-678, AM-2201, JWH-004, JWH-007, JWH-009, JWH-015, JWH-016, JWH-018, JWH-019, JWH-020, JWH-046, JWH-047, JWH-048, JWH-049, JWH-050, JWH-070, JWH-071, JWH-072, JWH-073, JWH-076, JWH-079, JWH-080, JWH-081, JWH-082, JWH-094, JWH-096, JWH-098, JWH-116, JWH-120, JWH-122, JWH-148, JWH-149, JWH-175, JWH-180, JWH-181, JWH-182, JWH-184, JWH-185, JWH-189, JWH-192, JWH-193, JWH-194, JWH-195, JWH-196, JWH-197, JWH-199, JWH-200, JWH-210, JWH-211, JWH-212, JWH-213, JWH-234, JWH-235, JWH-236, JWH-239, JWH-240, JWH-241, JWH-242, JWH-262, JWH-386, JWH-387, JWH-394, JWH-395, JWH-397, JWH-398, JWH-399, JWH-400, JWH-412, JWH-413, JWH-414 and JWH-415.

(iii) 3-naphthoyl-indazole or 3-(naphthylmethane)-indazole by substitution at one or both of the nitrogen atoms of the indazole ring, whether or not further substituted on the indazole ring to any extent, whether or not substituted on the naphthoyl ring to any extent. Substances in the 3-naphthoyl-indazole or 3-(naphthylmethane)-indazole generic definition include THJ2201 and THJ-018.

(iv) 3-(naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent. Substances in the 3-(naphthoyl)pyrrole generic definition include JWH-030, JWH-145, JWH-146, JWH-147, JWH-150, JWH-156, JWH-243, JWH-244, JWH-245, JWH-246, JWH-292, JWH-293, JWH-307, JWH-308, JWH-346, JWH-348, JWH-363, JWH-364, JWH-365, JWH-367, JWH-368, JWH-369, JWH-370, JWH-371, JWH-373 and JWH-392.

(v) 1-(naphthylmethylene)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent.

Substances in the 1-(naphthylmethylene)indene generic definition include JWH-176.

(vi) 3-(phenylacetyl)indole or 3-(benzoyl)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent. Substances in the 3-(phenylacetyl)indole generic definition include AM-694, AM-2233, JWH-167, JWH-201, JWH-202, JWH-203, JWH-204, JWH-205, JWH-206, JWH-207, JWH-208, JWH-209, JWH-237, JWH-248, JWH-250, JWH-251, JWH-253, JWH-302, JWH-303, JWH-304, JWH-305, JWH-306, JWH-311, JWH-312, JWH-313, JWH-314, JWH-315, JWH-316, RCS-4, RCS-8, SR-18 and SR-19.

(vii) 3-(cyclopropylmethanone) indole or 3-(cyclobutylmethanone) indole or 3-(cyclopentylmethanone) indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the cyclopropyl, cyclobutyl or cyclopentyl rings to any extent. Substances in the 3-(cyclopropylmethanone) indole generic definition include UR-144, fluoro-UR-144 and XLR-11.

(viii) 3-adamantoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent. Substances in the 3-adamantoylindole generic definition include AB-001.

(ix) N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent. Substances in the N-(adamantyl)-indole-3-carboxamide generic definition include SDB-001.

(x) Indole-3-carboxamide or indazole-3-carboxamide with substitution at the nitrogen atom of the indole ring or by substitution at one or both of the nitrogen atoms of the indazole ring, whether or not further substituted on the indole ring or the indazole ring to any extent, whether or not substituted on the nitrogen of the carboxamide to any extent. Substances in the indole-3-carboxamide or indazole-3-carboxamide generic definition include AKB-48, fluoro-AKB-48, APINACA, AB-PINACA, AB-FUBINACA, ABICA and ADBICA.

(xi) 8-Quinolinylnil-indole-3-carboxylate or 8-quinolinylnil-indazole-3-carboxylate by substitution at the nitrogen atom of the indole ring or by substitution at one or both of the nitrogen atoms of the indazole ring, whether or not further substituted in the indole ring or indazole ring to any extent, whether or not substituted on the quinoline ring to any extent. Substances in the 8-quinolinylnil-indole-3-carboxylate or the 8-quinolinylnil-indazole-3-carboxylate generic definition include PB-22, fluoro-PB-22, NPB-22 and fluoro-NPB-22.

(xii) Naphthalenyl-indole-3-carboxylate or naphthalenyl-indazole-3-carboxylate by substitution at the nitrogen atom of the indole ring or by substitution at one or both of the nitrogen atoms of the indazole ring, whether or not further substituted in the indole or indazole ring to any extent, whether or not substituted on the naphthalenyl ring to any extent. Substances in the naphthalenyl-indole-3-carboxylate or

naphthalenyl-indazole-3-carboxylate generic definition include NM2201, FDU-PB-22, SDB-005 and fluoro SDB-005.

(c) Any material, compound, mixture or preparation that contains any quantity of the following substances and their salts, isomers, whether optical, positional or geometric, and salts of isomers having a potential for abuse associated with a stimulant effect on the central nervous system:

- (i) Alpha-pyrrolidinobutiophenone (Alpha-PBP).
- (ii) Alpha-pyrrolidinopropiophenone (Alpha-PPP).
- (iii) Alpha-pyrrolidinovalerophenone (Alpha-PVP).
- (iv) Alpha-pyrrolidinovalerothiophenone (Alpha-PVT).
- (v) Aminoindane mimetic substances that are derived from aminoindane by any substitution at the indane ring, replacement of the amino group with another N group or any combination of the above. Substances in the aminoindane generic definition include MDAI, MMAI, IAI and AMMI.
- (vi) Amphetamine.
- (vii) Benzphetamine.
- (viii) Benzylpiperazine (BZP).
- (ix) Beta-keto-n-methylbenzodioxolylbutanamine (Butylone).
- (x) Beta-keto-n-methylbenzodioxolylpentanamine (Pentylone).
- (xi) Butorphanol.
- (xii) Cathine ((+)-norpseudoephedrine).
- (xiii) Cathinomimetic substances that are any substances derived from cathinone, (2-amino-1-phenyl-1-propanone) by any substitution at the phenyl ring, any substitution at the 3 position, any substitution at the nitrogen atom or any combination of the above substitutions.
- (xiv) Cathinone.
- (xv) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).
- (xvi) Chlorphentermine.
- (xvii) Clortermine.
- (xviii) Diethylpropion.
- (xix) Dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine) (MDAI).
- (xx) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).
- (xxi) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).
- (xxii) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N).
- (xxiii) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).
- (xxiv) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).
- (xxv) Dimethylcathinone (Metamfepramone).
- (xxvi) Ethcathinone.
- (xxvii) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).
- (xxviii) Fencamfamin.
- (xxix) Fenethylamine.
- (xxx) Fenproporex.
- (xxxi) Fluoroamphetamine.
- (xxxii) Fluoromethamphetamine.
- (xxxiii) Fluoromethcathinone.
- (xxxiv) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).
- (xxxv) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4).
- (xxxvi) Mazindol.
- (xxxvii) Mefenorex.
- (xxxviii) Methamphetamine.

(xxxix) Methcathinone.
(xl) Methiopropamine.
(xli) Methoxy-alpha-pyrrolidinopropiophenone (MOPPP).
(xlii) Methoxymethcathinone (methedrone).
(xliii) Methoxyphenethylamine mimetic substances that are any substances derived from 2, 5-dimethoxy-phenethylamine by any substitution at the phenyl ring, any substitution at the nitrogen atom, any substitutions at the carbon atoms of the ethylamine, or any combination of the above substitutions.

(xliv) 4-methylaminorex.
(xlv) Methyl-a-pyrrolidinobutiophenone (MPBP).
(xlvi) Methylenedioxy-alpha-pyrrolidinopropiophenone (MDPPP).
(xlvii) Methylenedioxyethcathinone (Ethylone).
(xlviii) Methylenedioxymethcathinone (Methylone).
(xlix) Methylenedioxypyrovalerone (MDPV).
(l) Methylmethcathinone (Mephedrone).
(li) Methylphenidate.
(lii) Modafinil.
(liii) Naphthylpyrovalerone (Naphyrone).
(liv) N-ethylamphetamine.
(lv) N, N-dimethylamphetamine.
(lvi) Pemoline.
(lvii) Phendimetrazine.
(lviii) Phenmetrazine.
(lix) Phentermine.
(lx) Pipradol.
(lxi) Propylhexedrine.
(lxii) Pyrovalerone.
(lxiii) Sibutramine.
(lxiv) Spa ((-)-1-dimethylamino-1,2-diphenylethane).
(d) Any material, compound, mixture or preparation that contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(i) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, unless specifically excepted.

(ii) Alprazolam.
(iii) Bromazepam.
(iv) Camazepam.
(v) Carisoprodol.
(vi) Chloral betaine.
(vii) Chloral hydrate.
(viii) Chlordiazepoxide.
(ix) Chlorhexadol.
(x) Clobazam.
(xi) Clonazepam.
(xii) Clorazepate.
(xiii) Clotiazepam.
(xiv) Cloxazolam.
(xv) Delorazepam.

- (xvi) Diazepam.
- (xvii) Dichloralphenazone.
- (xviii) Estazolam.
- (xix) Ethchlorvynol.
- (xx) Ethinamate.
- (xxi) Ethyl loflazepate.
- (xxii) Etizolam.
- (xxiii) Fenfluramine.
- (xxiv) Fludiazepam.
- (xxv) Flunitrazepam.
- (xxvi) Flurazepam.
- (xxvii) Gamma hydroxy butyrate.
- (xxviii) Glutethimide.
- (xxix) Halazepam.
- (xxx) Haloxazolam.
- (xxxi) Hydroxyphencyclidine (HO-PCP).
- (xxxii) Ketamine.
- (xxxiii) Ketazolam.
- (xxxiv) Loprazolam.
- (xxxv) Lorazepam.
- (xxxvi) Lormetazepam.
- (xxxvii) Lysergic acid.
- (xxxviii) Mebutamate.
- (xxxix) Mecloqualone.
- (xl) Medazepam.
- (xli) Meprobamate.
- (xlii) Methaqualone.
- (xliii) Methohexital.
- (xliv) 2-(methoxyphenyl)-2-(ethylamino)cyclohexanone (Methoxetamine).
- (xlv) 2-(methoxyphenyl)-2-(methylamino)cyclohexanone (Methoxyketamine).
- (xlii) Methoxyphencyclidine (MeO-PCP).
- (xlvii) Methypylon.
- (xlviii) Midazolam.
- (xlix) Nimetazepam.
- (l) Nitrazepam.
- (li) Nordiazepam.
- (lii) Oxazepam.
- (liii) Oxazolam.
- (liv) Paraldehyde.
- (lv) Petrichloral.
- (lvi) Phencyclidine (PCP).
- (lvii) Phencyclidine mimetic substances that are any substances derived from phenylcyclohexylpiperidine by any substitution at the phenyl ring, any substitution at the piperidine ring, any substitution at the cyclohexyl ring, any replacement of the phenyl ring or any combination of the above. Substances in the phenylcyclohexylpiperidine generic definition include Amino-PCP, BCP, Bromo-PCP, BTCP, Chloro-PCP, Fluoro-PCP, HO-PCP, MeO-PCP, Methyl-PCP, Nitro-PCP, Oxo-PCP, PCE, PCM, PCPY, TCP and TCPY.

- (lviii) Pinazepam.
- (lix) Prazepam.
- (lx) Scopolamine.
- (lxi) Sulfondiethylmethane.
- (lxii) Sulfonethylmethane.
- (lxiii) Sulfonmethane.
- (lxiv) Quazepam.
- (lxv) Temazepam.
- (lxvi) Tetrazepam.
- (lxvii) Tiletamine.
- (lxviii) Triazolam.
- (lxix) Zaleplon.
- (lxx) Zolazepam.
- (lxxi) Zolpidem.
- (lxxii) Zopiclone.

(e) Any material, compound, mixture or preparation that contains any quantity of the following anabolic steroids and their salts, isomers or esters:

- (i) Boldenone.
- (ii) Clostebol (4-chlorotestosterone).
- (iii) Dehydrochloromethyltestosterone.
- (iv) Drostanolone.
- (v) Ethylestrenol.
- (vi) Fluoxymesterone.
- (vii) Formebolone (formebolone).
- (viii) Mesterolone.
- (ix) Methandriol.
- (x) Methandrostenolone (methandienone).
- (xi) Methenolone.
- (xii) Methyltestosterone.
- (xiii) Mibolerone.
- (xiv) Nandrolone.
- (xv) Norethandrolon.
- (xvi) Oxandrolone.
- (xvii) Oxymesterone.
- (xviii) Oxymetholone.
- (xix) Stanolone (4-dihydrotestosterone).
- (xx) Stanozolol.
- (xxi) Testolactone.
- (xxii) Testosterone.
- (xxiii) Trenbolone.

7. "Deliver" means the actual, constructive or attempted exchange from one person to another, whether or not there is an agency relationship.

8. "Director" means the director of the department of health services.

9. "Dispense" means distribute, leave with, give away, dispose of or deliver.

10. "Drug court program" means a program that is established pursuant to section 13-3422 by the presiding judge of the superior court in cooperation with the county attorney in a county for the purpose of

prosecuting, adjudicating and treating drug dependent persons who meet the criteria and guidelines for entry into the program that are developed and agreed on by the presiding judge and the prosecutor.

11. "Drug dependent person" means a person who is using a substance that is listed in paragraph 6, 19, 20, 21 or 28 of this section and who is in a state of psychological or physical dependence, or both, arising from the use of that substance.

12. "Federal act" has the same meaning prescribed in section 32-1901.

13. "Isoamidone" means any substance identified chemically as (4-4-diphenyl-5-methyl-6-dimethylamino-hexanone-3), or any salt of such substance, by whatever trade name designated.

14. "Isonipecaïne" means any substance identified chemically as (1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester), or any salt of such substance, by whatever trade name designated.

15. "Ketobemidone" means any substance identified chemically as (4-(3-hydroxyphenyl)-1-methyl-4-piperidylethyl ketone hydrochloride), or any salt of such substance, by whatever trade name designated.

16. "Licensed" or "permitted" means authorized by the laws of this state to do certain things.

17. "Manufacture" means produce, prepare, propagate, compound, mix or process, directly or indirectly, by extraction from substances of natural origin or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis. Manufacture includes any packaging or repackaging or labeling or relabeling of containers. Manufacture does not include any producing, preparing, propagating, compounding, mixing, processing, packaging or labeling done in conformity with applicable state and local laws and rules by a licensed practitioner incident to and in the course of his licensed practice.

18. "Manufacturer" means a person who manufactures a narcotic or dangerous drug or other substance controlled by this chapter.

19. "Marijuana" means all parts of any plant of the genus cannabis, from which the resin has not been extracted, whether growing or not, and the seeds of such plant. Marijuana does not include the mature stalks of such plant or the sterilized seed of such plant which is incapable of germination.

20. "Narcotic drugs" means the following, whether of natural or synthetic origin and any substance neither chemically nor physically distinguishable from them:

- (a) Acetyl-alpha-methylfentanyl.
- (b) Acetylmethadol.
- (c) Alfentanil.
- (d) Allylprodine.
- (e) Alphacetylmethadol.
- (f) Alphameprodine.
- (g) Alphamethadol.
- (h) Alpha-methylfentanyl.
- (i) Alpha-methylthiofentanyl.
- (j) Alphaprodine.
- (k) Amidone (methadone).
- (l) Anileridine.

	(m)	Benzethidine.
	(n)	Benzylfentanyl.
	(o)	Betacetylmethadol.
	(p)	Beta-hydroxyfentanyl.
	(q)	Beta-hydroxy-3-methylfentanyl.
	(r)	Betameprodine.
	(s)	Betamethadol.
	(t)	Betaprodine.
	(u)	Bezitramide.
	(v)	Buprenorphine and its salts.
Ch. 163	(w)	BUTONITAZENE.
	(wx)	(x) Cannabis.
	(xy)	(y) Carfentanyl.
	(yz)	(z) 4-chloro-n-[1-[2-(4-nitrophenyl)ethyl]-2-piperidinylidene]benzenesulfonamide (W-18).
	(za)	(aa) 4-chloro-n-[1-(2-phenylethyl)-2-piperidinylidene] benzenesulfonamide (W-15).
	(abb)	(bb) Clonitazene.
	(bcc)	(cc) Coca leaves.
	(cdd)	(dd) 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine (MT-45).
	(dee)	(ee) Dextromoramide.
	(eff)	(ff) Dextropropoxyphene.
	(ggg)	(gg) Diampromide.
	(hhh)	(hh) 3,4-dichloro-n-(-[1-(dimethylamino)cyclohexyl]methyl)-be nzamide (AH-7921).
	(iii)	(ii) 3,4-dichloro-n-[2-(dimethylamino)cyclohexyl]-N-methylben zamide (U-47700).
	(jjj)	(jj) Diethylthiambutene.
	(kkk)	(kk) Difenoxy.
	(lll)	(ll) Dihydrocodeine.
	(mmm)	(mm) Dimenoxadol.
	(nnn)	(nn) Dimepheptanol.
	(ooo)	(oo) Dimethylthiambutene.
	(ppp)	(pp) Dioxaphetyl butyrate.
	(qqq)	(qq) Diphenidine (DEP).
	(rrr)	(rr) Diphenoxylate.
	(sss)	(ss) Dipipanone.
	(ttt)	(tt) Ephedrine.
	(uuu)	(uu) Ethylmethylthiambutene.
	(vv)	ETODESNITAZENE.
Ch. 163	(vww)	(ww) Etonitazene.
	(xxx)	(xx) ETONITAZEPYNE.
	(yyy)	(yy) Etoxeridine.
	(www)	(zz) Fentanyl.
	(xxx)	(aaa) Fentanyl mimetic substances that are any substances derived from fentanyl by any substitution in the phenethyl group, any substitution in the piperidine ring, any substitution in the aniline ring, any replacement of the phenyl portion of the phenethyl group, any replacement of the N-propionyl group or any combination of the above.
Ch. 163	(bbb)	FLUNITAZENE.

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~~(yy)~~ (ccc) Furethidine.
~~(zz)~~ (ddd) Hydroxypethidine.
~~(aaa)~~ (eee) Isoamidone (isomethadone).
~~(bbb)~~ (fff) Isophenidine.
 (ggg) **ISOTONITAZENE**.
~~(ccc)~~ (hhh) Pethidine (meperidine).
~~(ddd)~~ (iii) Ketobemidone.
~~(eee)~~ (jjj) Lefetamine.
~~(fff)~~ (kkk) Levomethorphan.
~~(ggg)~~ (lll) Levomoramide.
~~(hhh)~~ (mmm) Levophenacymorphan.
~~(iii)~~ (nnn) Levorphanol.
~~(jjj)~~ (ooo) Metazocine.
~~(kkk)~~ (ppp) Methoxphenidine (MXP).
~~(lll)~~ (qqq) 3-methylfentanyl.
~~(mmm)~~ (rrr) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP).
~~(nnn)~~ (sss) 3-methylthiofentanyl.

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(ttt) **METODESNITAZENE**.
 (uuu) **METONITAZENE**.
~~(ooo)~~ (vvv) Morpheridine.
~~(ppp)~~ (www) Noracymethadol.
~~(qqq)~~ (xxx) Norlevorphanol.
~~(rrr)~~ (yyy) Normethadone.
~~(sss)~~ (zzz) Norpipanone.
~~(ttt)~~ (aaaa) Opium.
~~(uuu)~~ (bbbb) Para-fluorofentanyl.
~~(vvv)~~ (cccc) Pentazocine.
~~(www)~~ (dddd) Phenadoxone.
~~(xxx)~~ (eeee) Phenampromide.
~~(yyy)~~ (ffff) Phenazocine.
~~(zzz)~~ (gggg) 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine (PEPAP).
~~(aaaa)~~ (hhhh) Phenomorphan.
~~(bbbb)~~ (iiii) Phenoperidine.
~~(cccc)~~ (jjjj) Piminodine.
~~(dddd)~~ (kkkk) Piritramide.
~~(eeee)~~ (llll) Proheptazine.
~~(ffff)~~ (mmmm) Properidine.
~~(gggg)~~ (nnnn) Propiram.

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(oooo) **PROTONITAZENE**.
~~(hhhh)~~ (pppp) Racemethorphan.
~~(iiii)~~ (qqqq) Racemoramide.
~~(jjjj)~~ (rrrr) Racemorphan.
~~(kkkk)~~ (ssss) Remifentanyl.
~~(llll)~~ (tttt) Sufentanyl.
~~(mmmm)~~ (uuuu) Thenylfentanyl.
~~(nnnn)~~ (vvvv) Thiofentanyl.
~~(oooo)~~ (www) Tilidine.
~~(pppp)~~ (xxxx) Tramadol,

2-[(dimethylamino)methyl]-1-(3-methoxyphenyl) cyclohexanol, and its salts, optical and geometric isomers, and its salts of isomers.

~~(yyyy)~~ (yyyy) Trimeperidine.

21. "Opium" means any compound, manufacture, salt, isomer, salt of isomer, derivative, mixture or preparation of the following, but does not include apomorphine or any of its salts:

- (a) Acetorphine.
- (b) Acetyldihydrocodeine.
- (c) Benzylmorphine.
- (d) Codeine.
- (e) Codeine methylbromide.
- (f) Codeine-N-oxide.
- (g) Cyprenorphine.
- (h) Desomorphine.
- (i) Dihydromorphine.
- (j) Drotebanol.
- (k) Ethylmorphine.
- (l) Etorphine.
- (m) Heroin.
- (n) Hydrocodone.
- (o) Hydromorphenol.
- (p) Hydromorphone.
- (q) Levo-alphaacetylmethadol.
- (r) Methyl-desorphine.
- (s) Methyl-dihydromorphine.
- (t) Metopon.
- (u) Morphine.
- (v) Morphine methylbromide.
- (w) Morphine methylsulfonate.
- (x) Morphine-N-oxide.
- (y) Myrophine.
- (z) Nalorphine.
- (aa) Nicocodeine.
- (bb) Nicomorphine.
- (cc) Normorphine.
- (dd) Oxycodone.
- (ee) Oxymorphone.
- (ff) Pholcodine.
- (gg) Thebacon.
- (hh) Thebaine.

22. "Ordinary ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine product" means a product that contains ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine and that is all of the following:

- (a) Approved for sale under the federal act.
- (b) Labeled, advertised and marketed only for an indication that is approved by the federal food and drug administration.
- (c) Either:
 - (i) A nonliquid that is sold in package sizes of not more than three grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine and that is packaged in blister packs containing not

more than two dosage units or, if the use of blister packs is technically infeasible, that is packaged in unit dose packets or pouches.

(ii) A liquid that is sold in package sizes of not more than three grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine.

23. "Peyote" means any part of a plant of the genus *lophophora*, known as the mescal button.

24. "Pharmacy" means a licensed business where drugs are compounded or dispensed by a licensed pharmacist.

25. "Practitioner" means a person licensed to prescribe and administer drugs.

26. "Precursor chemical I" means any material, compound, mixture or preparation which contains any quantity of the following substances and their salts, optical isomers or salts of optical isomers:

- (a) N-acetylanthranilic acid.
- (b) Anthranilic acid.
- (c) Ephedrine.
- (d) Ergotamine.
- (e) Isosafrole.
- (f) Lysergic acid.
- (g) Methylamine.
- (h) N-ethylephedrine.
- (i) N-ethylpseudoephedrine.
- (j) N-methylephedrine.
- (k) N-methylpseudoephedrine.
- (l) Norephedrine.
- (m) (-)-Norpseudoephedrine.
- (n) Phenylacetic acid.
- (o) Phenylpropanolamine.
- (p) Piperidine.
- (q) Pseudoephedrine.

27. "Precursor chemical II" means any material, compound, mixture or preparation which contains any quantity of the following substances and their salts, optical isomers or salts of optical isomers:

- (a) 4-cyano-2-dimethylamino-4, 4-diphenyl butane.
- (b) 4-cyano-1-methyl-4-phenylpiperidine.
- (c) Chlorephedrine.
- (d) Chlorpseudoephedrine.
- (e) Ethyl-4-phenylpiperidine-4-carboxylate.
- (f) 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.
- (g) 1-methyl-4-phenylpiperidine-4-carboxylic acid.
- (h) N-formyl amphetamine.
- (i) N-formyl methamphetamine.
- (j) Phenyl-2-propanone.
- (k) 1-piperidinocyclohexane carbonitrile.
- (l) 1-pyrrolidinocyclohexane carbonitrile.

28. "Prescription-only drug" does not include a dangerous drug or narcotic drug but means:

(a) Any drug which because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures

necessary to its use, is not generally recognized among experts, qualified by scientific training and experience to evaluate its safety and efficacy, as safe for use except by or under the supervision of a medical practitioner.

(b) Any drug that is limited by an approved new drug application under the federal act or section 32-1962 to use under the supervision of a medical practitioner.

(c) Every potentially harmful drug, the labeling of which does not bear or contain full and adequate directions for use by the consumer.

(d) Any drug required by the federal act to bear on its label the legend "Caution: Federal law prohibits dispensing without prescription" or "Rx only".

29. "Produce" means grow, plant, cultivate, harvest, dry, process or prepare for sale.

30. "Regulated chemical" means the following substances in bulk form that are not a useful part of an otherwise lawful product:

- (a) Acetic anhydride.
- (b) Hypophosphorous acid.
- (c) Iodine.
- (d) Sodium acetate.
- (e) Red phosphorus.
- (f) Gamma butyrolactone (GBL).
- (g) 1, 4-butanediol.
- (h) Butyrolactone.
- (i) 1, 2 butanolide.
- (j) 2-oxanalone.
- (k) Tetrahydro-2-furanone.
- (l) Dihydro-2(3H)-furanone.
- (m) Tetramethylene glycol.

31. "Retailer" means either:

(a) A person other than a practitioner who sells any precursor chemical or regulated chemical to another person for purposes of consumption and not resale, whether or not the person possesses a permit issued pursuant to title 32, chapter 18.

(b) A person other than a manufacturer or wholesaler who purchases, receives or acquires more than twenty-four grams of a precursor chemical.

32. "Sale" or "sell" means an exchange for anything of value or advantage, present or prospective.

33. "Sale for personal use" means the retail sale for a legitimate medical use in a single transaction to an individual customer, to an employer for dispensing to employees from first aid kits or medicine chests or to a school for administration pursuant to section 15-344.

34. "Scientific purpose" means research, teaching or chemical analysis.

35. "Suspicious transaction" means a transaction to which any of the following applies:

(a) A report is required under the federal act.

(b) The circumstances would lead a reasonable person to believe that any person is attempting to possess a precursor chemical or regulated chemical for the purpose of unlawful manufacture of a dangerous drug or

narcotic drug, based on such factors as the amount involved, the method of payment, the method of delivery and any past dealings with any participant.

(c) The transaction involves payment for precursor or regulated chemicals in cash or money orders in a total amount of more than \$200.

(d) The transaction involves a sale, a transfer or furnishing to a retailer for resale without a prescription of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine that is not an ordinary ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine product.

36. "Threshold amount" means a weight, market value or other form of measurement of an unlawful substance as follows:

(a) One gram of heroin.

(b) Nine grams of cocaine, **INCLUDING HYDROLYZED COCAINE.**

Ch. 34 — ~~(c) Seven hundred fifty milligrams of cocaine base or hydrolyzed cocaine.~~

~~++~~ (c) Four grams or 50 milliliters of PCP.

~~++~~ (d) Nine grams of methamphetamine, including methamphetamine in liquid suspension.

~~++~~ (e) Nine grams of amphetamine, including amphetamine in liquid suspension.

~~++~~ (f) One-half milliliter of lysergic acid diethylamide, or in the case of blotter dosage units fifty dosage units.

~~++~~ (g) Two pounds of marijuana.

~~++~~ (h) Nine grams of fentanyl or fentanyl mimetic substances.

~~++~~ (i) For any combination consisting solely of those unlawful

Ch. 34 — substances listed in subdivisions (a) through ~~++~~ (h) of this paragraph, an amount equal to or in excess of the threshold amount, as determined by the application of section 13-3420.

~~++~~ (j) For any unlawful substance not listed in subdivisions (a)

Ch. 34 — through ~~++~~ (h) of this paragraph or any combination involving any unlawful substance not listed in subdivisions (a) through ~~++~~ (h) of this paragraph, a value of at least \$1,000.

37. "Transfer" means furnish, deliver or give away.

38. "Vapor-releasing substance containing a toxic substance" means a material which releases vapors or fumes containing any of the following:

(a) Ketones, including acetone, methyl ethyl ketone, mibk, miak, isophorone and mesityl oxide.

(b) Hydrocarbons, including propane, butane, pentane, hexane, heptane and halogenated hydrocarbons.

(c) Ethylene dichloride.

(d) Pentachlorophenol.

(e) Chloroform.

(f) Methylene chloride.

(g) Trichloroethylene.

(h) Difluoroethane.

(i) Tetrafluoroethane.

(j) Aldehydes, including formaldehyde.

(k) Acetates, including ethyl acetate and butyl acetate.

(l) Aromatics, including benzene, toluene, xylene, ethylbenzene and cumene.

(m) Alcohols, including methyl alcohol, ethyl alcohol, isopropyl alcohol, butyl alcohol and diacetone alcohol.

(n) Ether, including Diethyl ether and petroleum ether.

(o) Nitrous oxide.

(p) Amyl nitrite.

(q) Isobutyl nitrite.

39. "Weight" unless otherwise specified includes the entire weight of any mixture or substance that contains a detectable amount of an unlawful substance. If a mixture or substance contains more than one unlawful substance, the weight of the entire mixture or substance is assigned to the unlawful substance that results in the greater offense. If a mixture or substance contains lysergic acid diethylamide, the offense that results from the unlawful substance shall be based on the greater offense as determined by the entire weight of the mixture or substance or the number of blotter dosage units. For the purposes of this paragraph, "mixture" means any combination of substances from which the unlawful substance cannot be removed without a chemical process.

40. "Wholesaler" means a person who in the usual course of business lawfully supplies narcotic drugs, dangerous drugs, precursor chemicals or regulated chemicals that he himself has not produced or prepared, but not to a person for the purpose of consumption by the person, whether or not the wholesaler has a permit that is issued pursuant to title 32, chapter 18. Wholesaler includes a person who sells, delivers or dispenses a precursor chemical in an amount or under circumstances that would require registration as a distributor of precursor chemicals under the federal act.

EXPLANATION OF BLEND
SECTION 13-4405

Laws 2025, Chapters 37 and 65

Laws 2025, Ch. 37, section 2

Effective September 26, 2025

Laws 2025, Ch. 65, section 2

Effective September 26, 2025

Explanation

Since these two enactments are compatible, the Laws 2025, Ch. 37 and Ch. 65 text changes to section 13-4405 are blended in the form shown on the following pages.

13-4405. Information provided to victim by law enforcement agencies

A. As soon after the detection of a criminal offense as the victim may be contacted without interfering with an investigation or arrest, the law enforcement agency that has responsibility for investigating the criminal offense shall provide electronic forms, pamphlets, information cards or other materials to the victim:

1. That allow the victim to request or waive applicable rights to which the victim is entitled, on request, under this article.

2. That provide the victim a method to designate a lawful representative if the victim chooses pursuant to section 13-4403, subsection A or section 13-4404.

3. That provide notice to the victim of all of the following information:

(a) The victim's right under the victims' bill of rights, article II, section 2.1, Constitution of Arizona, to be treated with fairness, respect and dignity and to be free of intimidation, harassment or abuse throughout the criminal or juvenile justice process.

(b) The availability, if any, of crisis intervention services and emergency and medical services and, where applicable, that medical expenses arising out of the need to secure evidence may be reimbursed pursuant to section 13-1414.

(c) In cases of domestic violence, the procedures and resources available to protect the victim pursuant to section 13-3601.

(d) The names and telephone numbers of public and private victim assistance programs, including the county victim compensation program and programs that provide counseling, treatment and other support services.

