

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SENATE BILL 1361

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 6.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-462.14; AMENDING SECTIONS 13-3730, 36-431.01, 36-2061 AND 36-2062, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 18, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-2062.01; AMENDING SECTIONS 36-2063, 36-2064, 36-2065, 36-2066 AND 36-2067, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 18, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 36-2068 AND 36-2069; AMENDING SECTIONS 41-619.51, 41-1758 AND 41-1758.01, ARIZONA REVISED STATUTES; RELATING TO SOBER LIVING HOMES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 9, chapter 4, article 6.1, Arizona Revised
3 Statutes, is amended by adding section 9-462.14, to read:

4 9-462.14. Sober living homes; distance and operation
5 requirements; deviation procedure; prohibition;
6 definition

7 A. IF A MUNICIPALITY HAS A ZONING ORDINANCE THAT RESTRICTS THE
8 DISTANCE BETWEEN SOBER LIVING HOMES OR THAT ENACTS BUILDING OR FIRE CODE
9 REQUIREMENTS FOR THE OPERATION OF SOBER LIVING HOMES, THE MUNICIPALITY
10 SHALL ESTABLISH A PROCEDURE IN WHICH A DEVIATION FROM THE REQUIREMENT MAY
11 BE GRANTED AS A REASONABLE ACCOMMODATION UNDER THE FAIR HOUSING ACT
12 (P.L. 90-284; 82 STAT. 81; 42 UNITED STATES CODE SECTION 3604).

13 B. A MUNICIPALITY MAY NOT RECLASSIFY A SINGLE-FAMILY HOME UNDER A
14 LOCAL BUILDING OR FIRE CODE SOLELY BECAUSE THE SINGLE-FAMILY HOME IS THE
15 SUBJECT OF A LICENSE APPLICATION FOR A SOBER LIVING HOME.

16 C. FOR THE PURPOSES OF THIS SECTION, "SOBER LIVING HOME" HAS THE
17 SAME MEANING PRESCRIBED IN SECTION 36-2061.

18 Sec. 2. Section 13-3730, Arizona Revised Statutes, is amended to
19 read:

20 13-3730. Unlawful patient brokering; classification;
21 definition

22 A. It is unlawful for a person, including a health care provider,
23 BEHAVIORAL HEALTH PROFESSIONAL, health care ~~facility~~ INSTITUTION or sober
24 living home, ~~when only providing or offering substance use disorder~~
25 ~~services~~, to offer, pay, solicit or receive any commission, bonus, rebate,
26 kickback or bribe, directly or indirectly, in cash or in kind, or engage
27 in any split-fee arrangement, in any form whatsoever, in return for
28 either:

29 1. Referring patients or clients to or from a sober living home or
30 a substance use disorder treatment facility.

31 2. Accepting or acknowledging the enrollment of a patient or client
32 for substance use disorder services at a sober living home.

33 B. A violation of this section is:

34 1. A class 3 felony if the consideration has a value of ~~one~~
35 ~~thousand dollars~~ \$1,000 or more.

36 2. A class 4 felony if the consideration has a value of more than
37 ~~one hundred dollars~~ \$100 but less than ~~one thousand dollars~~ \$1,000.

38 3. A class 6 felony if the consideration has a value of ~~one hundred~~
39 ~~dollars~~ \$100 or less.

40 C. For the purposes of this section, "sober living home" ~~means any~~
41 ~~premises, place or building that provides alcohol-free or drug-free~~
42 ~~housing and that:~~

43 ~~1. Promotes independent living and life skills development.~~

44 ~~2. May provide activities that are directed primarily toward~~
45 ~~recovery from substance use disorders.~~

1 ~~3. Provides a supervised setting to a group of unrelated~~
2 ~~individuals who are recovering from substance use disorders.~~

3 ~~4. Does not provide any medical or clinical services or medication~~
4 ~~administration on-site, except for verification of abstinence~~ HAS THE SAME
5 MEANING PRESCRIBED IN SECTION 36-2061.

6 Sec. 3. Section 36-431.01, Arizona Revised Statutes, is amended to
7 read:

8 36-431.01. Violations; civil penalties

9 A. The director may assess a civil penalty against a person who
10 violates this chapter or a rule adopted pursuant to this chapter in an
11 amount of not ~~to exceed five hundred dollars~~ MORE THAN \$500 for each
12 violation. Each day that a violation occurs constitutes a separate
13 violation.

14 B. The director may issue a notice of assessment that shall include
15 the proposed amount of the assessment. A person may appeal the assessment
16 by requesting a hearing pursuant to title 41, chapter 6, article 10. When
17 an assessment is appealed, the director shall take no further action to
18 enforce and collect the assessment until after the hearing.

19 C. In determining the AMOUNT OF THE civil penalty pursuant to
20 subsection A of this section, the department shall consider the following:

- 21 1. Repeated violations of statutes or rules.
- 22 2. Patterns of noncompliance.
- 23 3. Types of violations.
- 24 4. THE severity of violations.
- 25 5. THE potential for and occurrences of actual harm.
- 26 6. Threats to health and safety.
- 27 7. THE number of persons affected by the violations.
- 28 8. THE number of violations.
- 29 9. THE size of the facility.
- 30 10. THE length of time that the violations have been occurring.

