

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - Second Regular Session

CAUCUS AGENDA

March 26, 2024

Bill Number	Short Title	Committee	Date	Action
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Blue Sheet #2

Committee on Appropriations

Chairman: David Livingston, LD 28

Analyst: Austin Fairbanks

Vice Chairman: Joseph Chaplik, LD 3

Intern: Luke Taylor

SB 1166_(BSI) pronouns; names; sex; school policies

SPONSOR: KAVANAGH, LD 3

APPROP 3/25/2024 DP (10-7-0-0)
(No: BLATTMAN, CONTRERAS P, GUTIERREZ, QUIÑONEZ,

SCHWIEBERT, STAHL HAMILTON, AUSTIN)

SB 1335_(BSI) appropriation; older individuals; blind.

(APPROP S/E: public notice; municipal land sales)

SPONSOR: CARROLL, LD 28

APPROP 3/25/2024 DPA/SE (15-0-0-2)
(Abs: GRESS, WILLOUGHBY)

SB 1405_(BSI) purple star school designation; requirements.

(APPROP S/E: licensure; complaint investigations; chiropractic care)

SPONSOR: SHAMP, LD 29

APPROP 3/25/2024 DPA/SE (9-8-0-0)
(No: BLATTMAN, CONTRERAS P, GUTIERREZ, PARKER B,

QUIÑONEZ, SCHWIEBERT, STAHL HAMILTON, AUSTIN)

SB 1508_(BSI) vulnerable adult system; study committee

(APPROP S/E: licensure; dietician nutritionists)

SPONSOR: SHAMP, LD 29

APPROP 3/25/2024 DPA/SE (14-3-0-0)
(No: CHAPLIK, GRESS, PARKER B)

SB 1639_(BSI) gold; silver; currency; study committee

(APPROP S/E: subsequent felony; sealing case records)

SPONSOR: CARROLL, LD 28

APPROP 3/25/2024 DPA/SE (17-0-0-0)

Committee on Commerce

Chairman: Justin Wilmeth, LD 2

Analyst: Paul Benny

Vice Chairman: Michael Carbone, LD 25

Intern: Michael Celaya

[SCR 1040](#)_(BSI) permanent school fund; distribution; uses
(COM S/E: tipped workers; wages)
SPONSOR: MESNARD, LD 13
COM 3/19/2024 DPA/SE (6-3-0-1)
(No: ORTIZ, AUSTIN, LUCKING Abs: AGUILAR)

Committee on Health & Human Services

Chairman: Steve Montenegro, LD 29 **Vice Chairman:** Barbara Parker, LD 10
Analyst: Ahjahna Graham **Intern:** Kayla Thackeray

[SB 1238](#)_(BSI) obstetric services; rural communities; recommendations
(HHS S/E: performance audit; homeless shelter fund)
SPONSOR: SHAMP, LD 29
HHS 3/21/2024 DPA/SE (6-4-0-0)
(No: CONTRERAS P, MATHIS, PARKER B, LIGUORI)

[SB 1309](#)_(BSI) mental health evaluations; information; consent.
SPONSOR: MIRANDA, LD 11
HHS 3/21/2024 DP (10-0-0-0)

[SB 1313](#)_(BSI) DCS; discharge from care; housing
SPONSOR: MIRANDA, LD 11
HHS 3/21/2024 DP (9-1-0-0)
(No: PARKER B)

[SB 1361](#)_(BSI) sober living homes
SPONSOR: CARROLL, LD 28
HHS 3/21/2024 DPA (6-4-0-0)
(No: CONTRERAS P, HERNANDEZ A, MATHIS, LIGUORI)

[SB 1402](#)_(BSI) health care; costs; reimbursement
SPONSOR: SHAMP, LD 29
HHS 3/21/2024 DP (7-3-0-0)
(No: CONTRERAS P, MATHIS, LIGUORI)

[SB 1509](#)_(BSI) informed consent; signatures
SPONSOR: SHAMP, LD 29
HHS 3/21/2024 DP (6-4-0-0)
(No: CONTRERAS P, HERNANDEZ A, MATHIS, LIGUORI)

[SB 1609](#)_(BSI) ~~AHCCCS; personal health information~~
(Now: behavioral health; AHCCCS; health facilities)
SPONSOR: WADSACK, LD 17
HHS 3/21/2024 DPA (10-0-0-0)

[SB 1678](#)_(BSI) ~~secure state mental health facilities~~
(Now: secure behavioral health residential facilities)
SPONSOR: GOWAN, LD 19
HHS 3/21/2024 DPA (8-2-0-0)
(No: CONTRERAS P, LIGUORI)

[SB 1682](#)_(BSI) state hospital; bed availability
SPONSOR: GOWAN, LD 19
HHS 3/21/2024 DP (7-2-1-0)
(No: GRESS, LIGUORI Present: CONTRERAS P)

Committee on Land, Agriculture & Rural Affairs

Chairman: Lupe Diaz, LD 19

Vice Chairman: Michele Peña, LD 23

Analyst: Emily Bonner

Intern:

[SB 1410](#)_(BSI) housing trust fund; rural areas
(LARA S/E: marijuana; interstate agreements; delivery)

SPONSOR: GOWAN, LD 19

LARA 3/18/2024 DPA/SE (5-2-1-1)
(No: GRIFFIN, SANDOVAL Abs: COOK Present: HERNANDEZ L)

Committee on Regulatory Affairs

Chairman: Laurin Hendrix, LD 14

Vice Chairman: Cory McGarr, LD 17

Analyst: Diana Clay

Intern: Ryan Potts

[SB 1234](#)_(BSI) pharmacy board; virtual manufacturers

SPONSOR: SHAMP, LD 29

RA 3/13/2024 DPA (5-1-0-1)
(No: MCGARR Abs: HERNANDEZ A)

Committee on Transportation & Infrastructure

Chairman: David L. Cook, LD 7

Vice Chairman: Teresa Martinez, LD 16

Analyst: Jeremy Bassham

Intern:

[SB 1316](#)_(BSI) sorority and fraternity special plates

SPONSOR: MIRANDA, LD 11

TI 3/22/2024 DPA (8-2-0-1)
(No: CARTER, GILLETTE Abs: MONTENEGRO)

[SB 1376](#)_(BSI) vehicle loads; restrictions

SPONSOR: BOLICK, LD 2

TI 3/22/2024 DP (10-0-0-1)
(Abs: MONTENEGRO)

[SB 1673](#)_(BSI) failure to pay; suspension; restriction
(TI S/E: master jury list; juror information)

SPONSOR: GOWAN, LD 19

TI 3/22/2024 DPA/SE (10-0-0-1)
(Abs: MONTENEGRO)

[SB 1679](#)_(BSI) defensive driving schools; fees.
(TI S/E: mixed martial arts; boxing; gaming)

SPONSOR: GOWAN, LD 19

TI 3/22/2024 DPA/SE (10-0-0-1)
(Abs: MONTENEGRO)

[SB 1680](#)_(BSI) traffic violations; photo radar; penalties
(TI S/E: minors; motorcycle helmets; citations)

SPONSOR: GOWAN, LD 19

TI 3/22/2024 DPA/SE (9-1-0-1)
(No: CARTER Abs: MONTENEGRO)

Committee on Ways & Means

Chairman: Neal Carter, LD 15

Vice Chairman: Justin Heap, LD 10

Analyst: Vince Perez

Intern: Michael Galpin

[SB 1414](#)^(BSI) retirement; reemployment; school resource officers

SPONSOR: GOWAN, LD 19

WM 3/20/2024 FAILED (4-5-0-1)
(No: BLATTMAN, HEAP, SANDOVAL, CREWS, LUCKING Abs:

GRANTHAM)

APPROP 3/25/2024 DPA/SE (10-3-4-0)
(No: GUTIERREZ, STAHL HAMILTON, AUSTIN Present: BLATTMAN,

CONTRERAS P, QUIÑONEZ, SCHWIEBERT)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature

Second Regular Session

Senate: ED DP 4-3-0-0 | 3rd Read 16-13-1-0

House: APPROP DP 10-7-0-0

[SB 1166](#): pronouns; names; sex; school policies

Sponsor: Senator Kavanagh, LD 3

Caucus & COW

Overview

Directs a public school to notify a parent after the first time an employee or independent contractor knowingly addresses a student by a pronoun that differs from the pronoun that aligns with the student's biological sex or a first name not listed in school records. Prohibits a public school employee or independent contractor from being required to address a person by a pronoun that differs from the pronoun that aligns with the person's biological sex.

History

A person enrolling a pupil for the first time in a particular school district or private school must provide reliable proof of the pupil's identity and age. This documentation must be photocopied and placed in the pupil's school file. The school must enroll the pupil using the name printed on the pupil's birth certificate or other proof, though the pupil may be called by any name their guardian wishes ([A.R.S. § 15-828](#)).

The Parents' Bill of Rights asserts that: 1) a parent has the fundamental right to direct their child's upbringing, education, health care and mental health; and 2) a governmental entity may not infringe on parents' rights without demonstrating a compelling governmental interest. The Parents' Bill of Rights declares that parents have inalienable rights that are more comprehensive than the rights listed in statute ([A.R.S. §§ 1-601, 1-602](#)).

Provisions

1. Instructs a public school to notify a parent within five school days after the first time an employee or independent contractor knowingly addresses, identifies or refers to a student who is younger than 18 years old by a:
 - a) pronoun that differs from the pronoun that aligns with the student's biological sex; or
 - b) first name that is not the first or middle name listed on the student's official school records, except a commonly associated nickname. (Sec. 1)
2. Stipulates a public school employee or independent contractor, if it is contrary to their religious or moral convictions, may not be required to address, identify or refer to a person by a pronoun that differs from the pronoun that aligns with the person's biological sex. (Sec. 1)
3. Directs each school district governing board and charter school governing body to adopt policies to implement these requirements. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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4. States a public school employee or independent contractor is not prohibited from discussing matters of public concern outside the context of their official duties. (Sec. 1)
5. Defines *biological sex*. (Sec. 1)
6. Contains a severability clause. (Sec. 2)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: APPROP DP 5-3-2-0 | 3rd Read 22-6-2-0

House: APPROP DPA/SE 15-0-0-2

**SB 1335: appropriation; older individuals; blind.
S/E: public notice; municipal land sales
Sponsor: Senator Carroll, LD 28
Caucus & COW**

Summary of the Strike-Everything Amendment to SB 1335

Overview

Outlines the procedures for the sale of real property of a municipality that is valued at more than \$1,500,000 but less than \$15,000,000.

History

A city or town is allowed to sell and convey all or any part of its real or personal property. Before the sale, an invitation for bids must be published as provided in statute and notice posted in three or more public places within the municipality ([A.R.S. § 9-402](#)).

If the value of the real property of a municipality that is being sold exceeds \$1,500,000 a special election must be called for the purpose of submitting to the voters of the municipality the question of selling or not selling the proposed real property. If a majority of ballots are cast in favor of selling, the governing body is authorized to sell the property at a public auction after giving proper statutory notice ([A.R.S. § 9-403](#)).

Provisions

1. Specifies that real property of a municipality with a value of more than \$1,500,000 but less than \$15,000,000 may be sold if the governing body of the municipality:
 - a) holds at least one public hearing to take public comment on the proposed sale after publishing the invitation for bids at least 30 days prior to the scheduled purchase agreement approval; and
 - b) adopts a resolution approving the sale of the property based on a vote of the members of the governing body. (Sec. 1)
2. Prescribes the publishing of the public hearing to be provided at least 10 days prior to the hearing and must include:
 - a) a description of the property proposed for sale and the reasons for the sale; and
 - b) information on how to submit written and verbal comments on the proposed sale. (Sec. 1)
3. Directs the terms of the sale to be posted on the municipality's website on completion of the sale. (Sec. 1)
4. Increases the value of real property of a municipality to be sold by calling a special election from \$1,500,000 to \$15,000,000. (Sec. 1)
5. Prohibits real property sold pursuant to statute from being sold at less than the appraised value of the property. (Sec. 1)
6. Makes technical and conforming changes. (Sec. 1, 2)

Amendments

Committee on Appropriations

1. Adopted the strike-everything amendment.

<input type="checkbox"/> Prop 105 (45 votes) <input type="checkbox"/> Prop 108 (40 votes) <input type="checkbox"/> Emergency (40 votes) <input type="checkbox"/> Fiscal Note
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ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: ED DP 7-0-0-0 | 3rd Read 29-0-1-0

House: APPROPS DPA/SE 9-8-0-0

**SB 1405: purple star school designation; requirements.
S/E: licensure; complaint investigations; chiropractic care
Sponsor: Senator Shamp, LD 29
Caucus & COW**

Summary of the Strike-Everything Amendment to SB 1405

Overview

Establishes actions that constitute unprofessional conduct for a Doctor of Chiropractic (DC). Sets requirements and timeframes for the Arizona Board of Chiropractic Examiners (Board) and the Executive Director of the Board when investigating and reviewing complaints of unprofessional conduct.