(e) The police report number, if available, other identifying case information and the following statement:

If within thirty days you are not notified of an arrest in your case, you may call (the law enforcement agency's telephone number) for the status of the case.

(f) Whether the suspect is an adult or juvenile, a statement that the victim will be notified by the law enforcement agency at the earliest opportunity after the arrest of a suspect.

(g) If the suspect is an adult and has been arrested, the victim's right, on request, to be informed of the suspect's release, of the next regularly scheduled time, place and date for initial appearances in the jurisdiction and of the victim's right to be heard at the initial appearance and that, to exercise these rights, the victim is advised to contact the custodial agency regarding the suspect's release and to contact the court regarding any changes to the initial appearance schedule.

(h) If the victim chooses to exercise the right to be heard through a written statement, how that statement may be submitted to the court.

(i) That the victim or the immediate family member of the victim, if the victim is killed or incapacitated, has the right to receive one copy of the police report, including any supplements to the report, **AUDIO RECORDINGS**

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and video recordings from the investigating law enforcement agency
OR CHARGING PROSECUTORIAL AGENCY at no charge pursuant to
~~sections~~ SECTION 39-127 and ~~39-129~~.

B. If at the time of contact with a law enforcement agency the victim is physically or emotionally unable to request or waive applicable rights, the law enforcement agency shall designate this in the format that is authorized by subsection A of this section and the entities that may be subsequently affected shall presume that the victim invoked the victim's right to request applicable rights to which the victim is entitled, on request, unless the victim later waives those rights.

C. The law enforcement agency shall submit a copy of the victim's request or waiver of preconviction rights form to the custodial agency and a copy to the prosecutor if a suspect is arrested, at the time the suspect is taken into custody. If there is no arrest, the form copies shall be submitted to the prosecutor at the time the case is otherwise presented to the prosecutor for review. The prosecutor shall submit a copy of the victim's request or waiver of preconviction rights form to the departments or sections of the prosecutor's office, if applicable, that are mandated by this article to provide victims' rights services on request.

D. If the suspected offender is cited and released, the law enforcement agency responsible for investigating the offense shall inform the victim of the court date and how to obtain additional information about the subsequent criminal proceedings.

E. Law enforcement agencies within a county may establish different procedures designed to efficiently and effectively provide notice of the victim's rights pursuant to this section and notice to affected entities of the victim request or waiver information. If different procedures are established, the procedures shall:

1. Be reported to the entities within a county affected by the procedures and reported to the attorney general.

2. Be designed so that custodial agencies and prosecutors within a county receive notice of the victim's request or waiver of the victim's preconviction rights at the same time that an adult suspect is arrested.

3. Be designed so that prosecutors within a county receive notice of the victim's request or waiver of the victim's preconviction rights, if there is no arrest, at the same time that the case is otherwise presented to the prosecutor for review.

4. Provide that the notice to affected entities of a victim's request or waiver of the victim's preconviction rights includes information that affords the affected entity the ability to contact the victim.

5. Be supported by use of electronic forms, brochures or other written materials that are developed by the law enforcement agencies within a county and reviewed by the attorney general pursuant to section 13-4417, subsection B.

F. If a suspect has not been arrested at the time of contact with the victim pursuant to subsection A of this section, the law enforcement agency that is responsible for investigating the offense shall notify the victim of the arrest of a suspect at the earliest opportunity after the arrest and of the time, place and date for the initial appearance.

EXPLANATION OF BLEND
SECTION 15-183

Laws 2025, Chapters 100 and 129

Laws 2025, Ch. 100, section 1

Effective September 26, 2025

Laws 2025, Ch. 129, section 5

Effective September 26, 2025

Explanation

Since these two enactments are compatible, the Laws 2025, Ch. 100 and Ch. 129 text changes to section 15-183 are blended in the form shown on the following pages.

BLEND OF SECTION 15-183
Laws 2025, Chapters 100 and 129

15-183. Charter schools; application; requirements; immunity; exemptions; renewal of application; reprisal; fee; funds; annual reports; definitions

A. An applicant seeking to establish a charter school shall apply in writing to a proposed sponsor as prescribed in subsection C of this section. The application, application process and application time frames shall be posted on the sponsor's website and shall include the following, as specified in the application adopted by the sponsor:

1. A detailed educational plan.
2. A detailed business plan.
3. A detailed operational plan.
4. Any other materials required by the sponsor.

B. The sponsor of a charter school may contract with a public body, private person or private organization for the purpose of establishing a charter school pursuant to this article.

C. The sponsor of a charter school may be either the state board of education, the state board for charter schools, a university under the jurisdiction of the Arizona board of regents, a community college district or a group of community college districts, subject to the following requirements:

1. An applicant may not apply for sponsorship to any person or entity other than those prescribed in this subsection.

2. The applicant may apply to the state board of education or the state board for charter schools. Notwithstanding any other law, neither the state board for charter schools nor the state board of education shall grant a charter to a school district governing board for a new charter school or for the conversion of an existing district public school to a charter school. The state board of education or the state board for charter schools may approve the application if the application meets the requirements of this article and may approve the charter if the proposed sponsor determines, within its sole discretion, that the applicant is sufficiently qualified to operate a charter school and that the applicant is applying to operate as a separate charter holder by considering factors such as whether:

- (a) The schools have separate governing bodies, governing body membership, staff, facilities and student population.

- (b) Daily operations are carried out by different administrators.

- (c) The applicant intends to have an affiliation agreement for the purpose of providing enrollment preferences.

- (d) The applicant's charter management organization has multiple charter holders serving varied grade configurations on one physical site or nearby sites serving one community.

(e) The applicant is reconstituting an existing school site population at the same or new site.

(f) The applicant is reconstituting an existing grade configuration from a prior charter holder with at least one grade remaining on the original site with the other grade or grades moving to a new site. The state board of education or the state board for charter schools may approve any charter schools transferring charters. If the state board of education or the state board for charter schools rejects the preliminary application, the state board of education or the state board for charter schools shall notify the applicant in writing of the reasons for the rejection and of suggestions for improving the application. An applicant may submit a revised application for reconsideration by the state board of education or the state board for charter schools. The applicant may request, and the state board of education or the state board for charter schools may provide, technical assistance to improve the application.

3. The applicant may submit the application to a university under the jurisdiction of the Arizona board of regents, a community college district or a group of community college districts. A university, a community college district or a group of community college districts shall not grant a charter to a school district governing board for a new charter school or for the conversion of an existing district public school to a charter school. A university, a community college district or a group of community college districts may approve the application if it meets the requirements of this article and if the proposed sponsor determines, in its sole discretion, that the applicant is sufficiently qualified to operate a charter school.

4. Each applicant seeking to establish a charter school shall submit a full set of fingerprints to the approving agency for the purpose of obtaining a state and federal criminal records check pursuant to section 41-1750 and Public Law 92-544. If an applicant will have direct contact with students, the applicant shall possess a valid fingerprint clearance card that is issued pursuant to title 41, chapter 12, article 3.1. The department of public safety may exchange this fingerprint data with the federal bureau of investigation. The criminal records check shall be completed before the issuance of a charter.

5. All persons engaged in instructional work directly as a classroom, laboratory or other teacher or indirectly as a supervisory teacher, speech therapist or principal and all charter representatives, charter school governing body members and officers, directors, members and partners of the charter holder shall have a valid fingerprint clearance card that is issued pursuant to title 41, chapter 12, article 3.1, unless the person is a volunteer or guest speaker who is accompanied in the classroom by a person with a valid fingerprint clearance card. A charter school shall not employ in any position that requires a valid fingerprint clearance card a person against whom the state board of education has taken disciplinary action as prescribed in section 15-505 or whose certificate has been suspended, surrendered or revoked, unless the person's certificate has been subsequently reinstated by the state board of education. All other personnel shall be fingerprint checked pursuant to section 15-512, or the charter school may require those personnel to obtain a fingerprint clearance

card issued pursuant to title 41, chapter 12, article 3.1. Before employment, the charter school shall make documented, good faith efforts to contact previous employers of a person to obtain information and recommendations that may be relevant to the person's fitness for employment as prescribed in section 15-512, subsection F, including checking the educator information system that is maintained by the department of education pursuant to section 15-505. The charter school shall notify the department of public safety if the charter school or sponsor receives credible evidence that a person who possesses a valid fingerprint clearance card is arrested for or is charged with an offense listed in section 41-1758.03, subsection B. A person who is employed at a charter school that has met the requirements of this paragraph is not required to meet any additional requirements that are established by the department of education or that may be established by rule by the state board of education. The state board of education may not adopt rules that exceed the requirements for persons who are qualified to teach in charter schools prescribed in title I of the every student succeeds act (P.L. 114-95) or the individuals with disabilities education improvement act of 2004 (P.L. 108-446). Charter schools may hire personnel who have not yet received a fingerprint clearance card if proof is provided of the submission of an application to the department of public safety for a fingerprint clearance card and if the charter school that is seeking to hire the applicant does all of the following:

(a) Documents in the applicant's file the necessity for hiring and placing the applicant before the applicant receives a fingerprint clearance card.

(b) Ensures that the department of public safety completes a statewide criminal records check on the applicant. A statewide criminal records check shall be completed by the department of public safety every one hundred twenty days until the date that the fingerprint check is completed or the fingerprint clearance card is issued or denied.

(c) Obtains references from the applicant's current employer and the two most recent previous employers except for applicants who have been employed for at least five years by the applicant's most recent employer.

(d) Provides general supervision of the applicant until the date that the fingerprint card is obtained.

(e) Completes a search of criminal records in all local jurisdictions outside of this state in which the applicant has lived in the previous five years.

(f) Verifies the fingerprint status of the applicant with the department of public safety.

6. A charter school that complies with the fingerprinting requirements of this section shall be deemed to have complied with section 15-512 and is entitled to the same rights and protections provided to school districts by section 15-512.

7. If a charter school operator is not already subject to a public meeting or hearing by the municipality in which the charter school is located, the operator of a charter school shall conduct a public meeting at least thirty days before the charter school operator opens a site or sites for the charter school. The charter school operator shall post notices of

the public meeting in at least three different locations that are within three hundred feet of the proposed charter school site.

8. A person who is employed by a charter school or who is an applicant for employment with a charter school, who is arrested for or charged with a nonappealable offense listed in section 41-1758.03, subsection B and who does not immediately report the arrest or charge to the person's supervisor or potential employer is guilty of unprofessional conduct and the person shall be immediately dismissed from employment with the charter school or immediately excluded from potential employment with the charter school.

9. A person who is employed by a charter school and who is convicted of any nonappealable offense listed in section 41-1758.03, subsection B or is convicted of any nonappealable offense that amounts to unprofessional conduct under section 15-550 shall immediately do all of the following:

(a) Surrender any certificates issued by the department of education.

(b) Notify the person's employer or potential employer of the conviction.

(c) Notify the department of public safety of the conviction.

(d) Surrender the person's fingerprint clearance card.

D. An entity that is authorized to sponsor charter schools pursuant to this article has no legal authority over or responsibility for a charter school sponsored by a different entity. This subsection does not apply to the state board of education's duty to exercise general supervision over the public school system pursuant to section 15-203, subsection A, paragraph 1.

E. The charter of a charter school shall do all of the following:

1. Ensure compliance with federal, state and local rules, regulations and statutes relating to health, safety, civil rights and insurance. The department of education shall publish a list of relevant rules, regulations and statutes to notify charter schools of their responsibilities under this paragraph.

2. Ensure that it is nonsectarian in its programs, admission policies and employment practices and all other operations.

3. Ensure that it provides a comprehensive program of instruction for at least a kindergarten program or any grade between grades one and twelve, except that a school may offer this curriculum with an emphasis on a specific learning philosophy or style or certain subject areas such as mathematics, science, fine arts, performance arts or foreign language.

4. Ensure that it designs a method to measure pupil progress toward the pupil outcomes adopted by the state board of education pursuant to section 15-741.01, including participation in the statewide assessment and the nationally standardized norm-referenced achievement test as designated by the state board and the completion and distribution of an annual report card as prescribed in chapter 7, article 3 of this title.

5. Ensure that, except as provided in this article and in its charter, it is exempt from all statutes and rules relating to schools, governing boards and school districts.

6. Ensure that, except as provided in this article, it is subject to the same financial and electronic data submission requirements as a school district, including the uniform system of financial records as prescribed in chapter 2, article 4 of this title, procurement rules as prescribed in

section 15-213 and audit requirements. The auditor general shall conduct a comprehensive review and revision of the uniform system of financial records to ensure that the provisions of the uniform system of financial records that relate to charter schools are in accordance with commonly accepted accounting principles used by private business. A school's charter may include exceptions to the requirements of this paragraph that are necessary as determined by the university, the community college district, the group of community college districts, the state board of education or the state board for charter schools. The department of education or the office of the auditor general may conduct financial, program or compliance audits.

7. Ensure compliance with all federal and state laws relating to the education of children with disabilities in the same manner as a school district.

8. Ensure that it provides for a governing body for the charter school that is responsible for the policy decisions of the charter school. Notwithstanding section 1-216, if there is a vacancy or vacancies on the governing body, a majority of the remaining members of the governing body constitute a quorum for the transaction of business, unless that quorum is prohibited by the charter school's operating agreement.

9. Ensure that it provides a minimum of one hundred eighty instructional days before June 30 of each fiscal year unless it is operating on an alternative calendar approved by its sponsor. The superintendent of public instruction shall adjust the apportionment schedule accordingly to accommodate a charter school utilizing an alternative calendar.

10. ENSURE THAT THE CHARTER SCHOOL, IN CONJUNCTION WITH LOCAL LAW ENFORCEMENT AGENCIES AND EMERGENCY RESPONSE AGENCIES, DEVELOP AN EMERGENCY RESPONSE PLAN FOR EACH SCHOOL IN ACCORDANCE WITH MINIMUM STANDARDS DEVELOPED JOINTLY BY THE DEPARTMENT OF EDUCATION AND THE DIVISION OF EMERGENCY MANAGEMENT WITHIN THE DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS. ANY EMERGENCY RESPONSE PLAN DEVELOPED PURSUANT TO THIS PARAGRAPH MUST ADDRESS HOW THE SCHOOL AND EMERGENCY RESPONDERS WILL COMMUNICATE WITH AND PROVIDE ASSISTANCE TO STUDENTS WITH DISABILITIES.

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F. A charter school shall collect and maintain information about each teacher's educational and teaching background and experience in a particular academic content subject area. A charter school shall either post the information on the charter school's website or make the information available for inspection on request of parents and guardians of pupils enrolled at the charter school. This subsection does not require any charter school to release personally identifiable information in relation to any teacher, including the teacher's address, salary, social security number or telephone number.

G. The charter of a charter school may be amended at the request of the governing body of the charter school and on the approval of the sponsor.

H. Charter schools may contract, sue and be sued.

I. The charter is effective for fifteen years from the first day of the fiscal year as specified in the charter, subject to the following:

1. At least eighteen months before the charter expires, the sponsor shall notify the charter school that the charter school may apply for renewal and shall make the renewal application available to the charter school. A charter school that elects to apply for renewal shall file a complete renewal

application at least fifteen months before the charter expires. A sponsor shall give written notice of its intent not to renew the charter school's request for renewal to the charter school at least twelve months before the expiration of the charter. The sponsor shall make data used in making renewal decisions available to the school and the public and shall provide a public report summarizing the evidence basis for each decision. The sponsor may deny the request for renewal if, in its judgment, the charter holder has failed to do any of the following:

- (a) Meet or make sufficient progress toward the academic performance expectations set forth in the performance framework.

- (b) Meet the operational performance expectations set forth in the performance framework or any improvement plans.

- (c) Meet the financial performance expectations set forth in the performance framework or any improvement plans.

- (d) Complete the obligations of the contract.

- (e) Comply with this article or any provision of law from which the charter school is not exempt.

2. A charter operator may apply for early renewal. At least nine months before the charter school's intended renewal consideration, the operator of the charter school shall submit a letter of intent to the sponsor to apply for early renewal. The sponsor shall review fiscal audits and academic performance data for the charter school that are annually collected by the sponsor, review the current contract between the sponsor and the charter school and provide the qualifying charter school with a renewal application. On submission of a complete application, the sponsor shall give written notice of its consideration of the renewal application. The sponsor may deny the request for early renewal if, in the sponsor's judgment, the charter holder has failed to do any of the following:

- (a) Meet or make sufficient progress toward the academic performance expectations set forth in the performance framework.

- (b) Meet the operational performance expectations set forth in the performance framework or any improvement plans.

- (c) Meet the financial performance expectations set forth in the performance framework or any improvement plans.

- (d) Complete the obligations of the contract.

- (e) Comply with this article or any provision of law from which the charter school is not exempt.

3. A sponsor shall review a charter at five-year intervals using a performance framework adopted by the sponsor and may revoke a charter at any time if the charter school breaches one or more provisions of its charter or if the sponsor determines that the charter holder has failed to do any of the following:

- (a) Meet or make sufficient progress toward the academic performance expectations set forth in the performance framework.

- (b) Meet the operational performance expectations set forth in the performance framework or any improvement plans.

- (c) Meet the financial performance expectations set forth in the performance framework or any improvement plans.

- (d) Comply with this article or any provision of law from which the charter school is not exempt.

4. In determining whether to renew or revoke a charter holder, the sponsor must consider making sufficient progress toward the academic performance expectations set forth in the sponsor's performance framework as one of the most important factors.

5. Before the sponsor adopts a determination of intent to revoke a charter, the charter holder shall have at least thirty days to address the problems, as necessary or applicable, associated with the reason or reasons for the determination of intent to revoke. The sponsor is not required to provide the charter holder with thirty days to correct the problems associated with the reason or reasons for adopting a determination of intent to revoke if the reason or reasons cannot be remedied, including a failure to submit required financial audits pursuant to subsection E, paragraph 6 of this section and section 15-914, or for a matter of health or safety, or both. Before the sponsor adopts a determination of intent to revoke a charter, the sponsor shall give written notice to the charter holder that includes the reason or reasons for the sponsor's consideration to revoke the charter. Notice may be provided by electronic means or by United States mail and is effective on the date of email or, if sent by United States mail, the earlier of the date of receipt by the charter holder or within five days after the notice is mailed. The determination of whether to proceed to revocation shall be made at a public meeting called for that purpose.

J. The charter may be renewed for successive periods of twenty years.

K. A charter school that is sponsored by the state board of education, the state board for charter schools, a university, a community college district or a group of community college districts may not be located on the property of a school district unless the district governing board grants this authority.

L. A governing board or a school district employee who has control over personnel actions shall not take unlawful reprisal against another employee of the school district because the employee is directly or indirectly involved in an application to establish a charter school. A governing board or a school district employee shall not take unlawful reprisal against an educational program of the school or the school district because an application to establish a charter school proposes to convert all or a portion of the educational program to a charter school. For the purposes of this subsection, "unlawful reprisal" means an action that is taken by a governing board or a school district employee as a direct result of a lawful application to establish a charter school and that is adverse to another employee or an education program and:

1. With respect to a school district employee, results in one or more of the following:

- (a) Disciplinary or corrective action.
- (b) Detail, transfer or reassignment.
- (c) Suspension, demotion or dismissal.
- (d) An unfavorable performance evaluation.
- (e) A reduction in pay, benefits or awards.
- (f) Elimination of the employee's position without a reduction in force by reason of lack of monies or work.

(g) Other significant changes in duties or responsibilities that are inconsistent with the employee's salary or employment classification.

2. With respect to an educational program, results in one or more of the following:

(a) Suspension or termination of the program.

(b) Transfer or reassignment of the program to a less favorable department.

(c) Relocation of the program to a less favorable site within the school or school district.

(d) Significant reduction or termination of funding for the program.

M. Charter schools shall secure insurance for liability and property loss. The governing body of a charter school that is sponsored by the state board of education or the state board for charter schools may enter into an intergovernmental agreement or otherwise contract to participate in an insurance program offered by a risk retention pool established pursuant to section 11-952.01 or 41-621.01 or the charter school may secure its own insurance coverage. The pool may charge the requesting charter school reasonable fees for any services it performs in connection with the insurance program.

N. Charter schools do not have the authority to acquire property by eminent domain.

O. A sponsor, including members, officers and employees of the sponsor, is immune from personal liability for all acts done and actions taken in good faith within the scope of its authority.

P. Charter school sponsors and this state are not liable for the debts or financial obligations of a charter school or persons who operate charter schools.

Q. The sponsor of a charter school shall establish procedures to conduct administrative hearings on determination by the sponsor that grounds exist to revoke a charter. Procedures for administrative hearings shall be similar to procedures prescribed for adjudicative proceedings in title 41, chapter 6, article 10. Except as provided in section 41-1092.08, subsection H, final decisions of the state board of education and the state board for charter schools from hearings conducted pursuant to this subsection are subject to judicial review pursuant to title 12, chapter 7, article 6.

R. The sponsoring entity of a charter school shall have oversight and administrative responsibility for the charter schools that it sponsors. In implementing its oversight and administrative responsibilities, the sponsor shall ground its actions in evidence of the charter holder's performance in accordance with the performance framework adopted by the sponsor. The performance framework shall be publicly available, shall be placed on the sponsoring entity's website and shall include:

1. The academic performance expectations of the charter school and the measurement of sufficient progress toward the academic performance expectations.

2. The operational expectations of the charter school, including adherence to all applicable laws and obligations of the charter contract.

3. The financial expectations of the charter school.

4. Intervention and improvement policies.

S. Charter schools may pledge, assign or encumber their assets to be used as collateral for loans or extensions of credit.

T. All property accumulated by a charter school shall remain the property of the charter school.

U. Charter schools may not locate a school on property that is less than one-fourth mile from agricultural land regulated pursuant to section 3-365, except that the owner of the agricultural land may agree to comply with the buffer zone requirements of section 3-365. If the owner agrees in writing to comply with the buffer zone requirements and records the agreement in the office of the county recorder as a restrictive covenant running with the title to the land, the charter school may locate a school within the affected buffer zone. The agreement may include any stipulations regarding the charter school, including conditions for future expansion of the school and changes in the operational status of the school that will result in a breach of the agreement.

V. A transfer of a charter to another sponsor, a transfer of a charter school site to another sponsor or a transfer of a charter school site to a different charter shall be completed before the beginning of the fiscal year that the transfer is scheduled to become effective. An entity that sponsors charter schools may accept a transferring school after the beginning of the fiscal year if the transfer is approved by the superintendent of public instruction. The superintendent of public instruction shall have the discretion to consider each transfer during the fiscal year on a case-by-case basis. A charter holder seeking to transfer sponsors shall comply with the current charter terms regarding assignment of the charter. A charter holder transferring sponsors shall notify the current sponsor that the transfer has been approved by the new sponsor.

W. Notwithstanding subsection V of this section, a charter holder on an improvement plan must notify parents or guardians of registered students of the intent to transfer the charter and the timing of the proposed transfer. On the approved transfer, the new sponsor shall enforce the improvement plan but may modify the plan based on performance.

X. Notwithstanding subsection Y of this section, the state board for charter schools shall charge a processing fee to any charter school that amends its contract to participate in Arizona online instruction pursuant to section 15-808. The charter Arizona online instruction processing fund is established consisting of fees collected and administered by the state board for charter schools. The state board for charter schools shall use monies in the fund only for processing contract amendments for charter schools participating in Arizona online instruction. Monies in the fund are continuously appropriated.

Y. The sponsoring entity may not charge any fees to a charter school that it sponsors unless the sponsor has provided services to the charter school and the fees represent the full value of those services provided by the sponsor. On request, the value of the services provided by the sponsor to the charter school shall be demonstrated to the department of education.

Z. Charter schools may enter into an intergovernmental agreement with a presiding judge of the juvenile court to implement a law-related education program as defined in section 15-154. The presiding judge of the juvenile court may assign juvenile probation officers to participate in a law-related

education program in any charter school in the county. The cost of juvenile probation officers who participate in the program implemented pursuant to this subsection shall be funded by the charter school.

AA. The sponsor of a charter school shall modify previously approved curriculum requirements for a charter school that wishes to participate in the board examination system prescribed in chapter 7, article 6 of this title.

BB. If a charter school decides not to participate in the board examination system prescribed in chapter 7, article 6 of this title, pupils enrolled at that charter school may earn a Grand Canyon diploma by obtaining a passing score on the same board examinations.

CC. Notwithstanding subsection Y of this section, a sponsor of charter schools may charge a new charter application processing fee to any applicant. The application fee shall fully cover the cost of application review and any needed technical assistance. Authorizers may approve policies that allow a portion of the fee to be returned to the applicant whose charter is approved.

DD. A charter school may choose to provide a preschool program for children with disabilities pursuant to section 15-771.

EE. Pursuant to the prescribed graduation requirements adopted by the state board of education, the governing body of a charter school operating a high school may approve a rigorous computer science course that would fulfill a mathematics course required for graduation from high school. The governing body may approve a rigorous computer science course only if the rigorous computer science course includes significant mathematics content and the governing body determines the high school where the rigorous computer science course is offered has sufficient capacity, infrastructure and qualified staff, including competent teachers of computer science.

FF. A charter school may allow the use of school property, including school buildings, grounds, buses and equipment, by any person, group or organization for any lawful purpose, including a recreational, educational, political, economic, artistic, moral, scientific, social, religious or other civic or governmental purpose. The charter school may charge a reasonable fee for the use of the school property.

GG. A charter school and its employees, including the governing body, or chief administrative officer, are immune from civil liability with respect to all decisions made and actions taken to allow the use of school property, unless the charter school or its employees are guilty of gross negligence or intentional misconduct. This subsection does not limit any other immunity provisions that are prescribed by law.

HH. Sponsors authorized pursuant to this section shall submit an annual report to the auditor general on or before October 1. The report shall include:

1. The current number of charters authorized and the number of schools operated by authorized charter holders.

2. The academic, operational and financial performance of the sponsor's charter portfolio as measured by the sponsor's adopted performance framework.

3. For the prior year, the number of new charters approved, the number of charter schools closed and the reason for the closure.

4. The sponsor's application, amendment, renewal and revocation processes, charter contract template and current performance framework as required by this section.

II. The auditor general shall prescribe the format for the annual report required by subsection HH of this section and may require that the annual report be submitted electronically. The auditor general shall review the submitted annual reports to ensure that the reports include the required items in subsection HH of this section and shall make the annual reports available on request. If the auditor general finds significant noncompliance or if a sponsor fails to submit the annual report required by subsection HH of this section, on or before December 31 of each year the auditor general shall report to the governor, the president of the senate, the speaker of the house of representatives and the chairs of the senate and house education committees or their successor committees, and the legislature shall consider revoking the sponsor's authority to sponsor charter schools.

JJ. EACH CHARTER REPRESENTATIVE, CHARTER SCHOOL GOVERNING BODY MEMBER AND OFFICER, DIRECTOR, MEMBER AND PARTNER OF A CHARTER HOLDER, AS ALLOWED BY THE CHARTER HOLDER, MAY HAVE:

1. ACCESS TO THE CHARTER SCHOOL'S STUDENTS AND STUDENT RECORDS.
2. UNRESTRICTED ACCESS TO THE CHARTER SCHOOL'S CAMPUSES.
3. AUTHORITY TO MAKE FINAL DECISIONS REGARDING STUDENT LEARNING IN THE CHARTER SCHOOL.
4. AUTHORITY TO MAKE FINAL DECISIONS REGARDING THE SAFETY OF THE CHARTER SCHOOL'S STUDENTS AND SCHOOL CAMPUSES.

KK. FOR THE PURPOSES OF THIS SECTION:

1. "CHARTER REPRESENTATIVE" MEANS AN INDIVIDUAL WHO BOTH:

(a) HAS THE AUTHORITY TO EXECUTE CONTRACTS ON BEHALF OF THE CHARTER HOLDER IN ACCORDANCE WITH THE CHARTER HOLDER'S ARTICLES OF INCORPORATION, OPERATING AGREEMENT OR BYLAWS.

(b) REPRESENTS THE CHARTER HOLDER BEFORE THE STATE BOARD FOR CHARTER SCHOOLS IN MATTERS RELATING TO ACCOUNTABILITY AND COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS AND WITH THE TERMS AND CONDITIONS OF THE CHARTER.

2. "CHARTER SCHOOL GOVERNING BODY MEMBER" MEANS AN INDIVIDUAL WHO IS A MEMBER OF A BODY ORGANIZED TO GOVERN AND MANAGE A CHARTER SCHOOL.

3. "OFFICER, DIRECTOR, MEMBER OR PARTNER OF A CHARTER HOLDER":

(a) MEANS AN INDIVIDUAL WHO HAS THE AUTHORITY TO MANAGE THE OPERATIONS AND FUNCTIONS OF A CHARTER SCHOOL OR TO MAKE DECISIONS ON BEHALF OF A CHARTER HOLDER.

(b) INCLUDES:

(i) AN INDIVIDUAL WHO POSSESSES AN OWNERSHIP INTEREST OR VOTING RIGHTS, OR BOTH, IN THE CHARTER SCHOOL.

(ii) AN INDIVIDUAL WHO IS IDENTIFIED IN ANY OF SECTIONS 10-140, 10-801, 10-840, 10-3140, 10-3840, 29-301, 29-1001, 29-3102 AND 29-4101.

EXPLANATION OF BLEND
SECTION 15-1626

Laws 2025, Chapters 72 and 240

Laws 2025, Ch. 72, section 2

Effective September 26, 2025

Laws 2025, Ch. 240, section 1

Effective September 26, 2025

Explanation

Since these two enactments are compatible, the Laws 2025, Ch. 72 and Ch. 240 text changes to section 15-1626 are blended in the form shown on the following pages.

BLEND OF SECTION 15-1626
Laws 2025, Chapters 72 and 240

15-1626. General administrative powers and duties of board;
definition

A. The ARIZONA board OF REGENTS shall:

1. Have and exercise the powers necessary for the effective governance and administration of the institutions under ~~its~~ THE BOARD'S control. To that end, the board may adopt, and authorize each university to adopt, ~~such~~ regulations, policies, rules or measures as are deemed necessary and may delegate in writing to ~~its~~ THE BOARD'S committees, to ~~its~~ university presidents, or ~~their~~ THE PRESIDENTS' designees, or to other entities under ~~its~~ THE BOARD'S control, any part of ~~its~~ THE BOARD'S authority for the administration and governance of ~~such~~ THOSE institutions, including those powers enumerated in section 15-1625, subsection B, paragraphs 2 and 4, paragraphs 3, 4, 8, 9, 11[, ~~and~~ 12 AND - Ch. 72
22] of this subsection and subsection B of this section. Any delegation of authority may be rescinded by the board at any time in whole or in part.

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2. Appoint and employ and determine the compensation of presidents with ~~such~~ THE power and authority and for ~~such~~ THE purposes in connection with the operation of the institutions as the board deems necessary.

3. Appoint and employ and determine the compensation of ~~vice-presidents~~ VICE PRESIDENTS, deans, professors, instructors, lecturers, fellows and ~~such~~ THE other officers and employees with ~~such~~ THE power and authority and for ~~such~~ THE purposes in connection with the operation of the institutions as the board deems necessary, or delegate ~~its~~ THE BOARD'S authority pursuant to paragraph 1 of this subsection.

4. Remove any officer or employee when the interests of education in this state so require in accordance with ~~its~~ THE BOARD'S personnel rules and policies.