31 D. Pursuant to interagency agreement specified in section 36-409,
32 the director may assess a civil penalty, including interest, in accordance
33 with 42 United States Code section 1396r. A person may appeal this
34 assessment by requesting a hearing before the director in accordance with
35 subsection B of this section. Civil penalty amounts may be established by
36 rules adopted by the director that conform to guidelines or regulations
37 adopted by the secretary of the United States department of health and
38 human services pursuant to 42 United States Code section 1396r.

39 E. Actions to enforce the collection of penalties assessed pursuant
40 to subsections A and D of this section shall be brought by the attorney
41 general or the county attorney in the name of the state in the justice
42 court or the superior court in the county in which the violation occurred.

43 F. Penalties assessed under subsection D of this section are in
44 addition to and not in limitation of other penalties imposed pursuant to
45 this chapter. All civil penalties and interest assessed pursuant to

1 subsection D of this section shall be deposited, PURSUANT TO SECTIONS
2 35-146 AND 35-147, in the nursing care institution resident protection
3 revolving fund established by section 36-431.02. The director shall use
4 these monies for the purposes prescribed by 42 United States Code section
5 1396r, including payment for the costs of relocation of residents to other
6 facilities, maintenance of operation of a facility pending correction of
7 the deficiencies or closure and reimbursement of residents for personal
8 monies lost.

9 G. The department shall ~~transmit~~ DEPOSIT penalties assessed under
10 subsection A of this section ~~to~~ IN the state general fund.

11 Sec. 4. Section 36-2061, Arizona Revised Statutes, is amended to
12 read:

13 36-2061. Definitions

14 In this article, unless the context otherwise requires:

15 1. "ASSISTANCE OR ACTIVITY DIRECTED TOWARD RECOVERY FROM ANY
16 SUBSTANCE USE DISORDER" INCLUDES A SUPERVISED, MONITORED OR PEER-LED
17 ENVIRONMENT DIRECTED TOWARD RECOVERY FROM ANY SUBSTANCE USE DISORDER.

18 ~~1.~~ 2. "Certifying organization" means an organization that
19 certifies homes as sober living homes and is affiliated with a national
20 organization ~~recognized~~ APPROVED by the department whose primary function
21 is to improve access to and the quality of sober living residences through
22 standards, education, research and advocacy.

23 3. "CLOSE FRIEND" MEANS ANY INDIVIDUAL WHOSE CLOSE ASSOCIATION WITH
24 THE PERSON IS THE EQUIVALENT OF A FAMILY RELATIONSHIP.

25 4. "LICENSE" MEANS A LICENSE ISSUED BY THE DIRECTOR PURSUANT TO
26 THIS ARTICLE.

27 ~~2.~~ 5. "Medication-assisted treatment" means the use of
28 pharmacological medications that are approved by the United States food
29 and drug administration, in combination with counseling and behavioral
30 therapies, to provide a whole patient approach to ~~the treatment of~~
31 TREATING substance use disorders.

32 ~~3. "Sober living home" means any premises, place or building that
33 provides alcohol-free or drug-free housing and that:~~

34 ~~(a) Promotes independent living and life skills development.~~

35 ~~(b) May provide activities that are directed primarily toward
36 recovery from substance use disorders.~~

37 ~~(c) Provides a supervised setting to a group of unrelated
38 individuals who are recovering from substance use disorders.~~

39 ~~(d) Does not provide any medical or clinical services or medication
40 administration on-site, except for verification of abstinence.~~

41 6. "SERVICE OR TREATMENT DIRECTED TOWARD RECOVERY FROM ANY
42 SUBSTANCE USE DISORDER" INCLUDES PROVIDING OR ARRANGING TRANSPORTATION TO
43 OR FROM ANY SERVICE, TREATMENT OR ACTIVITY DIRECTED TOWARD RECOVERY FROM
44 ANY SUBSTANCE USE DISORDER.

1 7. "SOBER LIVING HOME":

2 (a) MEANS ANY PREMISES, PLACE OR DWELLING UNIT, OR ANY PERSON THAT
3 PROVIDES ANY PREMISES, PLACE OR DWELLING UNIT, THAT MAY PROVIDE
4 VERIFICATION OF ABSTINENCE AND THAT DOES AT LEAST ONE OF THE FOLLOWING:

5 (i) PROVIDES ALCOHOL-FREE AND DRUG-FREE HOUSING IN A SUPERVISED,
6 MONITORED OR PEER-LED ENVIRONMENT FOR INDIVIDUALS WHO ARE IN RECOVERY OR
7 SEEKING RECOVERY FROM ANY SUBSTANCE USE DISORDER.

8 (ii) ADVERTISES, MARKETS, HOLDS ITSELF OUT OR OTHERWISE IMPLIES
9 THROUGH ANY MEANS, INCLUDING ORAL, WRITTEN, ELECTRONIC OR PRINTED MEANS,
10 THAT IT PROVIDES OR WILL PROVIDE A LIVING ENVIRONMENT DIRECTED TOWARD
11 RECOVERY FROM ANY SUBSTANCE USE DISORDER, INCLUDING HOUSING THAT PROVIDES
12 OR ARRANGES FOR RESIDENTS TO RECEIVE ANY ASSISTANCE OR ACTIVITY DIRECTED
13 TOWARD RECOVERY FROM ANY SUBSTANCE USE DISORDER AND HOUSING THAT ARRANGES
14 FOR RESIDENTS TO RECEIVE ANY SERVICE OR TREATMENT DIRECTED TOWARD RECOVERY
15 FROM ANY SUBSTANCE USE DISORDER.