History

Established in 1921, the Board was created to protect the health, welfare and safety of the public through the enforcement of the laws governing the practice of chiropractic. The Board accomplishes this by investigating complaints, administering disciplinary actions and establishing education and training standards for the profession (A.R.S. §§ [32-901](#), [32-904](#), [32-921](#), [32-922](#), and [32-931](#)).

Statute lists what actions constitute grounds for disciplinary action of a DC by the Board. Upon the Board's own motion or on receipt of a complaint, is authorized to investigate any information that appears to show that a DC is or may be in violation of the laws and Board rules that govern the practice of chiropractic in Arizona, or that indicates the DC may be mentally or physically unable to safely engage in the practice of chiropractic. The Board must notify the licensee as to the content of the complaint as soon as is reasonable. Any person who reports or provides information to the Board in good faith is not subject to civil damages as a result of that action. The Board may require a licensee under investigation to be interviewed by the Board or its representatives and require a licensee to undergo, at the licensee's expense, any combination of medical, physical or mental examinations that the Board finds necessary to determine the licensee's competence.

If the Board find's based on the information it receives that the public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, the Board may order a summary suspension of a license pending proceedings for revocation or other action. If the Board takes this action, it must serve the licensee with a written notice that states the charges and that the licensee is entitled to a formal hearing within 60 days ([A.R.S. § 32-324](#)).

Provisions

Unprofessional Conduct

1. Deems the following acts, whether occurring in Arizona or elsewhere, as unprofessional conduct for a DC:
 - a) failure to disclose, in writing, to a patient or third-party payor that the DC has a financial interest in any facility, test, good or service when referring a patient for various services, as outlined;
 - b) knowingly providing a false or misleading statement or information to a patient, third-party payor or the Board, including staff or a representative of the Board;
 - c) failure to create and maintain, adequate patient records as outlined;

- d) failure to provide a copy of requested patient records, free of charge, to a patient, patient's authorized agent or a licensed physician;
 - e) misrepresentation of the DC's certification in a specialty area, academic or professional credentials;
 - f) failure to provide documentation of the DC's specialty certification, academic or professional credentials to a patient who requests such documentation;
 - g) suggesting or having sexual contact in the course of patient treatment, or within three months of the last chiropractic service, with an individual with whom a consensual sexual relationship did not exist prior to becoming a patient;
 - h) intentionally viewing a disrobed patient, not related to the patient's complaint, diagnosis or treatment;
 - i) performing prohibited diagnostic procedures as prescribed;
 - j) promoting or using diagnostic testing or treatment for research or experimental purposes without obtaining informed consent and conforming to generally accepted research or experimental criteria;
 - k) having a professional connection with an unlawful practitioner; misrepresenting oneself as current or past Board personnel or claiming superiority in the practice of chiropractic;
 - l) having an action taken against the DC's license in another jurisdiction or having a license renewal denied due to unprofessional conduct;
 - m) directly or indirectly dividing a professional fee for patient referrals as specified;
 - n) violating any federal or state law, rule or regulation applicable to the practice of chiropractic; and
 - o) soliciting, or having the licensee's compensated agent solicit, any person who is not previously known by the licensee or agent and who at the time of solicitation is vulnerable to undue influence, including any person who in the previous 15 days has experienced:
 - i. involvement in a motor vehicle accident;
 - ii. involvement in a work-related accident; or
 - iii. injury by, or as a result of, the actions of another person. (Sec. 2)
2. Forbids the Board from adopting rules that alter or amend unprofessional conduct as set by statute. (Sec. 2)

Executive Board Duties

3. Tasks the Executive Director with:
- a) ensuring that the Board follows all applicable laws and rules and complies with all reporting requirements;
 - b) classifying complaints submitted to the Board pursuant to Board policies to prioritize the allocation of Board resources and the investigation and adjudication of complaints;
 - c) advising the Board of any contemplated actions that are beyond the scope of the Board's authority and to state concerns in open session if the Board disregards the advice provided in executive session; and
 - d) preparing and maintaining a discipline matrix for Board use to ensure all licensees are treated consistently to the best of the Board's ability based on specific allegations at issue when the Board contemplates imposing any form of discipline. (Sec. 3)
4. Requires the matrix to briefly outline material facts of all past cases in which the discipline was imposed without identifying any specific licensee or complainant other than by potential file number or other reference and specify the level of discipline imposed. (Sec. 3)
5. Requires the matrix to be available to any licensee against whom a complaint has been filed and a formal investigation has been opened, including the licensee's counsel. (Sec. 3)

Board Investigations and Initial Review

6. Directs the Board to complete an investigation and initial review within 60 days of receiving a complaint from a patient relating to the improper sexual conduct of a licensee. (Sec. 6)
7. Requires a final decision regarding a complaint of sexual misconduct to be made within 180 days after the complaint is filed if a formal hearing is required. (Sec. 6)

8. Forbids the Board from subpoenaing information related to a licensee's personal finances during an investigation. (Sec. 6)
9. Enables the Board to request an extension of time to investigate a licensee if:
 - a) the complaint relates to sexual misconduct of a licensee; or
 - b) both of the following apply:
 - i. the licensee agrees to the proposed extension; and
 - ii. the Board has diligently pursued investigations within the allotted timeframe, as outlined, for complaints involving allegations or violations of unprofessional conduct or malpractice that implicates patient safety. (Sec. 6)
10. Requires the Board to complete an investigation and initial review within 90 days of receiving a complaint that is not related to sexual misconduct of a licensee. (Sec. 6)
11. Requires a final decision regarding a complaint unrelated to sexual misconduct to be made within 220 days after the complaint is filed if a formal hearing is required. (Sec. 6)
12. Awards a licensee to restitution for all costs incurred relating to an investigation and formal hearing process if the Board acted capriciously against the licensee. (Sec. 6)
13. Requires the Board to report allegations of evidence of criminal wrongdoing to the appropriate criminal justice agency immediately after reviewing a complaint. (Sec. 6)

Miscellaneous

14. Requires, rather than allows the Board to require applicants to submit a full set of fingerprints to the Board in order to determine their eligibility for examination and licensure. (Sec. 4)
15. Requires the Board to automatically suspend a license after 90 days if the licensee does not submit a complete application for renewal and pay the renewal license fee. (Sec. 5)
16. Requires the licensee's renewal license, if the licensee does not complete the renewal application and pay the renewal fee in 90 days, to be backdated to the expiration date of the license. (Sec. 5)
17. Repeals acts that are grounds for disciplinary actions for DCs. (Sec. 6)
18. Permits a facility, business entity, partnership or other form of business in which the majority of ownership is owned by a licensed DC to submit bills under the controlling licensee's individual name or business name without notification to the Board. (Sec. 8)
19. Specifies that the registration requirements and medical records protocols for business entities wishing to offer chiropractic services do not apply to a business entity, partnership or other form of business, the majority ownership of which is owned by a DC. (Sec. 8)
20. Defines *member* and *patient safety*. (Sec. 1)
21. Contains a legislative intent clause. (Sec. 9)
22. Makes technical and conforming changes. (Sec. 1, 3-8)



ARIZONA HOUSE OF REPRESENTATIVES

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Second Regular Session

Senate: HHS DP 7-0-0-0 | 3rd Read 22-6-2-0

House: APPROP DPA/SE 14-3-0-0

SB 1508: vulnerable adult system; study committee

**Sponsor: Senator Shamp, LD 29
Caucus & COW**

Summary of the Strike-Everything Amendment to SB 1508

Overview

Allows the Director of the Department of Health Services (DHS) to create licensing for Licensed Dietitian Nutritionists (LDN) and Nutritionists and implement an Advisory Committee to assist the DHS Director in administrative functions and duties related to LDN and Nutritionists licensing.

History

[The Department of Health Services](#) (DHS) is responsible for providing a majority of public health programs in the state addressing such topics as: 1) disease prevention and control; 2) health promotion; 3) community public health; 4) environmental health; 5) maternal and child health; 6) emergency preparedness; and 7) regulation of healthcare-related institutions.

[The Academy of Nutrition and Dietetics](#) (Academy) defines *Registered Dietitian Nutritionists* (RDN) as practicing food and nutrition experts with education in an accredited dietetics program who have completed supervised practice and the national exam. [The Commission on Dietetic Registration](#) (Commission) is a credentialing agency for the Academy and is responsible for providing and enforcing credentialing standards, requirements and the national exam for registered dietitians and RDNs.

Current statute allows hospitals to grant registered dietitians or qualified nutrition professionals ordering abilities for diets, enteral feeding, nutritional supplementation or parenteral nutrition if authorized by medical staff ([A.R.S. § 36-416](#)).

Provisions

Orders

1. Allows an LDN or other qualified nutrition professional, if authorized or granted standing order privileges, in a licensed hospital to order any of the following:
 - a) diets or a change in diet orders;
 - b) enteral feeding;
 - c) durable medical equipment related to nutrition;
 - d) nutritional supplementation;
 - e) parenteral nutrition;
 - f) medical nutrition therapy;
 - g) laboratory tests to check and track nutrition status; and
 - h) prescription drug dose adjustments under a medical staff-approved protocol. (Sec. 3)
2. Allows an LDN or other qualified nutrition professional who practices in a licensed nonhospital health care institution and is either an employee or an independent contractor to order any of the following:
 - a) diets or a change in diet orders;
 - b) enteral feeding;
 - c) durable medical equipment related to nutrition;
 - d) nutritional supplementation;
 - e) parenteral nutrition;
 - f) medical nutrition therapy; and

- g) laboratory tests to check and track nutrition status. (Sec. 4)
- 3. Directs licensed hospitals or nonhospital health care institutions to have written policies and procedures that:
 - a) allow LDN's to issue orders; and
 - b) prescribe necessary qualifications for qualified nutrition professionals to issue orders and list any restrictions on their ability to issue orders. (Sec. 3, 4)
- 4. Requires licensed nonhospital health care institutions to have written policies and procedures that address responses to adverse events, if any, that arises as a result of orders issued by an LDN or qualified nutritional professional. (Sec. 4)
- 5. Adds LDNs and licensed nutritionists to the lists of health care providers allowed to provide telehealth services. (Sec. 5)

DHS and Advisory Committee

- 6. Requires the DHS Director to:
 - a) license persons who apply for and possess all qualifications required to be licensed;
 - b) authorize all necessary disbursements; and
 - c) ensure the public's health and safety by adopting and enforcing qualification standards and a scope of practice for licensees and applicants for licensure. (Sec. 6)
- 7. Allows the DHS Director to:
 - a) issue and renew licenses;
 - b) deny, suspend, revoke or refuse to renew a license or file a letter of concern, issue a decree of censure, prescribe probation, impose a civil penalty or restrict or limit the practice of a licensee;
 - c) make and publish rules that are consistent with the laws of the state and that are necessary to carry out; and
 - d) require a licensee to produce records of patients involved in complaints on file with DHS. (Sec. 6)
- 8. Allows the DHS Director to appoint an Advisory Committee to collaborate with and assist with performing duties prescribed duties. (Sec. 6)
- 9. Requires the Advisory Committee to consist of the following members:
 - a) DHS Director;
 - b) one licensed physician;
 - c) three LDNs;
 - d) one licensed nutritionist; and
 - e) one public member. (Sec. 6)
- 10. Enables the Advisory Committee to provide recommendations to the DHS Director in the following areas, on which the DHS Director must act within a reasonable period of time:
 - a) license issuance and renewal;
 - b) disciplinary procedures;
 - c) rules consistent with LDN and licensed nutritionists statutes; and
 - d) licensee production of patient records involved in complaints on file with DHS. (Sec. 6)

Fees

- 11. Permits the DHS Director to prescribe and collect fees for the following:
 - a) an application for a license;
 - b) the issuance of a license or duplicate license;
 - c) the renewal of a license; and
 - d) late fees. (Sec. 6)
- 12. Requires DHS to deposit 10% of all monies collected in the state General Fund (GF) and deposit the remaining 90% in the Health Services Licensing Fund, except that monies collected from imposed civil penalties will be deposited in the state GF. (Sec. 6)