5. Fix tuitions and fees to be charged and differentiate the tuitions and fees between institutions and between residents, nonresidents, undergraduate students, graduate students, students from foreign countries and students who have earned credit hours in excess of the credit hour threshold. For the purposes of this paragraph, the undergraduate credit hour threshold is one hundred forty-five hours for students who attend a university under the jurisdiction of the board. The undergraduate credit hour threshold shall be based on the actual full-time equivalent student enrollment counted on the forty-fifth day of every fall and spring semester, divided by two, and any budget adjustment based on student enrollment shall occur in the fiscal year following the actual full-time equivalent student enrollment count. The undergraduate credit hour threshold shall not apply to degree programs that require credit hours above the credit hour threshold, credits earned in the pursuit of up to two baccalaureate degrees, credits earned in the pursuit of up to two state regulated licensures or

certificates, credits earned in the pursuit of teaching certification, credits transferred from a private institution of higher education, credits transferred from an institution of higher education in another state, credits earned at another institution of higher education but that are not accepted as transfer credits at the university where the student is currently enrolled and credits earned by students who enroll at a university under the jurisdiction of the board more than twenty-four months after the end of that student's previous enrollment at a public institution of higher education in this state. On or before October 15 of each year, the board shall report to the joint legislative budget committee the number of in-state students and out-of-state students who were enrolled at universities under the jurisdiction of the board during the previous fiscal year and who met or exceeded the undergraduate credit hour threshold prescribed in this paragraph. The amount of tuition and fees included in the operating budget for the university adopted by the board as prescribed in paragraph 13 of this subsection ~~shall be~~ IS subject to legislative appropriation and ~~SHALL BE~~ deposited in a separate tuition and fees subaccount for each university. All other tuition and fee revenue shall be retained by each university for expenditure as approved by the board in a separate local tuition and fees subaccount for each university. This subaccount shall consist of only tuition and fees. The universities shall not use any tuition or fee revenue to fund or support an alumni association.

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6. Adopt rules to govern ~~its~~ THE BOARD'S tuition and academic fee setting process that provide for the following:

(a) At least one public hearing at each university as an opportunity for students and members of the public to comment on any proposed increase in tuition or fees.

(b) Publication of the notice of public hearing at least ten days before the hearing in a newspaper of general circulation in Maricopa county, Coconino county and Pima county. The notice shall include the date, time and location of the public hearing.

(c) Public disclosure by each university of any proposed increases in tuition or fees at least ten days before the public hearing.

(d) A roll call vote of any final board action on changes in tuition, including tuition rate changes for online programs, or academic fees.

(e) Public disclosure by the board and each university of any final board action on changes in tuition or academic fees.

7. Pursuant to section 35-115, submit a budget request for each institution under ~~its~~ THE BOARD'S jurisdiction that includes the estimated tuition and fee revenue available to support the programs of the institution as described in the budget request. The estimated available tuition and fee revenue shall be based on the tuition and registration fee rates in effect at the time the budget request is submitted with adjustments for projected changes in enrollment as provided by the board.

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8. Establish curricula and designate courses at the several institutions that in ~~its~~ THE BOARD'S judgment will best serve the interests of this state.

9. Award ~~such~~ degrees and diplomas on the completion of ~~such~~ THE courses and curriculum requirements ~~as it~~ THAT THE BOARD deems appropriate.

10. Prescribe qualifications for admission of all students to the universities. The board shall establish policies for guaranteed admission that ensure fair and equitable access to students in this state from public, private and charter schools and homeschools. For the purpose of determining the qualifications of honorably discharged veterans, veterans are those persons who served in the armed forces for ~~a minimum of~~ **AT LEAST** two years and who were previously enrolled at a university or community college in this state. ~~No~~ Prior failing grades received by ~~the~~ **A** veteran at the university or community college in this state may **NOT** be considered.

11. Adopt any energy conservation standards adopted by the department of administration for the construction of new buildings.

12. Employ for ~~such~~ **THE** time and purposes ~~as~~ **THAT** the board requires attorneys whose compensation shall be fixed and paid by the board. Litigation to which the board is a party and for which self-insurance is not provided may be compromised or settled at the direction of the board.

13. Adopt annually an operating budget for each university equal to the sum of appropriated **STATE** general fund monies and the amount of tuition and fees approved by the board and allocated to each university operating budget.

14. In consultation with the state board of education and other education groups, develop and implement a program to award honors endorsements to be affixed to the high school diplomas of qualifying high school pupils and to be included in the transcripts of pupils who are awarded endorsements. The **ARIZONA** board **OF REGENTS** shall develop application procedures and testing criteria and adopt testing instruments and procedures to administer the program. In order to receive an honors endorsement, a pupil must demonstrate an extraordinary level of knowledge, skill and competency as measured by the testing instruments adopted by the **ARIZONA** board **OF REGENTS** in mathematics, English, science and social studies. Additional subjects may be added at the determination of the **ARIZONA** board **OF REGENTS**. The program is voluntary for pupils.

15. Require the publisher of each literary and nonliterary textbook used in the universities of this state to furnish to the ~~Arizona~~ **board of regents** computer software in a standardized format when software becomes available for nonliterary textbooks from which braille versions of the textbooks may be produced.

16. Require universities that provide a degree in education to require courses that are necessary to obtain a provisional structured English immersion endorsement as prescribed by the state board of education.

17. Acquire **FOR EACH CLASSROOM** United States flags ~~for each classroom~~ that are manufactured in the United States and that are at least two feet by three feet, ~~and~~ hardware to appropriately display the United States flags, ~~acquire~~ **AND** a legible copy of the Constitution of the United States and the Bill of Rights. ~~THE BOARD SHALL~~ display the flags in each classroom in accordance with title 4 of the United States Code and display a legible copy of the Constitution of the United States and the Bill of Rights adjacent to the flag.

18. To facilitate the transfer of military personnel and their dependents to and from the public schools of this state, pursue, in cooperation with the state board of education, reciprocity agreements with

other states concerning the transfer credits for military personnel and their dependents. A reciprocity agreement entered into pursuant to this paragraph shall:

(a) Address procedures for each of the following:

(i) The transfer of student records.

(ii) Awarding credit for completed coursework.

(iii) Permitting a student to satisfy the graduation requirements prescribed in section 15-701.01 through the successful performance on comparable exit-level assessment instruments administered in another state.

(b) Include appropriate criteria developed by the state board of education and the Arizona board of regents.

Ch. 240 — 19. Require a university to publicly post notices of all of ~~its~~ THE UNIVERSITY'S employment openings, including the title and description, instructions for applying and relevant contact information.

20. In consultation with the community college districts in this state, develop and implement common equivalencies for specific levels of achievement on advanced placement examinations and international baccalaureate examinations in order to award commensurate postsecondary academic credits at community colleges and public universities in this state.

21. On or before August 1 of each year, report to the joint legislative budget committee the graduation rate by university campus during the previous fiscal year. The board shall also report the retention rate by university campus and by class, as determined by date of entry during the previous fiscal year.

Ch. 72 — 22. ENTER INTO AN AGREEMENT WITH ONE OR MORE CAREER TECHNICAL EDUCATION DISTRICT GOVERNING BOARDS PURSUANT TO SECTION 15-393, SUBSECTION K IF THE AGREEMENT, IN THE BOARD'S JUDGMENT, WILL SERVE THE INTERESTS OF THIS STATE.

B. The ARIZONA board OF REGENTS shall adopt personnel policies for all employees of the board and the universities.

C. In conjunction with the auditor general, the ARIZONA board OF REGENTS shall develop a uniform accounting and reporting system, which shall be reviewed by the joint legislative budget committee before final adoption by the board. The board shall require each university to comply with the uniform accounting and reporting system.

Ch. 240 — D. The ARIZONA board OF REGENTS may employ legal assistance in procuring loans for the institutions from the United States government. Fees or compensation paid for ~~such~~ legal assistance PURSUANT TO THIS SUBSECTION shall not be a claim on the STATE general fund ~~of this state~~ but shall be paid from funds of the institutions.

E. The ARIZONA board OF REGENTS shall approve or disapprove any contract or agreement entered into by the university of Arizona hospital with the Arizona industrial development authority.

F. The ARIZONA board OF REGENTS may adopt policies that authorize the institutions under its jurisdiction to enter into employment contracts with nontenured employees for periods of more than one year but not more than five years. The policies ~~shall~~ MUST prescribe ~~limitations~~ LIMITS on the authority of the institutions to enter into employment contracts for

periods of more than one year but not more than five years, including the requirement that the board approve the contracts.

Ch. 240 { G. The ARIZONA board OF REGENTS may adopt a plan or plans for employee benefits that allow ~~for~~ participation in a cafeteria plan that meets the requirements of the United States internal revenue code of 1986.

H. The ARIZONA board OF REGENTS may establish a program for the exchange of students between the universities under the jurisdiction of the board and colleges and universities located in the state of Sonora, Mexico. Notwithstanding subsection A, paragraph 5 of this section, the program may provide for in-state tuition at the universities under the jurisdiction of the board for fifty Sonoran students in exchange for similar tuition provisions for up to fifty Arizona students enrolled or seeking enrollment in Sonoran colleges or universities. The board may direct the universities to work in conjunction with the Arizona-Mexico commission to coordinate recruitment and admissions activities.

Ch. 240 { I. The Arizona board of regents, in collaboration with the universities under ~~its~~ THE BOARD'S jurisdiction, shall adopt a performance funding model. ~~The performance funding model shall use~~ USING performance metrics that include the increase in degrees awarded, the increase in completed student credit hours and the increase in externally generated research and public service funding. The funding formula may give added weight to degrees related to science, technology, engineering and mathematics and other high-value degrees that are in short supply or that are essential to this state's long-term economic development strategy.

Ch. 240 — J. The Arizona board of regents shall use the performance funding model adopted pursuant to subsection I of this section in developing and submitting budget requests for the universities under ~~its~~ THE BOARD'S jurisdiction.

K. On or before November 1 of each year, the Arizona board of regents shall submit to the joint legislative budget committee and the governor's office of strategic planning and budgeting a report on university debt and obligations, including:

1. Long-term notes and obligations.
2. Certificates of participation and other obligations pursuant to any lease-purchase agreements.
3. Revenue bonds.
4. Bonds issued pursuant to section 15-1682.03.
5. Commercial paper issued pursuant to section 15-1696.

Ch. 240 { L. The report ~~issued~~ SUBMITTED pursuant to subsection K of this section ~~shall~~ MUST contain, for the most recent fiscal year:

1. The aggregate level of outstanding principal and the principal and interest payments, by type of debt or obligation.
2. An itemization, by campus and project, of the amount of yearly principal and interest to be paid in the most recent and the next five fiscal years.

M. The ARIZONA board OF REGENTS may enter into an intergovernmental agreement pursuant to section 15-1747 to manage universities under ~~its~~ THE BOARD'S jurisdiction subject to the terms of the reciprocity agreement.

N. ON OR BEFORE NOVEMBER 1, 2025 AND EACH YEAR THEREAFTER, THE ARIZONA BOARD OF REGENTS SHALL SUBMIT TO THE JOINT LEGISLATIVE BUDGET COMMITTEE EACH OF THE FOLLOWING FOR REVIEW:

1. THE AMOUNT OF MONIES THAT THE BOARD RETAINED FROM EACH UNIVERSITY UNDER THE BOARD'S JURISDICTION TO SUPPLEMENT THE BOARD'S OPERATING BUDGET.

2. THE BOARD'S EXPENDITURE PLAN FOR THE CURRENT FISCAL YEAR FOR MONIES THAT THE BOARD RETAINED FROM EACH UNIVERSITY UNDER THE BOARD'S JURISDICTION.

3. AN ACCOUNTING OF HOW THE BOARD SPENT MONIES THAT THE BOARD RETAINED FROM THE UNIVERSITIES UNDER THE BOARD'S JURISDICTION IN THE IMMEDIATELY PRECEDING FISCAL YEAR.

~~H.~~ O. For the purposes of this section, "university debt and obligations" means debt and obligations, the principal and interest of which are paid in whole or in part with university monies.

EXPLANATION OF BLEND
SECTION 15-1655

Laws 2025, Chapters 92 and 240

Laws 2025, Ch. 92, section 1

Effective September 26, 2025

Laws 2025, Ch. 240, section 3

Effective September 26, 2025
(Retroactive to July 1, 2025)

Explanation

Since these two enactments are compatible, the Laws 2025, Ch. 92 and Ch. 240 text changes to section 15-1655 are blended in the form shown on the following pages.

The Laws 2025, Ch. 240 version of section 15-1655, subsection J, paragraph 1, subdivision (b) struck "offer" and inserted "offers" and added a period after "these postbaccalaureate programs". The Ch. 92 version inserted a period after "state" and struck the words "that offer postbaccalaureate programs that lead to teacher certification and that have entered into an agreement with the Arizona board of regents relative to these postbaccalaureate programs". Since this would not produce a substantive change, the blend version reflects the Ch. 92 version.

BLEND OF SECTION 15-1655
Laws 2025, Chapters 92 and 240

15-1655. Arizona teachers academy; tuition and fees
scholarships; fund; reporting requirements;
definitions

A. Eligible postsecondary institutions shall implement an Arizona teachers academy to incentivize students to enter the teaching profession and to commit to teach in Arizona public schools or for or in schools that serve primarily public school students with disabilities, which are considered public schools for the purposes of this section. The Arizona board of regents, in consultation with eligible postsecondary institutions, shall develop and implement centralized administrative processes for the academy, including:

1. A marketing and promotion plan to recruit students for the academy.
2. Data collection and reporting.
3. Tracking postgraduation service requirements.
4. Coordinating induction services.
5. Distributing monies in the Arizona teachers academy fund between eligible postsecondary institutions.
6. Collecting reimbursement from individuals who fail to meet service obligations.

B. The Arizona teachers academy may include new or existing teacher preparation program pathways that are student-focused and that employ proven, research-based models of best practices already being implemented. Each eligible postsecondary institution may develop a portfolio of teacher preparation programs to offer as part of the academy. Each eligible postsecondary institution that admits students to the Arizona teachers academy may give priority to senior and junior students but may not exclude — sophomore and ~~freshmen~~ FRESHMAN students. Programs offered as part of the academy shall include accelerated models for:

1. High-demand teacher specializations, including special education, science, technology, engineering and mathematics.
2. Critical need areas, including low-income public schools, public schools located on Indian reservations, rural public schools and schools that serve primarily public school students with disabilities.
3. Individuals seeking postbaccalaureate coursework that results in professional certification.
4. Teachers who are currently teaching a dual enrollment course to satisfy the requirements for teaching a dual enrollment course adopted by a higher learning commission that accredits degree-granting postsecondary educational institutions in the north central region, including this state.

5. Students in noneducation programs to complete one or more teacher preparation courses to prepare the student to receive a teaching certification following graduation.

C. Each eligible postsecondary institution shall develop formalized partnerships with public schools in this state to build commitments for teacher employment on completion of the Arizona teachers academy. The targeted deployment of teachers who have completed the academy shall be based on the needs of each school system and the community that is being served as well as the individual skills of each teacher.

D. Each eligible postsecondary institution shall provide to each student who is enrolled in the Arizona teachers academy an annual scholarship up to the actual cost of tuition and fees for a maximum of two academic years or four semesters for graduate university students, up to the actual cost of tuition and fees for a maximum of four academic years or eight semesters for undergraduate university students, up to the actual cost of tuition and fees for a maximum of two academic years or four semesters for community college students for tuition and fees associated with the student's program of study, up to the actual cost of obtaining national board certification and renewal, and up to the actual cost of obtaining a teaching certificate including the actual cost of the exam, after all other financial gifts, aid or grants received by that student or teacher. Scholarships under this subsection are subject to all of the following:

1. If the student does not successfully complete the academic year in good academic standing, the student shall reimburse the Arizona board of regents for the total amount of the scholarship for tuition and fees the student received for that year.

2. For each academic year that the student successfully completes and for which the student receives a scholarship for all tuition and fees, the student must agree to teach for one full school year in a public school in this state. For students who are teaching and receiving the scholarship concurrently, the commitment period begins after graduation from the Arizona teachers academy. For teachers WHO ARE seeking a national board certification, the teaching commitment is one additional year after completing the requirements of the national board certification program.

3. If a student enrolls in a summer term, that term may not be included in the calculation of the student's postgraduation public service commitment.

4. If the scholarship does not cover remaining tuition and fee costs after other aid received, the eligible postsecondary institution may not charge students the remaining difference. If the scholarship amount exceeds tuition and fee costs at an eligible postsecondary institution, the ELIGIBLE POSTSECONDARY institution may use the remaining amount to support Arizona teachers academy costs.

5. If the student does not fulfill the student's obligation to teach in a public school, the student must reimburse the Arizona board of regents for the proportional amount of the scholarship for tuition and fees that the student received that corresponds to the number of school years the student agreed to teach but did not teach in a public school in this state.

6. If the student is physically or mentally unable to fulfill the requirements of the Arizona teachers academy, the Arizona board of regents shall establish a process for assessing the student's ability to repay the financial assistance received and shall determine any terms of repayment.

7. The Arizona board of regents shall establish a process for deferring service or repayment based on factors adopted by the board.

E. The Arizona teachers academy fund is established consisting of monies deposited pursuant to section 15-1281, subsection D, paragraph 5 AND SECTION 15-1809, SUBSECTION E and legislative appropriations made for the purpose of administering the Arizona teachers academy. Monies in the fund are continuously appropriated and are exempt from the provisions of section 35-190 relating to the lapsing of appropriations. The Arizona board of regents shall administer the fund and shall establish criteria for distributing monies in the fund to eligible postsecondary institutions each fiscal year to fund the costs of the academy. Monies in the fund may be used only for:

1. Reimbursing Arizona teachers academy scholarships that cover the balance of tuition and fees for undergraduate, graduate and postbaccalaureate students WHO ARE enrolled in the Arizona teachers academy after all other gifts and aid received.

2. Support for teachers who are currently employed in a public school in this state and who are seeking a national board certification.

3. Induction services for Arizona teachers academy graduates.

4. Implementing a marketing and promotion plan to recruit and retain students in the Arizona teachers academy with particular emphasis on ensuring THAT participants reflect the diversity of the THIS state's student population and administering the Arizona teachers academy. Annual expenditures for marketing, promoting and administering the Arizona teachers academy may not exceed three percent of the monies in the fund each fiscal year.

F. Monies remaining in the Arizona teachers academy fund at the end of each fiscal year may be used by eligible postsecondary institutions for Arizona teachers academy costs in the next fiscal year.

G. On or before March 1, ~~2020 and~~ each year thereafter, the Arizona board of regents shall report to the joint legislative budget committee and the governor's office of strategic planning and budgeting on all of the following:

1. The total number of students enrolled in the Arizona teachers academy by eligible postsecondary institution in the current academic year.

2. The number of Arizona teachers academy graduates receiving induction services in the current academic year.

3. The estimated amount of monies committed from the Arizona teachers academy fund in the current fiscal year.

H. On or before September 1 each year, the Arizona board of regents shall report to the governor, the president of the senate and the speaker of the house of representatives, and shall submit a copy to the secretary of state, on all of the following:

1. The total number of students enrolled in the Arizona teachers academy at each eligible postsecondary institution by year of college

enrollment and the number of teachers receiving a scholarship through the Arizona teachers academy for national board certification.

2. The percentage of students who completed each year of the academy and who plan to continue to the subsequent year, delineated by each teacher preparation program offered by each eligible postsecondary institution as part of the Arizona teachers academy.

3. The number of teachers who completed a program of study through the Arizona teachers academy by each eligible postsecondary institution.

4. The number of teachers currently teaching in a public school in this state as part of an agreement for receiving an Arizona teachers academy scholarship.

5. The number of graduates receiving induction services.

6. The number of students who have defaulted on their obligation and who are in repayment agreements.

7. The number of students who have deferred repayment agreements.

8. The number of students who have completed repayment agreements.

9. The methodology for distributing any monies appropriated for the Arizona teachers academy to each eligible postsecondary institution and the amounts distributed to each.

10. The amount of unused monies in the Arizona teachers academy fund from the prior fiscal year.

I. A college in this state that is owned, operated or chartered by a qualifying Indian tribe on its own Indian reservation and that offers baccalaureate teacher education programs may participate in the Arizona teachers academy and receive monies from the Arizona teachers academy fund established by this section.

J. For the purposes of this section:

1. "Eligible postsecondary ~~institutions~~ **INSTITUTION**" means ~~universities~~ **[ANY OF THE FOLLOWING]**:

(a) **A UNIVERSITY** under the jurisdiction of the Arizona board of regents. —

(b) **A community colleges COLLEGE** in this state[. ~~that offer postbaccalaureate programs that lead to teacher certification and that have entered into an agreement with the Arizona board of regents relative to these postbaccalaureate programs~~], and colleges —

(c) **A COLLEGE** described in subsection I of this section if the college opts to participate in the Arizona teachers academy under subsection I of this section.

2. "School that serves primarily public school students with disabilities" means a school in which more than seventy-five percent of the students enrolled in the school are public school students who are placed at the school according to an agreement with a school, a charter school or the Arizona state schools for the deaf and the blind.

3. "Tuition and fees" means tuition, mandatory fees and program fees that are associated with a program in the Arizona teachers academy leading to teacher certification and that are charged by an eligible postsecondary institution.

Chs. 92
and 240

Ch. 240

— Ch. 92

EXPLANATION OF BLEND
SECTION 16-938

Laws 2025, Chapters 33 and 173

Laws 2025, Ch. 33, section 1

Effective September 26, 2025

Laws 2025, Ch. 173, section 1

Effective September 26, 2025

Explanation

Since these two enactments are compatible, the Laws 2025, Ch. 33 and Ch. 173 text changes to section 16-938 are blended in the form shown on the following pages.

BLEND OF SECTION 16-938
Laws 2025, Chapters 33 and 173

16-938. Enforcement authority: investigation: reasonable cause: notice of violation: appeal

Ch. 33 — A. Notwithstanding section 16-1021, on receipt of a complaint from a third party, a filing officer is the sole public officer who is authorized to initiate an investigation into alleged violations of this article and articles 1, 1.1, 1.2, 1.3, 1.4, 1.5 and 1.6 of this chapter, including the alleged failure to register as a committee. A filing officer shall limit an investigation to violations that are within the filing officer's jurisdiction. If the filing officer declares a conflict of interest, the filing officer may refer the investigation to any other filing officer in this state who agrees to accept the referral. A FILING OFFICER SHALL NOT ACCEPT A COMPLAINT FROM A THIRD PARTY UNLESS THE COMPLAINT IS FILED BY AN INDIVIDUAL WHO SUBMITS EVIDENCE THAT THE INDIVIDUAL IS AN IDENTIFIABLE HUMAN BEING. ANY THIRD-PARTY COMPLAINT THAT IS SUBMITTED BY AN ENTITY SHALL BE SUBMITTED BY AN INDIVIDUAL ON BEHALF OF THAT ENTITY AND SHALL INCLUDE EVIDENCE THAT THE INDIVIDUAL IS AN IDENTIFIABLE HUMAN BEING.

B. The secretary of state shall establish guidelines in the instructions and procedures manual adopted pursuant to section 16-452 that outline the procedures, timelines and other processes that apply to investigations by all filing officers in this state.

C. If after providing the subject of an investigation a reasonable opportunity to respond, the filing officer has reasonable cause to believe a person violated this article or article 1, 1.1, 1.2, 1.3, 1.4, 1.5 or 1.6 of this chapter, the filing officer shall refer the matter to the enforcement officer as follows:

1. For matters investigated by the secretary of state, the secretary of state shall notify the attorney general.

2. For matters investigated by a county filing officer, the county filing officer shall notify the county attorney.

3. For matters investigated by a city or town filing officer, the city or town filing officer shall notify the city or town attorney.

D. Before a reasonable cause determination is made as prescribed in subsection C of this section, a filing officer, an enforcement officer and any other public officer or employee may not order a person to register as a committee and do not have audit or subpoena powers to compel the production of evidence or the attendance of witnesses concerning a potential campaign finance violation. A filing officer may request the voluntary production of evidence or attendance of witnesses in making a reasonable cause determination.

E. Only after receiving a referral from the filing officer, the enforcement officer may:

1. Conduct an investigation using the enforcement officer's subpoena powers, except that the enforcement officer shall not compel a person to file campaign finance reports unless the enforcement officer has determined that the person is a committee.

2. Serve the alleged violator with a notice of violation. The notice shall state with reasonable particularity the nature of the violation, shall specify the penalty imposed and shall require compliance within twenty days after the date of issuance of the notice. The enforcement officer shall impose a presumptive civil penalty equal to the value or amount of money that has been received, spent or promised in violation of this article and articles 1, 1.1, 1.2, 1.3, 1.4, 1.5 and 1.6 of this chapter, except that after a finding of special circumstances, the enforcement officer may impose a penalty of up to three times the amount of the presumptive civil penalty, based on the severity, extent or wilful nature of the alleged violation. If the notice of violation requires a person to file campaign finance reports, the reports are not required to be filed until the enforcement officer's notice of violation has been upheld after any timely appeal.

3. Keep any nonpublic information gathered by the enforcement officer in the course of the committee status investigation confidential until the final disposition of any appeal of the enforcement order.

F. The enforcement officer has the sole and exclusive authority to initiate any applicable administrative or judicial proceedings to enforce an alleged violation of this article and articles 1, 1.1, 1.2, 1.3, 1.4, 1.5 and 1.6 of this chapter that have been referred by the filing officer.

G. If the alleged violator:

1. Takes corrective action within twenty days after the date of the issuance of the notice of violation by the enforcement officer, the alleged violator is not subject to any penalty.

2. Does not take corrective action within twenty days after the date of issuance of the notice of violation by the enforcement officer, the enforcement officer shall impose the penalty set forth in the notice and shall provide formal notice that the imposition of the penalty may be appealed to the superior court.

H. Within thirty days after receiving the notice of the penalty from the enforcement officer, the alleged violator may file a notice of appeal in the superior court. The alleged violator shall provide a copy of the notice of appeal to the enforcement officer.

I. At the hearing on an appeal filed pursuant to subsection H of this section, the superior court shall conduct a trial de novo and the enforcement officer has the burden of proving any alleged violation by a preponderance of the evidence.

J. ANY COMPLAINT THAT IS FILED PURSUANT TO THIS SECTION IS DEEMED DISMISSED IF THE FILING OFFICER DOES NOT RESOLVE OR RULE ON THE COMPLAINT WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE COMPLAINT IS FILED AND DOES NOT EXTEND THE DEADLINE FOR RESOLVING OR RULING ON THE COMPLAINT.

EXPLANATION OF BLEND
SECTION 28-101

Laws 2025, Chapters 19 and 101

Laws 2025, Ch. 19, section 1

Effective September 26, 2025

Laws 2025, Ch. 101, section 1

Effective September 26, 2025

Explanation

Since these two enactments are compatible, the Laws 2025, Ch. 19 and Ch. 101 text changes to section 28-101 are blended in the form shown on the following pages.

BLEND OF SECTION 28-101
Laws 2025, Chapters 19 and 101

28-101. Definitions

In this title, unless the context otherwise requires:

1. "Alcohol" means any substance containing any form of alcohol, including ethanol, methanol, propynol and isopropynol.
2. "Alcohol concentration" if expressed as a percentage means either:
 - (a) The number of grams of alcohol per one hundred milliliters of blood.
 - (b) The number of grams of alcohol per two hundred ten liters of breath.
3. "All-terrain vehicle" means either of the following:
 - (a) A motor vehicle that satisfies all of the following:
 - (i) Is designed primarily for recreational nonhighway all-terrain travel.
 - (ii) Is fifty or fewer inches in width.
 - (iii) Has an unladen weight of one thousand two hundred pounds or less.
 - (iv) Travels on three or more nonhighway tires.
 - (v) Is operated on a public highway.
 - (b) A recreational off-highway vehicle that satisfies all of the following:
 - (i) Is designed primarily for recreational nonhighway all-terrain travel.
 - (ii) Is eighty or fewer inches in width.
 - (iii) Has an unladen weight of two thousand five hundred pounds or less.
 - (iv) Travels on four or more nonhighway tires.
 - (v) Has a steering wheel for steering control.
 - (vi) Has a rollover protective structure.
 - (vii) Has an occupant retention system.
4. "Authorized emergency vehicle" means any of the following:
 - (a) A fire department vehicle.
 - (b) A police vehicle.
 - (c) An ambulance or emergency vehicle of a municipal department or public service corporation that is designated or authorized by the department or a local authority.
 - (d) Any other ambulance, fire truck or rescue vehicle that is authorized by the department in its sole discretion and that meets liability insurance requirements prescribed by the department.

5. "Autocycle" means a three-wheeled motorcycle on which the driver and passengers ride in a fully or partially enclosed seating area that is equipped with a roll cage, safety belts for each occupant and antilock brakes and that is designed to be controlled with a steering wheel and pedals.

6. "Automated driving system" means the hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether it is limited to a specific operational design domain.

7. "Automotive recycler" means a person that is engaged in the business of buying or acquiring a motor vehicle solely for the purpose of dismantling, selling or otherwise disposing of the parts or accessories and that removes parts for resale from six or more vehicles in a calendar year.

8. "Autonomous vehicle" means a motor vehicle that is equipped with an automated driving system.

9. "Aviation fuel" means all flammable liquids composed of a mixture of selected hydrocarbons expressly manufactured and blended for the purpose of effectively and efficiently operating an internal combustion engine for use in an aircraft but does not include fuel for jet or turbine powered aircraft.

10. "Bicycle" means a device, including a racing wheelchair, that is propelled by human power and on which a person may ride and that has either:

(a) Two tandem wheels, either of which is more than sixteen inches in diameter.

(b) Three wheels in contact with the ground, any of which is more than sixteen inches in diameter.

11. "Board" means the transportation board.

12. "Bus" means a motor vehicle designed for carrying sixteen or more passengers, including the driver.

13. "Business district" means the territory contiguous to and including a highway if there are buildings in use for business or industrial purposes within any six hundred feet along the highway, including hotels, banks or office buildings, railroad stations and public buildings that occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway.

14. "Certificate of ownership" means a paper or an electronic record that is issued in another state or a foreign jurisdiction and that indicates ownership of a vehicle.

15. "Certificate of title" means a paper document or an electronic record that is issued by the department and that indicates ownership of a vehicle.

16. "Combination of vehicles" means a truck or truck tractor and semitrailer and any trailer that it tows but does not include a forklift designed for the purpose of loading or unloading the truck, trailer or semitrailer.

17. "Controlled substance" means a substance so classified under section 102(6) of the controlled substances act (21 United States Code section 802(6)) and includes all substances listed in schedules I through V of 21 Code of Federal Regulations part 1308.

18. "Conviction" means:
- (a) An unvacated adjudication of guilt or a determination that a person violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal.
 - (b) An unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court.
 - (c) A plea of guilty or no contest accepted by the court.
 - (d) The payment of a fine or court costs.
19. "County highway" means a public road that is constructed and maintained by a county.
20. "Dealer" means a person who is engaged in the business of buying, selling or exchanging motor vehicles, trailers or semitrailers and who has an established place of business and has paid fees pursuant to section 28-4302.
21. "Department" means the department of transportation acting directly or through its duly authorized officers and agents.
22. "Digital network or software application" has the same meaning prescribed in section 28-9551.
23. "Director" means the director of the department of transportation.
24. "Drive" means to operate or be in actual physical control of a motor vehicle.
25. "Driver" means a person who drives or is in actual physical control of a vehicle.
26. "Driver license" means a license that is issued by a state to an individual and that authorizes the individual to drive a motor vehicle.
27. "Dynamic driving task":
- (a) Means all of the real-time operational and tactical functions required to operate a vehicle in on-road traffic.
 - (b) Includes:
 - (i) Lateral vehicle motion control by steering.
 - (ii) Longitudinal motion control by acceleration and deceleration.
 - (iii) Monitoring the driving environment by object and event detection, recognition, classification and response preparation.
 - (iv) Object and event response execution.
 - (v) Maneuver planning.
 - (vi) Enhancing conspicuity by lighting, signaling and gesturing.
 - (c) Does not include strategic functions such as trip scheduling and selecting destinations and waypoints.
28. "Electric bicycle" means a bicycle or tricycle that is equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts and that meets the requirements of one of the following classes:
- (a) "Class 1 electric bicycle" means a bicycle or tricycle that is equipped with an electric motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle or tricycle reaches the speed of twenty miles per hour.
 - (b) "Class 2 electric bicycle" means a bicycle or tricycle that is equipped with an electric motor that may be used exclusively to propel the bicycle or tricycle and that is not capable of providing assistance when the bicycle or tricycle reaches the speed of twenty miles per hour.

(c) "Class 3 electric bicycle" means a bicycle or tricycle that is equipped with an electric motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle or tricycle reaches the speed of twenty-eight miles per hour.