16 (b) DOES NOT INCLUDE:

17 (i) ANY PREMISES, PLACE OR DWELLING UNIT THAT IS LICENSED TO
18 PROVIDE ON-SITE MEDICAL SERVICES, BEHAVIORAL HEALTH SERVICES OR MEDICATION
19 ADMINISTRATION.

20 (ii) ANY PERSON WHO PROVIDES A PREMISES, PLACE OR DWELLING UNIT
21 DIRECTED TOWARD RECOVERY FROM ANY SUBSTANCE ABUSE DISORDER EXCLUSIVELY TO
22 RESIDENTS WHO ARE RELATED TO THE PERSON BY AFFINITY OR CONSANGUINITY OF
23 THE FIRST OR SECOND DEGREE, AN INDIVIDUAL WHO IS A CLOSE FRIEND OF THE
24 PERSON OR INDIVIDUALS FOR WHOM THE PERSON SERVES AS A LEGAL GUARDIAN, AND
25 THE PERSON IS NOT OPERATING THE PREMISES, PLACE OR DWELLING UNIT AS A
26 BUSINESS AND DOES NOT REQUIRE, COLLECT OR RECEIVE ANY FORM OF COMPENSATION
27 FOR PROFIT FROM THE RESIDENTS, INCLUDING INSURANCE OR RENT.

28 (iii) ANY HOUSING FOR PERSONS IN RECOVERY FROM SUBSTANCE USE
29 DISORDERS THAT IS SELF-RUN, SELF-SUPPORTED, ALCOHOL AND DRUG FREE,
30 CHARTERED AND MONITORED BY A NATIONALLY RECOGNIZED NONPROFIT CREDENTIALING
31 ENTITY, ESTABLISHED IN ACCORDANCE WITH 42 UNITED STATES CODE SECTION
32 300x-25 AND HELD TO THE STANDARDS OF THAT NATIONALLY RECOGNIZED NONPROFIT
33 CREDENTIALING ENTITY.

34 Sec. 5. Section 36-2062, Arizona Revised Statutes, is amended to
35 read:

36 36-2062. Licensure required; standards; administrative
37 clearance from local jurisdiction; use of title

38 A. The director shall adopt rules to establish minimum standards
39 and requirements for the licensure of sober living homes in this state
40 necessary to ensure the public health, safety and welfare. The director
41 may use the current standards adopted by any recognized national
42 organization approved by the department as guidelines in prescribing the
43 minimum standards and requirements under this subsection. The standards
44 shall include:

- 1 1. A requirement that each sober living home ~~to~~ develop policies
2 and procedures to allow individuals who are on medication-assisted
3 treatment to continue to receive this treatment while living in the sober
4 living home.
- 5 2. Consistent and fair practices for drug and alcohol testing,
6 including frequency, that promote the residents' recovery.
- 7 3. Policies and procedures ~~for the residence~~ to **MEET THE**
8 **REQUIREMENT THAT THE SOBER LIVING HOME** maintain an environment that
9 promotes **THE RECOVERY, HEALTH AND SAFETY OF RESIDENTS AND** the safety of
10 the surrounding neighborhood and the community at large.
- 11 4. Policies and procedures for discharge planning of persons living
12 in the ~~residence~~ **SOBER LIVING HOME** that do not negatively impact the
13 surrounding community, **INCLUDING POLICIES AND PROCEDURES TO BE IMPLEMENTED**
14 **IF A LICENSE IS SUSPENDED OR REVOKED.**
- 15 5. A good neighbor policy to address neighborhood concerns and
16 complaints.
- 17 6. A requirement that the operator of each sober living home have
18 available for emergency personnel an up-to-date list of current
19 medications and medical conditions of each person living in the **SOBER**
20 **LIVING** home.
- 21 7. A policy that ensures residents are informed of all sober living
22 home rules, residency requirements and resident agreements.
- 23 8. Policies and procedures for ~~the management of~~ **MANAGING** all
24 monies received and spent by the sober living home in accordance with
25 standard accounting practices, including monies received from residents of
26 the sober living home.
- 27 9. A requirement that each sober living home post a statement of
28 resident rights that includes the right to file a complaint about the
29 ~~residence~~ **SOBER LIVING HOME** or provider and information about how to file
30 a complaint.
- 31 10. Policies that promote recovery by requiring residents to
32 participate in treatment, self-help groups or other recovery supports.
- 33 11. Policies ~~requiring~~ **AND PROCEDURES THAT REQUIRE THE SOBER LIVING**
34 **HOME TO MAINTAIN AN ENVIRONMENT THAT IS FREE FROM ALCOHOL AND ILLEGAL**
35 **SUBSTANCES AT ALL TIMES AND THAT REQUIRE** abstinence from alcohol and
36 illicit drugs.
- 37 12. Procedures regarding the appropriate use and security of
38 medication by a resident.
- 39 13. Policies regarding the maintenance of sober living homes,
40 including the installation of functioning smoke detectors, carbon monoxide
41 detectors and fire extinguishers and compliance with local fire codes **AND**
42 **RULES** applicable to comparable dwellings occupied by single families.
- 43 14. Policies and procedures that prohibit a sober living home
44 owner, employee or administrator from requiring a resident to sign any
45 document for the purpose of relinquishing the resident's public assistance

1 benefits, including medical assistance benefits, cash assistance and
2 supplemental nutrition assistance program benefits.

3 15. Policies and procedures for managing complaints about sober
4 living homes.