Issuance of LDN and Nutritionists Licenses

13. Asserts that a LDN and nutritionist license is valid for two years. (Sec. 6)
14. Requires a licensee to renew their license every two years and submit a renewal fee. (Sec. 5)
15. Allows a 30-day grace period after a licensee's license expires. (Sec. 6)
16. Allows the licensee to renew their expired license after paying a late fee in addition of the renewal fee. (Sec. 6)
17. Requires a licensee, when renewing a license, to attest to having a completed continuing professional education during the licensing period and provide documentation of completion on DHS's request. (Sec. 6)
18. Requires the DHS Director by rule to provide standards for continuing professional education units. (Sec. 6)
19. Specifies that educational courses that are accepted by the Commission on Dietetic Registration or the Board for Certification of Nutrition Specialists are deemed to comply with DHS standards. (Sec. 6)
20. Permits the DHS Director to refuse to renew a license for any violations. (Sec. 6)
21. Requires a person who does not renew a license to reapply for a new license. (Sec. 6)
22. Directs the person to provide proof of having completed the continuing education units within the previous 24 months before the date of reapplication. (Sec. 6)
23. Requires a person who holds an LDN or nutritionists license to notify the DHS Director in writing of the address of the place or places and any changes where the person engages in the practice of dietetics or nutrition. (Sec. 6)
24. Directs the DHS Director to keep a record of the places of practice for LDN and nutritionists.
25. Permits any notice the DHS is required to give to an LDN licensee or nutritionists to be given by mail at the last given address. (Sec. 6)
26. Establishes use of title protections for certified nutrition specialists, registered dietitians, registered dietitian nutritionists, licensed nutritionists, licensed dietitians and licensed dietitian nutritionists. (Sec. 6)
27. Constitutes an unlawful practice for use of title violations. (Sec. 6)
28. Allows the Attorney General to investigate and take appropriate action for use of title violations. (Sec. 6)

Military Members

29. Asserts that a license issued to any member of the National Guard or U.S. Armed Forces Reserves does not expire while the member is serving on federal active duty and is extended 180 days after the member returns if the member or their legal representative notifies the DHS Director of the member's federal active-duty status. (Sec. 6)
30. Declares a license issued to any member serving in the regular component of the United States Armed Forces is extended 180 days after the date of expiration if the member or their legal representative notifies the DHS Director of their federal active-duty status. (Sec. 6)
31. Declares a license issued to any member of the National Guard, U.S. Armed Forces Reserves or the regular component of the U.S. Armed Forces not expired and extended for 180 days after the date the military member is able to perform activities necessary under the license if the member:
 - a) is released from active-duty service; and
 - b) suffers an injury as a result of active-duty service that temporarily prevents the member from being able to perform necessary activity under the license. (Sec. 6)

32. States that the military member is responsible only for normal fees and activities relating to the license renewal and may not be charged any additional costs if the license is renewed during the applicable extended timeframe after the member returns from federal active duty. (Sec. 6)
33. Requires a military member or their legal representative to present to the DHS Director the following before the end of the applicable extended time period to qualify for the extension:
 - a) a copy of the member's official military orders; and
 - b) a redacted military identification card or written verification from the member's commanding officer.(Sec. 6)

LDN Licensure Requirements

34. Lists the licensure requirements for an LDN as:
 - a) submitting a nonrefundable application fee;
 - b) submitting evidence to DHS Director that the applicant either holds a current and valid registration as a registered dietitian or registered dietitian nutritionist or meets all prescribed education, supervised practice experience and examination requirements; and
 - c) not have had a license, registration or certificate revoked or suspended by a state within the past two years and not be presently ineligible for licensure in any state because of a prior revocation or suspension. (Sec. 6)

Nutritionists Licensure Requirements

35. Lists the licensure requirements for a Licensed Nutritionist as:
 - a) submitting a nonrefundable application fee;
 - b) submitting evidence to DHS Director that the applicant has completed all prescribed requirements;
 - c) not have had a license, registration or certificate revoked or suspended by a state within the past two years and not be presently ineligible for licensure in any state because of a prior revocation or suspension; and
 - d) have met all of the education requirements, as outlined. (Sec. 6)
36. Outlines examination requirements for licensed nutritionists. (Sec. 6)
37. Requires an applicant to demonstrate completion of 75 hours of continuing education that meets the DHS Director continuing education criteria for each five-year period after examination if passage of the examination occurred more than five years before application. (Sec. 6)
38. Requires the applicant, regardless of the course of study, to have completed coursework leading to competence in medical nutrition therapy, including:
 - a) at least 15 semester hours of clinical or life sciences, which may include certain courses, as prescribed; and
 - b) at least 15 semester hours of nutrition and metabolism which may include specified courses, as prescribed. (Sec. 6)
39. Specifies that the 15 semester hours of clinical or life sciences must include 3 semester hours in human anatomy and physiology or the equivalent. (Sec. 6)
40. Specifies that the 15 semester hours of nutrition and metabolism must include 6 semester hours of biochemistry. (Sec. 6)
41. Requires the applicant to complete a planned, documented and continuous supervised practice experience demonstrating competence in providing nutrition care services and medical nutrition therapy approved by the DHS Director. (Sec. 6)
42. Requires an applicant to complete a supervised practice experience within five years after completing the education requirements unless the DHS Director grants an extension for a limited time for extraordinary circumstances. (Sec. 6)
43. Instructs that a supervised practice experience must included at least 1,000 hours in the following areas, with a minimum of 200 hours in each practice area:
 - a) nutrition assessment;

- b) nutrition intervention; and
 - c) nutrition monitoring and evaluation. (Sec. 6)
44. Asserts that the supervised experience is determined by the DHS Director to have prepared the applicant to provide nutrition care services for various populations of diverse cultures and genders across the life cycle and be able to competently formulate:
- a) actionable medical nutrition therapies and interventions;
 - b) education;
 - c) counseling; and
 - d) ongoing care for the prevention, modulation and management of a range of acute and chronic medical conditions. (Sec. 6)
45. Requires supervised practice experiences to be under the supervision of a qualified supervisor. (Sec. 6)
46. Sets criteria that a qualified supervisor must meet in order for an applicant's supervised practice experience to count towards licensure. (Sec. 6)

Licensure Violations and Legal Actions

47. Allows the DHS Director to deny, revoke or suspend a license if the applicant does any of the following:
- a) secures a license through fraud or deceit;
 - b) engages in unprofessional conduct or incompetence is convicted of or entered into a plea of nolo contendere to any crime that is directly related to the licensee's duties and responsibilities or was violent or sexual in nature;
 - c) uses a false name or alias in the practice of the applicant's or licensee's profession; or
 - d) violates any statutes or rules. (Sec. 6)
48. Permits DHS to deny a license without holding a hearing and allows the applicant to request a hearing to review the denial after receiving notification of the denial. (Sec. 6)
49. States that if the DHS Director determines pursuant to a hearing that grounds exist to revoke or suspend a license, the DHS Director may do so permanently or for a fixed period of time and impose conditions as prescribed by rule. (Sec. 6)
50. Requires DHS to conduct a hearing before revoking or suspending a license and imposing a civil penalty. (Sec. 6)
51. Requires all proceedings to be conducted in accordance with uniform administrative hearing procedures. (Sec. 6)
52. Authorizes the DHS Director to file a letter of concern, issue a decree of censure, prescribe a period of probation, restrict or limit the practice of a licensee in place of denying, revoking or suspending a license. (Sec. 6)
53. Requires the DHS Director to promptly notify a licensee's employer if disciplinary action has been initiated against that licensee. (Sec. 6)
54. Permits the DHS Director to enforce these provisions through injunction and prevents a prior or current proceeding from barring an enforcement proceeding. (Sec. 6)

Miscellaneous

55. Exempts DHS from rulemaking requirements for one year for purposes of licensing LDN and nutritionists. (Sec. 7)
56. Declares the Legislature intends that the total fees for acquiring an initial license as a dietitian nutritionist does not exceed \$200. (Sec. 8)
57. Defines and modifies terms. (Sec. 1, 3, 4, 6)
58. Makes technical and conforming changes. (Sec. 2, 3, 5)

<input type="checkbox"/> Prop 105 (45 votes) <input type="checkbox"/> Prop 108 (40 votes) <input type="checkbox"/> Emergency (40 votes) <input type="checkbox"/> Fiscal Note
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ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: FICO DP 4-2-1-0 | 3rd Read 16-12-2-0

House: APPROP DPA/SE 17-0-0-0

SB 1639: gold; silver; currency; study committee

S/E: subsequent felony; sealing case record

Sponsor: Senator Carroll, LD 28

Caucus & COW

Summary of the Strike-Everything Amendment to SB 1639

Overview

Makes various changes to existing statute outlining the process for a person to petition the court to seal the record of the person's arrest, conviction and sentence.

History

Current law allows for a person to file a petition to seal all case records related to an eligible criminal offense if the person was:

- 1) convicted of a criminal offense and has completed all terms and conditions of the sentence imposed by the court;
- 2) charged with a criminal offense and the charge was subsequently dismissed or resulted in a not guilty verdict at a trial; or
- 3) arrested for a criminal offense and no charges were filed.

Statute specifies that a person who was convicted of an offense and who has not subsequently been convicted of any other offenses, except certain misdemeanor violations in [A.R.S. title 28](#), may petition the court to seal case records only after the person has completed all of the terms and conditions of the person's sentence and the following periods of time have passed:

- 1) for a class 2 or 3 felony, 10 years;
- 2) for a class 4, 5 or 6 felony, 5 years;
- 3) for a class 1 misdemeanor, 3 years; or
- 4) for a class 2 or 3 misdemeanor, 2 years.

These periods are extended by 5 years if the person has a prior historical felony conviction.

Even if a person successfully petitions to have the person's records sealed, however, statute specifies certain situations in which the person is nevertheless required to disclose certain information relating to their criminal history, such as when the person is applying for a certain type of job to which the person's criminal history is specifically relevant. Moreover, certain offenses or categories of offenses are ineligible for sealing, such as dangerous crimes against children or offenses that involve the knowing infliction of serious physical injury on another person ([A.R.S. § 13-911](#)).

Provisions

1. Allows a person whose case records have been sealed and who commits a subsequent felony offense to petition the court to seal the person's records for the subsequent felony offense after the applicable time period for the offense has expired and an additional five years have passed. (Sec. 1)
2. Makes changes to the list of offenses that must be disclosed in certain situations despite such records being sealed, including:
 - a) adding specific statutory citations to certain offenses already included in the list;
 - b) limiting the violations of [A.R.S. title 13](#), chapter 34 (drug offenses) that must be disclosed to class 2 or class 3 felonies;

- c) specifying that organized retail theft under [A.R.S. § 13-1819](#) from a residential or nonresidential structure, in addition to other offenses, must be disclosed if the person is applying for a job that requires entering into and performing services inside of a residential structure;
 - d) expanding the offenses that must be disclosed when the person is applying for a job involving accounting, overseeing, transporting, handling or managing another person's money or financial assets to include any violation of [A.R.S. title 13](#), chapters 18 (theft), 19 (robbery), 20 (forgery and related offenses), 21 (credit card fraud), 22 (business and commercial frauds) or 23 (organized crime, fraud and terrorism) or telecommunication fraud under [A.R.S. § 13-3707](#). (Sec. 1)
3. Adds a *dangerous offense* as defined in section [13-105](#) to the list of offenses that are not eligible to be sealed. (Sec. 1)
 4. Instructs the Board of Fingerprinting to consider sealed case records as a mitigating circumstance in determining whether to grant a good cause exception pursuant to [A.R.S. § 41-619.55](#). (Sec. 1)
 5. Makes technical and conforming changes. (Sec. 1)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: ED DP 4-3-1-0 | 3rd Read 16-12-2-0

House: COM DPA/SE 6-3-0-1

**SCR1040: permanent school fund; distribution; uses
S/E: tipped workers; wages
Sponsor: Senator Mesnard, LD 13
Caucus & COW**

Summary of the Strike-Everything Amendment to SCR 1040

Overview

Subject to voter approval, adds a new section to the State Constitution relating to wages of tipped workers.

History

In 2016, voters approved The Fair Wages and Healthy Families Act (Proposition 206) which established statutory law governing the requirements for a state minimum wage.