29. "Electric miniature scooter" means a device that:

- (a) Weighs less than thirty pounds.
- (b) Has two or three wheels.
- (c) Has handlebars.
- (d) Has a floorboard on which a person may stand while riding.
- (e) Is powered by an electric motor or human power, or both.
- (f) Has a maximum speed that does not exceed ten miles per hour, with or without human propulsion, on a paved level surface.

30. "Electric personal assistive mobility device" means a self-balancing device with one wheel or two nontandem wheels and an electric propulsion system that limits the maximum speed of the device to fifteen miles per hour or less and that is designed to transport only one person.

31. "Electric standup scooter":

- (a) Means a device that:
 - (i) Weighs less than seventy-five pounds.
 - (ii) Has two or three wheels.
 - (iii) Has handlebars.
 - (iv) Has a floorboard on which a person may stand while riding.
 - (v) Is powered by an electric motor or human power, or both.
 - (vi) Has a maximum speed that does not exceed twenty miles per hour, with or without human propulsion, on a paved level surface.

(b) Does not include an electric miniature scooter.

32. "Evidence" includes both of the following:

(a) A display on a wireless communication device of a department-generated driver license, nonoperating identification license, vehicle registration card or other official record of the department that is presented to a law enforcement officer or in a court or an administrative proceeding.

(b) An electronic or digital license plate authorized pursuant to section 28-364.

33. "Farm" means any lands primarily used for agriculture production.

34. "Farm tractor" means a motor vehicle designed and used primarily as a farm implement for drawing implements of husbandry.

35. "Foreign vehicle" means a motor vehicle, trailer or semitrailer that is brought into this state other than in the ordinary course of business by or through a manufacturer or dealer and that has not been registered in this state.

36. "Fully autonomous vehicle" means an autonomous vehicle that is equipped with an automated driving system designed to function as a level four or five system under SAE J3016 and that may be designed to function either:

- (a) Solely by use of the automated driving system.
- (b) By a human driver when the automated driving system is not engaged.

37. "Golf cart" means a motor vehicle that has not less than three wheels in contact with the ground, that has an unladen weight of less than

one thousand eight hundred pounds, that is designed to be and is operated at not more than twenty-five miles per hour and that is designed to carry not more than four persons including the driver.

38. "GROSS COMBINED WEIGHT RATING" MEANS THE SUM OF THE GROSS VEHICLE WEIGHT RATING OF A MOTOR VEHICLE AND THE TRAILER OR SEMITRAILER THE MOTOR VEHICLE TOWS.

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39. "GROSS VEHICLE WEIGHT RATING" MEANS THE WEIGHT THAT IS ASSIGNED BY THE MOTOR VEHICLE MANUFACTURER TO A MOTOR VEHICLE AND THAT REPRESENTS THE MAXIMUM RECOMMENDED TOTAL WEIGHT, INCLUDING THE VEHICLE AND THE LOAD FOR THE VEHICLE.

~~38.~~ 40. "Hazardous material" means a material, and its mixtures or solutions, that the United States department of transportation determines under 49 Code of Federal Regulations is, or any quantity of a material listed as a select agent or toxin under 42 Code of Federal Regulations part 73 that is, capable of posing an unreasonable risk to health, safety and property if transported in commerce and that is required to be placarded or marked as required by the department's safety rules prescribed pursuant to chapter 14 of this title.

~~39.~~ 41. "Human driver" means a natural person in the vehicle who performs in real time all or part of the dynamic driving task or who achieves a minimal risk condition for the vehicle.

~~40.~~ 42. "Implement of husbandry" means a vehicle that is designed primarily for agricultural purposes and that is used exclusively in the conduct of agricultural operations, including an implement or vehicle ~~whether~~ THAT USES AN AUTOMATED DRIVING SYSTEM OR THAT IS AUTONOMOUS OR THAT IS self-propelled or otherwise, ~~whether~~ OPERATED MANUALLY, EQUIPPED WITH AN AUTOMATED DRIVING SYSTEM THAT IS NOT IN USE OR EQUIPPED WITH AN AUTOMATED DRIVING SYSTEM THAT IS IN USE, AND that meets both of the following conditions:

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(a) Is used solely for agricultural purposes including the preparation or harvesting of cotton, alfalfa, grains, SPECIALTY CROPS and other farm crops. FOR THE PURPOSES OF THIS SUBDIVISION, "SPECIALTY CROPS" INCLUDES FRUITS, VEGETABLES, TREE NUTS, DRIED FRUITS AND HORTICULTURE AND NURSERY CROPS, INCLUDING FLORICULTURE.

(b) Is only incidentally operated or moved on a highway whether as a trailer OR AN AUTONOMOUS VEHICLE or A self-propelled unit. For the purposes of this subdivision, "incidentally operated or moved on a highway" means travel between a farm and another part of the same farm, from one farm to another farm or between a farm and a place of repair, supply or storage.

~~41.~~ 43. "Limousine" means a motor vehicle providing prearranged ground transportation service for an individual passenger, or a group of passengers, that is arranged in advance or is operated on a regular route or between specified points and includes ground transportation under a contract or agreement for services that includes a fixed rate or time and is provided in a motor vehicle with a seating capacity not exceeding fifteen passengers including the driver.

~~42.~~ 44. "Livery vehicle" means a motor vehicle that:

(a) Has a seating capacity not exceeding fifteen passengers including the driver.

(b) Provides passenger services for a fare determined by a flat rate or flat hourly rate between geographic zones or within a geographic area.

(c) Is available for hire on an exclusive or shared ride basis.

(d) May do any of the following:

(i) Operate on a regular route or between specified places.

(ii) Offer prearranged ground transportation service as defined in section 28-141.

(iii) Offer on demand ground transportation service pursuant to a contract with a public airport, licensed business entity or organization.

~~43-~~ 45. "Local authority" means any county, municipal or other local board or body exercising jurisdiction over highways under the constitution and laws of this state.

~~44-~~ 46. "Manufacturer" means a person engaged in the business of manufacturing motor vehicles, trailers or semitrailers.

~~45-~~ 47. "Minimal risk condition":

(a) Means a condition to which a human driver or an automated driving system may bring a vehicle in order to reduce the risk of a crash when a given trip cannot or should not be completed.

(b) Includes bringing the vehicle to a complete stop.

~~46-~~ 48. "Moped" means a bicycle, not including an electric bicycle, an electric miniature scooter or an electric standup scooter, that is equipped with a helper motor if the vehicle has a maximum piston displacement of fifty cubic centimeters or less, a brake horsepower of one and one-half or less and a maximum speed of twenty-five miles per hour or less on a flat surface with less than a one percent grade.

~~47-~~ 49. "Motorcycle" means a motor vehicle that has a seat or saddle for the use of the rider and that is designed to travel on not more than three wheels in contact with the ground but excludes a tractor, an electric bicycle, an electric miniature scooter, an electric standup scooter and a moped.

~~48-~~ 50. "Motor driven cycle" means a motorcycle, including every motor scooter, with a motor that produces not more than five horsepower but does not include an electric bicycle, an electric miniature scooter or an electric standup scooter.

~~49-~~ 51. "Motorized quadricycle" means a self-propelled motor vehicle to which all of the following apply:

(a) The vehicle is self-propelled by an emission-free electric motor and may include pedals operated by the passengers.

(b) The vehicle has at least four wheels in contact with the ground.

(c) The vehicle seats at least eight passengers, including the driver.

(d) The vehicle is operable on a flat surface using solely the electric motor without assistance from the pedals or passengers.

(e) The vehicle is a commercial motor vehicle as defined in section 28-5201.

(f) The vehicle is a limousine operating under a vehicle for hire company permit issued pursuant to section 28-9503.

(g) The vehicle is manufactured by a motor vehicle manufacturer that is licensed pursuant to chapter 10 of this title.

(h) The vehicle complies with the definition and standards for low-speed vehicles set forth in 49 Code of Federal Regulations sections 571.3(b) and 571.500, respectively.

~~50.~~ 52. "Motor vehicle":

(a) Means either:

(i) A self-propelled vehicle.

(ii) For the purposes of the laws relating to the imposition of a tax on motor vehicle fuel, a vehicle that is operated on the highways of this state and that is propelled by the use of motor vehicle fuel.

(b) Does not include a scrap vehicle, a personal delivery device, a personal mobile cargo carrying device, a motorized wheelchair, an electric personal assistive mobility device, an electric bicycle, an electric miniature scooter, an electric standup scooter or a motorized skateboard. For the purposes of this subdivision:

(i) "Motorized skateboard" means a self-propelled device that does not have handlebars and that has a motor, a deck on which a person may ride and at least two tandem wheels in contact with the ground.

(ii) "Motorized wheelchair" means a self-propelled wheelchair that is used by a person for mobility.

~~51.~~ 53. "Motor vehicle fuel" includes all products that are commonly or commercially known or sold as gasoline, including casinghead gasoline, natural gasoline and all flammable liquids, and that are composed of a mixture of selected hydrocarbons expressly manufactured and blended for the purpose of effectively and efficiently operating internal combustion engines. Motor vehicle fuel does not include inflammable liquids that are specifically manufactured for racing motor vehicles and that are distributed for and used by racing motor vehicles at a racetrack, use fuel as defined in section 28-5601, aviation fuel, fuel for jet or turbine powered aircraft or the mixture created at the interface of two different substances being transported through a pipeline, commonly known as transmix.

~~52.~~ 54. "Neighborhood electric shuttle":

(a) Means a self-propelled electrically powered motor vehicle to which all of the following apply:

(i) The vehicle is emission free.

(ii) The vehicle has at least four wheels in contact with the ground.

(iii) The vehicle is capable of transporting at least eight passengers, including the driver.

(iv) The vehicle is a commercial motor vehicle as defined in section 28-5201.

(v) The vehicle is a vehicle for hire as defined in section 28-9501 and operates under a vehicle for hire company permit issued pursuant to section 28-9503.

(vi) The vehicle complies with the definition and standards for low-speed vehicles set forth in 49 Code of Federal Regulations sections 571.3(b) and 571.500, respectively.

(b) Includes a vehicle that meets the standards prescribed in subdivision (a) of this paragraph and that has been modified after market and not by the manufacturer to transport up to fifteen passengers, including the driver.

~~53.~~ 55. "Neighborhood electric vehicle" means a self-propelled electrically powered motor vehicle to which all of the following apply:

- (a) The vehicle is emission free.
- (b) The vehicle has at least four wheels in contact with the ground.
- (c) The vehicle complies with the definition and standards for low-speed vehicles, unless excepted or exempted under federal law, set forth in 49 Code of Federal Regulations sections 571.3(b) and 571.500, respectively.

~~54.~~ 56. "Neighborhood occupantless electric vehicle" means a neighborhood electric vehicle that is not designed, intended or marketed for human occupancy.

~~55.~~ 57. "Nonresident" means a person who is not a resident of this state as defined in section 28-2001.

~~56.~~ 58. "Off-road recreational motor vehicle" means a motor vehicle that is designed primarily for recreational nonhighway all-terrain travel and that is not operated on a public highway. Off-road recreational motor vehicle does not mean a motor vehicle used for construction, building trade, mining or agricultural purposes.

~~57.~~ 59. "Operational design domain":

- (a) Means operating conditions under which a given automated driving system is specifically designed to function.
- (b) Includes roadway types, speed range, environmental conditions, such as weather or time of day, and other domain constraints.

~~58.~~ 60. "Operator" means a person who drives a motor vehicle on a highway, who is in actual physical control of a motor vehicle on a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

~~59.~~ 61. "Owner" means:

- (a) A person who holds the legal title of a vehicle.
- (b) If a vehicle is the subject of an agreement for the conditional sale or lease with the right of purchase on performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, the conditional vendee or lessee.
- (c) If a mortgagor of a vehicle is entitled to possession of the vehicle, the mortgagor.

~~60.~~ 62. "Pedestrian" means any person afoot. A person who uses an electric personal assistive mobility device or a manual or motorized wheelchair is considered a pedestrian unless the manual wheelchair qualifies as a bicycle. For the purposes of this paragraph, "motorized wheelchair" means a self-propelled wheelchair that is used by a person for mobility.

~~61.~~ 63. "Personal delivery device":

- (a) Means a device that is both of the following:
 - (i) Manufactured for transporting cargo and goods in an area described in section 28-1225.
 - (ii) Equipped with automated driving technology, including software and hardware, that enables the operation of the device with the remote support and supervision of a human.

(b) Does not include a personal mobile cargo carrying device.

~~62.~~ 64. "Personal mobile cargo carrying device" means an electronically powered device that:

(a) Is operated primarily on sidewalks and within crosswalks and that is designed to transport property.

(b) Weighs less than eighty pounds, excluding cargo.

(c) Operates at a maximum speed of twelve miles per hour.

(d) Is equipped with technology to transport personal property with the active monitoring of a property owner and that is primarily designed to remain within twenty-five feet of the property owner.

(e) Is equipped with a braking system that when active or engaged enables the personal mobile cargo carrying device to come to a controlled stop.

~~63.~~ 65. "Power sweeper" means an implement, with or without motive power, that is only incidentally operated or moved on a street or highway and that is designed for the removal of debris, dirt, gravel, litter or sand whether by broom, vacuum or regenerative air system from asphaltic concrete or cement concrete surfaces, including parking lots, highways, streets and warehouses, and a vehicle on which the implement is permanently mounted.

~~64.~~ 66. "Public transit" means the transportation of passengers on scheduled routes by means of a conveyance on an individual passenger fare-paying basis excluding transportation by a sightseeing bus, school bus or taxi or a vehicle not operated on a scheduled route basis.

~~65.~~ 67. "Reconstructed vehicle" means a vehicle that has been assembled or constructed largely by means of essential parts, new or used, derived from vehicles or makes of vehicles of various names, models and types or that, if originally otherwise constructed, has been materially altered by the removal of essential parts or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles. For the purposes of this paragraph, "essential parts" means integral and body parts, the removal, alteration or substitution of which will tend to conceal the identity or substantially alter the appearance of the vehicle.

~~66.~~ 68. "Residence district" means the territory contiguous to and including a highway not comprising a business district if the property on the highway for a distance of three hundred feet or more is in the main improved with residences or residences and buildings in use for business.

~~67.~~ 69. "Right-of-way" when used within the context of the regulation of the movement of traffic on a highway means the privilege of the immediate use of the highway. Right-of-way when used within the context of the real property on which transportation facilities and appurtenances to the facilities are constructed or maintained means the lands or interest in lands within the right-of-way boundaries.

~~68.~~ 70. "SAE J3016" means surface transportation recommended practice J3016 taxonomy and definitions for terms related to driving automation systems for on-road motor vehicles published by SAE international in June 2018.

~~69.~~ 71. "School bus" means a motor vehicle that is designed for carrying more than ten passengers and that is either:

(a) Owned by any public or governmental agency or other institution and operated for the transportation of children to or from home or school on a regularly scheduled basis.

(b) Privately owned and operated for compensation for the transportation of children to or from home or school on a regularly scheduled basis.

~~70.~~ 72. "Scrap metal dealer" has the same meaning prescribed in section 44-1641.

~~71.~~ 73. "Scrap vehicle" has the same meaning prescribed in section 44-1641.

~~72.~~ 74. "Semitrailer" means a vehicle that is with or without motive power, other than a pole trailer or single-axle tow dolly, that is designed for carrying persons or property and for being drawn by a motor vehicle and that is constructed so that some part of its weight and that of its load rests on or is carried by another vehicle. For the purposes of this paragraph, "pole trailer" has the same meaning prescribed in section 28-601.

~~73.~~ 75. "Single-axle tow dolly" means a nonvehicle device that is drawn by a motor vehicle, that is designed and used exclusively to transport another motor vehicle and on which the front or rear wheels of the drawn motor vehicle are mounted on the tow dolly while the other wheels of the drawn motor vehicle remain in contact with the ground.

~~74.~~ 76. "State" means a state of the United States and the District of Columbia.

~~75.~~ 77. "State highway" means a state route or portion of a state route that is accepted and designated by the board as a state highway and that is maintained by the state.

~~76.~~ 78. "State route" means a right-of-way whether actually used as a highway or not that is designated by the board as a location for the construction of a state highway.

~~77.~~ 79. "Street" or "highway" means the entire width between the boundary lines of every way if a part of the way is open to the use of the public for purposes of vehicular travel.

~~78.~~ 80. "Taxi" means a motor vehicle that has a seating capacity not exceeding fifteen passengers, including the driver, that provides passenger services and that:

(a) Does not primarily operate on a regular route or between specified places.

(b) Offers local transportation for a fare determined on the basis of the distance traveled or prearranged ground transportation service as defined in section 28-141 for a predetermined fare.

~~79.~~ 81. "Title transfer form" means a paper or an electronic form that is prescribed by the department for the purpose of transferring a certificate of title from one owner to another owner.

~~80.~~ 82. "Traffic survival school" means a school that is licensed pursuant to chapter 8, article 7.1 of this title and that offers educational sessions that are designed to improve the safety and habits of drivers and that are approved by the department.

~~81.~~ 83. "Trailer" means a vehicle that is with or without motive power, other than a pole trailer or single-axle tow dolly, that is designed for carrying persons or property and for being drawn by a motor vehicle and

that is constructed so that no part of its weight rests on the towing vehicle. A semitrailer equipped with an auxiliary front axle commonly known as a dolly is deemed to be a trailer. For the purposes of this paragraph, "pole trailer" has the same meaning prescribed in section 28-601.

~~82.~~ 84. "Transportation network company" has the same meaning prescribed in section 28-9551.

~~83.~~ 85. "Transportation network company vehicle" has the same meaning prescribed in section 28-9551.

~~84.~~ 86. "Transportation network service" has the same meaning prescribed in section 28-9551.

~~85.~~ 87. "Truck" means a motor vehicle designed or used primarily for the carrying of property other than the effects of the driver or passengers and includes a motor vehicle to which has been added a box, a platform or other equipment for such carrying.

~~86.~~ 88. "Truck tractor" means a motor vehicle that is designed and used primarily for drawing other vehicles and that is not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

~~87.~~ 89. "Vehicle":

(a) Means a device in, on or by which a person or property is or may be transported or drawn on a public highway.

(b) Does not include:

(i) Electric bicycles, electric miniature scooters, electric standup scooters and devices moved by human power.

(ii) Devices used exclusively on stationary rails or tracks.

(iii) Personal delivery devices.

(iv) Scrap vehicles.

(v) Personal mobile cargo carrying devices.

~~88.~~ 90. "Vehicle transporter" means either:

(a) A truck tractor capable of carrying a load and drawing a semitrailer.

(b) A truck tractor with a stinger-steered fifth wheel capable of carrying a load and drawing a semitrailer or a truck tractor with a dolly mounted fifth wheel that is securely fastened to the truck tractor at two or more points and that is capable of carrying a load and drawing a semitrailer.

EXPLANATION OF BLEND
SECTION 28-2351

Laws 2025, Chapters 9, 123 and 189

Laws 2025, Ch. 9, section 1	Effective September 26, 2025
Laws 2025, Ch. 123, section 1	Effective September 26, 2025
Laws 2025, Ch. 189, section 1	Effective September 26, 2025

Explanation

Since these three enactments are compatible, the Laws 2025, Ch. 9, Ch. 123 and Ch. 189 text changes to section 28-2351 are blended in the form shown on the following page.

BLEND OF SECTION 28-2351
Laws 2025, Chapters 9, 123 and 189

28-2351. License plate provided; design

A. Notwithstanding any other law, the department shall provide to every owner one license plate for each vehicle registered. At the request of the owner and on payment of a fee in an amount prescribed by the director by rule, the department shall provide one additional license plate for a vehicle for which a special plate is requested pursuant to this chapter.

B. The license plate shall display the number assigned to the vehicle and to the owner of the vehicle and the name of this state, which may be abbreviated. The director shall coat the license plate with a reflective material that is consistent with the determination of the department regarding the color and design of license plates and special plates. The director shall design the license plate and the letters and numerals on the license plate to be of sufficient size to be plainly readable during daylight from a distance of one hundred feet. In addition to the standard license plate issued for a trailer before August 12, 2005, the director shall issue a license plate for trailers that has a design that is similar to the standard size license plate for trailers but that is the same size as the license plate for motorcycles. The trailer owner shall notify the department which size license plate the owner wants for the trailer.

C. In addition to the requirements prescribed in subsection B of this section, for all license plates, including all special plates, that are designed or redesigned on or after September 24, 2022:

1. The background color of the license plate shall contrast significantly with the color of the letters and numerals on the license plate and with the name of this state on the license plate.

2. The name of this state shall appear on the license plate in capital letters in sans serif font and be three-fourths of an inch in height.

D. Notwithstanding any other law, the department shall not contract with a nongovernmental entity to purchase or secure reflective material for the plates issued by the department unless the department has made a reasonable effort to secure qualified bids or proposals from as many individual responsible respondents as possible.

E. The department shall determine the color and design of the license plate subject to the requirements prescribed by subsections B and C of this section. All plates issued by the department, except the plates that are issued pursuant to sections 28-2404, 28-2412, 28-2413, 28-2414, 28-2416, 28-2416.01, 28-2417 through ~~28-2470.26~~ 28-2470.39, 28-2472, 28-2473, 28-2474, 28-2475, 28-2476 and 28-4533 and article 14 of this chapter, shall be the same color as and similar in design to the license plate as determined by the department.

F. A passenger motor vehicle that is rented without a driver shall receive the same type of license plate as is issued for a private passenger motor vehicle.

EXPLANATION OF BLEND
SECTION 28-2403

Laws 2025, Chapters 9, 123 and 189

Laws 2025, Ch. 9, section 2	Effective September 26, 2025
Laws 2025, Ch. 123, section 2	Effective September 26, 2025
Laws 2025, Ch. 189, section 2	Effective September 26, 2025

Explanation

Since these three enactments are compatible, the Laws 2025, Ch. 9, Ch. 123 and Ch. 189 text changes to section 28-2403 are blended in the form shown on the following pages.

BLEND OF SECTION 28-2403
Laws 2025, Chapters 9, 123 and 189

28-2403. Special plates: transfers: violation: classification

A. Except as otherwise provided in this article, the department shall issue or renew special plates in lieu of the regular license plates pursuant to the following conditions and procedures and only if the requirements prescribed by this article for the requested special plates are met:

1. Except as provided in sections 28-2416 and 28-2416.01, a person who is the registered owner of a vehicle registered with the department or who applies for an original or renewal registration of a vehicle may submit to the department a completed application form as prescribed by the department with the fee prescribed by section 28-2402 for special plates in addition to the registration fee prescribed by section 28-2003.

2. Except for plates issued pursuant to sections 28-2404, 28-2412, 28-2413, 28-2414, 28-2416, 28-2416.01, 28-2417 through ~~28-2470.26~~ 28-2470.39, 28-2472, 28-2473, 28-2474, 28-2475 and 28-2476 and article 14 of this chapter, the special plates shall be the same color as and similar to the design of the regular license plates that is determined by the department.

3. Except as provided in section 28-2416, the department shall issue special plates only to the owner or lessee of a vehicle that is currently registered, including any vehicle that has a declared gross weight, as defined in section 28-5431, of twenty-six thousand pounds or less.

4. Except as provided in sections 28-2416 and 28-2416.01, the department shall charge the fee prescribed by section 28-2402 for each annual renewal of special plates in addition to the registration fee prescribed by section 28-2003.

B. Except as provided in sections 28-2416 and 28-2416.01, on notification to the department and on payment of the transfer fee prescribed by section 28-2402, a person who is issued special plates may transfer the special plates to another vehicle the person owns or leases. Persons who are issued special plates for hearing impaired persons pursuant to section 28-2408 and international symbol of access special plates pursuant to section 28-2409 are exempt from the transfer fee. If a person who is issued special plates sells, trades or otherwise releases ownership of the vehicle on which the plates have been displayed, the person shall immediately report the transfer of the plates to the department or the person shall surrender the plates to the department as prescribed by the director. It is unlawful for a person to whom the plates have been issued to knowingly allow them to be displayed on a vehicle except the vehicle authorized by the department.

C. The special plates shall be affixed to the vehicle for which registration is sought in lieu of the regular license plates.

D. A person is guilty of a class 3 misdemeanor who:

1. Violates subsection B of this section.

2. Fraudulently gives false or fictitious information in the application for or renewal of special plates or placards issued pursuant to this article.

3. Conceals a material fact or otherwise commits fraud in the application for or renewal of special plates or placards issued pursuant to this article.

EXPLANATION OF BLEND
SECTION 28-2416

Laws 2025, Chapters 123 and 213

Laws 2025, Ch. 123, section 3

Effective September 26, 2025

Laws 2025, Ch. 213, section 1

Effective September 26, 2025

Explanation

Since these two enactments are compatible, the Laws 2025, Ch. 123 and Ch. 213 text changes to section 28-2416 are blended in the form shown on the following pages.

BLEND OF SECTION 28-2416
Laws 2025, Chapters 123 and 213

28-2416. Alternative fuel vehicle special plates; stickers;
use of high occupancy vehicle lanes; civil penalty;
definition

A. A person who owns a motor vehicle that has either been converted or manufactured to use an alternative fuel as the vehicle's exclusive fuel source and that is incapable of operating on any other type of fuel and the alternative fuel was subject to the use fuel tax imposed pursuant to chapter 16 of this title before April 1, 1997 ~~shall~~ MAY apply for alternative fuel vehicle special plates pursuant to this section. IF A PERSON WHO OWNS AN ALTERNATIVE FUEL VEHICLE DOES NOT APPLY FOR AN ALTERNATIVE FUEL VEHICLE SPECIAL PLATE PURSUANT TO THIS SECTION, THE PERSON MAY APPLY AND SHALL PAY ASSOCIATED FEES FOR:

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1. A LICENSE PLATE PURSUANT TO THIS ARTICLE OR ARTICLE 11 OF THIS CHAPTER.

2. A SPECIAL LICENSE PLATE ISSUED PURSUANT TO THIS ARTICLE AND AN ALTERNATIVE FUEL VEHICLE STICKER AS PROVIDED IN SUBSECTION D OF THIS SECTION.

B. The department shall issue alternative fuel vehicle special plates, or an alternative fuel vehicle sticker as provided in subsection D of this section, to a person who satisfies all of the following:

1. Owns a motor vehicle that is exclusively powered by an alternative fuel and that is incapable of operating on any other type of fuel.

2. Provides proof as follows:

Ch. 213

(a) For an original equipment manufactured alternative fuel vehicle, the dealer who sells the motor vehicle shall provide to the department ~~of transportation~~ and the owner of the motor vehicle a certificate indicating:

(i) That the motor vehicle is exclusively powered by an alternative fuel and is incapable of operating on any other type of fuel.

(ii) The emission classification of the motor vehicle as low, inherently low, ultralow or zero.

(b) For a converted motor vehicle or a motor vehicle that is assembled by the owner, the department of environmental quality or an agent of the department of environmental quality shall provide a certificate to the department of transportation and the owner of the motor vehicle indicating that the motor vehicle is exclusively powered by an alternative fuel and is incapable of operating on any other type of fuel.

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and 213

3. Pays an ~~eight dollar~~ \$8 special plate administration OR ALTERNATIVE FUEL VEHICLE STICKER fee, except that vehicles that are registered pursuant to section 28-2511 are exempt from that fee. The department shall deposit, pursuant to sections 35-146 and 35-147, all special plate administration OR ALTERNATIVE FUEL VEHICLE STICKER fees in the state highway fund established by section 28-6991.

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C. The color and design of the alternative fuel vehicle special plates are subject to the approval of the governor's energy office. The director may allow a request for alternative fuel vehicle special plates to be combined with a request for personalized special plates. If the director allows such a combination, the request shall be in a form prescribed by the director and is subject to the fees for the personalized special plates in addition to the fees required for alternative fuel vehicle special plates. Alternative fuel vehicle special plates are not transferable, except that if the director allows alternative fuel vehicle special plates to be personalized a person who is issued personalized alternative fuel vehicle special plates may transfer those plates to another alternative fuel vehicle for which the person is the registered owner or lessee.

Ch. 213 — D. If a motor vehicle qualifies pursuant to this section and any
Ch. 123 — other special plates are issued pursuant to **THIS ARTICLE OR** article 7, 8 or 13 of this chapter or section 28-2414, **28-2470.29** or 28-2514 for the motor vehicle, the department may issue an alternative fuel vehicle sticker to the person who owns the motor vehicle. The alternative fuel vehicle sticker shall be diamond-shaped, shall indicate the type of alternative fuel used by the vehicle and shall be placed on the motor vehicle as prescribed by the department.

E. Except as provided in section 28-337, a person may drive a motor vehicle with alternative fuel vehicle special plates or an alternative fuel vehicle sticker in high occupancy vehicle lanes at any time, regardless of occupancy level, without penalty.

F. A person shall not drive a motor vehicle in a high occupancy vehicle lane with an alternative fuel vehicle sticker if the motor vehicle is not an alternative fuel vehicle for which an alternative fuel vehicle sticker has been issued pursuant to this section. A person who violates this subsection is subject to a civil penalty of ~~three hundred fifty dollars~~ **\$350**. Notwithstanding section 28-1554, the civil penalty collected pursuant to this subsection shall be deposited in the state general fund.

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and 213

G. For the purposes of section 28-337, the department shall:

1. Limit or suspend the issuance of alternative fuel vehicle special plates.

2. Remove the privilege of operating in the high occupancy vehicle lane with a single occupant, including the driver.

H. If the department publishes maps of the state highway system that are distributed to the general public, the department shall indicate on those maps the approximate location of alternative fuel delivery facilities that are open to the public.

I. For the purposes of this section, "alternative fuel" has the same meaning prescribed in section 1-215.

EXPLANATION OF BLEND
SECTION 28-6501

Laws 2025, Chapters 9, 123 and 189

Laws 2025, Ch. 9, section 4	Effective September 26, 2025
Laws 2025, Ch. 123, section 5	Effective September 26, 2025
Laws 2025, Ch. 189, section 4	Effective September 26, 2025

Explanation

Since these three enactments are compatible, the Laws 2025, Ch. 9, Ch. 123 and Ch. 189 text changes to section 28-6501 are blended in the form shown on the following page.

BLEND OF SECTION 28-6501
Laws 2025, Chapters 9, 123 and 189

28-6501. Definition of highway user revenues

In this article, unless the context otherwise requires or except as otherwise provided by statute, "highway user revenues" means all monies received in this state from licenses, taxes, penalties, interest and fees authorized by the following:

1. Chapters 2, 7, 8 and 15 of this title, except for:

(a) The special plate administration fees prescribed in sections 28-2404, 28-2407, 28-2412 through ~~28-2470.26~~ 28-2470.39 and 28-2514.

(b) The donations prescribed in sections 28-2404, 28-2407, 28-2412 through 28-2415, 28-2417 through ~~28-2470.26~~ 28-2470.39, 28-2473, 28-2474, 28-2475 and 28-2476.

2. Section 28-1177.

3. Chapters 10 and 11 of this title.

4. Chapter 16, articles 1, 2 and 4 of this title, except as provided in sections 28-5926 and 28-5927.

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EXPLANATION OF BLEND
SECTION 28-6991

Laws 2025, Chapters 9, 123 and 189

Laws 2025, Ch. 9, section 5	Effective September 26, 2025
Laws 2025, Ch. 123, section 6	Effective September 26, 2025
Laws 2025, Ch. 189, section 5	Effective September 26, 2025

Explanation

Since these three enactments are compatible, the Laws 2025, Ch. 9, Ch. 123 and Ch. 189 text changes to section 28-6991 are blended in the form shown on the following pages.