5 16. ~~Requirements~~ POLICIES AND PROCEDURES for ~~the notification of~~
6 NOTIFYING THE DEPARTMENT AND a family member or other emergency contact
7 designated by a resident under certain circumstances, including death, ~~due~~
8 ~~to an~~ PERMANENT OR SEVERE HARM AND overdose.

9 17. POLICIES AND PROCEDURES FOR PROVIDING ACTIVITIES THAT PROMOTE
10 INDEPENDENT LIVING AND LIFE SKILLS DEVELOPMENT.

11 18. POLICIES AND PROCEDURES FOR PROVIDING ACTIVITIES DIRECTED
12 PRIMARILY TOWARD RECOVERY FROM SUBSTANCE USE DISORDERS.

13 B. The licensure of a sober living home under this article is for
14 one year. ~~A person operating a sober living home in this state that has~~
15 ~~failed to attain or maintain licensure of the sober living home shall pay~~
16 ~~a civil penalty of up to one thousand dollars for each violation.~~

17 C. To receive and maintain licensure, a sober living home must
18 comply with all federal, state and local laws, including the Americans
19 with disabilities act of 1990. THE SOBER LIVING HOME SHALL OBTAIN AND
20 MAINTAIN CURRENT DOCUMENTATION FROM THE LOCAL JURISDICTION VERIFYING
21 COMPLIANCE WITH ALL LOCAL ZONING, BUILDING, FIRE AND LICENSING ORDINANCES
22 AND RULES. THE SOBER LIVING HOME SHALL PROVIDE DOCUMENTATION TO THE
23 DEPARTMENT ON REQUEST, IN THE APPLICATION FOR AN INITIAL LICENSE AND WHEN
24 REQUESTING APPROVAL FOR ANY PROPOSED CHANGE IN THE MAXIMUM NUMBER OF
25 RESIDENTS OR ANY CONSTRUCTION OR MODIFICATION TO THE SOBER LIVING HOME.
26 THE DEPARTMENT SHALL IDENTIFY ON EACH LICENSE THE MAXIMUM NUMBER OF
27 RESIDENTS WHO ARE ALLOWED TO LIVE IN THE SOBER LIVING HOME, INCLUDING ANY
28 MANAGER OR OTHER STAFF LIVING ON THE PREMISES.

29 D. A treatment facility that is licensed by the department ~~for the~~
30 ~~treatment of~~ TO TREAT substance use disorders and that has one or more
31 sober living homes on the same campus as the facility's program shall
32 obtain licensure for each sober living home pursuant to this article.

33 E. ~~Once the director adopts the minimum standards as required in~~
34 ~~subsection A of this section,~~ A person ~~may~~ SHALL not establish, conduct or
35 maintain in this state a sober living home unless that person holds a
36 current and valid license issued by the department ~~or is certified as~~
37 ~~prescribed in section 36-2064.~~ The license is valid only for the
38 establishment, operation and maintenance of the sober living home. The
39 licensee ~~may~~ SHALL not:

40 1. Imply by advertising, ~~OR~~ directory listing or otherwise IMPLY
41 that the licensee is authorized to perform services more specialized or of
42 a higher degree of care than is authorized by this article and the
43 ~~underlying~~ ADOPTED rules for sober living homes.

44 2. Transfer or assign the license. A license is valid only for the
45 premises occupied by the sober living home at the time of its issuance.

1 C. THE DEPARTMENT OR ITS THIRD-PARTY CONTRACTOR SHALL CONDUCT A
2 PHYSICAL, ON-SITE INSPECTION OF A SOBER LIVING HOME TO VERIFY COMPLIANCE
3 WITH THE REQUIREMENTS OF THIS ARTICLE AND THE RULES ADOPTED PURSUANT TO
4 THIS ARTICLE AT THE FOLLOWING TIMES:

5 1. BEFORE ISSUING AN INITIAL LICENSE OR APPROVING ANY PROPOSED
6 CHANGE IN THE MAXIMUM NUMBER OF RESIDENTS OR ANY CONSTRUCTION OR
7 MODIFICATION OF A SOBER LIVING HOME. APPLICANTS ARE NOT ALLOWED TO
8 SELF-ATTEST TO COMPLIANCE IN LIEU OF THIS INSPECTION.

9 2. AT LEAST ANNUALLY FOR EACH SOBER LIVING HOME.

10 3. ON A DETERMINATION BY THE DIRECTOR THAT THERE IS REASONABLE
11 CAUSE TO BELIEVE THAT A SOBER LIVING HOME IS NOT ADHERING TO THE
12 REQUIREMENTS OF THIS ARTICLE OR THE RULES ADOPTED PURSUANT TO THIS
13 ARTICLE.

14 D. AFTER RECEIVING A COMPLAINT THAT IDENTIFIES AN ALLEGED VIOLATION
15 OF THIS ARTICLE OR THE RULES ADOPTED PURSUANT TO THIS ARTICLE, THE
16 DEPARTMENT OR ITS THIRD-PARTY CONTRACTOR SHALL INVESTIGATE THE SOBER
17 LIVING HOME THAT IS THE SUBJECT OF THE COMPLAINT AND SHALL CONDUCT A
18 PHYSICAL INSPECTION IF REQUESTED BY LOCAL LAW ENFORCEMENT OR IF THE
19 DIRECTOR DETERMINES THAT THERE IS REASONABLE CAUSE TO BELIEVE THE SOBER
20 LIVING HOME IS NOT ADHERING TO THE REQUIREMENTS OF THIS ARTICLE OR THE
21 RULES ADOPTED PURSUANT TO THIS ARTICLE.