Pursuant to A.R.S. § [23-363](#), employers are required to pay employees a minimum wage. The minimum wage is annually increased based on the cost of living which is measured by the percentage increase as of August of the immediately preceding year over the level as of August of the previous year of the consumer price index (all urban consumers, U.S. city average for all items) as published by the U.S. Department of Labor, with the amount of the minimum wage increase rounded to the nearest multiple of five cents.

Employers are permitted to pay an employee who customarily and regularly receives tips or gratuities from patrons or others a wage up to \$3 per hour less than the minimum wage if the employer can establish by its records of charged tips or by the employee's declaration for Federal Insurance Contributions Act purposes that for each week, when adding tips received to wages paid, the employee received not less than the minimum wage for all hours worked. Compliance must be determined by averaging tips received by the employee over the course of the employer's payroll period or any other period selected by the employer that complies with regulations adopted by the Industrial Commission of Arizona.

According to the Industrial Commission of Arizona, the current state minimum wage is \$14.35 per hour.

Provisions

1. Allows an employer, for any employee who customarily and regularly receives tips or gratuities from patrons or others, to pay a wage up to 25% per hour less than the statutorily set minimum wage if the employer can establish by the employer's records of charged tips or gratuities or by the employee's declaration for Federal Insurance Contributions Act purposes that for each week, when adding tips or gratuities received to wages paid, the employee received not less than the minimum wage plus \$2 for all hours worked.
2. Asserts that compliance is determined by averaging tips or gratuities received by the employee over the course of the employer's payroll period or any other period selected by the employer that complies with laws enacted by the legislature.
3. Cites this act as the "Tipped Workers Protection Act."
4. Requires the Secretary of State to submit this proposition to the voters at the next general election.

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: HHS DPA 7-0-0-0 | 3rd Read 25-3-2-0

House: HHS DPA/SE 6-4-0-0

SB 1238: obstetric services; rural communities; recommendations

S/E: performance audit; homeless shelter fund

Sponsor: Senator Shamp, LD 29

Caucus & COW

Summary of the Strike-Everything Amendment to SB 1238

Overview

Establishes a new Homeless Shelter and Services Fund. Creates new criminal violations involving drugs in homeless service zones. Transfers \$5,500,000 from the FY 2024 Housing Trust Fund deposit and \$50,000,000 from the Consumer Remediation Subaccount.

History

The possession, use, manufacture, sale and transportation of dangerous and narcotic drugs is illegal and carries felony classifications ranging from class 4 to class 2 (A.R.S. §§ [13-3407](#); [13-3408](#)).

The Arizona Department of Housing (ADOH) administers various programs and funds related to housing of low- and moderate-income families, housing affordability, special needs populations and decaying housing stock ([A.R.S. § 41-3953](#)). As part of the FY 2024 budget, \$150,000,000 was appropriated to ADOH for a deposit into the Housing Trust Fund and an additional total of \$60,000,000 was appropriated to a new Homeless Shelter and Services Fund, which was established in session law ([Laws 2023, Ch. 133](#)).

Provisions

Criminal Classification

1. Establishes a new felony for intentionally being present in a drug-free homeless service zone to sell or transfer dangerous or narcotic drugs. (Sec. 1)
2. Designates the offense as the same class of felony if the violation had not occurred within a drug-free homeless service zone, except that the presumptive, minimum and maximum sentences must be increased by one year and the individual is not eligible for probation. (Sec. 1)
3. Creates a new class 1 misdemeanor for an employee of a facility that provides services to homeless individuals who knowingly violate a drug-free homeless service zone's policies prohibiting the possession or use of dangerous or narcotic drugs. (Sec. 1)
4. Adds a fine, to be imposed by the court upon conviction of either new offense, of not less than \$2,000 or three times the value of the drugs involved in the charge, whichever is greater. (Sec. 1)
5. Requires providers of facility-based homeless services to maintain a visible notice identifying the building as a drug-free homeless service zone, except that domestic violence shelters may place the notice inside the facility. (Sec. 1)
6. Defines *drug-free homeless service zone* as a homeless services facility or shelter. (Sec. 1)

Arizona Criminal Justice Commission (ACJC) Reporting

7. Requires ACJC to collect and annually report information on:
 - a) drug overdoses among individuals experiencing homelessness, including the number of drug overdoses and number of deaths caused by drug overdose; and
 - b) crimes committed against and by homeless individuals. (Sec. 2)

8. Requires the report to be submitted to the Governor, President of the Senate and the Speaker of the House of Representatives and provide a copy to the Secretary of State. (Sec. 2)

Homeless Shelter and Services Fund

9. Creates the Homeless Shelter and Services Fund as a non-lapsing fund under ADOH, subject to legislative appropriation. (Sec. 3)
10. Specifies that all grants from the Homeless Shelter and Services Fund must be made to operators or providers within drug-free homeless service zones. (Sec. 3)
11. Requires recipients of grants from the Homeless Shelter and Services Fund to report on specified outcome-based metrics of individuals experiencing homelessness for three years, beginning December 1, 2024. (Sec. 3)
12. Prioritizes grants for services benefiting homeless individuals who are children, parents or legal guardians with children, senior citizens and veterans. (Sec. 3)
13. Requires ADOH to prescribe a simplified form and procedure to apply and approve grants. (Sec. 3)
14. Prohibits additional funding to political subdivisions until the political subdivision does not directly or indirectly prohibit enforcement of public camping, sleeping or obstructing a public right-of-way laws. (Sec. 3)
15. Prohibits individuals from using state- or local-owned lands for unauthorized sleeping, camping or long-term shelter. (Sec. 3)
16. Authorizes a county attorney to bring a civil action against any political subdivision to prohibit the political subdivision from violating these provisions. (Sec. 3)
17. Directs ADOH to provide a quarterly report to the Joint Legislative Budget Committee (JLBC) outlining expenditures and other outlined information. (Sec. 3)

Mixed Hoteling

18. Requires a homeless shelter provider who engages in mixed hoteling to post specified signs at locations in the facility and online. (Sec. 3)
19. Prohibits state or local monies from being used for mixed hoteling. (Sec. 3)
20. Defines *mixed hoteling* as providing shelter rooms to homeless individuals while concurrently providing hotel services on the same premises but excludes emergency or temporary shelter for domestic violence victims and parents with children. (Sec. 3)

Performance Audit and Appropriations

21. Instructs the Auditor General to conduct a special audit of the amount of expenditures made in the state on individuals experiencing homelessness and submit the special audit report to the Governor, Legislature and Secretary of State by December 31, 2025. (Sec. 4)
22. Transfers \$5,500,000 from the FY 2024 Housing Trust Fund deposit to the following:
 - a) \$5,000,000 to the Auditor General for all costs for the performance audit; and
 - b) \$500,000 to ACJC to implement data collection requirements. (Sec. 5)
23. Appropriates \$50,000,000 from the Consumer Remediation Subaccount of the Consumer Restitution and Remediation Revolving Fund to the Arizona Health Care Cost Containment System for the establishment of five secure behavioral health residential facilities. (Sec. 5)

Miscellaneous

24. Defines *dangerous drug*, *homeless individual*, *narcotic drug* and *individual experiencing homelessness*. (Sec. 1, 3)
25. Makes technical changes. (Sec. 2)

<input type="checkbox"/> Prop 105 (45 votes) <input type="checkbox"/> Prop 108 (40 votes) <input type="checkbox"/> Emergency (40 votes) <input checked="" type="checkbox"/> Fiscal Note



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: HHS DP 7-0-0-0 | 3rd Read 26-1-3-0

House: HHS DP 10-0-0-0

SB 1309: mental health evaluations; information; consent.

**Sponsor: Senator Miranda, LD 11
Caucus & COW**

Overview

Expands requirements relating to applications and petitions for court-ordered behavioral health evaluations to provide additional information about the proposed patient. Prescribes duties and prohibitions of a screening or evaluation agency upon receipt of an application or petition for a court-ordered evaluation. Outlines which individuals may provide informed consent on behalf of a proposed patient for a voluntary evaluation.

History

Current law allows any responsible individual to apply for a court-ordered evaluation of a person who is alleged to be, as a result of a mental disorder, a danger to self or to others or a person with a persistent or acute disability or a grave disability and who is unwilling or unable to undergo a voluntary evaluation. The application for evaluation must include: 1) the name and address of the proposed patient, if known; 2) prescribed personal information such as the proposed patient's age, date of birth and social security number; 3) the name, address and relationship of the person who is applying for the evaluation; 4) a statement that the proposed patient is believed to be a danger to self or to others and the facts on which the statement is based; and 5) a statement that the applicant believes the proposed patient is in need of supervision, care and treatment and the facts on which the statement is based ([A.R.S. § 36-520](#)).

On receiving the application for evaluation, the screening agency, before filing a petition for court-ordered evaluation must provide prepetition screening within 48 hours excluding weekends and holidays when possible to determine whether there is reasonable cause to believe the allegations of the applicant for the court-ordered evaluation, whether the person will voluntarily receive an evaluation at a scheduled time and place and whether the person has a persistent or acute disability or a grave disability or is likely to present a danger to self or others until the voluntary evaluation. After prepetition screening has been completed, the screening agency must prepare a report of opinions and conclusions. If prepetition screening is not possible, the screening agency must prepare a report giving reasons why the screening was not possible and including opinions and conclusions of staff members who attempted to conduct prepetition screening or otherwise investigated the matter ([A.R.S. § 36-521](#)).

Provisions

1. Directs an application for a court-ordered mental health evaluation to include:
 - a) the names and addresses of the proposed patient's agent under a health care power of attorney or mental health care power of attorney;
 - b) a statement that the proposed patient is exhibiting behaviors that may be consistent with a mental disorder and is believed to be a danger to self or others;
 - c) a statement with supporting facts from the applicant of whether the applicant believes the proposed patient is willing or able to undergo voluntary evaluation;
 - d) a statement of the proposed patient's relevant mental health and treatment history;
 - e) a statement, with supporting facts, that the applicant believes the proposed patient is in need of screening and evaluation;
 - f) copies of all documents relating to guardianship or powers of attorney that allow the guardian or agent to consent to inpatient psychiatric treatment of the proposed patient;

- g) a statement of whether the applicant believes the patient is likely to cause or endure serious physical harm or injury without a period of inpatient observation, stabilization, assessment or emergency inpatient psychiatric hospitalization; and
 - h) if known, the names and contact information of any persons who witnessed the behavior on which the application is based. (Sec. 2)
2. Stipulates that an application made by a peace officer or prescribed health care professional does not need to be notarized and may be submitted as the written application with the applicant's original signature. (Sec. 2)
 3. Instructs the screening agency to immediately note on the application the time and date of receipt and to log the information on receipt of an application. (Sec. 2)
 4. Requires the screening and evaluation agencies to accept and consider relevant past and present behavioral health history of the proposed patient from persons who have a significant relationship with the proposed patient. (Sec. 2, 5)
 5. Permits the informed consent for a voluntary inpatient or outpatient evaluation to be provided by the person subject to the evaluation, the person's guardian with inpatient authority or the person's designated agent under an applicable power of attorney. (Sec. 3)
 6. Requires a petition for a court-ordered behavioral health evaluation to state the names and contact information of any persons who witnessed the behavior on which the petition is based. (Sec. 4)
 7. Forbids an evaluation agency from declining to process a petition or application for court-ordered evaluation due to a lack of persons who witnessed the behavior that prompted the petition or application. (Sec. 4)
 8. Requires a petition that requests the court to determine that the patient is chronically resistant to treatment to allege the facts that support the request. (Sec. 6)
 9. Makes technical and conforming changes. (Sec. 1-6)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: TTMC DPA 5-0-2-0 | 3rd Read 26-2-2-0

House: HHS DP 9-1-0-0

SB 1313: DCS; discharge from care; housing

Sponsor: Senator Miranda, LD 11

Caucus & COW

Overview

Directs the Arizona Department of Child Safety (DCS) to develop and implement policies and procedures to ensure that every young adult who leaves the care of DCS and has not achieved permanency through reunification, adoption or guardianship has access to safe and secure housing by December 31, 2025.

History

DCS was established to protect the children of Arizona by: 1) investigating reports of abuse and neglect; 2) assessing, promoting and supporting the safety of a child in a safe and stable family or other appropriate placement in response to allegations of abuse or neglect; 3) working cooperatively with law enforcement regarding reports that include criminal conduct allegations; and 4) without compromising child safety, coordinating services to achieve and maintain permanency on behalf of the child, strengthen the family and provide prevention, intervention and treatment services ([A.R.S. § 8-451](#)).