BLEND OF SECTION 28-6991
Laws 2025, Chapters 9, 123 and 189

28-6991. State highway fund; sources

The state highway fund is established that consists of:

1. Monies distributed from the Arizona highway user revenue fund pursuant to chapter 18 of this title.
2. Monies appropriated by the legislature.
3. Monies received from donations for the construction, improvement or maintenance of state highways or bridges. These monies shall be credited to a special account and shall be spent only for the purpose indicated by the donor.
4. Monies received from counties or cities under cooperative agreements, including proceeds from bond issues. The state treasurer shall deposit these monies to the credit of the fund in a special account on delivery to the treasurer of a concise written agreement between the department and the county or city stating the purposes for which the monies are surrendered by the county or city, and these monies shall be spent only as stated in the agreement.
5. Monies received from the United States under an act of Congress to provide aid for the construction of rural post roads, but monies received on projects for which the monies necessary to be provided by this state are wholly derived from sources mentioned in paragraphs 2 and 3 of this section shall be allotted by the department and deposited by the state treasurer in the special account within the fund established for each project. On completion of the project, on the satisfaction and discharge in full of all obligations of any kind created and on request of the department, the treasurer shall transfer the unexpended balance in the special account for the project into the state highway fund, and the unexpended balance and any further federal aid thereafter received on account of the project may be spent under the general provisions of this title.
6. Monies in the custody of an officer or agent of this state from any source that is to be used for the construction, improvement or maintenance of state highways or bridges.
7. Monies deposited in the state general fund and arising from the disposal of state personal property belonging to the department.
8. Receipts from the sale or disposal of any or all other property held by the department and purchased with state highway monies.
9. Monies generated pursuant to section 28-410.
10. Monies distributed pursuant to section 28-5808, subsection B, paragraph 2, subdivision (d).
11. Monies deposited pursuant to sections 28-1143, 28-2353 and 28-3003.
12. Except as provided in section 28-5101, the following monies:

(a) Monies deposited pursuant to section 28-2206 and section 28-5808, subsection B, paragraph 2, subdivision (e).

(b) \$1 of each registration fee and \$1 of each title fee collected pursuant to section 28-2003.

(c) \$2 of each late registration penalty collected by the director pursuant to section 28-2162.

(d) The air quality compliance fee collected pursuant to section 49-542.

(e) The special plate administration fees collected pursuant to sections 28-2404, 28-2407, 28-2412 through 28-2416, 28-2416.01, 28-2417 through ~~28-2470.26~~ 28-2470.39 and 28-2514.

(f) Monies collected pursuant to sections 28-372, 28-2155 and 28-2156 if the director is the registering officer.

13. Monies deposited pursuant to chapter 5, article 5 of this title.

14. Donations received pursuant to section 28-2269.

15. Dealer and registration monies collected pursuant to section 28-4304.

16. Abandoned vehicle administration monies deposited pursuant to section 28-4804.

17. Monies deposited pursuant to section 28-710, subsection D, paragraph 2.

18. Monies deposited pursuant to section 28-2065.

19. Monies deposited pursuant to section 28-7311.

20. Monies deposited pursuant to section 28-7059.

21. Monies deposited pursuant to section 28-1105.

22. Monies deposited pursuant to section 28-2448, subsection D.

23. Monies deposited pursuant to section 28-3415.

24. Monies deposited pursuant to section 28-3002, subsection A, paragraph 14.

25. Monies deposited pursuant to section 28-7316.

26. Monies deposited pursuant to section 28-4302.

27. Monies deposited pursuant to section 28-3416.

28. Monies deposited pursuant to section 28-4504.

29. Monies deposited pursuant to section 28-2098.

30. Monies deposited pursuant to sections 28-2321, 28-2324, 28-2325, 28-5474, 28-5739, 28-5863 and 28-5864.

EXPLANATION OF BLEND
SECTION 28-6993

Laws 2025, Chapters 9, 123 and 189

Laws 2025, Ch. 9, section 6	Effective September 26, 2025
Laws 2025, Ch. 123, section 7	Effective September 26, 2025
Laws 2025, Ch. 189, section 6	Effective September 26, 2025

Explanation

Since these three enactments are compatible, the Laws 2025, Ch. 9, Ch. 123 and Ch. 189 text changes to section 28-6993 are blended in the form shown on the following pages.

BLEND OF SECTION 28-6993
Laws 2025, Chapters 9, 123 and 189

28-6993. State highway fund: authorized uses

A. Except as provided in subsection B of this section and section 28-6538, the state highway fund shall be used for any of the following purposes in strict conformity with and subject to the budget as provided by this section and by sections 28-6997 through 28-7003:

1. To pay salaries, wages, necessary travel expenses and other expenses of officers and employees of the department and the incidental office expenses, including telegraph, telephone, postal and express charges and printing, stationery and advertising expenses.

2. To pay for both:

(a) Equipment, supplies, machines, tools, department offices and laboratories established by the department.

(b) The construction and repair of buildings or yards of the department.

3. To pay the cost of both:

(a) Engineering, construction, improvement and maintenance of state highways and parts of highways forming state routes.

(b) Highways under cooperative agreements with the United States that are entered into pursuant to this chapter and an act of Congress providing for the construction of rural post roads.

4. To pay land damages incurred by reason of establishing, opening, altering, relocating, widening or abandoning portions of a state route or state highway.

5. To reimburse the department revolving account.

6. To pay premiums on authorized indemnity bonds and on compensation insurance under the workers' compensation act.

7. To defray lawful expenses and costs required to administer and carry out the intent, purposes and provisions of this title, including repayment of obligations entered into pursuant to this title, payment of interest on obligations entered into pursuant to this title, repayment of loans and other financial assistance, including repayment of advances and interest on advances made to the department pursuant to section 28-7677, and payment of all other obligations and expenses of the board and department pursuant to chapter 21 of this title.

8. To pay lawful bills and charges incurred by the state engineer.

9. To acquire, construct or improve entry roads to state parks or roads within state parks.

10. To acquire, construct or improve entry roads to state prisons.

11. To pay the cost of relocating a utility facility pursuant to section 28-7156.

12. For the purposes provided in subsections C, D and E of this section and sections 28-1143, 28-2353 and 28-3003.

13. To pay the cost of issuing an Arizona centennial special plate pursuant to section 28-2448.

14. To pay for all of the following:

(a) The enforcement by the department of public safety and the department of transportation of vehicle safety requirements within twenty-five miles of the border between this state and Mexico.

(b) Costs related to procuring electronic equipment, automated systems or improvements to existing electronic equipment or automated systems for relieving vehicle congestion at ports of entry on the border between this state and Mexico.

(c) Constructing, maintaining and upgrading transportation facilities, including roads, streets and highways, approved by the board within twenty-five miles of the border between this state and Mexico.

(d) As approved by the board, constructing and maintaining transportation facilities in the CANAMEX high priority corridor as defined in section 332 of the national highway system designation act of 1995 (P.L. 104-59; 109 Stat. 568).

(e) Activities of the department that include collecting transportation and trade data in the United States and Mexico for the purposes of constructing transportation facilities, improving public safety, improving truck processing time and relieving congestion at ports of entry on the border between this state and Mexico. The department may enter into an agreement with the Arizona-Mexico commission and provide funding to the commission for the purposes of this subdivision.

(f) A commitment or investment necessary for the department or another agency of this state to obtain federal monies that are designated for expenditure pursuant to this section.

B. For each fiscal year, the department of transportation shall allocate and transfer monies in the state highway fund to the department of public safety for funding a portion of highway patrol costs in eight installments in each of the first eight months of a fiscal year that do not exceed \$10,000,000.

C. Subject to legislative appropriation, the department may use the monies in the state highway fund as prescribed in section 28-6991, paragraph 12 to carry out the duties imposed by this title for registration or titling of vehicles, to operate joint title, registration and driver licensing offices, to cover the administrative costs of issuing the air quality compliance sticker, modifying the year validating tab and issuing the windshield sticker and to cover expenses and costs in issuing special plates pursuant to sections 28-2404, 28-2407, 28-2412 through ~~28-2470.26~~ 28-2470.39 and 28-2514.

D. The department shall use monies deposited in the state highway fund pursuant to chapter 5, article 5 of this title only as prescribed by that article.

E. Monies deposited in the state highway fund pursuant to section 28-2269 shall be used only as prescribed by that section.

F. Monies deposited in the state highway fund pursuant to section 28-710, subsection D, paragraph 2 shall only be used for state highway work zone traffic control devices.

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123 and
189

G. The department may exchange monies distributed to the state highway fund pursuant to section 28-6538, subsection A, paragraph 1 for local government surface transportation program federal monies suballocated to councils of government and metropolitan planning organizations if the local government scheduled to receive the federal monies concurs. An exchange of state highway fund monies pursuant to this subsection shall be in an amount that is at least equal to ninety percent of the federal obligation authority that exists in the project for which the exchange is proposed.

H. The department shall use monies deposited in the state highway fund pursuant to section 28-1105, subsection A, paragraph 2, subdivision (a) only for a transportation facility that is located within twenty drivable miles of the international port of entry and shall spend the monies proportionally based on the amount of total monies collected pursuant to section 28-1105, subsection A, paragraph 2, subdivision (a). For the purposes of this subsection, "transportation facility" means a highway or a state route or a county, city or town road that is used by a commercial vehicle or a commercial vehicle combination for which an axle fee is paid pursuant to section 28-5474.

EXPLANATION OF BLEND
SECTION 36-694

Laws 2025, Chapters 68 and 239

Laws 2025, Ch. 68, section 1

Effective September 26, 2025

Laws 2025, Ch. 239, section 2

Effective September 26, 2025

Explanation

Since these two enactments are compatible, the Laws 2025, Ch. 68 and Ch. 239 text changes to section 36-694 are blended in the form shown on the following pages.

The Laws 2025, Ch. 239 version of section 36-694, subsection D struck the second comma in the third sentence. The Laws 2025, Ch. 68 version of section 36-694, subsection D did not strike the second comma in the third sentence. Since this would not produce a substantive change, the blend version reflects the Ch. 68 version.

BLEND OF SECTION 36-694
Laws 2025, Chapters 68 and 239

36-694. Report of blood tests: newborn screening program;
committee; fee; definitions

A. When a birth or stillbirth is reported, the attending physician or other person required to report the birth shall state on the certificate whether a blood test for syphilis was made on a specimen of blood taken from the woman who bore the child or from the umbilical cord at delivery, as required by section 36-693, and the approximate date when the specimen was taken.

B. When a birth is reported, the attending physician or person who is required to report the birth shall order or cause to be ordered tests for certain congenital disorders, including hearing disorders. The results of tests for these disorders must be reported to the department of health services. The department of health services shall specify in rule the disorders, the process for collecting and submitting specimens and the reporting requirements for test results.

C. When a hearing test is performed on a newborn, the initial hearing test results and any subsequent hearing test results must be reported to the department of health services as prescribed by department rules.

D. The director of the department of health services shall establish a newborn screening program within the department to ensure that the testing for congenital disorders and the reporting of hearing test results required by this section are conducted in an effective and efficient manner. The newborn screening program shall include all congenital disorders that are included on the recommended uniform screening panel adopted by the secretary of the United States department of health and human services for both core and secondary conditions. ~~Beginning January 1, 2022~~

— [EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION E OF THIS SECTION],

— CONGENITAL disorders that are added to the core and secondary conditions list of the recommended uniform screening panel shall be added to this state's newborn screening panel within two years after their addition to the recommended uniform screening panel. The newborn screening program shall include an education program for the general public, the medical community, parents and professional groups. The director shall designate the state laboratory as the only testing facility for the program, except that the director may designate other laboratory testing facilities for conditions or tests added to the newborn screening program on or after July 24, 2014. If the director designates another laboratory testing facility for any condition or test, the director shall require the facility to follow all of the privacy and sample destruction time frames that are required of the state laboratory.

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and 239

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- Ch. 68 — E. THE TWO-YEAR TIME FRAME TO ADD DISORDERS TO THIS STATE'S NEWBORN SCREENING PANEL DOES NOT APPLY IF BOTH:
1. THERE IS NO COMMERCIALY AVAILABLE TEST METHOD APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION.
 2. A LABORATORY-DEVELOPED TEST METHOD IS USED TO IDENTIFY THE DISORDER AND THE LABORATORY-DEVELOPED TEST METHOD REQUIRES UNITED STATES FOOD AND DRUG ADMINISTRATION PREMARKET REVIEW AND APPROVAL OR AUTHORIZATION.
- Ch. 239 — F. IN ADDITION TO THE CONGENITAL DISORDERS ADDED TO THIS STATE'S NEWBORN SCREENING PANEL PURSUANT TO SUBSECTION D OF THIS SECTION, THE DEPARTMENT SHALL ADD DUCHENNE MUSCULAR DYSTROPHY TO THIS STATE'S NEWBORN SCREENING PANEL.

~~F.~~ G. The newborn screening program shall establish and maintain a central database of newborns and infants who are tested for hearing loss and congenital disorders that includes information required in rule. Test results are confidential subject to the disclosure provisions of sections 12-2801 and 12-2802.

~~F.~~ H. If tests conducted pursuant to this section indicate that a newborn or infant may have a hearing loss or a congenital disorder, the screening program shall provide follow-up services to encourage the child's family to access evaluation services, specialty care and early intervention services.

~~G.~~ I. The director shall establish a committee to provide recommendations and advice to the department on at least an annual basis regarding newborn screening best practices and emerging trends.

~~H.~~ J. The director may establish by rule a fee that the department may collect for operating the newborn screening program, including contracting for the testing pursuant to this section. The director shall present any change to the fee for the newborn screening program to the joint legislative budget committee for review.

Chs. 68 and 239 — ~~I.~~ K. Not later than sixty days after the department adjusts the newborn screening program fee established pursuant to subsection ~~H.~~ J of this section:

1. Each health insurer that is subject to title 20 shall update its hospital rates that include newborn screening to reflect the increase.

2. For the Arizona health care cost containment system and contractors acting pursuant to chapter 29, article 1 of this title that are not subject to title 20, the Arizona health care cost containment system shall update its hospital rates that include newborn screening to reflect the increase.

~~J.~~ L. For the purposes of this section:

1. "Infant" means a child who is twenty-nine days of age to two years of age.

2. "Newborn" means a child who is not more than twenty-eight days of age.

EXPLANATION OF BLEND
SECTION 36-2061

Laws 2025, Chapters 66 and 260

Laws 2025, Ch. 66, section 3

Effective September 26, 2025

Laws 2025, Ch. 260, section 2

Effective September 26, 2025

Explanation

Since these two enactments are compatible, the Laws 2025, Ch. 66 and Ch. 260 text changes to section 36-2061 are blended in the form shown on the following pages.

The Laws 2025, Ch. 260 version of section 36-2061 made conforming changes in paragraph 3. The Ch. 66 version struck paragraph 3. Since this would not produce a substantive change, the blend version reflects the Ch. 66 version.

BLEND OF SECTION 36-2061
Laws 2025, Chapters 66 and 260

36-2061. Definitions

In this article, unless the context otherwise requires:

1. "ASSISTANCE OR ACTIVITY DIRECTED TOWARD RECOVERY FROM ANY SUBSTANCE USE DISORDER" INCLUDES A SUPERVISED, MONITORED OR PEER-LED ENVIRONMENT DIRECTED TOWARD RECOVERY FROM ANY SUBSTANCE USE DISORDER.

~~1.~~ 2. "Certifying organization" means an organization that certifies homes as sober living homes and THAT is affiliated with a national organization ~~recognized~~ APPROVED by the department whose primary function is to improve access to and the quality of sober living residences through standards, education, research and advocacy.

3. "CLOSE FRIEND" MEANS ANY INDIVIDUAL WHOSE CLOSE ASSOCIATION WITH THE PERSON IS THE EQUIVALENT OF A FAMILY RELATIONSHIP.

4. "LICENSE" MEANS A LICENSE ISSUED BY THE DIRECTOR PURSUANT TO THIS ARTICLE.

~~2.~~ 5. "Medication-assisted treatment" means the use of pharmacological medications that are approved by the United States food and drug administration, in combination with counseling and behavioral therapies, to provide a whole patient approach to ~~the treatment of~~ TREATING substance use disorders.

~~3. "Sober living home" means any premises, place or building that provides alcohol-free or drug-free housing and that:~~

~~(a) Promotes independent living and life skills development;~~

~~(b) May provide activities that are directed primarily toward recovery from substance use disorders;~~

~~(c) Provides a supervised setting to a group of unrelated individuals who are recovering from substance use disorders;~~

~~(d) Does not provide any medical or clinical services or medication administration on-site, except for verification of abstinence.~~

6. "SERVICE OR TREATMENT DIRECTED TOWARD RECOVERY FROM ANY SUBSTANCE USE DISORDER" INCLUDES PROVIDING OR ARRANGING TRANSPORTATION TO OR FROM ANY SERVICE, TREATMENT OR ACTIVITY DIRECTED TOWARD RECOVERY FROM ANY SUBSTANCE USE DISORDER.

7. "SOBER LIVING HOME":

(a) MEANS ANY PREMISES, PLACE OR DWELLING UNIT, OR ANY PERSON THAT PROVIDES ANY PREMISES, PLACE OR DWELLING UNIT, THAT MAY PROVIDE VERIFICATION OF ABSTINENCE AND THAT DOES AT LEAST ONE OF THE FOLLOWING:

(i) PROVIDES ALCOHOL-FREE AND DRUG-FREE HOUSING IN A SUPERVISED, MONITORED OR PEER-LED ENVIRONMENT FOR INDIVIDUALS WHO ARE IN RECOVERY OR SEEKING RECOVERY FROM ANY SUBSTANCE USE DISORDER.

(ii) ADVERTISES, MARKETS, HOLDS ITSELF OUT OR OTHERWISE IMPLIES THROUGH ANY MEANS, INCLUDING ORAL, WRITTEN, ELECTRONIC OR PRINTED MEANS, THAT IT PROVIDES OR WILL PROVIDE A LIVING ENVIRONMENT DIRECTED TOWARD

RECOVERY FROM ANY SUBSTANCE USE DISORDER, INCLUDING HOUSING THAT PROVIDES OR ARRANGES FOR RESIDENTS TO RECEIVE ANY ASSISTANCE OR ACTIVITY DIRECTED TOWARD RECOVERY FROM ANY SUBSTANCE USE DISORDER AND HOUSING THAT ARRANGES FOR RESIDENTS TO RECEIVE ANY SERVICE OR TREATMENT DIRECTED TOWARD RECOVERY FROM ANY SUBSTANCE USE DISORDER.

(b) DOES NOT INCLUDE:

(i) ANY PREMISES, PLACE OR DWELLING UNIT THAT IS LICENSED TO PROVIDE ON-SITE MEDICAL SERVICES, BEHAVIORAL HEALTH SERVICES OR MEDICATION ADMINISTRATION.

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(ii) ANY PERSON WHO PROVIDES ANY PREMISES, PLACE OR DWELLING UNIT DIRECTED TOWARD RECOVERY FROM ANY SUBSTANCE ABUSE DISORDER EXCLUSIVELY TO RESIDENTS WHO ARE RELATED TO THE PERSON BY AFFINITY OR CONSANGUINITY OF THE FIRST OR SECOND DEGREE, A PERSON WHO IS A CLOSE FRIEND OF THE PERSON FOR WHOM THE PERSON SERVES AS A LEGAL GUARDIAN, AND THE PERSON IS NOT OPERATING THE PREMISES, PLACE OR DWELLING UNIT AS A BUSINESS AND DOES NOT REQUIRE, COLLECT OR RECEIVE ANY FORM OF COMPENSATION FOR PROFIT FROM THE RESIDENTS, INCLUDING INSURANCE OR RENT.

(iii) ANY HOUSING FOR PERSONS IN RECOVERY FROM SUBSTANCE USE DISORDERS THAT IS SELF-RUN, SELF-SUPPORTED, ALCOHOL AND DRUG FREE, CHARTERED AND MONITORED BY A NATIONALLY RECOGNIZED NONPROFIT CREDENTIALING ENTITY, ESTABLISHED IN ACCORDANCE WITH 42 UNITED STATES CODE SECTION 300x-25 AND HELD TO THE STANDARDS OF THAT NATIONALLY RECOGNIZED NONPROFIT CREDENTIALING ENTITY.

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(c) BEGINNING ON THE EFFECTIVE DATE OF THE RULES FOR LICENSURE ADOPTED PURSUANT TO SECTIONS 36-4202 AND 36-4204, DOES NOT INCLUDE A TRANSITIONAL HOUSING FACILITY AS DEFINED IN SECTION 36-4201.

EXPLANATION OF BLEND
SECTION 38-849

Laws 2025, Chapters 183 and 192

Laws 2025, Ch. 183, section 7

Effective September 26, 2025

Laws 2025, Ch. 192, section 3

Effective September 26, 2025

Explanation

Since these two enactments are compatible, the Laws 2025, Ch. 183 and Ch. 192 text changes to section 38-849 are blended in the form shown on the following pages.

BLEND OF SECTION 38-849
Laws 2025, Chapters 183 and 192

38-849. Limitations on receiving pension; violation;
classification; reemployment after severance;
reinstatement of service credits; reemployment of
retired member or member with a disability;
definition

A. If a member is convicted of, or discharged because of, theft, embezzlement, fraud or misappropriation of an employer's property or property under the control of the employer, the member shall be subject to restitution and fines imposed by a court of competent jurisdiction. The court may order the restitution or fines to be paid from any payments otherwise payable to the member from the retirement system.

B. A person who knowingly makes any false statement or who falsifies or allows to be falsified any record of the system with an intent to defraud the system is guilty of a class 5 felony. If any change or error in the records results in any member or beneficiary receiving from the system more or less than the member or beneficiary would have been entitled to receive had the records been correct, the local board shall correct such error, and as far as practicable shall adjust the payments in such manner that the actuarial equivalent of the benefit to which such member or beneficiary was correctly entitled shall be paid. If a member is convicted of a crime specified in this subsection, section 13-713 applies.

C. If a member who received a severance refund on termination of employment pursuant to section 38-846.02 becomes reemployed with the same employer within two years after the former member's termination date, the member may have forfeited credited service attributable to service rendered during a prior period of service as an employee restored on satisfaction of each of the following conditions:

1. The member files with the system a written application for reinstatement of forfeited credited service within ninety days after again becoming an employee.

2. The retirement fund is paid the total amount previously withdrawn pursuant to section 38-846.02 plus compound interest from the date of withdrawal to the date of repayment. Interest shall be computed at the rate of nine percent for each year compounded each year from the date of withdrawal to the date of repayment. Forfeited credited service shall not be restored until complete payment is received by the fund.

3. The required payment is completed within one year after returning to employee status.

D. If a member who received a severance refund on termination of employment, as provided in section 38-846.02, is subsequently reemployed by an employer, the member's prior service credits shall be cancelled and service shall be credited only from the date the member's most recent

reemployment period commenced. However, a present active member of the system who forfeited credited service, received a severance refund pursuant to section 38-846.02 and becomes reemployed with the same employer two years or more after the member's termination date or becomes reemployed with another employer may elect to redeem any part of that forfeited credited service by paying into the system any amounts required pursuant to this subsection. A present active member who elects to redeem any part of forfeited credited service for which the member is deemed eligible by the board shall pay into the system the amounts previously paid or transferred to the member as a severance refund plus an amount that is computed by the system's actuary that is necessary to equal the increase in the actuarial present value of projected benefits resulting from the redemption calculated using the actuarial methods and assumptions prescribed by the system's actuary. On satisfaction of this obligation, the member's prior service credits shall be reinstated.

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E. If a retired member becomes reemployed in any capacity, **INCLUDING AS A CONTRACTED OR LEASED EMPLOYEE**, by the employer from which the member retired before six months after the date of retirement ~~or in the same position at any time~~ following retirement:

1. The following apply:

(a) Within ten days after the retired member is reemployed, the local board shall advise the system in writing of the retired member's reemployment.

(b) The system shall not make pension payments to the retired member during the period of reemployment.

(c) Employee contributions shall not be made on the retired member's account, nor shall any service be credited during the period of reemployment. On subsequent termination of employment by the retired member, the retired member is entitled to receive a pension based on the member's service and compensation before the date of the member's reemployment. The employer shall pay the alternate contribution rate pursuant to section 38-843.05.

(d) Any pension payments received by the retired member, who retired on or after July 1, 2009, during the period of reemployment are considered overpayments pursuant to section 38-850, unless subsection B of this section applies. If the board determines in the board's sole discretion, for a member who retired on or after July 1, 2009, that the retired member's reemployment **WITH THE EMPLOYER FROM WHICH THE MEMBER RETIRED** during the six-month period and the failure of the employer or the local board to suspend the member's pension were not intentional to circumvent the requirements of this subsection, the pension payments received by the retired member after the retired member's reemployment are subject to repayment up to only the amount received between the date of the member's reemployment and the expiration of the six-month period.

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2. The retired member, who retired on or after July 1, 2009 and who is reemployed terminates employment, may be subsequently reemployed with the employer from which the member retired and resume receiving pension payments after a period of six months, less the period of time the retired member was not reemployed after retirement with the employer from which the member retired, if at least sixty days of the six months are consecutive.

3. Paragraph 1, subdivisions (a), (b) and (d) of this subsection do not apply if any of the following occurs:

(a) The retired member becomes reemployed after sixty consecutive days from the member's retirement date as a result of participating in an open competitive new hire process except if the retired member is hired for the same position or if the retired member has a prearranged reemployment agreement with the employer.

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(b) The retired member is hired as a fire inspector, ~~or~~ arson investigator **OR SCHOOL RESOURCE OFFICER.**

(c) The retired member who is receiving an accidental disability, ordinary disability, catastrophic disability or temporary disability pension accepts a job reassignment as an accommodation in accordance with the Americans with disabilities act of 1990 due to a disability that is directly related to the retired member being awarded an accidental disability, ordinary disability, catastrophic disability or temporary disability benefit.

F. If a retired member is assigned voluntary duties acting as a limited authority peace officer, pursuant to the Arizona peace officer standards and training board rules, employee contributions shall not be made on the retired member's account, and any service shall not be credited during the period of reemployment. The employer shall not pay the alternate contribution rate pursuant to section 38-843.05.

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G. If after six months after the date of retirement a retired member becomes reemployed **IN ANY CAPACITY, INCLUDING AS A CONTRACTED OR LEASED EMPLOYEE,** by the employer from which the member retired ~~in a position other than the same position from which the member retired,~~ employee contributions shall not be made on the retired member's account, and any service shall not be credited during the period of reemployment. The employer shall pay the alternate contribution rate pursuant to section 38-843.05.

H. At any time following retirement, if the retired member becomes employed by an employer, other than the employer from which the member retired, in a position ordinarily filled by an employee of an eligible group, employee contributions shall not be made on the retired member's account, and any service shall not be credited during the period of reemployment. The employer shall pay the alternate contribution rate pursuant to section 38-843.05.

I. If a member who retired under an accidental or ordinary disability becomes reemployed as an employee of an eligible group, section 38-844 applies and a determination shall be made by the local board as to whether subsection E, F, G or H of this section applies.

J. The local board shall review all reemployment determinations and voluntary assignments as described in subsection F of this section. If the local board or the system is not provided the necessary information required by the system to make a reemployment determination, the local board and the system shall suspend pension payments until information is received and a determination is made regarding whether the reemployment meets the requirements of subsection E, F, G, H or I of this section.

K. A person who defrauds the system or who takes, converts, steals or embezzles monies owned by or from the system and who fails or refuses to return the monies to the system on the board's written request is subject

to civil suit by the system in the superior court in Maricopa county. On entry of an order finding the person has defrauded the system or taken, converted, stolen or embezzled monies owned by or from the system, the court shall enter an order against that person and for the system awarding the system all of its costs and expenses of any kind, including attorney fees, that were necessary to successfully prosecute the action. The court shall also grant the system a judicial lien on all of the nonexempt property of the person against whom judgment is entered pursuant to this subsection in an amount equal to all amounts awarded to the system, plus interest at the rate prescribed by section 44-1201, until all amounts owed are paid to the system.

L. Notwithstanding any other provision of this article, the board may offset against any benefits otherwise payable by the system to an active or retired member or survivor any court ordered amounts awarded to the board and system and assessed against the member or survivor.

M. Notwithstanding any other provision of this article, a member who retires having met all of the qualifications for retirement and who subsequently becomes an elected official, by election or appointment, is not considered reemployed by the same employer.

N. For the purposes of this section, "same position" means a position in which the member performs substantially similar duties that were performed and exercises substantially similar authority that was exercised by the retired member before retirement.

EXPLANATION OF BLEND
SECTION 38-1104

Laws 2025, Chapters 14 and 70

Laws 2025, Ch. 14, section 1

Effective September 26, 2025

Laws 2025, Ch. 70, section 1

Effective September 26, 2025

Explanation

Since these two enactments are compatible, the Laws 2025, Ch. 14 and Ch. 70 text changes to section 38-1104 are blended in the form shown on the following pages.

BLEND OF SECTION 38-1104
Laws 2025, Chapters 14 and 70

38-1104. Internal investigations: notice: employee
representative: confidentiality: probation:
termination: exception

A. If an employer interviews a law enforcement officer in the course of an administrative investigation and the employer or law enforcement officer reasonably believes that the interview could result in dismissal, demotion or suspension:

1. The law enforcement officer may request to have a representative of the LAW ENFORCEMENT officer present at no [ADDITIONAL] cost to the employer during the interview. The law enforcement officer shall select a representative who is available on reasonable notice so that the interview is not unreasonably delayed. The representative shall participate in the interview only as an observer. Unless agreed to by the employer, the representative shall not be an attorney and shall be from the same agency[,] except that if a representative from the same agency is not reasonably available, with the employer's permission, the law enforcement officer's representative may be from the law enforcement officer's professional membership organization. The law enforcement officer's representative may take notes during the interview. The law enforcement officer and the LAW ENFORCEMENT officer's representative and attorney may use notes taken during the interview only to assist the LAW ENFORCEMENT officer in an investigation or a disciplinary matter. Notes taken by the law enforcement officer, the LAW ENFORCEMENT officer's representative or the LAW ENFORCEMENT officer's attorney do not constitute an official record of the interview. The law enforcement officer may discuss the LAW ENFORCEMENT officer's interview with the LAW ENFORCEMENT officer's representative or attorney. If the law enforcement officer or the LAW ENFORCEMENT officer's representative or attorney releases information without authorization, the employer may subject the law enforcement officer or the LAW ENFORCEMENT officer's representative, if the representative is from the same agency, to disciplinary action. The law enforcement officer shall be allowed reasonable breaks of limited duration during any interview for telephonic or in-person consultation with authorized persons, including an attorney, who are immediately available. An employer shall not discipline, retaliate against or threaten to retaliate against a law enforcement officer for requesting that a representative be present or for acting as the representative of a law enforcement officer pursuant to this paragraph.

2. Before the commencement of any interview described in this section, the employer shall provide the law enforcement officer with a

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written notice informing the LAW ENFORCEMENT officer of the alleged facts that are the basis of the investigation, the specific nature of the investigation, the LAW ENFORCEMENT officer's status in the investigation, all known allegations of misconduct that are the reason for the interview and the LAW ENFORCEMENT officer's right to have a representative present at the interview. The employer shall provide the law enforcement officer with a copy of the written notice that the LAW ENFORCEMENT officer may retain. Along with the notice, the employer, AT LEAST TWENTY-FOUR HOURS BEFORE THE INTERVIEW, shall provide any relevant and readily available materials, including complaints that contain the alleged facts, except for complaints that are filed with the employer and that include allegations of unlawful discrimination, harassment or retaliation or complaints that involve matters under the jurisdiction of the United States equal employment opportunity commission. The format of the materials may be written, audio or video. THE REQUIREMENT TO PROVIDE ANY RELEVANT AND READILY AVAILABLE MATERIALS TO THE LAW ENFORCEMENT OFFICER AT LEAST TWENTY-FOUR HOURS BEFORE THE INTERVIEW PURSUANT TO THIS PARAGRAPH DOES NOT APPLY IF ANY OF THE FOLLOWING OCCURS:

Ch. 14

- (a) THE LAW ENFORCEMENT OFFICER WAIVES THE REQUIREMENT.
- (b) THE EMPLOYER DETERMINES THAT THE INTERVIEW SHOULD BE CONDUCTED EARLIER TO PROTECT THE INTEGRITY OF THE LAW ENFORCEMENT OFFICER'S STATEMENT.
- (c) CIRCUMSTANCES OR EVIDENCE THAT WILL BE OFFERED AT THE INTERVIEW REQUIRE THE INTERVIEW TO BE COMPLETED TWENTY-FOUR HOURS AFTER A MAJOR LAW ENFORCEMENT INCIDENT.