22 E. IF AN INVESTIGATION OR INSPECTION OF A SOBER LIVING HOME REVEALS
23 THAT A PERSON HAS VIOLATED THIS ARTICLE OR THE RULES ADOPTED PURSUANT TO
24 THIS ARTICLE, THE DIRECTOR MAY impose a civil penalty ~~on a person that~~
25 ~~violates this article or the rules adopted pursuant to this article in an~~
26 ~~amount~~ of not more than ~~five hundred dollars~~ \$1,000 for each violation,
27 WHICH MAY BE ASSESSED FOR EACH RESIDENT OR PERSON WHO THE DEPARTMENT
28 DETERMINES WAS IMPACTED BY THE VIOLATION. A PERSON OPERATING A SOBER
29 LIVING HOME IN THIS STATE THAT HAS FAILED TO OBTAIN OR MAINTAIN LICENSURE
30 OF THE SOBER LIVING HOME SHALL PAY AN ADDITIONAL CIVIL PENALTY OF UP TO
31 \$1,000 FOR EACH VIOLATION. Each day that a violation occurs constitutes a
32 separate violation. The director may issue a notice that includes the
33 proposed amount of the civil penalty assessment. If a person requests a
34 hearing to appeal an assessment, the director ~~may~~ SHALL not take further
35 action to enforce and collect the assessment until the hearing process is
36 complete. The director shall impose a civil penalty only for those days
37 for which the violation has been documented by the department.

38 ~~D. The department may impose sanctions and commence disciplinary~~
39 ~~actions against a licensed sober living home, including revoking the~~
40 ~~license. A license may not be suspended or revoked under this article~~
41 ~~without affording the licensee notice and an opportunity for a hearing as~~
42 ~~provided in title 41, chapter 6, article 10.~~

43 F. IN DETERMINING THE AMOUNT OF THE CIVIL PENALTY PURSUANT TO
44 SUBSECTION E OF THIS SECTION, THE DEPARTMENT SHALL CONSIDER ALL OF THE
45 FOLLOWING:

- 1 1. REPEATED VIOLATIONS OF STATUTES OR RULES.
- 2 2. PATTERNS OF NONCOMPLIANCE.
- 3 3. TYPES OF VIOLATIONS.
- 4 4. THE SEVERITY OF VIOLATIONS.
- 5 5. THE POTENTIAL FOR AND OCCURRENCES OF ACTUAL HARM, INCLUDING TO
- 6 STAFF OR RESIDENTS.
- 7 6. THREATS TO HEALTH AND SAFETY, INCLUDING TO STAFF OR RESIDENTS.
- 8 7. THE NUMBER OF PERSONS AFFECTED BY THE VIOLATIONS.
- 9 8. THE NUMBER OF VIOLATIONS.
- 10 9. THE SIZE OF THE FACILITY.
- 11 10. THE LENGTH OF TIME THAT THE VIOLATIONS HAVE BEEN OCCURRING.
- 12 G. IF A LICENSED OR UNLICENSED SOBER LIVING HOME HAS A BUSINESS
- 13 RELATIONSHIP WITH A PERSON OR ENTITY THAT IS FOUND TO BE ENGAGING IN
- 14 FRAUDULENT, ABUSIVE OR MISLEADING HEALTH CARE-RELATED PRACTICES, THE SOBER
- 15 LIVING HOME IS SUBJECT TO CIVIL PENALTIES PURSUANT TO THIS SECTION,
- 16 INCLUDING LICENSE SUSPENSION OR REVOCATION. EACH DAY A VIOLATION OCCURS
- 17 CONSTITUTES A SEPARATE VIOLATION.
- 18 H. SUBJECT TO TITLE 41, CHAPTER 6, ARTICLE 10, EXCEPT AS PROVIDED
- 19 IN SUBSECTION J OF THIS SECTION, THE DIRECTOR MAY DENY, REVOKE OR SUSPEND
- 20 A SOBER LIVING HOME LICENSE IF ANY OWNER, OFFICER, AGENT OR EMPLOYEE OF
- 21 THE SOBER LIVING HOME DOES ANY OF THE FOLLOWING:
- 22 1. VIOLATES THIS ARTICLE OR RULES ADOPTED PURSUANT TO THIS ARTICLE.
- 23 2. COMMITS A FELONY UNDER THE LAWS OF ANY STATE OR OF THE UNITED
- 24 STATES ARISING OUT OF OR IN CONNECTION WITH THE OPERATION OF A SOBER
- 25 LIVING HOME. THE RECORD OF CONVICTION OR A COPY OF THE RECORD CERTIFIED
- 26 BY THE CLERK OF THE COURT OR BY THE JUDGE BY WHOM THE PERSON WAS SENTENCED
- 27 IS CONCLUSIVE EVIDENCE OF CONVICTION.
- 28 3. KNOWINGLY AIDS, ALLOWS OR ABETS THE SUBMISSION OF FALSE OR
- 29 INACCURATE INFORMATION REQUIRED BY THIS ARTICLE OR RULES ADOPTED PURSUANT
- 30 TO THIS ARTICLE.
- 31 4. VIOLATES THE REQUIREMENTS FOR LICENSURE OF THE SOBER LIVING HOME
- 32 PURSUANT TO THIS ARTICLE.
- 33 I. IF A LICENSEE OR ANY OWNER, OFFICER, AGENT OR EMPLOYEE OF A
- 34 SOBER LIVING HOME REFUSES TO ALLOW THE DEPARTMENT OR ITS EMPLOYEE OR AGENT
- 35 TO INSPECT THE SOBER LIVING HOME'S PREMISES, THAT ACTION SHALL BE DEEMED
- 36 REASONABLE CAUSE TO BELIEVE THAT A SUBSTANTIAL VIOLATION OF SUBSECTION H,
- 37 PARAGRAPH 1 OF THIS SECTION EXISTS.
- 38 J. IF THE DIRECTOR REASONABLY BELIEVES THAT A VIOLATION OF
- 39 SUBSECTION H OF THIS SECTION HAS OCCURRED AND THAT THE LIFE OR SAFETY OF
- 40 THE RESIDENTS OR STAFF OR THE PUBLIC IS IMMEDIATELY AFFECTED, ON WRITTEN
- 41 NOTICE TO THE OWNER OR AGENT OF THE SOBER LIVING HOME, THE DIRECTOR MAY
- 42 ORDER ONE OR MORE OF THE FOLLOWING INTERMEDIATE SANCTIONS UNTIL THE SOBER
- 43 LIVING HOME IS IN SUBSTANTIAL COMPLIANCE WITH THIS ARTICLE AND RULES
- 44 ADOPTED PURSUANT TO THIS ARTICLE:

1 1. THE IMMEDIATE RESTRICTION OF THE ACCEPTANCE AND REACCEPTANCE OF
2 RESIDENTS TO THE SOBER LIVING HOME.

3 2. THE SELECTED TRANSFER OF RESIDENTS OUT OF THE SOBER LIVING HOME.

4 3. THE REDUCTION OF CAPACITY.

5 4. THE TERMINATION OF ANY SPECIFIC SERVICE, POLICY, PROCEDURE OR
6 PRACTICE OF THE SOBER LIVING HOME.

7 K. A SOBER LIVING HOME THAT IS SANCTIONED PURSUANT TO SUBSECTION J
8 OF THIS SECTION SHALL NOTIFY THE DEPARTMENT IN WRITING WHEN THE SOBER
9 LIVING HOME BELIEVES IT IS IN SUBSTANTIAL COMPLIANCE. ON RECEIPT OF THIS
10 NOTIFICATION THE DEPARTMENT SHALL CONDUCT AN INSPECTION. IF THE
11 DEPARTMENT DETERMINES THAT THE SOBER LIVING HOME IS IN SUBSTANTIAL
12 COMPLIANCE, THE DIRECTOR SHALL IMMEDIATELY RESCIND THE SANCTION OR
13 SANCTIONS. IF THE DEPARTMENT DETERMINES THAT THE SOBER LIVING HOME IS NOT
14 IN SUBSTANTIAL COMPLIANCE, THE SANCTION OR SANCTIONS SHALL REMAIN IN
15 EFFECT. AT LEAST FOURTEEN DAYS AFTER THE DATE OF THE INSPECTION, THE
16 SOBER LIVING HOME MAY AGAIN NOTIFY THE DEPARTMENT THAT THE SOBER LIVING
17 HOME IS IN SUBSTANTIAL COMPLIANCE AND THE DEPARTMENT SHALL CONDUCT ANOTHER
18 INSPECTION. IF THE DEPARTMENT DETERMINES ON THE REPEAT INSPECTION THAT
19 THE SOBER LIVING HOME IS STILL NOT IN SUBSTANTIAL COMPLIANCE, THE SANCTION
20 OR SANCTIONS SHALL REMAIN IN EFFECT. THE SOBER LIVING HOME MAY NOTIFY THE
21 DEPARTMENT OF SUBSTANTIAL COMPLIANCE NOT SOONER THAN THIRTY DAYS AFTER THE
22 DATE OF THE LAST INSPECTION. THE SOBER LIVING HOME SHALL MAKE ALL
23 NOTIFICATIONS OF SUBSTANTIAL COMPLIANCE BY CERTIFIED MAIL. THE DEPARTMENT
24 SHALL CONDUCT ALL INSPECTIONS REQUIRED BY THIS SUBSECTION WITHIN FOURTEEN
25 DAYS AFTER RECEIVING A NOTIFICATION OF SUBSTANTIAL COMPLIANCE. IF THE
26 DEPARTMENT DOES NOT CONDUCT AN INSPECTION WITHIN THIS TIME PERIOD, THE
27 SANCTION OR SANCTIONS HAVE NO FURTHER EFFECT.

28 L. A LICENSEE THAT IS SUBJECT TO AN INTERMEDIATE SANCTION ORDERED
29 BY THE DIRECTOR PURSUANT TO SUBSECTION J OF THIS SECTION MAY REQUEST A
30 HEARING TO REVIEW THE DIRECTOR'S ACTION. THE LICENSEE SHALL MAKE THIS
31 REQUEST IN WRITING WITHIN TEN DAYS AFTER RECEIVING NOTICE OF THE
32 DIRECTOR'S ACTION. THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL CONDUCT AN
33 ADMINISTRATIVE HEARING WITHIN SEVEN BUSINESS DAYS AFTER THE NOTICE OF
34 APPEAL HAS BEEN FILED WITH THE OFFICE OF ADMINISTRATIVE HEARINGS.