Reason for leaving care means one of the following: 1) reunification with a parent or primary caretaker; 2) living with another relative; 3) adoption by a relative; 4) adoption by a foster parent; 5) adoption by another person; 6) age of majority 7) guardianship by a relative; 8) guardianship by another person; 9) transfer to another agency; 10) runaway; and 11) death ([A.R.S. § 8-501](#)).

Provisions

1. Requires DCS, by December 31, 2025, to develop and implement policies and procedures to ensure that every young adult who leaves the care of DCS and who has not achieved permanency through reunification, adoption or guardianship has access to safe and secure housing. (Sec. 1)
2. Requires the policies and procedures to specify the actions DCS will take to ensure safe and secure housing for a young adult who leaves DCS care and has not achieved permanency through reunification, adoption or guardianship. (Sec. 1)
3. Directs DCS to submit a report that outlines the adopted policies and procedures to the Governor, the President of the Senate and the Speaker of the House of Representatives and provide a copy to the Secretary of State by December 31, 2025. (Sec. 1)
4. Defines the term *young adult*. (Sec. 1)
5. Declares that the Legislature intends that all young adults have access to safe and secure housing after leaving DCS's care. (Sec. 2)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: HHS DPA 6-1-0-0 | 3rd Read 20-8-2-0

House: HHS DPA 6-4-0-0

SB 1361: sober living homes

Sponsor: Senator Carroll, LD 28
Caucus & COW

Overview

Makes modifications relating to the licensing, oversight and regulations of sober living homes. Increases the cap on civil penalties for violations of sober living homes from \$500 to \$1,000. Repeals certified sober living homes.

History

A sober living home is any premises, place or building that provides alcohol-free or drug free-housing that: 1) promotes independent living and life skills development; 2) may provide activities that are directed primarily toward recovery from substance use disorders; 3) provides a supervised setting to a group of unrelated individuals who are recovering from substance use disorders; and 4) does not provide any medical or clinical services or medication administration on-site, except for verification of abstinence ([A.R.S. § 36-2061](#)).

The Arizona Department of Health Services (DHS) is required to adopt rules to establish minimum standards and requirements for the licensure of sober living homes in Arizona that are necessary to ensure public health, safety and welfare. The DHS Director may use the current standards adopted by any recognized national organization approved by DHS as guidelines in prescribing the minimum standards and requirements. Statute outlines the minimum standards necessary for the DHS Director to adopt for sober living homes. A person operating a sober living home in Arizona that has failed to attain or maintain licensure must pay a civil penalty of \$1,000 per violation ([A.R.S. § 36-2062](#)).

On determination by the DHS Director that there is reasonable cause to believe a sober living home is not adhering to the licensing requirements, the DHS Director and any duly assigned DHS employee or agent may enter the premises of the sober living home at any reasonable time to determine the home's state of compliance. If an inspection reveals that the sober living home is not adhering to the licensing requirements, the DHS Director may take action. Any sober living home whose license has been suspended or revoked is subject to inspection on the application for licensure or reinstatement of a license. The DHS Director may impose a civil penalty on a person who violates any sober living home regulations in an amount of not more than \$500 for each violation ([A.R.S. § 36-2063](#)).

A sober living home that is certified by a certifying organization may operate and receive referrals. A sober living home certification is in lieu of licensure until the sober living home is licensed. A certified sober living home must apply to DHS for licensure within 90 days after DHS's initial licensing rules are final. DHS must notify the certifying organization when the initial licensure rules are final. In lieu of an initial on-site licensure survey and any annual on-site survey, DHS must issue a license to a sober living home that submits an application prescribed by DHS and that meets the following requirements: 1) is currently certified as a sober living home by a certifying organization; and 2) meets all department licensure requirements ([A.R.S § 36-2064](#)).

Provisions

1. Redefines *sober living homes* to any premises, place or dwelling unit that meets at least one of the following:
 - a) provides housing that provides or arranges for residents to receive any service or activity for recovery from any substance use disorder, including full-time or part-time supervision, observation, oversight

- or transportation to or from any service, treatment or activity directed primarily toward recovery from any substance use disorder;
- b) 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 primarily toward recovery from any substance use disorder; or
 - c) provides alcohol-free and drug-free housing in a full-time or part-time supervised living environment for individuals recovering from any substance use disorder. (Sec. 2)
2. Requires DHS standards and requirements for the licensure of sober living homes to include policies and procedures to implement if a license is suspended or revoked or a cease-and-desist notice is issued. (Sec. 3)
 3. Requires DHS to establish requirements that the sober living home maintain an environment that is free from alcohol and illegal substances at all times and requires abstinence from alcohol and illicit drugs. (Sec. 3)
 4. Requires DHS to establish requirements that the sober living home maintain an environment that promotes the safety of the surrounding neighborhood and the community at large. (Sec. 3)
 5. Requires an application for sober living home licensure to require the sober living home to obtain written administrative clearance from the local jurisdiction where the sober living home is located verifying compliance with all local zoning, building, fire and licensing ordinances. (Sec. 3)
 6. Requires the name and contact information of the designated employee of the local jurisdiction who is authorized to provide the required administrative clearance to be posted on the local jurisdiction's website or the website of an association representing the local jurisdiction if the local jurisdiction does not have a website. (Sec. 3)
 7. Requires DHS to identify on each license the maximum number of unrelated residents who are allowed to live in the sober living home, including any manager or other staff living on the premises. (Sec. 3)
 8. Requires DHS or its third-party contractor to conduct a physical, on-site inspection of a sober living home to verify compliance with sober living home regulations:
 - a) before approving a license or license renewal, any proposed change in the maximum number of residents or any construction or modification of a sober living home;
 - b) at least annually for each sober living home; and
 - c) promptly on determination by the DHS Director that reasonable cause exists that a sober living home is not adhering to sober living home regulations. (Sec. 5)
 9. Prohibits licensure applicants from self-attesting to compliance in lieu of an inspection. (Sec. 5)
 10. Requires DHS to complete an investigation of a sober living home that is the subject of a complaint within 30 calendar days after receiving a complaint that identifies an alleged violation. (Sec. 5)
 11. Requires DHS or its third-party contractor to conduct a physical, on-site inspection of a sober living home if it is determined that there is reasonable cause to believe the sober living home is not adhering to the sober living home regulations. (Sec. 5)
 12. Raises the cap on civil penalties for violations of sober living homes from \$500 to \$1,000. (Sec. 5)
 13. Requires the DHS Director, upon determining a person has violated sober living home regulations, to deny the application, withhold approval or request for a change affecting the license, or both, unless and until the person demonstrates that the violation has been cured and the application or request meets the requirements. (Sec. 5)
 14. Allows the DHS Director to deny, revoke or suspend a sober living home license if any owner, officer, agent or employee of the sober living home does any of the following:
 - a) violates any sober living home statutes or rules;
 - b) commits a felony under the laws of any state or of the United States arising out of or in connection with the operation of a sober living home;
 - c) knowingly aids, allows or abets the submission of false or inaccurate information; or

- d) violates the requirements for licensure of the sober living home. (Sec. 5)
15. Allows the DHS Director to order the immediate termination of any specific service, procedure or practice of the sober living home if they reasonably believe that a violation has occurred and that the life or safety of the residents or the public is immediately affected, on written notice to the owner or agent of the sober living home. (Sec. 5)
 16. Prohibits the DHS Director from suspending, revoking or denying a license without affording the licensee notice and an opportunity for a hearing. (Sec. 5)
 17. Allows a person whose application for a license or a request for a change affecting a license has been denied by the DHS Director or who has been ordered by the DHS Director to immediately terminate any specific service, procedure or practice, at any time within 30 days after notice of the denial or order to request in writing a hearing before the DHS Director or a person designated by the DHS Director to review the DHS Director's action. (Sec. 5)
 18. Requires the hearing to be held within 30 days after the written request. (Sec. 5)
 19. States that the operation or maintenance of a sober living home that does not hold a current or valid license or that exceeds the range of the activities or services authorized by a license is a public nuisance. (Sec. 5)
 20. Allows the DHS Director to issue a cease-and-desist order against a sober living home or, in the name of the people of this state, through the Attorney General or a county attorney and bring an action for an injunction to restrain the violation or to enjoin the future operation or maintenance of the sober living home until the sober living home complies with the law. (Sec. 5)
 21. Allows DHS to issue a certified letter, before issuing a cease-and-desist order or bringing an action for an injunction, to the owner or agent of the licensed or unlicensed sober living home that states the factual basis for the DHS's belief that the sober living home is operating in violation the law. (Sec. 5)
 22. Allows DHS to include within the letter the enforcement options available to the DHS if the violations continue. (Sec. 5)
 23. Requires DHS to notify, within 15 calendar days after receiving a complaint about a sober living home from a political subdivision of Arizona, the political subdivision of the status of the complaint. (Sec. 5)
 24. Requires DHS or its third-party contractors, within 15 calendar days after they conclude the investigation of the complaint, to provide to the political subdivision of this state the findings of the investigation, including copies of investigative reports without personal identifying information of the sober living home residents and a description of any penalties and sanctions imposed and enforcement actions taken. (Sec. 5)
 25. Prohibits DHS from contracting with any owner, operator, administrator or association of sober living homes. (Sec. 5)
 26. Requires third-party contractors to be paid from the Health Services Licensing Fund. (Sec. 5)
 27. Requires DHS, on request, to disclose the address of a sober living home to a third-party contractor of DHS. (Sec. 8)
 28. Instructs DHS to notify the designated employee of the local jurisdiction of all approvals and denials for licensure and renewal and all requests for changes affecting a sober living home license issued in that jurisdiction within 30 calendar days after receipt of the application for licensure or renewal or request for changes. (Sec. 8)
 29. Requires DHS, by January 31, to include in its annual report the number of complaints against licensed sober living homes:
 - a) received by DHS each year;
 - b) investigated by DHS or its third-party contractor; and
 - c) that resulted in inspections by DHS or its third-party contractor. (Sec. 9)
 30. Requires DHS, annually on January 31, to submit to the Health and Human Services Committees of the Senate and House of Representatives, or their successor committees, a report on sober living homes that are required to be licensed, but are not, including the number of applicable:
 - a) complaints received;

- b) complaints that were investigated and inspected by DHS or its third-party contractor; and
- c) enforcement actions taken. (Sec. 9)

- 31. Declares that the Legislature recognizes the need to protect both the people in recovery and the public from unscrupulous and incompetent operators of sober living homes and, therefore finds and determines that strict compliance with and enforcement of these requirements are necessary and required to ensure the public health, safety and welfare. (Sec. 4)
- 32. Repeals certified sober living homes. (Sec. 6)
- 33. Defines *license*. (Sec. 2)
- 34. Makes technical and conforming changes. (Sec. 1-3,5,7-9)

Amendments

Committee on Health & Human Services

- 1. Requires DHS standards and requirements for the licensure of sober living homes to include policies and procedures to implement if a licensee of a sober living home ceases operations.
- 2. Replaces the sober living home local jurisdiction verification procedures with:
 - a) requiring SLHs to obtain and maintain current documentation from the local jurisdiction verifying compliance with all local, zoning, building, fire and licensing ordinances and rules; and
 - b) provide the documentation to DHS on request and in application for a license, license renewal or any proposed change in maximum number of residents, constructions or modifications.
- 3. Requires DHS to identify on each license the maximum number of residents who are allowed to live in the sober living home, including any manager or other staff living on the premises.
- 4. Subjects a health care institution to civil penalties up to and including license suspension or revocation if affiliated with an unlicensed sober living home or other facility, building or structure found to be engaging in fraudulent, abusive or misleading practices.
- 5. Specifies that each day a violation occurs constitutes a separate violation.
- 6. Removes the 30-day requirement for DHS to complete an investigation of a sober living home that is the subject of a complaint that identifies an alleged violation.
- 7. Requires DHS to conduct a physical, on-site inspection of a sober living home if requested by local law enforcement or if the DHS Director determines that there is reasonable cause to believe the sober living home is not adhering to the sober living home regulations.
- 8. Permits DHS to require a person to resolve a violation through a plan of correction instead of imposing the prescribed penalties and sanctions if:
 - a) the violation is a technical requirement in the rules;
 - b) the sober living home conforms with generally accepted industry standards; and
 - c) the violation does not endanger the health, safety or welfare of sober living home residents or the general public.
- 9. Removes the requirement that DHS must notify a political subdivision of the status of a complaint within 15 calendar days after receiving a complaint about a sober living home from a political subdivision.
- 10. Reduces the days, from 15 calendar days to 5 business days, DHS or its third-party contractors have to provide a political subdivision the findings of the complaint investigation, including copies of investigative reports without personal identifying information of the sober living home residents.
- 11. Requires DHS to notify the local jurisdiction of all approvals and denials relating to sober living home licensure within 30 calendar days if a local jurisdiction provides contact information for notifications relating to sober living homes in their jurisdiction.
- 12. Asserts that DHS is not obligated to provide notifications relating to sober living homes to local jurisdictions that do not provide their contact information.
- 13. Modifies DHS's annual sober living home reporting requirements.
- 14. Expands the legislative findings and intent clause.
- 15. Makes technical and conforming changes.