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and 70

3. In the course of an administrative investigation, the law enforcement officer is allowed to record the LAW ENFORCEMENT officer's own interview. Recordings made by the law enforcement officer, the LAW ENFORCEMENT officer's representative or the LAW ENFORCEMENT officer's attorney do not constitute an official record of the interview.

4. At the conclusion of the interview, the law enforcement officer is entitled to a period of time to consult with the LAW ENFORCEMENT officer's representative and may make a statement not to exceed five minutes addressing specific facts or policies that are related to the interview.

B. Subsection A of this section does not require the employer to either:

- 1. Stop an interview to issue another notice for allegations based on information provided by the law enforcement officer during the interview.
- 2. Disclose any fact to the law enforcement officer or the law enforcement officer's representative that would impede the investigation.

C. Subsection A, paragraphs 1 and 2 of this section do not apply to an interview of a law enforcement officer that is:

- 1. In the normal course of duty, counseling or instruction or an informal verbal admonishment by, or other routine or unplanned contact with, a supervisor or any other law enforcement officer.
- 2. Preliminary questioning to determine the scope of the allegations or if an investigation is necessary.
- 3. Conducted during the course of a criminal investigation.

D. If, after an employer completes an investigation of a law enforcement officer, the employer seeks disciplinary action, at the request of the law enforcement officer, the employer shall provide a basic summary

of any discipline ordered against any other law enforcement officer of generally similar rank and experience employed by the employer within the previous two years for the same or a similar violation. As an alternative, the employer may provide file copies of the relevant disciplinary cases. The employer shall not take final action and the employer shall not schedule a hearing until the basic summary or file copies are provided to the law enforcement officer.

E. NOTWITHSTANDING ANY OTHER LAW, AN EMPLOYER MAY NOT TERMINATE A LAW ENFORCEMENT OFFICER WHO IS PROMOTED ABOVE THE LAW ENFORCEMENT OFFICER'S CURRENT RANK AND PLACED ON PROBATIONARY STATUS FOR FAILING TO SATISFACTORILY COMPLETE THE LAW ENFORCEMENT OFFICER'S PROBATIONARY PERIOD, BUT MAY DEMOTE THE LAW ENFORCEMENT OFFICER. AN EMPLOYER MAY TERMINATE A LAW ENFORCEMENT OFFICER AT ANY TIME WITH JUST CAUSE.

Ch. 70

F. THIS SECTION DOES NOT APPLY TO A POLICE RECRUIT WHO IS PROMOTED TO A LAW ENFORCEMENT OFFICER AFTER GRADUATING FROM THE POLICE ACADEMY IN WHICH THE POLICE RECRUIT WAS TRAINED. AN EMPLOYER MAY TERMINATE A POLICE RECRUIT WHO IS PROMOTED TO A LAW ENFORCEMENT OFFICER AND WHO FAILS TO SATISFACTORILY COMPLETE THE INITIAL PROBATIONARY PERIOD.

G. AN EMPLOYER MAY TERMINATE A LAW ENFORCEMENT OFFICER WHO IS Laterally Transferred, who is on an initial probationary period and who fails to satisfactorily complete the probationary period.

~~E.~~ H. This section does not apply to a law enforcement officer who is employed by an agency of this state as an at will employee.

EXPLANATION OF BLEND
SECTION 39-127

Laws 2025, Chapters 37 and 65

Laws 2025, Ch. 37, section 3

Effective September 26, 2025

Laws 2025, Ch. 65, section 4

Effective September 26, 2025

Explanation

Since these two enactments are compatible, the Laws 2025, Ch. 37 and Ch. 65 text changes to section 39-127 are blended in the form shown on the following pages.

BLEND OF SECTION 39-127
Laws 2025, Chapters 37 and 65

39-127. Free copies of police reports, audio recordings, video recordings and transcripts for crime victims: definitions

Ch. 65 — A. A victim of a criminal offense that is a part I crime under the
Ch. 37 — statewide uniform crime reporting program, the victim's attorney on behalf
of the victim or an immediate family member of the victim if the victim is
killed or incapacitated has the right to receive one copy of the police
report, **AUDIO RECORDINGS** and video recordings from the investigating law
enforcement agency **OR CHARGING PROSECUTORIAL AGENCY** at no charge and, on
request of the victim, the court or the clerk of the court shall provide,
at no charge, the minute entry or portion of the record of any proceeding
in the case that arises out of the offense committed against the victim and
that is reasonably necessary to pursue a claimed victim's right. For the
purposes of this subsection, "criminal offense", "immediate family" and
"victim" have the same meanings prescribed in section 13-4401.

Ch. 65 — B. A victim of a delinquent act that is a part I crime under the
Ch. 37 — statewide uniform crime reporting program, the victim's attorney on behalf
of the victim or an immediate family member of the victim if the victim is
killed or incapacitated has the right to receive one copy of the police
report, **AUDIO RECORDINGS** and video recordings from the investigating law
enforcement agency **OR CHARGING PROSECUTORIAL AGENCY** at no charge and, on
request of the victim, the court or the clerk of the court shall provide,
at no charge, the minute entry or portion of the record of any proceeding
in the case that arises out of the offense committed against the victim and
that is reasonably necessary to pursue a claimed victim's right. For the
purposes of this subsection, "delinquent act", "immediate family" and
"victim" have the same meanings prescribed in section 8-382.

Chs. 37 and 65 — C. Notwithstanding subsection A or B of this section, if ~~the~~ **A** police
report involves a domestic violence offense or a sexual offense, the victim
or the victim's attorney on behalf of the victim has the right to receive
Ch. 65 — one copy of the police report, **AUDIO RECORDINGS** and video recordings from
Ch. 37 — the investigating law enforcement agency **OR CHARGING PROSECUTORIAL AGENCY**
at no charge and, on request of the victim, the court or the clerk of the
court shall provide, at no charge, the minute entry or portion of the record
of any proceeding in the case that arises out of the offense committed
against the victim and that is reasonably necessary to pursue a claimed
victim's right.

D. A law enforcement agency shall prioritize the processing and
providing of each police report that is requested pursuant to this section.

E. For the purposes of this section:

1. "Attorney" means any person who is a member in good standing of
the bar of the highest court of any state, possession, territory,

commonwealth or district of the United States and who is not under any order of any court suspending, enjoining, restraining, disbarring or otherwise restricting the person in the practice of law.

Chs. 37
and 65

2. "DOMESTIC VIOLENCE OFFENSE" MEANS AN OFFENSE INVOLVING DOMESTIC VIOLENCE AS DEFINED IN SECTION 13-3601.

~~2.~~ 3. "Sexual offense" means an offense included in title 13, chapter 14 or 35.1.

EXPLANATION OF BLEND
SECTION 41-619.51

Laws 2025, Chapters 66, 118 and 179

Laws 2025, Ch. 66, section 12	Effective September 26, 2025
Laws 2025, Ch. 118, section 2	Effective September 26, 2025
Laws 2025, Ch. 179, section 4	Effective January 1, 2026

Explanation

Since these three enactments are compatible, the Laws 2025, Ch. 66, Ch. 118 and Ch. 179 text changes to section 41-619.51 are blended in the form shown on the following pages.

BLEND OF SECTION 41-619.51
Laws 2025, Chapters 66, 118 and 179

41-619.51. Definitions

In this article, unless the context otherwise requires:

1. "Agency" means the supreme court, the department of economic security, the department of child safety, the department of education, the department of health services, the department of juvenile corrections, the department of emergency and military affairs, the department of public safety, the department of transportation, the state real estate department, the department of insurance and financial institutions, the Arizona game and fish department, the Arizona department of agriculture, the board of examiners of nursing care institution administrators and assisted living facility managers, the state board of dental examiners, the Arizona state board of pharmacy, the board of physical therapy, the state board of psychologist examiners, the board of athletic training, the board of occupational therapy examiners, the state board of podiatry examiners, the acupuncture board of examiners[,] the state board of technical registration, ~~or~~ the board of massage therapy
Chs. 66, 118 and 179 — [. THE BOARD OF BEHAVIORAL HEALTH EXAMINERS] or the Arizona department of housing.
Ch. 118

2. "Board" means the board of fingerprinting.

3. "Central registry exception" means notification to the department of economic security, the department of child safety or the department of health services, as appropriate, pursuant to section 41-619.57 that the person is not disqualified because of a central registry check conducted pursuant to section 8-804.

4. "Expedited review" means an examination, in accordance with board rule, of the documents an applicant submits by the board or its hearing officer without the applicant being present.

5. "Good cause exception" means the issuance of a fingerprint clearance card to an employee pursuant to section 41-619.55.

6. "Person" means a person who is required to be fingerprinted pursuant to this article or who is subject to a central registry check and any of the following:

- (a) Section 3-314.
- (b) Section 8-105.
- (c) Section 8-322.
- (d) Section 8-463.
- (e) Section 8-509.
- (f) Section 8-802.
- (g) Section 8-804.
- (h) Section 15-183.
- (i) Section 15-503.
- (j) Section 15-512.
- (k) Section 15-534.

	(l)	Section 15-763.01.
	(m)	Section 15-782.02.
	(n)	Section 15-1330.
	(o)	Section 15-1881.
	(p)	Section 17-215.
	(q)	Section 28-3228.
	(r)	Section 28-3413.
	(s)	Section 32-122.02.
	(t)	Section 32-122.05.
	(u)	Section 32-122.06.
	(v)	Section 32-823.
	(w)	Section 32-1232.
	(x)	Section 32-1276.01.
	(y)	Section 32-1284.
	(z)	Section 32-1297.01.
	(aa)	Section 32-1904.
	(bb)	Section 32-1941.
	(cc)	Section 32-1982.
	(dd)	Section 32-2022.
	(ee)	Section 32-2063.
	(ff)	Section 32-2108.01.
	(gg)	Section 32-2123.
	(hh)	Section 32-2371.
Ch. 118 —	(ii)	SECTION 32-3271.
	(jj)	Section 32-3430.
	(kk)	Section 32-3620.
	(ll)	Section 32-3668.
	(mm)	Section 32-3669.
	(nn)	Section 32-3922.
	(oo)	Section 32-3924.
	(pp)	Section 32-4128.
	(qq)	Section 32-4222.
	(rr)	Section 36-113.
	(ss)	Section 36-207.
	(tt)	Section 36-411.
	(uu)	Section 36-425.03.
	(vv)	Section 36-446.04.
	(ww)	Section 36-594.01.
	(xx)	Section 36-594.02.
	(yy)	Section 36-766.01.
	(zz)	Section 36-882.
	(aaa)	Section 36-883.02.
	(bbb)	Section 36-897.01.
	(ccc)	Section 36-897.03.
Ch. 179 —	(ddd)	SECTION 36-1940.
	(eee)	SECTION 36-1940.01.
Ch. 66 —	(fff)	SECTION 36-2069.
	(ggg)	Section 36-3008.
	(hhh)	Section 41-619.53.
	(iii)	Section 41-1964.

~~(fff)~~ (jjj) Section 41-1967.01.
~~(ggg)~~ (kkk) Section 41-1968.
~~(hhh)~~ (lll) Section 41-1969.
~~(iii)~~ (mmm) Section 41-2814.
~~(jjj)~~ (nnn) Section 41-4025.
~~(kkk)~~ (ooo) Section 46-141, subsection A or B.
~~(lll)~~ (ppp) Section 46-321.

EXPLANATION OF BLEND
SECTION 41-1758

Laws 2025, Chapters 66, 118 and 179

Laws 2025, Ch. 66, section 13

Effective September 26, 2025

Laws 2025, Ch. 118, section 3

Effective September 26, 2025

Laws 2025, Ch. 179, section 5

Effective January 1, 2026

Explanation

Since these three enactments are compatible, the Laws 2025, Ch. 66, Ch. 118 and Ch. 179 text changes to section 41-1758 are blended in the form shown on the following pages.

BLEND OF SECTION 41-1758
Laws 2025, Chapters 66, 118 and 179

41-1758. Definitions

In this article, unless the context otherwise requires:

1. "Agency" means the supreme court, the department of economic security, the department of child safety, the department of education, the department of health services, the department of juvenile corrections, the department of emergency and military affairs, the department of public safety, the department of transportation, the state real estate department, the department of insurance and financial institutions, the board of fingerprinting, the Arizona game and fish department, the Arizona department of agriculture, the board of examiners of nursing care institution administrators and assisted living facility managers, the state board of dental examiners, the Arizona state board of pharmacy, the board of physical therapy, the state board of psychologist examiners, the board of athletic training, the board of occupational therapy examiners, the state board of podiatry examiners, the acupuncture board of examiners, the state board of technical registration, the board of massage therapy, **THE BOARD OF BEHAVIORAL HEALTH EXAMINERS** or the Arizona department of housing.

Ch. 118

2. "Division" means the fingerprinting division in the department of public safety.

3. "Electronic or internet-based fingerprinting services" means a secure system for digitizing applicant fingerprints and transmitting the applicant data and fingerprints of a person or entity submitting fingerprints to the department of public safety for any authorized purpose under this title. For the purposes of this paragraph, "secure system" means a system that complies with the information technology security policy approved by the department of public safety.

4. "Good cause exception" means the issuance of a fingerprint clearance card to an applicant pursuant to section 41-619.55.

5. "Person" means a person who is required to be fingerprinted pursuant to any of the following:

- (a) Section 3-314.
- (b) Section 8-105.
- (c) Section 8-322.
- (d) Section 8-463.
- (e) Section 8-509.
- (f) Section 8-802.
- (g) Section 15-183.
- (h) Section 15-503.
- (i) Section 15-512.
- (j) Section 15-534.
- (k) Section 15-763.01.
- (l) Section 15-782.02.

	(m)	Section 15-1330.
	(n)	Section 15-1881.
	(o)	Section 17-215.
	(p)	Section 28-3228.
	(q)	Section 28-3413.
	(r)	Section 32-122.02.
	(s)	Section 32-122.05.
	(t)	Section 32-122.06.
	(u)	Section 32-823.
	(v)	Section 32-1232.
	(w)	Section 32-1276.01.
	(x)	Section 32-1284.
	(y)	Section 32-1297.01.
	(z)	Section 32-1904.
	(aa)	Section 32-1941.
	(bb)	Section 32-1982.
	(cc)	Section 32-2022.
	(dd)	Section 32-2063.
	(ee)	Section 32-2108.01.
	(ff)	Section 32-2123.
	(gg)	Section 32-2371.
Ch. 118	(hh)	SECTION 32-3271.
	(ii)	Section 32-3430.
	(jj)	Section 32-3620.
	(kk)	Section 32-3668.
	(ll)	Section 32-3669.
	(mm)	Section 32-3922.
	(nn)	Section 32-3924.
	(oo)	Section 32-4128.
	(pp)	Section 32-4222.
	(qq)	Section 36-113.
	(rr)	Section 36-207.
	(ss)	Section 36-411.
	(tt)	Section 36-425.03.
	(uu)	Section 36-446.04.
	(vv)	Section 36-594.01.
	(ww)	Section 36-594.02.
	(xx)	Section 36-766.01.
	(yy)	Section 36-882.
	(zz)	Section 36-883.02.
	(aaa)	Section 36-897.01.
	(bbb)	Section 36-897.03.
Ch. 179	(ccc)	SECTION 36-1940.
	(ddd)	SECTION 36-1940.01.
Ch. 66	(eee)	SECTION 36-2069.
	(fff)	Section 36-3008.
	(ggg)	Section 41-619.52.
	(hhh)	Section 41-619.53.
	(iii)	Section 41-1964.
	(jjj)	Section 41-1967.01.

~~(ggg)~~ (kkk) Section 41-1968.
~~(hhh)~~ (lll) Section 41-1969.
~~(ttt)~~ (mmm) Section 41-2814.
~~(jjj)~~ (nnn) Section 41-4025.
~~(kkk)~~ (ooo) Section 46-141, subsection A or B.
~~(ttt)~~ (ppp) Section 46-321.

6. "Rap back services" has the same meaning prescribed in section 41-1750.

7. "Vulnerable adult" has the same meaning prescribed in section 13-3623.

EXPLANATION OF BLEND
SECTION 41-1758.01

Laws 2025, Chapters 66, 118 and 179

Laws 2025, Ch. 66, section 14	Effective September 26, 2025
Laws 2025, Ch. 118, section 4	Effective September 26, 2025
Laws 2025, Ch. 179, section 6	Effective January 1, 2026

Explanation

Since these three enactments are compatible, the Laws 2025, Ch. 66, Ch. 118 and Ch. 179 text changes to section 41-1758.01 are blended in the form shown on the following pages.

BLEND OF SECTION 41-1758.01
Laws 2025, Chapters 66, 118 and 179

41-1758.01. Fingerprinting division: powers and duties

A. The fingerprinting division is established in the department of public safety and shall:

1. Conduct fingerprint background checks for persons and applicants who are seeking licenses from state agencies, employment with licensees, contract providers and state agencies or employment or educational opportunities with agencies that require fingerprint background checks pursuant to sections 3-314, 8-105, 8-322, 8-463, 8-509, 8-802, 15-183, 15-503, 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 17-215, 28-3228, 28-3413, 32-122.02, 32-122.05, 32-122.06, 32-823, 32-1232, 32-1276.01, 32-1284, 32-1297.01, 32-1904, 32-1941, 32-1982, 32-2022, 32-2063, 32-2108.01, 32-2123, 32-2371, 32-3271, 32-3430, 32-3620, 32-3668, 32-3669, 32-3922, 32-3924, 32-4128, 32-4222, 36-113, 36-207, 36-411, 36-425.03, 36-446.04, 36-594.01, 36-594.02, 36-766.01, 36-882, 36-883.02, 36-897.01, 36-897.03, 36-1940, 36-1940.01, 36-2069, 36-3008, 41-619.52, 41-619.53, 41-1964, 41-1967.01, 41-1968, 41-1969, 41-2814, ~~AND~~ 41-4025, section 46-141, subsection A or B and section 46-321.

Ch. 118

Ch. 179

Ch. 66

Chs. 66,

118 and

179

2. Issue fingerprint clearance cards. On issuance, a fingerprint clearance card becomes the personal property of the cardholder and the cardholder shall retain possession of the fingerprint clearance card.

3. On submission of an application for a fingerprint clearance card, collect the fees established by the board of fingerprinting pursuant to section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147, the monies collected in the board of fingerprinting fund.

4. Inform in writing each person who submits fingerprints for a fingerprint background check of the right to petition the board of fingerprinting for a good cause exception pursuant to section 41-1758.03, 41-1758.04 or 41-1758.07.

5. If after conducting a state and federal criminal history records check the division determines that it is not authorized to issue a fingerprint clearance card to a person, inform the person in writing that the division is not authorized to issue a fingerprint clearance card. The notice shall include the criminal history information on which the denial was based. This criminal history information is subject to dissemination restrictions pursuant to section 41-1750 and Public Law 92-544.

6. Notify the person in writing if the division suspends, revokes or places a driving restriction notation on a fingerprint clearance card pursuant to section 41-1758.04. The notice shall include the criminal history information on which the suspension, revocation or placement of the driving restriction notation was based. This criminal history information

is subject to dissemination restrictions pursuant to section 41-1750 and Public Law 92-544.

7. Administer and enforce this article.

B. The fingerprinting division may contract for electronic or internet-based fingerprinting services through an entity or entities for the acquisition and transmission of applicant fingerprint and data submissions to the department, including identity verified fingerprints pursuant to section 15-106. The entity or entities contracted by the department of public safety may charge the applicant a fee for services provided pursuant to this article. The entity or entities contracted by the department of public safety shall comply with:

1. All information privacy and security measures and submission standards established by the department of public safety.

2. The information technology security policy approved by the department of public safety.

EXPLANATION OF BLEND
SECTION 42-5061

Laws 2025, Chapters 135, 182, 247 and 251

Laws 2025, Ch. 135, section 1	Effective September 26, 2025
Laws 2025, Ch. 182, section 3	Effective September 26, 2025
Laws 2025, Ch. 247, section 1	Effective September 26, 2025
Laws 2025, Ch. 251, section 9	Effective September 26, 2025

Explanation

Since these four enactments are compatible, the Laws 2025, Ch. 135, Ch. 182, Ch. 247 and Ch. 251 text changes to section 42-5061 are blended in the form shown on the following pages.

BLEND OF SECTION 42-5061
Laws 2025, Chapters 135, 182, 247 and 251

42-5061. Retail classification; definitions

A. The retail classification is comprised of the business of selling tangible personal property at retail. The tax base for the retail classification is the gross proceeds of sales or gross income derived from the business. The tax imposed on the retail classification does not apply to the gross proceeds of sales or gross income from:

1. Professional or personal service occupations or businesses that involve sales or transfers of tangible personal property only as inconsequential elements.

2. Services rendered in addition to selling tangible personal property at retail.

3. Sales of warranty or service contracts. The storage, use or consumption of tangible personal property provided under the conditions of such contracts is subject to tax under section 42-5156.

4. Sales of tangible personal property by any nonprofit organization organized and operated exclusively for charitable purposes and recognized by the United States internal revenue service under section 501(c)(3) of the internal revenue code.

5. Sales to persons engaged in business classified under the restaurant classification of articles used by human beings for food, drink or condiment, whether simple, mixed or compounded.

6. Business activity that is properly included in any other business classification that is taxable under this article.

7. The sale of stocks and bonds.

8. Drugs and medical oxygen, including delivery hose, mask or tent, regulator and tank, if prescribed by a member of the medical, dental or veterinarian profession who is licensed by law to administer such substances.

9. Prosthetic appliances as defined in section 23-501 and as prescribed or recommended by a health professional who is licensed pursuant to title 32, chapter 7, 8, 11, 13, 14, 15, 16, 17 or 29.

10. Insulin, insulin syringes and glucose test strips.

11. Prescription eyeglasses or contact lenses.

12. Hearing aids as defined in section 36-1901.

13. Durable medical equipment that has a centers for medicare and medicaid services common procedure code, is designated reimbursable by medicare, is prescribed by a person who is licensed under title 32, chapter 7, 8, 13, 14, 15, 17 or 29, can withstand repeated use, is primarily and customarily used to serve a medical purpose, is generally not useful to a person in the absence of illness or injury and is appropriate for use in the home.

14. Sales of motor vehicles to nonresidents of this state for use outside this state if either of the following applies:

(a) The motor vehicle dealer ships or delivers the motor vehicle to a destination out of this state.

(b) The vehicle, trailer or semitrailer has a gross vehicle weight rating of more than ten thousand pounds, is used or maintained to transport property in the furtherance of interstate commerce and otherwise meets the definition of commercial motor vehicle as defined in section 28-5201.

15. Food, as provided in and subject to the conditions of article 3 of this chapter and sections 42-5074 and 42-6017.

16. Items purchased with United States department of agriculture coupons issued under the supplemental nutrition assistance program pursuant to the food and nutrition act of 2008 (P.L. 88-525; 78 Stat. 703; 7 United States Code sections 2011 through 2036b) by the United States department of agriculture food and nutrition service or food instruments issued under section 17 of the child nutrition act (P.L. 95-627; 92 Stat. 3603; P.L. 99-661, section 4302; P.L. 111-296; 42 United States Code section 1786).

17. Textbooks by any bookstore that are required by any state university or community college.

18. Food and drink to a person that is engaged in a business that is classified under the restaurant classification and that provides such food and drink without monetary charge to its employees for their own consumption on the premises during the employees' hours of employment.

19. Articles of food, drink or condiment and accessory tangible personal property to a school district or charter school if such articles and accessory tangible personal property are to be prepared and served to persons for consumption on the premises of a public school within the district or on the premises of the charter school during school hours.

20. Lottery tickets or shares pursuant to title 5, chapter 5.1,

Ch. 182 — article 2.

21. The sale of cash equivalents and the sale of precious metal bullion and monetized bullion to the ultimate consumer, but the sale of coins or other forms of money for manufacture into jewelry or works of art is subject to the tax and the gross proceeds of sales or gross income derived from the redemption of any cash equivalent by the holder as a means of payment for goods or services that are taxable under this article is subject to the tax. For the purposes of this paragraph:

(a) "Cash equivalents" means items or intangibles, whether or not negotiable, that are sold to one or more persons, through which a value denominated in money is purchased in advance and may be redeemed in full or in part for tangible personal property, intangibles or services. Cash equivalents include gift cards, stored value cards, gift certificates, vouchers, traveler's checks, money orders or other instruments, orders or electronic mechanisms, such as an electronic code, personal identification number or digital payment mechanism, or any other prepaid intangible right to acquire tangible personal property, intangibles or services in the future, whether from the seller of the cash equivalent or from another person. Cash equivalents do not include either of the following:

(i) Items or intangibles that are sold to one or more persons, through which a value is not denominated in money.

(ii) Prepaid calling cards or prepaid authorization numbers for telecommunications services made taxable by subsection P of this section.

(b) "Monetized bullion" means coins and other forms of money that are manufactured from gold, silver or other metals and that have been or are used as a medium of exchange in this or another state, the United States or a foreign nation.

(c) "Precious metal bullion" means precious metal, including gold, silver, platinum, rhodium and palladium, that has been smelted or refined so that its value depends on its contents and not on its form.

22. Motor vehicle fuel and use fuel that are subject to a tax imposed under title 28, chapter 16, article 1, sales of use fuel to a holder of a valid single trip use fuel tax permit issued under section 28-5739, sales of aviation fuel that are subject to the tax imposed under section 28-8344 and sales of jet fuel that are subject to the tax imposed under article 8 of this chapter.

23. Tangible personal property sold to a person engaged in the business of leasing or renting such property under the personal property rental classification if such property is to be leased or rented by such person.

24. Tangible personal property sold in interstate or foreign commerce if prohibited from being so taxed by the constitution of the United States or the constitution of this state.

25. Tangible personal property sold to:

(a) A qualifying hospital as defined in section 42-5001.

(b) A qualifying health care organization as defined in section 42-5001 if the tangible personal property is used by the organization solely to provide health and medical related educational and charitable services.

(c) A qualifying health care organization as defined in section 42-5001 if the organization is dedicated to providing educational, therapeutic, rehabilitative and family medical education training for blind and visually impaired children and children with multiple disabilities from the time of birth to age twenty-one.

(d) A qualifying community health center as defined in section 42-5001.

(e) A nonprofit charitable organization that has qualified under section 501(c)(3) of the internal revenue code and that regularly serves meals to the needy and indigent on a continuing basis at no cost.

(f) For taxable periods beginning from and after June 30, 2001, a nonprofit charitable organization that has qualified under section 501(c)(3) of the internal revenue code and that provides residential apartment housing for low-income persons over sixty-two years of age in a facility that qualifies for a federal housing subsidy, if the tangible personal property is used by the organization solely to provide residential apartment housing for low-income persons over sixty-two years of age in a facility that qualifies for a federal housing subsidy.

(g) A qualifying health sciences educational institution as defined in section 42-5001.

(h) Any person representing or working on behalf of another person described in subdivisions (a) through (g) of this paragraph if the tangible personal property is incorporated or fabricated into a project described in

Ch. 251 — section 42-5075, subsection ~~P~~ P.

26. Magazines or other periodicals or other publications by this state to encourage tourist travel.

27. Tangible personal property sold to:

(a) A person that is subject to tax under this article by reason of being engaged in business classified under section 42-5075 or to a subcontractor working under the control of a person engaged in business classified under section 42-5075, if the property so sold is any of the following:

(i) Incorporated or fabricated by the person into any real property, structure, project, development or improvement as part of the business.

(ii) Incorporated or fabricated by the person into any project described in section 42-5075, subsection ~~P~~ P.

(iii) Used in environmental response or remediation activities under section 42-5075, subsection B, paragraph 6.

(b) A person that is not subject to tax under section 42-5075 and that has been provided a copy of a certificate under section 42-5009, subsection L, if the property so sold is incorporated or fabricated by the person into the real property, structure, project, development or improvement described in the certificate.

28. The sale of a motor vehicle to a nonresident of this state if the purchaser's state of residence does not allow a corresponding use tax exemption to the tax imposed by article 1 of this chapter and if the nonresident has secured a special ninety day nonresident registration permit for the vehicle as prescribed by sections 28-2154 and 28-2154.01.

29. Tangible personal property purchased in this state by a nonprofit charitable organization that has qualified under section 501(c)(3) of the United States internal revenue code and that engages in and uses such property exclusively in programs for persons with mental or physical disabilities if the programs are exclusively for training, job placement, rehabilitation or testing.

30. Sales of tangible personal property by a nonprofit organization that is exempt from taxation under section 501(c)(3), 501(c)(4) or 501(c)(6) of the internal revenue code if the organization is associated with a major league baseball team or a national touring professional golfing association and no part of the organization's net earnings inures to the benefit of any private shareholder or individual. This paragraph does not apply to an organization that is owned, managed or controlled, in whole or in part, by a major league baseball team, or its owners, officers, employees or agents, or by a major league baseball association or professional golfing association, or its owners, officers, employees or agents, unless the organization conducted or operated exhibition events in this state before January 1, 2018 that were exempt from taxation under section 42-5073.

31. Sales of commodities, as defined by title 7 United States Code section 2, that are consigned for resale in a warehouse in this state in or from which the commodity is deliverable on a contract for future delivery

subject to the rules of a commodity market regulated by the United States commodity futures trading commission.

32. Sales of tangible personal property by a nonprofit organization that is exempt from taxation under section 501(c)(3), 501(c)(4), 501(c)(6), 501(c)(7) or 501(c)(8) of the internal revenue code if the organization sponsors or operates a rodeo featuring primarily farm and ranch animals and no part of the organization's net earnings inures to the benefit of any private shareholder or individual.

33. Sales of propagative materials to persons who use those items to commercially produce agricultural, horticultural, viticultural or floricultural crops in this state. For the purposes of this paragraph, "propagative materials":

(a) Includes seeds, seedlings, roots, bulbs, liners, transplants, cuttings, soil and plant additives, agricultural minerals, auxiliary soil and plant substances, micronutrients, fertilizers, insecticides, herbicides, fungicides, soil fumigants, desiccants, rodenticides, adjuvants, plant nutrients and plant growth regulators.

(b) Except for use in commercially producing industrial hemp as defined in section 3-311, does not include any propagative materials used in producing any part, including seeds, of any plant of the genus cannabis.

34. Machinery, equipment, technology or related supplies that are only useful to assist a person with a physical disability as defined in section 46-191 or a person who has a developmental disability as defined in section 36-551 or has a head injury as defined in section 41-3201 to be more independent and functional.

35. Sales of natural gas or liquefied petroleum gas used to propel a motor vehicle.

36. Paper machine clothing, such as forming fabrics and dryer felts, sold to a paper manufacturer and directly used or consumed in paper manufacturing.

37. Coal, petroleum, coke, natural gas, virgin fuel oil and electricity sold to a qualified environmental technology manufacturer, producer or processor as defined in section 41-1514.02 and directly used or consumed in generating or providing on-site power or energy solely for environmental technology manufacturing, producing or processing or environmental protection. This paragraph applies for twenty full consecutive calendar or fiscal years from the date the first paper manufacturing machine is placed in service. In the case of an environmental technology manufacturer, producer or processor that does not manufacture paper, the time period begins with the date the first manufacturing, processing or production equipment is placed in service.

38. Sales of liquid, solid or gaseous chemicals used in manufacturing, processing, fabricating, mining, refining, metallurgical operations, research and development and, beginning on January 1, 1999, printing, if using or consuming the chemicals, alone or as part of an integrated system of chemicals, involves direct contact with the materials from which the product is produced for the purpose of causing or allowing a chemical or physical change to occur in the materials as part of the production process. This paragraph does not include chemicals that are used or consumed in activities such as packaging, storage or transportation but

does not affect any deduction for such chemicals that is otherwise provided by this section. For the purposes of this paragraph, "printing" means a commercial printing operation and includes job printing, engraving, embossing, copying and bookbinding.