35 M. IN ADDITION TO ANY OTHER REMEDIES PRESCRIBED IN THIS ARTICLE,
36 THE DIRECTOR MAY ISSUE A CEASE AND DESIST ORDER AGAINST A SOBER LIVING
37 HOME THAT DOES NOT HOLD A CURRENT OR VALID LICENSE OR THAT EXCEEDS THE
38 SCOPE OF ACTIVITIES OR SERVICES AUTHORIZED BY A LICENSE ISSUED PURSUANT TO
39 THIS ARTICLE. THE ATTORNEY GENERAL OR A COUNTY ATTORNEY MAY BRING AN
40 ACTION FOR AN INJUNCTION TO RESTRAIN THE VIOLATION OR TO ENJOIN THE FUTURE
41 OPERATION OR MAINTENANCE OF THE SOBER LIVING HOME UNTIL THE SOBER LIVING
42 HOME COMPLIES WITH THIS ARTICLE. BEFORE ISSUING A CEASE AND DESIST ORDER
43 OR BRINGING AN ACTION FOR AN INJUNCTION PURSUANT TO THIS SECTION, THE
44 DEPARTMENT MAY ISSUE TO THE OWNER OR AGENT OF THE LICENSED OR UNLICENSED
45 SOBER LIVING HOME A CERTIFIED LETTER THAT STATES THE FACTUAL BASIS FOR THE

1 DEPARTMENT'S BELIEF THAT THE SOBER LIVING HOME IS OPERATING IN VIOLATION
2 OF THIS ARTICLE OR RULES ADOPTED PURSUANT TO THIS ARTICLE. THE DEPARTMENT
3 MAY INCLUDE IN THE LETTER A DESCRIPTION OF THE ENFORCEMENT OPTIONS
4 AVAILABLE TO THE DEPARTMENT IF THE VIOLATIONS CONTINUE.

5 N. IF A POLITICAL SUBDIVISION OF THIS STATE REQUESTS AN UPDATE FROM
6 THE DEPARTMENT ON THE STATUS OF THE INVESTIGATION OF A COMPLAINT FILED BY
7 THE POLITICAL SUBDIVISION RELATING TO A SOBER LIVING HOME, THE DEPARTMENT
8 SHALL NOTIFY THE POLITICAL SUBDIVISION OF THE STATUS WITHIN FIVE BUSINESS
9 DAYS AFTER THE REQUEST. IF REQUESTED BY THE POLITICAL SUBDIVISION, THE
10 DEPARTMENT SHALL PROVIDE TO THE POLITICAL SUBDIVISION THE FINDINGS OF ITS
11 INVESTIGATION, INCLUDING COPIES OF INVESTIGATIVE REPORTS WITHOUT PERSONAL
12 IDENTIFYING INFORMATION OF THE SOBER LIVING HOME RESIDENTS.

13 ~~F.~~ 0. The department may contract with a third party to assist the
14 department with licensure, INVESTIGATIONS and inspections, EXCEPT THAT THE
15 DEPARTMENT SHALL NOT CONTRACT WITH ANY OWNER, OPERATOR, ADMINISTRATOR,
16 ACCREDITING BODY OR ASSOCIATION OF SOBER LIVING HOMES. THIRD-PARTY
17 CONTRACTORS SHALL BE PAID FROM THE HEALTH SERVICES LICENSING FUND
18 ESTABLISHED BY SECTION 36-414.

19 Sec. 8. Section 36-2064, Arizona Revised Statutes, is amended to
20 read:

21 36-2064. Certified sober living homes; licensure

22 A. ~~Notwithstanding any other provision of this article,~~ A sober
23 living home THAT IS LICENSED in this state AND that is certified by a
24 certifying organization may operate in this state and receive referrals
25 pursuant to section 36-2065. ~~A sober living home certification is in lieu~~
26 ~~of licensure until the sober living home is licensed. A certified sober~~
27 ~~living home shall apply to the department for licensure within ninety days~~
28 ~~after the department's initial licensure rules are final. The department~~
29 ~~shall notify the certifying organization when the department's initial~~
30 ~~licensure rules are final.~~

31 B. In lieu of an initial on-site licensure ~~survey~~ INSPECTION and
32 any annual on-site ~~survey~~ INSPECTION, the department shall issue a license
33 to a sober living home that submits an application prescribed by the
34 department and that meets the following requirements:

35 1. Is currently certified as a sober living home by a certifying
36 organization.

37 2. Meets all department licensure requirements.

38 3. DOES NOT RECEIVE ANY MONIES FROM THIS STATE OR THE FEDERAL
39 GOVERNMENT.

40 4. HAS NOT BEEN SUBJECT TO AN ENFORCEMENT ACTION PURSUANT TO
41 SECTION 36-2063 WITHIN THE PRECEDING YEAR.

42 C. THE DIRECTOR MAY ACCEPT PROOF THAT A SOBER LIVING HOME IS A
43 CERTIFIED SOBER LIVING HOME IN LIEU OF ALL COMPLIANCE INSPECTIONS REQUIRED
44 BY THIS ARTICLE IF THE DIRECTOR RECEIVES A COPY OF THE SOBER LIVING HOME'S
45 CERTIFICATION REPORT FOR THE LICENSURE PERIOD AND THE SOBER LIVING HOME IS

1 CERTIFIED BY A CERTIFYING ORGANIZATION. IF THE CERTIFICATION REPORT IS
2 NOT VALID FOR THE ENTIRE LICENSURE PERIOD, THE DEPARTMENT MAY CONDUCT A
3 COMPLIANCE INSPECTION OF THE SOBER LIVING HOME DURING THE TIME PERIOD THE
4 DEPARTMENT DOES NOT HAVE A VALID CERTIFICATION REPORT FOR THE SOBER LIVING
5 HOME.