<input type="checkbox"/> Prop 105 (45 votes) <input type="checkbox"/> Prop 108 (40 votes) <input type="checkbox"/> Emergency (40 votes) <input type="checkbox"/> Fiscal Note
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ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: FICO DPA 7-0-0-0 | 3rd Read 26-2-2-0

House: HHS DP 7-3-0-0

SB 1402: health care; costs; reimbursement

Sponsor: Senator Shamp, LD 29

Caucus & COW

Overview

Permits a health insurer to establish a savings incentive program (program) for medically necessary covered health care services.

History

A *health care provider* is a person who is licensed in podiatry, chiropractic, medicine and surgery, optometry, osteopathic physicians and surgeons, physical therapy or occupational therapy.

A *health insurer* is a disability insurer, group disability insurer, blanket disability insurer, health care services organization, hospital service corporation, medical service corporation or hospital and medical service corporation as defined relating to insurance. A *health insurer* does not include a governmental plan as defined in the Employee Retirement Income Security Act of 1974 ([A.R.S. § 32-3216](#)).

Provisions

1. Allows a health insurer to establish a program that provides a savings incentive for enrollees for medically necessary covered health care services that health care providers and health care facilities provide at a price that is below the health insurer's usual reimbursement. (Sec. 1)
2. Permits the program to enable an eligible enrollee who receives covered health care services from a health care provider or health care facility at a price below the health insurer's usual reimbursement to:
 - a) have the amount the enrollee pays applied toward the enrollee's deductible and out-of-pocket maximum; and
 - b) be reimbursed for a portion of the amount of the different between the price the enrollee paid and the health insurer's usual reimbursement. (Sec. 1)
3. Defines terms. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: HHS DP 7-0-0-0 | 3rd Read 16-14-0-0

House: HHS DP 6-4-0-0

SB 1509: informed consent; signatures

**Sponsor: Senator Shamp, LD 29
Caucus & COW**

Overview

Requires, except in an emergency, informed consent for a surgical procedure obtained by a licensed physician, licensed nurse practitioner (NP) or licensed physician assistant (PA) to include the signatures of the physician, NP or PA who is performing the surgical procedure, the patient or the patient's surrogate decision maker, a witness and the date.

History

A *physician* is a Doctor of Medicine who is licensed under the Arizona Medical Board ([A.R.S. § 32-1401](#)).

A registered *nurse practitioner* is a registered nurse who: 1) is certified by the Arizona State Board of Nursing (Board); 2) has completed the proper education programs approved and recognized by the Board; 3) holds national certification as a nurse practitioner from a national certifying body recognized by the Board; and 4) has an expanded scope of practice within a specialty area as outlined in statute ([A.R.S. § 32-1601](#)).

A *physician assistant* may provide any legal medical service for which the physician assistant has been prepared by education, training and experience and that the physician assistant is competent to perform, including but not limited to: 1) evaluating and diagnosing patients and managing and providing medical treatment and therapeutic interventions; 2) ordering, performing and interpreting diagnostic studies and therapeutic procedures; 3) writing medical orders; 4) obtaining informed consent; 5) assisting in surgery; 6) prescribing prescription-only medications; and 7) ordering, prescribing, dispensing and administering drugs and medical devices ([A.R.S. § 32-2531](#)).

Consent means voluntary informed consent. Consent is voluntary if not given as the result of coercion or undue influence. Consent is informed if the person giving the consent has been informed of and comprehends the nature, purpose, consequences, risks and benefits of the alternatives to the procedure, and has been informed and comprehends that withholding or withdrawing consent will not prejudice the future provision of care and services to the client. In cases of unusual or hazardous treatment procedures performed, experimental research, organ transplantation and nontherapeutic surgery, consent is informed if, in addition to the foregoing, the person giving the consent has been informed of and comprehends the method to be used in the proposed procedure ([A.R.S. § 36-551](#)).

Provisions

1. Requires, except in an emergency, informed consent for a surgical procedure obtained by a licensed physician, NP or PA to include the following dated signatures as required by the health care facility's policies, if applicable:
 - a) the health professional performing the surgical procedure;
 - b) the patient or the patient's surrogate decision maker; and
 - c) a witness. (Sec. 1)
2. Requires a witness to verify on the document that the patient or the patient's surrogate decision maker directly indicated to the witness that the patient intended to consent to the surgical procedure if a patient or patient's surrogate decision maker is physically unable to sign or mark an informed consent. (Sec. 1)

3. Defines *surgical procedure*. (Sec. 1)

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: HHS DPA/SE 7-0-0-0 | 3rd Read 26-0-4-0

House: HHS DPA 10-0-0-0

SB 1609: behavioral health; AHCCCS; health facilities

Sponsor: Senator Wadsack, LD 17
Caucus & COW

Overview

Requires health care institutions when transferring or discharging a patient with a serious mental illness (SMI) to another health care institution to provide the patient a 30-day supply of all medications that the patient was given in the previous 10 days. Outlines requirements of the Arizona Health Care Cost Containment System Administration (AHCCCS) related to peer specialist oversight and services for SMI individuals.

History

SMI are persons, who as a result of a mental disorder, exhibit emotional or behavioral functioning that is so impaired as to interfere substantially with their capacity to remain in the community without supportive treatment or services of a long-term or indefinite duration. In these persons mental disability is severe and persistent, resulting in a long-term limitation of their functional capacities for primary activities of daily living such as interpersonal relationships, homemaking, self-care, employment and recreation ([A.R.S. § 36-550](#)).

The AHCCCS Director must make rules that include standards for agencies other than the Arizona State Hospital (ASH) when providing services and must prescribe forms as necessary for the proper administration and enforcement as it relates to mental health services. The AHCCCS Director must make rules concerning the admission of patients and the transfer of patients between mental health treatment agencies other than ASH. A patient undergoing court-ordered treatment may be transferred from one mental health treatment agency to another in accordance with the rules of the director, subject to court approval ([A.R.S. § 36-502](#)).

Provisions

1. Requires, if a patient with a SMI is transferred or discharged from a health care institution to another health care institution, residential placement or group home, the health care institution that is transferring or discharging a patient to provide to the patient a 30-day supply of all medications, both prescriptions and over the counter, the patient was given in the previous 10 days that are ongoing or to be taken as needed. (Sec. 1)
2. Specifies that each medication must include clear documented instructions that are signed by:
 - a) the patient or the patient's parent or guardian;
 - b) the discharge team; and
 - c) the intake team. (Sec. 1)
3. Instructs AHCCCS to require its contracted housing program administrators to review and minimize duplicative paperwork requirements for and limit the number of contractors and entities that unnecessarily receive personal health information of members with SMI who are receiving services. (Sec. 2)
4. Prohibits contracted housing program administrators from selling or otherwise sharing any members' personal health information, unless authorized or required by state or federal law, including the Health Insurance Portability and Accountability Act Privacy Standards. (Sec. 2)

5. Directs AHCCCS to develop and implement processes to monitor its contractors' oversight of peer specialists to ensure that the peer specialists meet qualifications and receive the required supervision and training. (Sec. 2)
6. Requires, beginning October 1, 2025, in addition to any other qualifications, peer specialists to complete training that is developed by AHCCCS and that includes psychosis-specific content including anosognosia. (Sec. 2)
7. Instructs AHCCCS to provide an annual report to the Governor, the President of the Senate and the Speaker of the House of Representatives on the development, implementation and monitoring processes by November 1, 2024, and annually thereafter. (Sec. 2)
8. Requires AHCCCS, by January 31, 2025, to study the implementation of developing and distributing a real-time, automated survey to SMI members, or their representative to:
 - a) collect feedback;
 - b) identify quality of care issues; and
 - c) respond to the needs of members. (Sec. 3)
9. Specifies that in studying the implementation of the survey, AHCCCS must solicit and consider input from the public, including at a minimum, individuals with a SMI and their representatives. (Sec. 3)
10. Directs AHCCCS, by January 31, 2025, to report to the Joint Legislative Budget Committee and the Chairpersons of the Health and Human Services Committees of the Senate and House of Representatives on the development and implementation costs that would be incurred by AHCCCS. (Sec. 3)

Amendments

Committee on Health & Human Services

1. Replaces the requirement that a health care institution provide a 30-day supply of medications that the transfer or discharge SMI patient was given in the past 10 days with providing the SMI patient an accurate list of all necessary medications, including psychiatric medications and all other prescription medications and over-the-counter medications, that are to be taken regularly or to be taken as needed.
2. Requires the discharging health care institution to provide the list of medications to the patient or their representative and to a designated person from the residential care institution or health care institution that is to provide outpatient behavioral health services to the patient as identified by the discharging health care institution that provided inpatient behavioral health services to the patient.
3. Instructs AHCCCS to establish requirements, through rulemaking if necessary, regarding the discharge of AHCCCS members with a designation of SMI from inpatient psychiatric facilities.
4. Requires the discharge requirements to identify processes and the responsible entities to ensure continuity of care for AHCCCS members on discharge, including psychiatric and nonpsychiatric medications for which AHCCCS or its contractors is the primary payor.
5. Requires the processes to include verification against the AHCCCS member's treatment plan of medication, doses, schedules, quantities and routes of administration by qualified members of the AHCCCS members inpatient and outpatient treatment teams.
6. Makes conforming changes.



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: HHS DPA 7-0-0-0 | 3rd Read 19-9-2-0

House: HHS DPA 8-2-0-0

SB 1678: secure behavioral health residential facilities

Sponsor: Senator Gowan, LD 19

Caucus & COW

Overview

Requires Secure Behavioral Health Residential Facilities (SBHRFs) to keep civilly placed patients in separate SBHRFs from persons committed to SBHRFs as dangerous and incompetent to stand trial in a criminal proceeding.

History

The Department of Health Services (DHS) licenses SBHRFs to provide 24-hour supportive treatment and supervision for persons who have been deemed seriously mentally ill and resistant to treatment and have been committed because of a court order. Also, individuals who have been deemed as dangerous and have been committed because of a court order (A.R.S. §§ [36-540](#) and [36-550.09](#)).

An SBHRF can only provide treatment to the individuals listed above and cannot provide services to any other persons on the facility's premises. SBHRFs cannot have more than 16 beds per facility. The Arizona Health Care Cost Containment System (AHCCCS) Director must submit an annual report to the Governor, the Legislature and the Supreme Court containing the following information: 1) where monies appropriated to AHCCCS for SBHRFs were used during the previous year; and 2) the number of available beds in each SBHRF ([A.R.S. § 36-425.06](#)).

Provisions

1. Specifies that a SBHRF that provides services to persons civilly placed in the SBHRF by a court order cannot provide services to any other persons on that facility's premises. (Sec. 1)
2. Specifies that a SBHRF that provides services to persons who are deemed dangerous and incompetent to stand trial by a court order cannot provide services to any other persons on that facility's premises. (Sec. 1)
3. Requires AHCCCS to submit a report to the Governor, the Legislature and the Supreme Court on the number of available beds in each SBHRF for persons civilly placed in a SBHRF by a court order. (Sec. 1)
4. Requires AHCCCS to submit a report to the Governor, the Legislature and the Supreme Court on the number of available beds in each SBHRF for persons who are deemed dangerous and incompetent to stand trial by a court order. (Sec. 1)
5. Contains an emergency clause that was not enacted. (Sec. 2)
6. Makes technical and conforming changes. (Sec. 1)

Amendments

Committee on Health & Human Services

1. Allows a person who is found competent to stand trial after being involuntarily committed to receive credit for the time they spent under the jurisdiction of the Arizona State Hospital (ASH) against a term of imprisonment for any of the charges that were the basis for involuntary commitment.
2. Requires the court, if the factfinder finds that the defendant is dangerous and should be involuntarily committed, to dismiss the charges against the defendant without prejudice and order the defendant to be committed to the ASH.