39. Through December 31, 1994, personal property liquidation transactions, conducted by a personal property liquidator. From and after December 31, 1994, personal property liquidation transactions shall be taxable under this section provided that nothing in this subsection shall be construed to authorize the taxation of casual activities or transactions under this chapter. For the purposes of this paragraph:

(a) "Personal property liquidation transaction" means a sale of personal property made by a personal property liquidator acting solely on behalf of the owner of the personal property sold at the dwelling of the owner or on the death of any owner, on behalf of the surviving spouse, if any, any devisee or heir or the personal representative of the estate of the deceased, if one has been appointed.

(b) "Personal property liquidator" means a person who is retained to conduct a sale in a personal property liquidation transaction.

40. Sales of food, drink and condiment for consumption within the premises of any prison, jail or other institution under the jurisdiction of the state department of corrections, the department of public safety, the department of juvenile corrections or a county sheriff.

41. A motor vehicle and any repair and replacement parts and tangible personal property becoming a part of such motor vehicle sold to a motor carrier that is subject to a fee prescribed in title 28, chapter 16, article 4 and that is engaged in the business of leasing or renting such property.

42. Sales of:

(a) Livestock and poultry to persons engaging in the businesses of farming, ranching or producing livestock or poultry.

(b) Livestock and poultry feed, salts, vitamins and other additives for livestock or poultry consumption that are sold to persons for use or consumption by their own livestock or poultry, for use or consumption in the businesses of farming, ranching and producing or feeding livestock, poultry, or livestock or poultry products or for use or consumption in noncommercial boarding of livestock. For the purposes of this paragraph, "poultry" includes ratites.

43. Sales of implants used as growth promotants and injectable medicines, not already exempt under paragraph 8 of this subsection, for livestock or poultry owned by or in possession of persons that are engaged in producing livestock, poultry, or livestock or poultry products or that are engaged in feeding livestock or poultry commercially. For the purposes of this paragraph, "poultry" includes ratites.

44. Sales of motor vehicles at auction to nonresidents of this state for use outside this state if the vehicles are shipped or delivered out of this state, regardless of where title to the motor vehicles passes or its free on board point.

45. Tangible personal property sold to a person engaged in business and subject to tax under the transient lodging classification if the tangible personal property is a personal hygiene item or articles used by human beings for food, drink or condiment, except alcoholic beverages, that are

furnished without additional charge to and intended to be consumed by the transient during the transient's occupancy.

46. Sales of alternative fuel, as defined in section 1-215, to a used oil fuel burner who has received a permit to burn used oil or used oil fuel under section 49-426 or 49-480.

47. Sales of materials that are purchased by or for publicly funded libraries, including school district libraries, charter school libraries, community college libraries, state university libraries or federal, state, county or municipal libraries, for use by the public as follows:

(a) Printed or photographic materials, beginning August 7, 1985.

(b) Electronic or digital media materials, beginning July 17, 1994.

48. Tangible personal property sold to a commercial airline and consisting of food, beverages and condiments and accessories used for serving the food and beverages, if those items are to be provided without additional charge to passengers for consumption in flight. For the purposes of this paragraph, "commercial airline" means a person holding a federal certificate of public convenience and necessity or foreign air carrier permit for air transportation to transport persons, property or United States mail in intrastate, interstate or foreign commerce.

49. Sales of alternative fuel vehicles if the vehicle was manufactured as a diesel fuel vehicle and converted to operate on alternative fuel and equipment that is installed in a conventional diesel fuel motor vehicle to convert the vehicle to operate on an alternative fuel, as defined in section 1-215.

50. Sales of any spirituous, vinous or malt liquor by a person that is licensed in this state as a wholesaler by the department of liquor licenses and control pursuant to title 4, chapter 2, article 1.

51. Sales of tangible personal property to be incorporated or installed as part of environmental response or remediation activities under section 42-5075, subsection B, paragraph 6.

52. Sales of tangible personal property by a nonprofit organization that is exempt from taxation under section 501(c)(6) of the internal revenue code if the organization produces, organizes or promotes cultural or civic related festivals or events and no part of the organization's net earnings inures to the benefit of any private shareholder or individual.

53. Application services that are designed to assess or test student learning or to promote curriculum design or enhancement purchased by or for any school district, charter school, community college or state university. For the purposes of this paragraph:

(a) "Application services" means software applications provided remotely using hypertext transfer protocol or another network protocol.

(b) "Curriculum design or enhancement" means planning, implementing or reporting on courses of study, lessons, assignments or other learning activities.

54. Sales of motor vehicle fuel and use fuel to a qualified business under section 41-1516 for off-road use in harvesting, processing or transporting qualifying forest products removed from qualifying projects as defined in section 41-1516.

55. Sales of repair parts installed in equipment used directly by a qualified business under section 41-1516 in harvesting, processing or

transporting qualifying forest products removed from qualifying projects as defined in section 41-1516.

56. Sales or other transfers of renewable energy credits or any other unit created to track energy derived from renewable energy resources. For the purposes of this paragraph, "renewable energy credit" means a unit created administratively by the corporation commission or governing body of a public power utility to track kilowatt hours of electricity derived from a renewable energy resource or the kilowatt hour equivalent of conventional energy resources displaced by distributed renewable energy resources.

57. Orthodontic devices dispensed by a dental professional who is licensed under title 32, chapter 11 to a patient as part of the practice of dentistry.

Ch. 251 — 58. Sales of tangible personal property incorporated or fabricated into a project described in section 42-5075, subsection ~~6~~ P, that is located within the exterior boundaries of an Indian reservation for which the owner, as defined in section 42-5075, of the project is an Indian tribe or an affiliated Indian. For the purposes of this paragraph:

(a) "Affiliated Indian" means an individual Native American Indian who is duly registered on the tribal rolls of the Indian tribe for whose benefit the Indian reservation was established.

(b) "Indian reservation" means all lands that are within the limits of areas set aside by the United States for the exclusive use and occupancy of an Indian tribe by treaty, law or executive order and that are recognized as Indian reservations by the United States department of the interior.

(c) "Indian tribe" means any organized nation, tribe, band or community that is recognized as an Indian tribe by the United States department of the interior and includes any entity formed under the laws of the Indian tribe.

59. Sales of works of fine art, as defined in section 44-1771, at an art auction or gallery in this state to nonresidents of this state for use outside this state if the vendor ships or delivers the work of fine art to a destination outside this state.

60. Sales of tangible personal property by a marketplace seller that are facilitated by a marketplace facilitator in which the marketplace facilitator has remitted or will remit the applicable tax to the department pursuant to section 42-5014.

B. In addition to the deductions from the tax base prescribed by subsection A of this section, the gross proceeds of sales or gross income derived from sales of the following categories of tangible personal property shall be deducted from the tax base:

1. Machinery, or equipment, used directly in manufacturing, processing, fabricating, job printing, refining or metallurgical operations. The terms "manufacturing", "processing", "fabricating", "job printing", "refining" and "metallurgical" as used in this paragraph refer to and include those operations commonly understood within their ordinary meaning. "Metallurgical operations" includes leaching, milling, precipitating, smelting and refining.

2. Mining machinery, or equipment, used directly in the process of extracting ores or minerals from the earth for commercial purposes, including equipment required to prepare the materials for extraction and

handling, loading or transporting such extracted material to the surface. "Mining" includes underground, surface and open pit operations for extracting ores and minerals.

Ch. 251 — 3. Tangible personal property sold to persons engaged in business classified under the telecommunications classification, including a person representing or working on behalf of such a person in a manner described in section 42-5075, subsection ~~Q~~ P, and consisting of central office switching equipment, switchboards, private branch exchange equipment, microwave radio equipment and carrier equipment including optical fiber, coaxial cable and other transmission media that are components of carrier systems.

4. Machinery, equipment or transmission lines used directly in producing or transmitting electrical power, but not including distribution. Transformers and control equipment used at transmission substation sites constitute equipment used in producing or transmitting electrical power.

5. Machinery and equipment used directly for energy storage for later electrical use. For the purposes of this paragraph:

(a) "Electric utility scale" means a person that is engaged in a business activity described in section 42-5063, subsection A or such person's equipment or wholesale electricity suppliers.

(b) "Energy storage" means commercially available technology for electric utility scale that is capable of absorbing energy, storing energy for a period of time and thereafter dispatching the energy and that uses mechanical, chemical or thermal processes to store energy.

(c) "Machinery and equipment used directly" means all machinery and equipment that are used for electric energy storage from the point of receipt of such energy in order to facilitate storage of the electric energy to the point where the electric energy is released.

6. Neat animals, horses, asses, sheep, ratites, swine or goats used or to be used as breeding or production stock, including sales of breedings or ownership shares in such animals used for breeding or production.

Ch. 247 — 7. Pipes or valves four inches in diameter or larger used to transport oil, natural gas, artificial gas, water, WASTEWATER or coal slurry, including compressor units, regulators, machinery and equipment, fittings, seals and any other part that is used in operating the pipes or valves.

8. Aircraft, navigational and communication instruments and other accessories and related equipment sold to:

(a) A person:

(i) Holding, or exempted by federal law from obtaining, a federal certificate of public convenience and necessity for use as, in conjunction with or becoming part of an aircraft to be used to transport persons for hire in intrastate, interstate or foreign commerce.

(ii) That is certificated or licensed under federal aviation administration regulations (14 Code of Federal Regulations part 121 or 135) as a scheduled or unscheduled carrier of persons for hire for use as or in conjunction with or becoming part of an aircraft to be used to transport persons for hire in intrastate, interstate or foreign commerce.

(iii) Holding a foreign air carrier permit for air transportation for use as or in conjunction with or becoming a part of aircraft to be used to transport persons, property or United States mail in intrastate, interstate or foreign commerce.

(iv) Operating an aircraft to transport persons in any manner for compensation or hire, or for use in a fractional ownership program that meets the requirements of federal aviation administration regulations (14 Code of Federal Regulations part 91, subpart K), including as an air carrier, a foreign air carrier or a commercial operator or under a restricted category, within the meaning of 14 Code of Federal Regulations, regardless of whether the operation or aircraft is regulated or certified under part 91, 119, 121, 133, 135, 136 or 137, or another part of 14 Code of Federal Regulations.

(v) That will lease or otherwise transfer operational control, within the meaning of federal aviation administration operations specification A008, or its successor, of the aircraft, instruments or accessories to one or more persons described in item (i), (ii), (iii) or (iv) of this subdivision, subject to section 42-5009, subsection Q.

(b) Any foreign government.

(c) Persons who are not residents of this state and who will not use such property in this state other than in removing such property from this state. This subdivision also applies to corporations that are not incorporated in this state, regardless of maintaining a place of business in this state, if the principal corporate office is located outside this state and the property will not be used in this state other than in removing the property from this state.

9. Machinery, tools, equipment and related supplies used or consumed directly in repairing, remodeling or maintaining aircraft, aircraft engines or aircraft component parts by or on behalf of a certificated or licensed carrier of persons or property.

10. Railroad rolling stock, rails, ties and signal control equipment used directly to transport persons or property.

11. Machinery or equipment used directly to drill for oil or gas or used directly in the process of extracting oil or gas from the earth for commercial purposes.

12. Buses or other urban mass transit vehicles that are used directly to transport persons or property for hire or pursuant to a governmentally adopted and controlled urban mass transportation program and that are sold to bus companies holding a federal certificate of convenience and necessity or operated by any city, town or other governmental entity or by any person contracting with such governmental entity as part of a governmentally adopted and controlled program to provide urban mass transportation.

13. Groundwater measuring devices required under section 45-604.

14. Machinery and equipment consisting of agricultural aircraft, tractors, off-highway vehicles, tractor-drawn implements, self-powered implements, machinery and equipment necessary for extracting milk, and machinery and equipment necessary for cooling milk and livestock, and drip irrigation lines not already exempt under paragraph 7 of this subsection and that are used for commercial production of agricultural, horticultural, viticultural and floricultural crops and products in this state. For the purposes of this paragraph:

(a) "Off-highway vehicles" means off-highway vehicles as defined in section 28-1171 that are modified at the time of sale to function as a tractor or to tow tractor-drawn implements and that are not equipped with a

modified exhaust system to increase horsepower or speed or an engine that is more than one thousand cubic centimeters or that have a maximum speed of fifty miles per hour or less.

(b) "Self-powered implements" includes machinery and equipment that are electric-powered.

15. Machinery or equipment used in research and development. For the purposes of this paragraph, "research and development" means basic and applied research in the sciences and engineering, and designing, developing or testing prototypes, processes or new products, including research and development of computer software that is embedded in or an integral part of the prototype or new product or that is required for machinery or equipment otherwise exempt under this section to function effectively. Research and development do not include manufacturing quality control, routine consumer product testing, market research, sales promotion, sales service, research in social sciences or psychology, computer software research that is not included in the definition of research and development, or other nontechnological activities or technical services.

16. Tangible personal property that is used by either of the following to receive, store, convert, produce, generate, decode, encode, control or transmit telecommunications information:

(a) Any direct broadcast satellite television or data transmission service that operates pursuant to 47 Code of Federal Regulations part 25.

(b) Any satellite television or data transmission facility, if both of the following conditions are met:

(i) Over two-thirds of the transmissions, measured in megabytes, transmitted by the facility during the test period were transmitted to or on behalf of one or more direct broadcast satellite television or data transmission services that operate pursuant to 47 Code of Federal Regulations part 25.

(ii) Over two-thirds of the transmissions, measured in megabytes, transmitted by or on behalf of those direct broadcast television or data transmission services during the test period were transmitted by the facility to or on behalf of those services. For the purposes of subdivision (b) of this paragraph, "test period" means the three hundred sixty-five day period beginning on the later of the date on which the tangible personal property is purchased or the date on which the direct broadcast satellite television or data transmission service first transmits information to its customers.

17. Clean rooms that are used for manufacturing, processing, fabrication or research and development, as defined in paragraph 15 of this subsection, of semiconductor products. For the purposes of this paragraph, "clean room" means all property that comprises or creates an environment where humidity, temperature, particulate matter and contamination are precisely controlled within specified parameters, without regard to whether the property is actually contained within that environment or whether any of the property is affixed to or incorporated into real property. Clean room:

(a) Includes the integrated systems, fixtures, piping, movable partitions, lighting and all property that is necessary or adapted to reduce contamination or to control airflow, temperature, humidity, chemical purity

or other environmental conditions or manufacturing tolerances, as well as the production machinery and equipment operating in conjunction with the clean room environment.

(b) Does not include the building or other permanent, nonremovable component of the building that houses the clean room environment.

18. Machinery and equipment used directly in feeding poultry, environmentally controlling housing for poultry, moving eggs within a production and packaging facility or sorting or cooling eggs. This exemption does not apply to vehicles used for transporting eggs.

19. Machinery or equipment, including related structural components and containment structures, that is employed in connection with manufacturing, processing, fabricating, job printing, refining, mining, natural gas pipelines, metallurgical operations, telecommunications, producing or transmitting electricity or research and development and that is used directly to meet or exceed rules or regulations adopted by the federal energy regulatory commission, the United States environmental protection agency, the United States nuclear regulatory commission, the Arizona department of environmental quality or a political subdivision of this state to prevent, monitor, control or reduce land, water or air pollution. For the purposes of this paragraph, "containment structure" means a structure that prevents, monitors, controls or reduces noxious or harmful discharge into the environment.

Ch. 251 — 20. Machinery and equipment that are sold to a person engaged in commercially producing livestock, livestock products or agricultural, horticultural, viticultural or floricultural crops or products in this state, including a person representing or working on behalf of such a person in a manner described in section 42-5075, subsection ~~P~~ P, if the machinery and equipment are used directly and primarily to prevent, monitor, control or reduce air, water or land pollution.

21. Machinery or equipment that enables a television station to originate and broadcast or to receive and broadcast digital television signals and that was purchased to facilitate compliance with the telecommunications act of 1996 (P.L. 104-104; 110 Stat. 56; 47 United States Code section 336) and the federal communications commission order issued April 21, 1997 (47 Code of Federal Regulations part 73). This paragraph does not exempt any of the following:

(a) Repair or replacement parts purchased for the machinery or equipment described in this paragraph.

(b) Machinery or equipment purchased to replace machinery or equipment for which an exemption was previously claimed and taken under this paragraph.

(c) Any machinery or equipment purchased after the television station has ceased analog broadcasting, or purchased after November 1, 2009, whichever occurs first.

Ch. 135 — 22. Qualifying equipment that is purchased from and after June 30, 2004 through December 31, ~~2026~~ 2028 by a qualified business under section 41-1516 for harvesting or processing qualifying forest products removed from qualifying projects as defined in section 41-1516. To qualify for this deduction, the qualified business at the time of purchase must present its certification approved by the department.

23. Computer data center equipment sold to the owner, operator or qualified colocation tenant of a computer data center that is certified by the Arizona commerce authority under section 41-1519 or an authorized agent of the owner, operator or qualified colocation tenant during the qualification period for use in the qualified computer data center. For the purposes of this paragraph, "computer data center", "computer data center equipment", "qualification period" and "qualified colocation tenant" have the same meanings prescribed in section 41-1519.

C. The deductions provided by subsection B of this section do not include sales of:

1. Expendable materials. For the purposes of this paragraph, expendable materials do not include any of the categories of tangible personal property specified in subsection B of this section regardless of the cost or useful life of that property.

2. Janitorial equipment and hand tools.

3. Office equipment, furniture and supplies.

4. Tangible personal property used in selling or distributing activities, other than the telecommunications transmissions described in subsection B, paragraph 16 of this section.

5. Motor vehicles required to be licensed by this state, except buses or other urban mass transit vehicles specifically exempted pursuant to subsection B, paragraph 12 of this section, without regard to the use of such motor vehicles.

6. Shops, buildings, docks, depots and all other materials of whatever kind or character not specifically included as exempt.

7. Motors and pumps used in drip irrigation systems.

8. Machinery and equipment or other tangible personal property used by a contractor in performing a contract.

D. In addition to the deductions from the tax base prescribed by subsection A of this section, there shall be deducted from the tax base the gross proceeds of sales or gross income derived from sales of machinery, equipment, materials and other tangible personal property used directly and predominantly to construct a qualified environmental technology manufacturing, producing or processing facility as described in section 41-1514.02. This subsection applies for ten full consecutive calendar or fiscal years after the start of initial construction.

E. In computing the tax base, gross proceeds of sales or gross income from retail sales of heavy trucks and trailers does not include any amount attributable to federal excise taxes imposed by 26 United States Code section 4051.

F. If a person is engaged in an occupation or business to which subsection A of this section applies, the person's books shall be kept so as to show separately the gross proceeds of sales of tangible personal property and the gross income from sales of services, and if not so kept the tax shall be imposed on the total of the person's gross proceeds of sales of tangible personal property and gross income from services.

G. If a person is engaged in the business of selling tangible personal property at both wholesale and retail, the tax under this section applies only to the gross proceeds of the sales made other than at wholesale if the person's books are kept so as to show separately the gross proceeds of sales

of each class, and if the books are not so kept, the tax under this section applies to the gross proceeds of every sale so made.

H. A person who engages in manufacturing, baling, crating, boxing, barreling, canning, bottling, sacking, preserving, processing or otherwise preparing for sale or commercial use any livestock, agricultural or horticultural product or any other product, article, substance or commodity and who sells the product of such business at retail in this state is deemed, as to such sales, to be engaged in business classified under the retail classification. This subsection does not apply to:

1. Agricultural producers who are owners, proprietors or tenants of agricultural lands, orchards, farms or gardens where agricultural products are grown, raised or prepared for market and who are marketing their own agricultural products.

2. Businesses classified under the:

- (a) Transporting classification.
- (b) Utilities classification.
- (c) Telecommunications classification.
- (d) Pipeline classification.
- (e) Private car line classification.
- (f) Publication classification.
- (g) Job printing classification.
- (h) Prime contracting classification.
- (i) Restaurant classification.

- I. The gross proceeds of sales or gross income derived from the following shall be deducted from the tax base for the retail classification:

1. Sales made directly to the United States government or its departments or agencies by a manufacturer, modifier, assembler or repairer.

2. Sales made directly to a manufacturer, modifier, assembler or repairer if such sales are of any ingredient or component part of products sold directly to the United States government or its departments or agencies by the manufacturer, modifier, assembler or repairer.

3. Overhead materials or other tangible personal property that is used in performing a contract between the United States government and a manufacturer, modifier, assembler or repairer, including property used in performing a subcontract with a government contractor who is a manufacturer, modifier, assembler or repairer, to which title passes to the government under the terms of the contract or subcontract.

4. Sales of overhead materials or other tangible personal property to a manufacturer, modifier, assembler or repairer if the gross proceeds of sales or gross income derived from the property by the manufacturer, modifier, assembler or repairer will be exempt under paragraph 3 of this subsection.

- J. There shall be deducted from the tax base fifty percent of the gross proceeds or gross income from any sale of tangible personal property made directly to the United States government or its departments or agencies that is not deducted under subsection I of this section.

- K. The department shall require every person claiming a deduction provided by subsection I or J of this section to file on forms prescribed by the department at such times as the department directs a sworn statement

disclosing the name of the purchaser and the exact amount of sales on which the exclusion or deduction is claimed.

L. In computing the tax base, gross proceeds of sales or gross income does not include:

1. A manufacturer's cash rebate on the sales price of a motor vehicle if the buyer assigns the buyer's right in the rebate to the retailer.

2. The waste tire disposal fee imposed pursuant to section 44-1302.

M. There shall be deducted from the tax base the amount received from sales of solar energy devices. The retailer shall register with the department as a solar energy retailer. By registering, the retailer acknowledges that it will make its books and records relating to sales of solar energy devices available to the department for examination.

N. In computing the tax base in the case of the sale or transfer of wireless telecommunications equipment as an inducement to a customer to enter into or continue a contract for telecommunications services that are taxable under section 42-5064, gross proceeds of sales or gross income does not include any sales commissions or other compensation received by the retailer as a result of the customer entering into or continuing a contract for the telecommunications services.

O. For the purposes of this section, a sale of wireless telecommunications equipment to a person who holds the equipment for sale or transfer to a customer as an inducement to enter into or continue a contract for telecommunications services that are taxable under section 42-5064 is considered to be a sale for resale in the regular course of business.

P. Retail sales of prepaid calling cards or prepaid authorization numbers for telecommunications services, including sales of reauthorization of a prepaid card or authorization number, are subject to tax under this section.

Q. For the purposes of this section, the diversion of gas from a pipeline by a person engaged in the business of:

1. Operating a natural or artificial gas pipeline, for the sole purpose of fueling compressor equipment to pressurize the pipeline, is not a sale of the gas to the operator of the pipeline.

2. Converting natural gas into liquefied natural gas, for the sole purpose of fueling compressor equipment used in the conversion process, is not a sale of gas to the operator of the compressor equipment.

R. For the purposes of this section, the transfer of title or possession of coal from an owner or operator of a power plant to a person in the business of refining coal is not a sale of coal if both of the following apply:

1. The transfer of title or possession of the coal is for the purpose of refining the coal.

2. The title or possession of the coal is transferred back to the owner or operator of the power plant after completion of the coal refining process. For the purposes of this paragraph, "coal refining process" means the application of a coal additive system that aids in the reduction of power plant emissions during the combustion of coal and the treatment of flue gas.

S. If a seller is entitled to a deduction pursuant to subsection B, paragraph 16, subdivision (b) of this section, the department may require the purchaser to establish that the requirements of subsection B, paragraph 16, subdivision (b) of this section have been satisfied. If the purchaser cannot establish that the requirements of subsection B, paragraph 16, subdivision (b) of this section have been satisfied, the purchaser is liable in an amount equal to any tax, penalty and interest that the seller would have been required to pay under article 1 of this chapter if the seller had not made a deduction pursuant to subsection B, paragraph 16, subdivision (b) of this section. Payment of the amount under this subsection exempts the purchaser from liability for any tax imposed under article 4 of this chapter and related to the tangible personal property purchased. The amount shall be treated as transaction privilege tax to the purchaser and as tax revenues collected from the seller to designate the distribution base pursuant to section 42-5029.

T. For the purposes of section 42-5032.01, the department shall separately account for revenues collected under the retail classification from businesses selling tangible personal property at retail:

1. On the premises of a multipurpose facility that is owned, leased or operated by the tourism and sports authority pursuant to title 5, chapter 8.

2. At professional football contests that are held in a stadium located on the campus of an institution under the jurisdiction of the Arizona board of regents.

U. FOR THE PURPOSES OF SECTION 42-5032.03 AND SUBJECT TO SECTION 48-4238, BEGINNING OCTOBER 1, 2025 AND EACH MONTH THEREAFTER THROUGH DECEMBER 31, 2055, THE DEPARTMENT SHALL SEPARATELY ACCOUNT FOR REVENUES COLLECTED UNDER THE RETAIL CLASSIFICATION FROM EACH BUSINESS SELLING TANGIBLE PERSONAL PROPERTY AT RETAIL ON THE PREMISES OF A MAJOR LEAGUE BASEBALL FACILITY OR AN ADJACENT BUILDING THAT IS OWNED BY A COUNTY STADIUM DISTRICT PURSUANT TO TITLE 48, CHAPTER 26 AND OPERATED BY THE COUNTY STADIUM DISTRICT OR THE PROFESSIONAL BASEBALL FRANCHISE ORGANIZATION THAT OCCUPIES THE MAJOR LEAGUE BASEBALL FACILITY OR ADJACENT BUILDING. FOR THE PURPOSES OF THIS SUBSECTION, "ADJACENT BUILDING" AND "MAJOR LEAGUE BASEBALL FACILITY" HAVE THE SAME MEANINGS PRESCRIBED IN SECTION 48-4201.

~~U.~~ V. In computing the tax base for the sale of a motor vehicle to a nonresident of this state, if the purchaser's state of residence allows a corresponding use tax exemption to the tax imposed by article 1 of this chapter and the rate of the tax in the purchaser's state of residence is lower than the rate prescribed in article 1 of this chapter or if the purchaser's state of residence does not impose an excise tax, and the nonresident has secured a special ninety day nonresident registration permit for the vehicle as prescribed by sections 28-2154 and 28-2154.01, there shall be deducted from the tax base a portion of the gross proceeds or gross income from the sale so that the amount of transaction privilege tax that is paid in this state is equal to the excise tax that is imposed by the purchaser's state of residence on the nonexempt sale or use of the motor vehicle.

~~W.~~ W. For the purposes of this section:

1. "Agricultural aircraft" means an aircraft that is built for agricultural use for the aerial application of pesticides or fertilizer or for aerial seeding.

2. "Aircraft" includes:

(a) An airplane flight simulator that is approved by the federal aviation administration for use as a phase II or higher flight simulator under appendix H, 14 Code of Federal Regulations part 121.

(b) Tangible personal property that is permanently affixed or attached as a component part of an aircraft that is owned or operated by a certificated or licensed carrier of persons or property.

3. "Other accessories and related equipment" includes aircraft accessories and equipment such as ground service equipment that physically contact aircraft at some point during the overall carrier operation.

4. "Selling at retail" means a sale for any purpose other than for resale in the regular course of business in the form of tangible personal property, but transfer of possession, lease and rental as used in the definition of sale mean only such transactions as are found on investigation to be in lieu of sales as defined without the words lease or rental.

~~W.~~ X. For the purposes of subsection I of this section:

1. "Assembler" means a person who unites or combines products, wares or articles of manufacture so as to produce a change in form or substance without changing or altering the component parts.

2. "Manufacturer" means a person who is principally engaged in fabricating, producing or manufacturing products, wares or articles for use from raw or prepared materials, imparting to those materials new forms, qualities, properties and combinations.

3. "Modifier" means a person who reworks, changes or adds to products, wares or articles of manufacture.

4. "Overhead materials" means tangible personal property, the gross proceeds of sales or gross income derived from that would otherwise be included in the retail classification, and that are used or consumed in performing a contract, the cost of which is charged to an overhead expense account and allocated to various contracts based on generally accepted accounting principles and consistent with government contract accounting standards.

5. "Repairer" means a person who restores or renews products, wares or articles of manufacture.

6. "Subcontract" means an agreement between a contractor and any person who is not an employee of the contractor for furnishing supplies or services that, in whole or in part, are necessary to perform one or more government contracts, or under which any portion of the contractor's obligation under one or more government contracts is performed, undertaken or assumed and that includes provisions causing title to overhead materials or other tangible personal property used in performing the subcontract to pass to the government or that includes provisions incorporating such title passing clauses in a government contract into the subcontract.

EXPLANATION OF BLEND
SECTION 42-5159

Laws 2025, Chapters 135, 247 and 251

Laws 2025, Ch. 135, section 2

Effective September 26, 2025

Laws 2025, Ch. 247, section 2

Effective September 26, 2025

Laws 2025, Ch. 251, section 13

Effective September 26, 2025

Explanation

Since these three enactments are compatible, the Laws 2025, Ch. 135, Ch. 247 and Ch. 251 text changes to section 42-5159 are blended in the form shown on the following pages.

BLEND OF SECTION 42-5159
Laws 2025, Chapters 135, 247 and 251

42-5159. Exemptions

A. The tax levied by this article does not apply to the storage, use or consumption in this state of the following described tangible personal property:

1. Tangible personal property, sold in this state, the gross receipts from the sale of which are included in the measure of the tax imposed by articles 1 and 2 of this chapter.

2. Tangible personal property, the sale or use of which has already been subjected to an excise tax at a rate equal to or exceeding the tax imposed by this article under the laws of another state of the United States. If the excise tax imposed by the other state is at a rate less than the tax imposed by this article, the tax imposed by this article is reduced by the amount of the tax already imposed by the other state.

3. Tangible personal property, the storage, use or consumption of which the constitution or laws of the United States prohibit this state from taxing or to the extent that the rate or imposition of tax is unconstitutional under the laws of the United States.

4. Tangible personal property that directly enters into and becomes an ingredient or component part of any manufactured, fabricated or processed article, substance or commodity for sale in the regular course of business.

5. Motor vehicle fuel and use fuel, the sales, distribution or use of which in this state is subject to the tax imposed under title 28, chapter 16, article 1, use fuel that is sold to or used by a person holding a valid single trip use fuel tax permit issued under section 28-5739, aviation fuel, the sales, distribution or use of which in this state is subject to the tax imposed under section 28-8344, and jet fuel, the sales, distribution or use of which in this state is subject to the tax imposed under article 8 of this chapter.

6. Tangible personal property brought into this state by an individual who was a nonresident at the time the property was purchased for storage, use or consumption by the individual if the first actual use or consumption of the property was outside this state, unless the property is used in conducting a business in this state.

7. Purchases of implants used as growth promotants and injectable medicines, not already exempt under paragraph 16 of this subsection, for livestock and poultry owned by, or in possession of, persons who are engaged in producing livestock, poultry, or livestock or poultry products, or who are engaged in feeding livestock or poultry commercially. For the purposes of this paragraph, "poultry" includes ratites.

8. Purchases of:

(a) Livestock and poultry to persons engaging in the businesses of farming, ranching or producing livestock or poultry.

(b) Livestock and poultry feed, salts, vitamins and other additives sold to persons for use or consumption in the businesses of farming, ranching and producing or feeding livestock or poultry or for use or consumption in noncommercial boarding of livestock. For the purposes of this paragraph, "poultry" includes ratites.

9. Propagative materials for use in commercially producing agricultural, horticultural, viticultural or floricultural crops in this state. For the purposes of this paragraph, "propagative materials":

(a) Includes seeds, seedlings, roots, bulbs, liners, transplants, cuttings, soil and plant additives, agricultural minerals, auxiliary soil and plant substances, micronutrients, fertilizers, insecticides, herbicides, fungicides, soil fumigants, desiccants, rodenticides, adjuvants, plant nutrients and plant growth regulators.

(b) Except for use in commercially producing industrial hemp as defined in section 3-311, does not include any propagative materials used in producing any part, including seeds, of any plant of the genus cannabis.

10. Tangible personal property not exceeding \$200 in any one month purchased by an individual at retail outside the continental limits of the United States for the individual's own personal use and enjoyment.