3. Requires a court order, if the court issues a commitment order, to require the defendant to remain committed to ASH until the court finds the defendant is competent to stand trial or the court finds that the defendant is no longer dangerous.
4. Allows, if a defendant is discharged or released on the expiration of a commitment order, the ASH medical director from which a defendant is discharged or released to file a petition stating that the defendant requires further treatment or the appointment of a guardian.



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: HHS DP 7-0-0-0 | 3rd Read 18-11-1-0

House: HHS DP 7-2-1-0

SB 1682: state hospital; bed availability

Sponsor: Senator Gowan, LD 19

Caucus & COW

Overview

Directs the Arizona State Hospital (ASH) to admit patients based on clinical need for treatment and forbids any limit on admission based on a patient's county of residence.

History

[ASH](#), a division of the Arizona Department of Health Services, is a 260-bed facility that provides long-term inpatient psychiatric treatment to individuals with mental illnesses, personality disorders or emotional conditions who are under a court order to receive treatment. ASH is divided into three separate facilities: 1) the Civil Hospital; 2) the Forensic Hospital; and 3) the Arizona Community Protection and Treatment Center (ACPTC).

Patients receiving treatment at the Civil Hospital have been court-ordered to receive involuntary treatment as a result of having been determined to be a danger to themselves or others, gravely disabled or persistently and acutely disabled. Patients receiving treatment at the Forensic Hospital are court-ordered for either pre-trial or post-trial treatment as a result of involvement with the criminal justice system due to a mental health issue. ACPTC supervises and treats persons classified as sexually violent persons ([A.R.S. Title 36, Chapter 2, Article 1](#)).

A patient ordered by a court to undergo treatment and is not hospitalized in ASH at the time of the order must be treated for at least 25 days in a local mental health treatment agency that is geographically convenient for the patient before being hospitalized in ASH. A patient who is ordered by a court to undergo treatment may be admitted for treatment if the patient is accepted by the ASH Superintendent or if the court orders placement.

After a hearing, if the court finds that the patient's present condition and history demonstrate that the patient will not benefit from a continued period of treatment in or by a local mental health treatment agency either as an inpatient or an outpatient or that ASH provides a program that is specific to the needs of the patient and is unavailable in a local mental health treatment agency, is the least restrictive placement to meet the needs of the patient for the foreseeable future and there is a legally funded bed in ASH the court can amend the original treatment order authorizing the placement of the patient at ASH. The ASH Superintendent must notify the court whether a bed is available at ASH ([A.R.S. § 36-541](#)).

Provisions

1. Requires ASH to admit patients based on clinical need for treatment. (Sec. 1)
2. Prohibits ASH from placing a limit on admission based on a patient's county of residence. (Sec. 1)
3. Removes the requirement that there must be a legally available funded bed at ASH for a patient to be placed there if the court finds that ASH provides a program that is specific to the needs of the patient that is unavailable in a local mental health treatment agency and is the least restrictive placement to meet the needs of the patient for the foreseeable future. (Sec. 2)

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: FICO DP 7-0-0-0 | 3rd Read 30-0-0-0

House: LARA DPA/SE 5-2-1-1

SB 1410: housing trust fund; rural areas
S/E: marijuana; interstate agreements; delivery
Sponsor: Senator Gowan, LD 19
Caucus & COW

Summary of the Strike-Everything Amendment to SB 1410

Overview

Enables interstate transferring of marijuana and marijuana products.

History

In 2020, Arizona voters approved the Smart and Safe Arizona Act which legalized the sale and use of recreational marijuana to Arizonans who are at least 21 years of age, to be regulated and overseen by Arizona Department of Health Service (DHS). Statute prescribes requirements and regulations relating to the sale, packaging, labeling, tracking and advertising of recreational marijuana and marijuana products, including requirements that: 1) recreational marijuana products be labeled with a quick response code that provides testing information about the product; and 2) no marijuana product packaging resemble a human, animal, insect, fruit, toy, cartoon or a food or drink brand that is marketed to children. Monies collected from the sale of recreational marijuana must be deposited in the Medical Marijuana Fund and then allocated to outlined entities ([Title 36, Chapter 28.2, A.R.S.](#)).

Provisions

Cross-Jurisdictional Coordination Agreements

1. Allows the Governor to enter into an agreement with another state for the purposes of:
 - a) cross-jurisdictional coordination and enforcement of marijuana-related businesses authorized to conduct business in either Arizona or the other state; and
 - b) cross-jurisdictional delivery of marijuana and marijuana products between Arizona and the other state. (Sec. 3)
2. Outlines the requirements for Cross-Jurisdictional Coordination Agreements (Agreements). (Sec. 3)
3. Specifies, in accordance with an Agreement, a marijuana establishment or dual licensee may:
 - a) deliver marijuana and marijuana products to a person located in and authorized to receive marijuana and marijuana products from the other state; and
 - b) receive marijuana and marijuana products from a person located in and authorized to export marijuana and marijuana products by the other state. (Sec. 3)
4. Defines pertinent terms. (Sec. 3)

Conditional Enactment of Agreements

5. Provides for the conditional enactment of Agreement provisions contingent on by October 1, 2028, the occurrence of either:
 - a) federal law is amended to allow for the interstate transfer of marijuana and marijuana products between authorized marijuana-related businesses; or
 - b) the United States Department of Justice issues an opinion or memorandum allowing or tolerating the interstate transfer of marijuana and marijuana products between authorized marijuana-related businesses. (Sec. 4)

6. Instructs the director of the DHS to notify the director of the Arizona Legislative Council in writing by November 1, 2028, either:
 - a) the date on which the requirements for the conditional enactment of Agreement provisions were met; or
 - b) that neither condition was met. (Sec. 4)

Miscellaneous

7. Adds that DHS rule's regulating the delivery of marijuana cannot limit the:
 - a) distance between the delivery location and the originating designation retail location of the marijuana establishment; and
 - b) number of vehicles that a marijuana establishment may use for delivery. (Sec. 2, 5)
8. Modifies the definition of *marijuana establishment*. (Sec. 1, 5)
9. Contains a Proposition 105 clause. (Sec. 5)
10. Makes technical changes. (Sec. 1, 2)

<input checked="" type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: HHS DP 7-0-0-0 | 3rd Read 25-2-3-0

House: RA DPA 5-1-0-1

SB 1234: pharmacy board; virtual manufacturers
Sponsor: Senator Shamp, LD 29
Caucus & COW

Overview

Prescribes requirements for *virtual manufacturers* to comply with Current Good Manufacturing Practice (CGMP) regulations and includes applicable requirements for when a contracted manufacturer is in another country.

History

The United States Food and Drug Administration monitors drug manufacturers for compliance CGMP regulations to ensure the quality of drug products. CGMP regulations consist of minimum requirements for the methods, facilities and controls for the manufacturing, processing and packaging of drug products. For a new and generic drug to enter the market, the FDA must determine whether the manufacturer complies with CGMP regulations ([CGMP](#)).

Virtual manufacturers are required to ensure that the facility is inspected when an initial or renewal application for determining the contracted manufacturer's CGMP compliance if the manufacturer is in another country. *Virtual manufacturer* includes own-label distributors that contract with a manufacturer to produce a drug or device and with another entity to package and label the drug or device, which then is sold under the name of the distributor or another name ([A.A.C. R4-23-110](#)).

The State Board of Pharmacy ([Board](#)) regulates the practice of pharmacy to protect the health safety and welfare of Arizona citizens. The Board is authorized to issue specified permits in the field of pharmacy which include: 1) a pharmacy permit; 2) a drug manufacturer's permit; 3) a drug packager or drug prepackager permit; and 4) a durable medical equipment or compressed medical gas distributor or supplier permit. The Board is tasked with prescribing and furnishing the requirements for a pharmacy permit application. Statute outlines the grounds for the denial or revocation of a pharmacy permit by the Board (A.R.S. §§ [32-1929](#), [32-1930](#)).

Provisions

1. Defines *virtual manufacturer* as an entity that:
 - a) contracts for the manufacture of a device including private label distributors;
 - b) owns either the FDA new drug application or abbreviated drug application number for a drug or the unique FDA device identification number for a prescription device;
 - c) does not physically manufacture the drug or device; and
 - d) contracts with an FDA registered manufacturer for the physical manufacture of the drug or device.(Sec. 1)
2. Requires a *virtual manufacturer* located in Arizona or any other jurisdiction, that is responsible for the shipment of prescription drugs or devices into Arizona, to make professionally reasonable efforts to ensure that the FDA registered manufacturing entity complies with applicable CGMP regulations. (Sec. 2)
3. Directs *virtual manufacturers* of prescription drugs to contract with a permitted drug manufacturer in Arizona unless the contracted manufacturer is located in another country. (Sec. 2)
4. Makes conforming changes. (Sec. 1)

Amendments

Committee on Regulatory Affairs

1. States that a *virtual manufacturer* of prescription drugs must contract with a drug manufacturer that is permitted by Arizona.



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: TTMC DPA 5-2-0-0 | 3rd Read 21-7-2-0

House: TI DPA 8-2-0-1

SB1316: sorority and fraternity special plates

Sponsor: Senator Miranda, LD 11

Caucus & COW

Overview

Establishes the Sorority and Fraternity Special Plate and Fund.

History

The Arizona Department of Transportation (ADOT) is required to provide every vehicle owner one license plate for every vehicle registered upon application and payment of fees ([A.R.S. § 28-2351](#)). Statute requires ADOT to issue or renew special plates according to specified requirements ([A.R.S. § 28-2403](#)). An initial and annual renewal fee of \$25 is required for the special plate in addition to the vehicle registration fees. Of the \$25 special plate fee, \$8 is an administrative fee and \$17 is an annual donation ([A.R.S. §§ 28-2402, 2404](#)). Special plates require a standard \$32,000 implementation fee.

All license plates, including special plates, that are designed or redesigned after September 24, 2022, are required to have: 1) the background color of the license plate contrast significantly with the color of the letters and numerals and the name of the state on the license plate; and 2) the name of the state appear on the license plate in capital letters in sans serif font with a height of three-fourths of an inch ([A.R.S. § 28-2351](#)).

Provisions

1. Establishes the Sorority and Fraternity Special Plate and Fund if an entity pays \$32,000 to ADOT by December 31, 2024. (Sec. 3)
2. Requires, on the request of a sorority or fraternity, the entity who provides the \$32,000 to design a special plate for the sorority or fraternity that is different from designs for other sorority or fraternity special plates. (Sec. 3)
3. States that the design and color of the Sorority and Fraternity Special Plate are subject to the approval of ADOT. (Sec. 3)
4. Allows the Director of ADOT (Director) to combine requests for the Sorority and Fraternity Special Plate with requests for personalized special plates and subjects the request to additional fees. (Sec. 3)
5. Stipulates that of the \$25 fee for the Sorority and Fraternity Special Plate, \$8 is an administration fee and \$17 is an annual donation. (Sec. 3)
6. Requires ADOT to deposit all Sorority and Fraternity Special Plate administration fees into the state Highway Fund and all donations into the Sorority and Fraternity Special Plate Fund (Fund). (Sec. 3)
7. Tasks the Director with administering the Fund. (Sec. 3)
8. Stipulates that monies in the Fund are continuously appropriated. (Sec. 3)
9. Requires the Director to annually allocate monies from the Fund to the entity that paid the implementation fee to ADOT and that must have been founded in 2018 and has a mission to:
 - a) foster cooperative actions of its members in dealing with matters of mutual concern;
 - b) promote the well-being of its affiliate sororities and fraternities, facilitate the establishment and development of local councils and provide leadership training for its constituents; and

c) educate citizens and communities in this state in the interest of the general public through community education, literature and broadcast information with respect to government issues about methodologies and strategies to improve, maintain and promote the needs and knowledge of the residents of this state, with respect to economic development, public safety and access to educational opportunities so that the residents of this state can serve for the protection, conversation and preservation of their human and natural environment in and around this state. (Sec. 3)

10. Directs the State Treasurer, on notice from the Director, to invest and divest Fund monies and states that monies earned from investment must be credited to the Fund. (Sec. 3)

11. Makes technical and conforming changes. (Sec. 1-2, 4-6)

Amendments:

Committee on Transportation & Infrastructure

1. Removes the requirement that the entity who provides the \$32,000 design a special plate for a sorority or fraternity that is different from designs for other sorority or fraternity special plates, on the request of a sorority or fraternity.