11. Advertising supplements that are intended for sale with newspapers published in this state and that have already been subjected to an excise tax under the laws of another state in the United States that equals or exceeds the tax imposed by this article.

12. Materials that are purchased by or for publicly funded libraries, including school district libraries, charter school libraries, community college libraries, state university libraries or federal, state, county or municipal libraries, for use by the public as follows:

(a) Printed or photographic materials, beginning August 7, 1985.

(b) Electronic or digital media materials, beginning July 17, 1994.

13. Tangible personal property purchased by:

(a) A hospital organized and operated exclusively for charitable purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(b) A hospital operated by this state or a political subdivision of this state.

(c) A licensed nursing care institution or a licensed residential care institution or a residential care facility operated in conjunction with a licensed nursing care institution or a licensed kidney dialysis center, which provides medical services, nursing services or health related services and is not used or held for profit.

(d) A qualifying health care organization, as defined in section 42-5001, if the tangible personal property is used by the organization solely to provide health and medical related educational and charitable services.

(e) A qualifying health care organization as defined in section 42-5001 if the organization is dedicated to providing educational, therapeutic, rehabilitative and family medical education training for blind and visually impaired children and children with multiple disabilities from the time of birth to age twenty-one.

(f) A nonprofit charitable organization that has qualified under section 501(c)(3) of the United States internal revenue code and that engages in and uses such property exclusively in programs for persons with mental or physical disabilities if the programs are exclusively for training, job placement, rehabilitation or testing.

(g) A person that is subject to tax under this chapter by reason of being engaged in business classified under section 42-5075, or a subcontractor working under the control of a person that is engaged in business classified under section 42-5075, if the tangible personal property is any of the following:

(i) Incorporated or fabricated by the person into a structure, project, development or improvement in fulfillment of a contract.

Ch. 251 — (ii) Incorporated or fabricated by the person into any project described in section 42-5075, subsection ~~P~~ P.

(iii) Used in environmental response or remediation activities under section 42-5075, subsection B, paragraph 6.

(h) A person that is not subject to tax under section 42-5075 and that has been provided a copy of a certificate described in section 42-5009, subsection L, if the property purchased is incorporated or fabricated by the person into the real property, structure, project, development or improvement described in the certificate.

(i) A nonprofit charitable organization that has qualified under section 501(c)(3) of the internal revenue code if the property is purchased from the parent or an affiliate organization that is located outside this state.

(j) A qualifying community health center as defined in section 42-5001.

(k) A nonprofit charitable organization that has qualified under section 501(c)(3) of the internal revenue code and that regularly serves meals to the needy and indigent on a continuing basis at no cost.

(l) A person engaged in business under the transient lodging classification if the property is a personal hygiene item or articles used by human beings for food, drink or condiment, except alcoholic beverages, which are furnished without additional charge to and intended to be consumed by the transient during the transient's occupancy.

(m) For taxable periods beginning from and after June 30, 2001, a nonprofit charitable organization that has qualified under section 501(c)(3) of the internal revenue code and that provides residential apartment housing for low-income persons over sixty-two years of age in a facility that qualifies for a federal housing subsidy, if the tangible personal property is used by the organization solely to provide residential apartment housing for low-income persons over sixty-two years of age in a facility that qualifies for a federal housing subsidy.

(n) A qualifying health sciences educational institution as defined in section 42-5001.

Ch. 251 — (o) A person representing or working on behalf of any person described in subdivision (a), (b), (c), (d), (e), (f), (i), (j), (k), (m) or (n) of this paragraph, if the tangible personal property is incorporated or fabricated into a project described in section 42-5075, subsection ~~P~~ P.

14. Commodities, as defined by title 7 United States Code section 2, that are consigned for resale in a warehouse in this state in or from which the commodity is deliverable on a contract for future delivery subject to the rules of a commodity market regulated by the United States commodity futures trading commission.

15. Tangible personal property sold by:

(a) Any nonprofit organization organized and operated exclusively for charitable purposes and recognized by the United States internal revenue service under section 501(c)(3) of the internal revenue code.

(b) A nonprofit organization that is exempt from taxation under section 501(c)(3), 501(c)(4) or 501(c)(6) of the internal revenue code if the organization is associated with a major league baseball team or a national touring professional golfing association and no part of the organization's net earnings inures to the benefit of any private shareholder or individual. This subdivision does not apply to an organization that is owned, managed or controlled, in whole or in part, by a major league baseball team, or its owners, officers, employees or agents, or by a major league baseball association or professional golfing association, or its owners, officers, employees or agents, unless the organization conducted or operated exhibition events in this state before January 1, 2018 that were exempt from transaction privilege tax under section 42-5073.

(c) A nonprofit organization that is exempt from taxation under section 501(c)(3), 501(c)(4), 501(c)(6), 501(c)(7) or 501(c)(8) of the internal revenue code if the organization sponsors or operates a rodeo featuring primarily farm and ranch animals and no part of the organization's net earnings inures to the benefit of any private shareholder or individual.

16. Drugs and medical oxygen, including delivery hose, mask or tent, regulator and tank, if prescribed by a member of the medical, dental or veterinarian profession who is licensed by law to administer such substances.

17. Prosthetic appliances, as defined in section 23-501, prescribed or recommended by a person who is licensed, registered or otherwise professionally credentialed as a physician, dentist, podiatrist, chiropractor, naturopath, homeopath, nurse or optometrist.

18. Prescription eyeglasses and contact lenses.

19. Insulin, insulin syringes and glucose test strips.

20. Hearing aids as defined in section 36-1901.

21. Durable medical equipment that has a centers for medicare and medicaid services common procedure code, is designated reimbursable by medicare, is prescribed by a person who is licensed under title 32, chapter 7, 13, 17 or 29, can withstand repeated use, is primarily and customarily used to serve a medical purpose, is generally not useful to a person in the absence of illness or injury and is appropriate for use in the home.

22. Food, as provided in and subject to the conditions of article 3 of this chapter and sections 42-5074 and 42-6017.

23. Items purchased with United States department of agriculture coupons issued under the supplemental nutrition assistance program pursuant to the food and nutrition act of 2008 (P.L. 88-525; 78 Stat. 703; 7 United States Code sections 2011 through 2036b) by the United States department of agriculture food and nutrition service or food instruments issued under

section 17 of the child nutrition act (P.L. 95-627; 92 Stat. 3603; P.L. 99-661, section 4302; P.L. 111-296; 42 United States Code section 1786).

24. Food and drink provided without monetary charge by a taxpayer that is subject to section 42-5074 to its employees for their own consumption on the premises during the employees' hours of employment.

25. Tangible personal property that is used or consumed in a business subject to section 42-5074 for human food, drink or condiment, whether simple, mixed or compounded.

26. Food, drink or condiment and accessory tangible personal property that are acquired for use by or provided to a school district or charter school if they are to be either served or prepared and served to persons for consumption on the premises of a public school in the school district or on the premises of the charter school during school hours.

27. Lottery tickets or shares purchased pursuant to title 5, chapter 5.1, article 1.

28. Textbooks, sold by a bookstore, that are required by any state university or community college.

29. Magazines, other periodicals or other publications produced by this state to encourage tourist travel.

30. Paper machine clothing, such as forming fabrics and dryer felts, purchased by a paper manufacturer and directly used or consumed in paper manufacturing.

31. Coal, petroleum, coke, natural gas, virgin fuel oil and electricity purchased by a qualified environmental technology manufacturer, producer or processor as defined in section 41-1514.02 and directly used or consumed in generating or providing on-site power or energy solely for environmental technology manufacturing, producing or processing or environmental protection. This paragraph applies for twenty full consecutive calendar or fiscal years from the date the first paper manufacturing machine is placed in service. In the case of an environmental technology manufacturer, producer or processor that does not manufacture paper, the time period begins with the date the first manufacturing, processing or production equipment is placed in service.

32. Motor vehicles that are removed from inventory by a motor vehicle dealer as defined in section 28-4301 and that are provided to:

(a) Charitable or educational institutions that are exempt from taxation under section 501(c)(3) of the internal revenue code.

(b) Public educational institutions.

(c) State universities or affiliated organizations of a state university if no part of the organization's net earnings inures to the benefit of any private shareholder or individual.

33. Natural gas or liquefied petroleum gas used to propel a motor vehicle.

34. Machinery, equipment, technology or related supplies that are only useful to assist a person with a physical disability as defined in section 46-191 or a person who has a developmental disability as defined in section 36-551 or has a head injury as defined in section 41-3201 to be more independent and functional.

35. Liquid, solid or gaseous chemicals used in manufacturing, processing, fabricating, mining, refining, metallurgical operations, research and development and, beginning on January 1, 1999, printing, if using or consuming the chemicals, alone or as part of an integrated system of chemicals, involves direct contact with the materials from which the product is produced for the purpose of causing or allowing a chemical or physical change to occur in the materials as part of the production process. This paragraph does not include chemicals that are used or consumed in activities such as packaging, storage or transportation but does not affect any exemption for such chemicals that is otherwise provided by this section. For the purposes of this paragraph, "printing" means a commercial printing operation and includes job printing, engraving, embossing, copying and bookbinding.

36. Food, drink and condiment purchased for consumption within the premises of any prison, jail or other institution under the jurisdiction of the state department of corrections, the department of public safety, the department of juvenile corrections or a county sheriff.

37. A motor vehicle and any repair and replacement parts and tangible personal property becoming a part of such motor vehicle sold to a motor carrier that is subject to a fee prescribed in title 28, chapter 16, article 4 and that is engaged in the business of leasing or renting such a property.

38. Tangible personal property that is or directly enters into and becomes an ingredient or component part of cards used as prescription plan identification cards.

39. Overhead materials or other tangible personal property that is used in performing a contract between the United States government and a manufacturer, modifier, assembler or repairer, including property used in performing a subcontract with a government contractor who is a manufacturer, modifier, assembler or repairer, to which title passes to the government under the terms of the contract or subcontract. For the purposes of this paragraph:

(a) "Overhead materials" means tangible personal property, the gross proceeds of sales or gross income derived from which would otherwise be included in the retail classification, that is used or consumed in performing a contract, the cost of which is charged to an overhead expense account and allocated to various contracts based on generally accepted accounting principles and consistent with government contract accounting standards.

(b) "Subcontract" means an agreement between a contractor and any person who is not an employee of the contractor for furnishing of supplies or services that, in whole or in part, are necessary to perform one or more government contracts, or under which any portion of the contractor's obligation under one or more government contracts is performed, undertaken or assumed, and that includes provisions causing title to overhead materials or other tangible personal property used in performing the subcontract to pass to the government or that includes provisions incorporating such title passing clauses in a government contract into the subcontract.

40. Through December 31, 1994, tangible personal property sold pursuant to a personal property liquidation transaction, as defined in section 42-5061. From and after December 31, 1994, tangible personal property sold pursuant to a personal property liquidation transaction, as

defined in section 42-5061, if the gross proceeds of the sales were included in the measure of the tax imposed by article 1 of this chapter or if the personal property liquidation was a casual activity or transaction.

41. Wireless telecommunications equipment that is held for sale or transfer to a customer as an inducement to enter into or continue a contract for telecommunications services that are taxable under section 42-5064.

42. Alternative fuel, as defined in section 1-215, purchased by a used oil fuel burner who has received a permit to burn used oil or used oil fuel under section 49-426 or 49-480.

43. Tangible personal property purchased by a commercial airline and consisting of food, beverages and condiments and accessories used for serving the food and beverages, if those items are to be provided without additional charge to passengers for consumption in flight. For the purposes of this paragraph, "commercial airline" means a person holding a federal certificate of public convenience and necessity or foreign air carrier permit for air transportation to transport persons, property or United States mail in intrastate, interstate or foreign commerce.

44. Alternative fuel vehicles if the vehicle was manufactured as a diesel fuel vehicle and converted to operate on alternative fuel and equipment that is installed in a conventional diesel fuel motor vehicle to convert the vehicle to operate on an alternative fuel, as defined in section 1-215.

45. Gas diverted from a pipeline, by a person engaged in the business of:

(a) Operating a natural or artificial gas pipeline, and used or consumed for the sole purpose of fueling compressor equipment that pressurizes the pipeline.

(b) Converting natural gas into liquefied natural gas, and used or consumed for the sole purpose of fueling compressor equipment used in the conversion process.

46. Tangible personal property that is excluded, exempt or deductible from transaction privilege tax pursuant to section 42-5063.

47. Tangible personal property purchased to be incorporated or installed as part of environmental response or remediation activities under section 42-5075, subsection B, paragraph 6.

48. Tangible personal property sold by a nonprofit organization that is exempt from taxation under section 501(c)(6) of the internal revenue code if the organization produces, organizes or promotes cultural or civic related festivals or events and no part of the organization's net earnings inures to the benefit of any private shareholder or individual.

49. Prepared food, drink or condiment donated by a restaurant as classified in section 42-5074, subsection A to a nonprofit charitable organization that has qualified under section 501(c)(3) of the internal revenue code and that regularly serves meals to the needy and indigent on a continuing basis at no cost.

50. Application services that are designed to assess or test student learning or to promote curriculum design or enhancement purchased by or for any school district, charter school, community college or state university. For the purposes of this paragraph:

(a) "Application services" means software applications provided remotely using hypertext transfer protocol or another network protocol.

(b) "Curriculum design or enhancement" means planning, implementing or reporting on courses of study, lessons, assignments or other learning activities.

51. Motor vehicle fuel and use fuel to a qualified business under section 41-1516 for off-road use in harvesting, processing or transporting qualifying forest products removed from qualifying projects as defined in section 41-1516.

52. Repair parts installed in equipment used directly by a qualified business under section 41-1516 in harvesting, processing or transporting qualifying forest products removed from qualifying projects as defined in section 41-1516.

53. Renewable energy credits or any other unit created to track energy derived from renewable energy resources. For the purposes of this paragraph, "renewable energy credit" means a unit created administratively by the corporation commission or governing body of a public power entity to track kilowatt hours of electricity derived from a renewable energy resource or the kilowatt hour equivalent of conventional energy resources displaced by distributed renewable energy resources.

54. Coal acquired from an owner or operator of a power plant by a person that is responsible for refining coal if both of the following apply:

(a) The transfer of title or possession of the coal is for the purpose of refining the coal.

(b) The title or possession of the coal is transferred back to the owner or operator of the power plant after completion of the coal refining process. For the purposes of this subdivision, "coal refining process" means the application of a coal additive system that aids the reduction of power plant emissions during the combustion of coal and the treatment of flue gas.

Ch. 251 — 55. Tangible personal property incorporated or fabricated into a project described in section 42-5075, subsection ~~P~~ P that is located within the exterior boundaries of an Indian reservation for which the owner, as defined in section 42-5075, of the project is an Indian tribe or an affiliated Indian. For the purposes of this paragraph:

(a) "Affiliated Indian" means an individual Native American Indian who is duly registered on the tribal rolls of the Indian tribe for whose benefit the Indian reservation was established.

(b) "Indian reservation" means all lands that are within the limits of areas set aside by the United States for the exclusive use and occupancy of an Indian tribe by treaty, law or executive order and that are recognized as Indian reservations by the United States department of the interior.

(c) "Indian tribe" means any organized nation, tribe, band or community that is recognized as an Indian tribe by the United States department of the interior and includes any entity formed under the laws of the Indian tribe.

56. Cash equivalents, precious metal bullion and monetized bullion purchased by the ultimate consumer, but coins or other forms of money for manufacture into jewelry or works of art are subject to tax, and tangible personal property that is purchased through the redemption of any cash

equivalent by the holder as a means of payment for goods that are subject to tax under this article is subject to tax. For the purposes of this paragraph:

(a) "Cash equivalents" means items, whether or not negotiable, that are sold to one or more persons, through which a value denominated in money is purchased in advance and that may be redeemed in full or in part for tangible personal property, intangibles or services. Cash equivalents include gift cards, stored value cards, gift certificates, vouchers, traveler's checks, money orders or other tangible instruments or orders. Cash equivalents do not include either of the following:

(i) Items that are sold to one or more persons and through which a value is not denominated in money.

(ii) Prepaid calling cards for telecommunications services.

(b) "Monetized bullion" means coins and other forms of money that are manufactured from gold, silver or other metals and that have been or are used as a medium of exchange in this or another state, the United States or a foreign nation.

(c) "Precious metal bullion" means precious metal, including gold, silver, platinum, rhodium and palladium, that has been smelted or refined so that its value depends on its contents and not on its form.

B. In addition to the exemptions allowed by subsection A of this section, the following categories of tangible personal property are also exempt:

1. Machinery, or equipment, used directly in manufacturing, processing, fabricating, job printing, refining or metallurgical operations. The terms "manufacturing", "processing", "fabricating", "job printing", "refining" and "metallurgical" as used in this paragraph refer to and include those operations commonly understood within their ordinary meaning. "Metallurgical operations" includes leaching, milling, precipitating, smelting and refining.

2. Machinery, or equipment, used directly in the process of extracting ores or minerals from the earth for commercial purposes, including equipment required to prepare the materials for extraction and handling, loading or transporting such extracted material to the surface. "Mining" includes underground, surface and open pit operations for extracting ores and minerals.

3. Tangible personal property sold to persons engaged in business classified under the telecommunications classification under section 42-5064, including a person representing or working on behalf of such a person in a manner described in section 42-5075, subsection ~~P~~ P, and consisting of central office switching equipment, switchboards, private branch exchange equipment, microwave radio equipment and carrier equipment including optical fiber, coaxial cable and other transmission media that are components of carrier systems.

4. Machinery, equipment or transmission lines used directly in producing or transmitting electrical power, but not including distribution. Transformers and control equipment used at transmission substation sites constitute equipment used in producing or transmitting electrical power.

5. Machinery and equipment used directly for energy storage for later electrical use. For the purposes of this paragraph:

(a) "Electric utility scale" means a person that is engaged in a business activity described in section 42-5063, subsection A or such person's equipment or wholesale electricity suppliers.

(b) "Energy storage" means commercially available technology for electric utility scale that is capable of absorbing energy, storing energy for a period of time and thereafter dispatching the energy and that uses mechanical, chemical or thermal processes to store energy.

(c) "Machinery and equipment used directly" means all machinery and equipment that are used for electric energy storage from the point of receipt of such energy in order to facilitate storage of the electric energy to the point where the electric energy is released.

6. Neat animals, horses, asses, sheep, ratites, swine or goats used or to be used as breeding or production stock, including sales of breedings or ownership shares in such animals used for breeding or production.

Ch. 247 — 7. Pipes or valves four inches in diameter or larger used to transport oil, natural gas, artificial gas, water, WASTEWATER or coal slurry, including compressor units, regulators, machinery and equipment, fittings, seals and any other part that is used in operating the pipes or valves.

8. Aircraft, navigational and communication instruments and other accessories and related equipment sold to:

(a) A person:

(i) Holding, or exempted by federal law from obtaining, a federal certificate of public convenience and necessity for use as, in conjunction with or becoming part of an aircraft to be used to transport persons for hire in intrastate, interstate or foreign commerce.

(ii) That is certificated or licensed under federal aviation administration regulations (14 Code of Federal Regulations part 121 or 135) as a scheduled or unscheduled carrier of persons for hire for use as or in conjunction with or becoming part of an aircraft to be used to transport persons for hire in intrastate, interstate or foreign commerce.

(iii) Holding a foreign air carrier permit for air transportation for use as or in conjunction with or becoming a part of aircraft to be used to transport persons, property or United States mail in intrastate, interstate or foreign commerce.

(iv) Operating an aircraft to transport persons in any manner for compensation or hire, or for use in a fractional ownership program that meets the requirements of federal aviation administration regulations (14 Code of Federal Regulations part 91, subpart K), including as an air carrier, a foreign air carrier or a commercial operator or under a restricted category, within the meaning of 14 Code of Federal Regulations, regardless of whether the operation or aircraft is regulated or certified under part 91, 119, 121, 133, 135, 136 or 137, or another part of 14 Code of Federal Regulations.

(v) That will lease or otherwise transfer operational control, within the meaning of federal aviation administration operations specification A008, or its successor, of the aircraft, instruments or accessories to one or more persons described in item (i), (ii), (iii) or (iv) of this subdivision, subject to section 42-5009, subsection Q.

(b) Any foreign government.

(c) Persons who are not residents of this state and who will not use such property in this state other than in removing such property from this state. This subdivision also applies to corporations that are not incorporated in this state, regardless of maintaining a place of business in this state, if the principal corporate office is located outside this state and the property will not be used in this state other than in removing the property from this state.

9. Machinery, tools, equipment and related supplies used or consumed directly in repairing, remodeling or maintaining aircraft, aircraft engines or aircraft component parts by or on behalf of a certificated or licensed carrier of persons or property.

10. Rolling stock, rails, ties and signal control equipment used directly to transport persons or property.

11. Machinery or equipment used directly to drill for oil or gas or used directly in the process of extracting oil or gas from the earth for commercial purposes.

12. Buses or other urban mass transit vehicles that are used directly to transport persons or property for hire or pursuant to a governmentally adopted and controlled urban mass transportation program and that are sold to bus companies holding a federal certificate of convenience and necessity or operated by any city, town or other governmental entity or by any person contracting with such governmental entity as part of a governmentally adopted and controlled program to provide urban mass transportation.

13. Groundwater measuring devices required under section 45-604.

14. Machinery and equipment consisting of agricultural aircraft, tractors, off-highway vehicles, tractor-drawn implements, self-powered implements, machinery and equipment necessary for extracting milk, and machinery and equipment necessary for cooling milk and livestock, and drip irrigation lines not already exempt under paragraph 7 of this subsection and that are used for commercially producing agricultural, horticultural, viticultural and floricultural crops and products in this state. For the purposes of this paragraph:

(a) "Off-highway vehicles" means off-highway vehicles as defined in section 28-1171 that are modified at the time of sale to function as a tractor or to tow tractor-drawn implements and that are not equipped with a modified exhaust system to increase horsepower or speed or an engine that is more than one thousand cubic centimeters or that have a maximum speed of fifty miles per hour or less.

(b) "Self-powered implements" includes machinery and equipment that are electric-powered.

15. Machinery or equipment used in research and development. For the purposes of this paragraph, "research and development" means basic and applied research in the sciences and engineering, and designing, developing or testing prototypes, processes or new products, including research and development of computer software that is embedded in or an integral part of the prototype or new product or that is required for machinery or equipment otherwise exempt under this section to function effectively. Research and development do not include manufacturing quality control, routine consumer product testing, market research, sales promotion, sales service, research in social sciences or psychology, computer software research that is not

included in the definition of research and development, or other nontechnological activities or technical services.

16. Tangible personal property that is used by either of the following to receive, store, convert, produce, generate, decode, encode, control or transmit telecommunications information:

(a) Any direct broadcast satellite television or data transmission service that operates pursuant to 47 Code of Federal Regulations part 25.

(b) Any satellite television or data transmission facility, if both of the following conditions are met:

(i) Over two-thirds of the transmissions, measured in megabytes, transmitted by the facility during the test period were transmitted to or on behalf of one or more direct broadcast satellite television or data transmission services that operate pursuant to 47 Code of Federal Regulations part 25.

(ii) Over two-thirds of the transmissions, measured in megabytes, transmitted by or on behalf of those direct broadcast television or data transmission services during the test period were transmitted by the facility to or on behalf of those services.

For the purposes of subdivision (b) of this paragraph, "test period" means the three hundred sixty-five day period beginning on the later of the date on which the tangible personal property is purchased or the date on which the direct broadcast satellite television or data transmission service first transmits information to its customers.

17. Clean rooms that are used for manufacturing, processing, fabrication or research and development, as defined in paragraph 15 of this subsection, of semiconductor products. For the purposes of this paragraph, "clean room" means all property that comprises or creates an environment where humidity, temperature, particulate matter and contamination are precisely controlled within specified parameters, without regard to whether the property is actually contained within that environment or whether any of the property is affixed to or incorporated into real property. Clean room:

(a) Includes the integrated systems, fixtures, piping, movable partitions, lighting and all property that is necessary or adapted to reduce contamination or to control airflow, temperature, humidity, chemical purity or other environmental conditions or manufacturing tolerances, as well as the production machinery and equipment operating in conjunction with the clean room environment.

(b) Does not include the building or other permanent, nonremovable component of the building that houses the clean room environment.

18. Machinery and equipment that are used directly in feeding poultry, environmentally controlling housing for poultry, moving eggs within a production and packaging facility or sorting or cooling eggs. This exemption does not apply to vehicles used for transporting eggs.

19. Machinery or equipment, including related structural components and containment structures, that is employed in connection with manufacturing, processing, fabricating, job printing, refining, mining, natural gas pipelines, metallurgical operations, telecommunications, producing or transmitting electricity or research and development and that is used directly to meet or exceed rules or regulations adopted by the

federal energy regulatory commission, the United States environmental protection agency, the United States nuclear regulatory commission, the Arizona department of environmental quality or a political subdivision of this state to prevent, monitor, control or reduce land, water or air pollution. For the purposes of this paragraph, "containment structure" means a structure that prevents, monitors, controls or reduces noxious or harmful discharge into the environment.

Ch. 251 — 20. Machinery and equipment that are used in commercially producing livestock, livestock products or agricultural, horticultural, viticultural or floricultural crops or products in this state, including production by a person representing or working on behalf of such a person in a manner described in section 42-5075, subsection ~~Q~~ P, if the machinery and equipment are used directly and primarily to prevent, monitor, control or reduce air, water or land pollution.

21. Machinery or equipment that enables a television station to originate and broadcast or to receive and broadcast digital television signals and that was purchased to facilitate compliance with the telecommunications act of 1996 (P.L. 104-104; 110 Stat. 56; 47 United States Code section 336) and the federal communications commission order issued April 21, 1997 (47 Code of Federal Regulations part 73). This paragraph does not exempt any of the following:

(a) Repair or replacement parts purchased for the machinery or equipment described in this paragraph.

(b) Machinery or equipment purchased to replace machinery or equipment for which an exemption was previously claimed and taken under this paragraph.

(c) Any machinery or equipment purchased after the television station has ceased analog broadcasting, or purchased after November 1, 2009, whichever occurs first.

Ch. 135 — 22. Qualifying equipment that is purchased from and after June 30, 2004 through December 31, ~~2026~~ 2028 by a qualified business under section 41-1516 for harvesting or processing qualifying forest products removed from qualifying projects as defined in section 41-1516. To qualify for this exemption, the qualified business must obtain and present its certification from the Arizona commerce authority at the time of purchase.

23. Machinery, equipment, materials and other tangible personal property used directly and predominantly to construct a qualified environmental technology manufacturing, producing or processing facility as described in section 41-1514.02. This paragraph applies for ten full consecutive calendar or fiscal years after the start of initial construction.

24. Computer data center equipment sold to the owner, operator or qualified colocation tenant of a computer data center that is certified by the Arizona commerce authority under section 41-1519 or an authorized agent of the owner, operator or qualified colocation tenant during the qualification period for use in the qualified computer data center. For the purposes of this paragraph, "computer data center", "computer data center equipment", "qualification period" and "qualified colocation tenant" have the same meanings prescribed in section 41-1519.

C. The exemptions provided by subsection B of this section do not include:

1. Expendable materials. For the purposes of this paragraph, expendable materials do not include any of the categories of tangible personal property specified in subsection B of this section regardless of the cost or useful life of that property.

2. Janitorial equipment and hand tools.

3. Office equipment, furniture and supplies.

4. Tangible personal property used in selling or distributing activities, other than the telecommunications transmissions described in subsection B, paragraph 16 of this section.

5. Motor vehicles required to be licensed by this state, except buses or other urban mass transit vehicles specifically exempted pursuant to subsection B, paragraph 12 of this section, without regard to the use of such motor vehicles.

6. Shops, buildings, docks, depots and all other materials of whatever kind or character not specifically included as exempt.

7. Motors and pumps used in drip irrigation systems.

8. Machinery and equipment or tangible personal property used by a contractor in performing a contract.

D. The following shall be deducted in computing the purchase price of electricity by a retail electric customer from a utility business:

1. Revenues received from sales of ancillary services, electric distribution services, electric generation services, electric transmission services and other services related to providing electricity to a retail electric customer who is located outside this state for use outside this state if the electricity is delivered to a point of sale outside this state.

2. Revenues received from providing electricity, including ancillary services, electric distribution services, electric generation services, electric transmission services and other services related to providing electricity with respect to which the transaction privilege tax imposed under section 42-5063 has been paid.

E. The tax levied by this article does not apply to the purchase of solar energy devices from a retailer that is registered with the department as a solar energy retailer or a solar energy contractor.

F. The following shall be deducted in computing the purchase price of electricity by a retail electric customer from a utility business:

1. Fees charged by a municipally owned utility to persons constructing residential, commercial or industrial developments or connecting residential, commercial or industrial developments to a municipal utility system or systems if the fees are segregated and used only for capital expansion, system enlargement or debt service of the utility system or systems.

2. Reimbursement or contribution compensation to any person or persons owning a utility system for property and equipment installed to provide utility access to, on or across the land of an actual utility consumer if the property and equipment become the property of the utility. This deduction shall not exceed the value of such property and equipment.

G. The tax levied by this article does not apply to the purchase price of electricity, natural gas or liquefied petroleum gas by:

1. A qualified manufacturing or smelting business. A utility that claims this deduction shall report each month, on a form prescribed by the department, the name and address of each qualified manufacturing or smelting business for which this deduction is taken. This paragraph applies to gas transportation services. For the purposes of this paragraph:

(a) "Gas transportation services" means the services of transporting natural gas to a natural gas customer or to a natural gas distribution facility if the natural gas was purchased from a supplier other than the utility.

(b) "Manufacturing" means the performance as a business of an integrated series of operations that places tangible personal property in a form, composition or character different from that in which it was acquired and transforms it into a different product with a distinctive name, character or use. Manufacturing does not include job printing, publishing, packaging, mining, generating electricity or operating a restaurant.

(c) "Qualified manufacturing or smelting business" means one of the following:

(i) A business that manufactures or smelts tangible products in this state, of which at least fifty-one percent of the manufactured or smelted products will be exported out of state for incorporation into another product or sold out of state for a final sale.

(ii) A business that derives at least fifty-one percent of its gross income from the sale of manufactured or smelted products manufactured or smelted by the business.

(iii) A business that uses at least fifty-one percent of its square footage in this state for manufacturing or smelting and business activities directly related to manufacturing or smelting.

(iv) A business that employs at least fifty-one percent of its workforce in this state in manufacturing or smelting and business activities directly related to manufacturing or smelting.

(v) A business that uses at least fifty-one percent of the value of its capitalized assets in this state, as reflected on the business's books and records, for manufacturing or smelting and business activities directly related to manufacturing or smelting.

(d) "Smelting" means to melt or fuse a metalliferous mineral, often with an accompanying chemical change, usually to separate the metal.

2. A business that operates an international operations center in this state and that is certified by the Arizona commerce authority pursuant to section 41-1520.

H. A city or town may exempt proceeds from sales of paintings, sculptures or similar works of fine art if such works of fine art are sold by the original artist. For the purposes of this subsection, fine art does not include an art creation such as jewelry, macrame, glasswork, pottery, woodwork, metalwork, furniture or clothing if the art creation has a dual purpose, both aesthetic and utilitarian, whether sold by the artist or by another person.

1. For the purposes of subsection B of this section:

1. "Agricultural aircraft" means an aircraft that is built for agricultural use for the aerial application of pesticides or fertilizer or for aerial seeding.

2. "Aircraft" includes:

(a) An airplane flight simulator that is approved by the federal aviation administration for use as a phase II or higher flight simulator under appendix H, 14 Code of Federal Regulations part 121.

(b) Tangible personal property that is permanently affixed or attached as a component part of an aircraft that is owned or operated by a certificated or licensed carrier of persons or property.

3. "Other accessories and related equipment" includes aircraft accessories and equipment such as ground service equipment that physically contact aircraft at some point during the overall carrier operation.

J. For the purposes of subsection D of this section, "ancillary services", "electric distribution service", "electric generation service", "electric transmission service" and "other services" have the same meanings prescribed in section 42-5063.