2. Renames the Sorority and Fraternity Special Plate and Fund, the *Divine Nine Special Plate and Fund*.

3. Requires the entity that provides the \$32,000 fee to design the Divine Nine Special Plate.

4. Allows the name of a sorority and fraternity to be displayed along the bottom of the Divine Nine Special Plate as approved by ADOT.



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: TTMC DPA 5-2-0-0 | 3rd Read 21-6-3-0

House: TI DP 10-0-0-1

SB1376: vehicle loads; restrictions

Sponsor: Senator Bolick, LD 2

Caucus & COW

Overview

Applies vehicle load restrictions to a street or roadway.

History

Statute outlines that a person must not drive or move a vehicle on a highway unless the vehicle is constructed or loaded in a manner to prevent any of its load from dropping, sifting, leaking or otherwise escaping from the vehicle, except the following are permitted:

- 1) sufficient sand may be dropped to secure traction;
- 2) water or another substance may be sprinkled on a roadway in cleaning or maintaining the roadway;
and
- 3) minor pieces of agricultural materials such as leaves and stems from agricultural loads.

A person must not operate a vehicle on a highway with a load unless the load and any covering on the load are securely fastened in a manner to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the highway.

If a person is found in violation of the outlined vehicle load restrictions but does not cause any damage or injury, for the person's first violation in a 60-month period the person is subject to a civil penalty of no more than \$250. For a second or subsequent violation in a 60-month period, the person is subject to a civil penalty of no more than \$350. If the violation results in an accident-causing serious physical injury to another person, the person is subject to a civil penalty of no more than \$500. If the violation results in an accident causing the death of another person, the person is subject to a civil penalty of no more than \$1,000 ([A.R.S. § 28-1098](#)).

Provisions

1. Expands vehicle load restrictions to apply to a *street or roadway*. (Sec. 1)
2. Makes technical changes. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes) <input type="checkbox"/> Prop 108 (40 votes) <input type="checkbox"/> Emergency (40 votes) <input type="checkbox"/> Fiscal Note
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ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: TTMC DP 6-1-0-0 | 3rd Read 20-8-2-0

House: TI DPA/SE 10-0-0-1

SB 1673: ~~failure to pay; suspension; restriction~~

S/E: master jury list; juror information

Sponsor: Senator Gowan, LD 19

Caucus & COW

Summary of the Strike-Everything Amendment to SB1673

Overview

Alters the *master jury list* definition to include the dates of birth and, if available, telephone numbers and email addresses of eligible jurors.

History

State law requires all qualified citizens to serve on juries when summoned by the state courts, unless granted an exemption. Eligibility criteria requires every juror to be at least eighteen years of age, be a U.S. citizen, be a resident of the jurisdiction that the juror is summoned to serve, never have been convicted of a felony (unless the individual's civil rights have been restored) and not currently deemed mentally incompetent or insane (A.R.S. §§ [21-201](#), [21-202](#)).

The jury commissioner for each county is responsible for generating a *master jury list* comprised of the names and addresses of eligible persons residing in the county. This includes persons on the county's voter registration list, other eligible persons who have received a state driver's license or commercial driver's license and persons from other lists as determined by the Supreme Court ([A.R.S. § 21-301](#)).

Provisions

1. Amends the definition of *master jury list* to include the dates of birth and, if available, the telephone numbers and email addresses of eligible persons who reside in the county. (Sec. 1)
2. Makes technical and conforming changes. (Sec. 1, 2)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: TTMC DP 6-1-0-0 | 3rd Read 29-0-1-0

House: TI DPA/SE 10-0-0-1

SB 1679: ~~defensive driving schools; fees.~~
S/E: mixed martial arts; boxing; gaming
Sponsor: Senator Gowan, LD 19
Caucus & COW

Summary of the Strike-Everything Amendment to SB 1679

Overview

Makes various changes to boxing and sparring statutes.

History

The Arizona State Boxing and Mixed Martial Arts Commission (Commission) is responsible for: 1) managing licensure for all referees, judges, matchmakers, promoters, trainers, ring announcers, timekeepers, ringside physicians, inspectors, MMA contestants, boxers, managers and seconds; 2) requiring medical examination and insurance coverage; 3) overseeing all contests; 4) ensuring payment to participants; and 5) conducting investigations and taking disciplinary action ([Title 5, Chapter 2, A.R.S.](#)).

Provisions

1. Allows the Commission to use mixed martial arts rules adopted by a boxing commission or any alternative rules of mixed martial arts approved by another jurisdiction within the U.S. (Sec. 6)
2. Removes the requirement for the Commission to use mixed martial arts rules adopted by the New Jersey State Athletic Control Board. (Sec. 6)
3. Removes the requirement that weigh-ins be limited to one hour. (Sec. 6)
4. Requires a referee licensee applicant, prior to license issuance, to submit to the Commission:
 - a) the results of a current medical exam performed by a physician licensed in the United States;
 - b) the results of an ophthalmological exam; and
 - c) any other exam or testing ordered by the Commission. (Sec. 7)
5. Requires a combatant license applicant, prior to license issuance, to submit to the Commission:
 - a) the results of a current medical examination performed by any physician licensed in the United States, rather than an Arizona-licensed medical or osteopathic physician; and
 - b) for combatants who are at least 38 years old, rather than 36 years old, the results of a stress test administered by any physician licensed in the United States, rather than an Arizona-licensed medical or osteopathic physician. (Sec. 7)
6. Removes language relating to the deadline to complete medical examinations and tests. (Sec. 7)
7. Clarifies that a license expires at midnight 365 days after the date of issuance. (Sec. 8)
8. Specifies the results of all combatant medical examinations expire 365 days after the date the exam is performed. (Sec. 8)
9. Allows the Commission to grant a grace period of up to 15 days to align with the licensing period. (Sec. 8)
10. Asserts the required insurance coverage for a combatant is the primary insurance and must be exhausted before a combatant uses any other form of insurance. (Sec. 10)
11. Adds that the promoter must request the attendance of a peace officer at a contest. (Sec. 11)

12. Allows the Commission to grant the promoter permission to use private security services if a peace officer is unable to attend the contest. (Sec. 11)
13. Increases, from a class 2 misdemeanor to a class 1 misdemeanor, the penalty for conducting, holding, sponsoring, sanctioning or giving any contest that is subject to regulation by the Commission without first procuring an appropriate license or approval. (Sec. 13)
14. Allows the matchmaker, in addition to protest a referee assignment, to request a referee reassignment. (Sec. 14)
15. Requires the Commission to make a reasonable effort to grant the request for referee reassignment. (Sec. 14)
16. Removes the requirement for the Commission to furnish a list of all licensed referees and the right for a protesting matchmaker to select another referee from such list. (Sec. 14)
17. Defines *combatant* and replaces various terms with *combatant* as appropriate. (Sec. 2, 3, 4, 5, 6, 7, 9, 10, 12, 15)
18. Makes technical and conforming changes. (Sec. 1-15)

Amendments

Committee on Transportation and Infrastructure

1. Adopted the strike-everything amendment.



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: TTMC DP 4-3-0-0 | 3rd Read 16-12-2-0

House: TI DPA/SE 9-1-0-1

SB 1680: ~~traffic violations; photo radar; penalties~~

S/E: minors; motorcycle helmets; citations

Sponsor: Senator Gowan, LD 19

Caucus & COW

Summary of the Strike-Everything Amendment to SB 1680

Overview

Permits a law enforcement officer to issue a citation for a violation of not wearing a protective helmet to an operator or passenger of a motorcycle, all-terrain vehicle or motor-driven cycle who is 16 or 17 years old.

History

An operator or passenger of a motorcycle, all-terrain vehicle or motor-driven cycle who is under 18 years of age must wear a protective helmet on the operator's or passenger's head in an appropriate manner. The protective helmet must be safely secured while the operator or passenger is operating or riding on the motorcycle, all-terrain vehicle or motor-driven cycle. An operator of a motorcycle, all-terrain vehicle or motor-driven cycle must always wear protective glasses, goggles or a transparent face shield of a type approved by the Director of the Arizona Department of Transportation unless the motorcycle, all-terrain vehicle or motor-driven cycle is equipped with a protective windshield.

This requirement does not apply to electrically powered three-wheeled vehicles or three-wheeled vehicles on which the operator and passenger ride within an enclosed cab.

A motorcycle, all-terrain vehicle and motor-driven cycle must be equipped with a rearview mirror, seat and footrests for the operator. A motorcycle, all-terrain vehicle or motor-driven cycle operated with a passenger must be equipped with a seat and footrests for the passenger ([A.R.S. § 28-964](#)).

Provisions

1. Allows a law enforcement officer to issue a citation for a violation of not wearing a protective helmet to an operator or passenger of a motorcycle, all-terrain vehicle or motor-driven cycle who is 16 or 17 years old and who has been issued a driver's license or permit. (Sec. 1)
2. Stipulates that an operator of a motorcycle, all-terrain vehicle or motor-driven cycle who is at least 18 may be issued a citation if either:
 - a) a passenger of a motorcycle, all-terrain vehicle or motor-driven cycle is under 18 years old and is not wearing a protective helmet; or
 - b) the operator or passenger of a motorcycle, all-terrain vehicle or motor-driven cycle is under 18 years old and is both:
 - i. not wearing a protective helmet; and
 - ii. in the same group or party as the operator of the initial motorcycle, all-terrain vehicle or motor-driven cycle who is at least 18 years old. (Sec. 1)
3. Exempts from the requirement for wearing a protective helmet:
 - a) a motorcycle, all-terrain vehicle or motor-driven cycle that is a farm or agricultural vehicle if the operator or passenger is engaged in agricultural work;
 - b) a recreational off-highway vehicle that:
 - i. is designed primarily for recreational nonhighway all-terrain travel;
 - ii. is 80 or fewer inches in width;
 - iii. has an unladen weight of 2,500 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; and
- c) a motorcycle, all-terrain or motor-driven cycle that is operated on private property. (Sec. 1)
4. Subjects a person to a civil penalty of \$100 or community service, for an initial violation of the requirement for wearing a protective helmet, if the person is 16 or 17 years of age at the time of the violation. (Sec. 1)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: JUD DP 6-1-0-0 | 3rd Read 18-10-2-0

House: WM FAILED 4-5-0-1 | APPROP DPA/SE 10-3-4-0

SB 1414: retirement; reemployment; school resource officers
S/E: organized retail theft; repetitive offenders
Sponsor: Senator Gowan, LD 19
Caucus & COW

Summary of the Strike-Everything Amendment to SB 1414

Overview

Requires a person who is convicted of a third or subsequent organized retail theft offense to be sentenced as a category two repetitive offender in certain circumstances.

History

A person commits organized retail theft under [A.R.S. § 13-1819](#), subsection A, paragraph 1, if the person, acting alone or in conjunction with another person, removes merchandise from a retail establishment without paying the purchase price with the intent to resell or trade the merchandise for money or for other value. This offense is classified as a class 4 felony, meaning that, for a first-time offense, it is punishable by 1 to 3.75 years in prison (2.5 years presumptive) or up to 4 years of probation ([A.R.S. §§ 13-1819, 13-702, 13-902](#)).

The criminal code provides for enhanced sentencing categories for certain repetitive offenders. For example, if a person is convicted of multiple felony offenses that were not committed on the same occasion but that either are consolidated for trial purposes or are not historical prior felony convictions, statute requires the person be sentenced as a first-time felony offender for the first offense and as a category one repetitive offender for the second and subsequent offenses. Moreover, except for dangerous offenses or dangerous crimes against children, statute requires a person to be sentenced as a category two repetitive offender if the person is at least 18 years old or has been tried as an adult; stands convicted of a felony; and has one historical prior felony conviction. In the case of a class 4 felony, the applicable sentences for these categories are as follows:

- 1) for a category one repetitive offender, 1 to 3.75 years in prison (2.5 years presumptive) without eligibility for probation;
- 2) for a category two repetitive offender, 2.25 to 7.5 years in prison (4.5 years presumptive) without eligibility for probation ([A.R.S. § 13-703](#)).

Historical prior felony conviction is defined in statute to include an extensive list of different offenses or categories of offenses ([A.R.S. § 13-105](#)).

Provisions

1. Requires a person who is convicted of a third or subsequent organized retail theft offense under [A.R.S. § 13-1819](#), subsection A, paragraph 1, to be sentenced as a category two repetitive offender. (Sec. 1)

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note