6 Sec. 9. Section 36-2065, Arizona Revised Statutes, is amended to
7 read:

8 36-2065. Referrals; licensed sober living homes

9 ~~Beginning January 1, 2019.~~

10 ~~1.~~ A. A state agency or a state-contracted vendor that directs
11 substance abuse treatment shall refer a person only to a ~~certified or~~
12 licensed sober living home.

13 ~~2.~~ B. Only a ~~certified or~~ licensed sober living home ~~may be~~ IS
14 eligible for federal or state funding to deliver sober living home
15 services in this state.

16 ~~3.~~ C. Persons whose substance abuse treatment is funded with
17 federal or state monies may be referred only to a ~~certified or~~ licensed
18 sober living home.

19 ~~4.~~ D. A state ~~or county~~ court shall give first consideration to a
20 ~~certified or~~ licensed sober living home when making residential
21 recommendations for individuals under its supervision.

22 ~~5.~~ E. A health care institution that provides substance abuse
23 treatment and that is licensed by the department shall refer a patient or
24 client only to a ~~certified or~~ licensed sober living home.

25 ~~6.~~ F. A behavioral health provider OR A BEHAVIORAL HEALTH
26 PROFESSIONAL who is licensed pursuant to title 32, chapter 33 shall refer
27 a patient or client only to a ~~certified or~~ licensed sober living home.

28 Sec. 10. Section 36-2066, Arizona Revised Statutes, is amended to
29 read:

30 36-2066. Posting; confidential information; notification of
31 local jurisdictions

32 A. The department shall post on its public website the name and
33 telephone number of each ~~certified and~~ licensed sober living home and
34 shall update the list quarterly. The department ~~may~~ SHALL not disclose
35 the address of a ~~certified or~~ licensed sober living home, except THAT THE
36 DEPARTMENT, ON REQUEST, SHALL DISCLOSE THE ADDRESS OF THE SOBER LIVING
37 HOME to:

- 38 1. A local jurisdiction for zoning purposes. ~~,~~
- 39 2. Local law enforcement. ~~and~~
- 40 3. Emergency personnel.
- 41 4. A THIRD-PARTY CONTRACTOR OF THE DEPARTMENT.

42 B. A sober living home's address is not a public record and is not
43 subject to title 39, chapter 1, article 2. THIS SECTION DOES NOT PROHIBIT
44 A SOBER LIVING HOME FROM PUBLISHING OR OTHERWISE SELF-DISCLOSING ITS
45 ADDRESS.

1 C. IF A LOCAL JURISDICTION PROVIDES CONTACT INFORMATION FOR
2 NOTIFICATIONS RELATING TO SOBER LIVING HOMES TO THE DEPARTMENT, THE
3 DEPARTMENT SHALL NOTIFY THE LOCAL JURISDICTION OF ALL INITIAL LICENSES
4 ISSUED PURSUANT TO THIS ARTICLE IN THAT JURISDICTION IN THE PRECEDING
5 MONTH. THE DEPARTMENT IS NOT OBLIGATED TO PROVIDE THE NOTIFICATIONS UNDER
6 THIS SUBSECTION TO A LOCAL JURISDICTION THAT DOES NOT PROVIDE THE LOCAL
7 JURISDICTION'S CONTACT INFORMATION TO THE DEPARTMENT.

8 Sec. 11. Section 36-2067, Arizona Revised Statutes, is amended to
9 read:

10 36-2067. Department; annual report

11 A. ~~Beginning ON OR BEFORE~~ January ~~2, 2020 and 31~~ OF each ~~January 2~~
12 ~~thereafter~~ YEAR, the department shall submit to the senate health and
13 human services committee and the house of representatives health
14 committee, or their successor committees, a report on licensed AND
15 UNLICENSED sober living homes in this state that includes:

16 1. The number of licensed sober living homes in each city, town and
17 county.

18 2. The number of sober living homes that are licensed each year.

19 3. The number of complaints against licensed sober living homes
20 ~~that~~ RECEIVED BY the department ~~investigates annually~~ EACH YEAR.

21 4. THE NUMBER OF COMPLAINTS AGAINST LICENSED SOBER LIVING HOMES
22 INVESTIGATED BY THE DEPARTMENT OR ITS THIRD-PARTY CONTRACTOR EACH YEAR.

23 ~~4.~~ 5. The number of enforcement actions ~~the department takes~~
24 against licensed sober living homes ~~annually~~ TAKEN BY THE DEPARTMENT EACH
25 YEAR.

26 6. THE NUMBER OF COMPLAINTS AGAINST RESIDENCES, PLACES, DWELLING
27 UNITS OR OTHER PREMISES SUSPECTED OF BEING UNLICENSED SOBER LIVING HOMES.

28 7. THE NUMBER OF INVESTIGATIONS RESULTING FROM COMPLAINTS AGAINST
29 UNLICENSED SOBER LIVING HOMES, INCLUDING HOW MANY OF THOSE INVESTIGATED
30 MET THE LEGAL REQUIREMENTS FOR SOBER LIVING HOME LICENSURE AND HOW THE
31 DEPARTMENT TOOK ACTION ON ITS FINDINGS.

32 8. THE NUMBER OF ENFORCEMENT ACTIONS AGAINST UNLICENSED SOBER
33 LIVING HOMES TAKEN BY THE DEPARTMENT EACH YEAR.

34 ~~B.~~ C. The department shall provide a copy of the report submitted
35 pursuant to subsection A of this section to the secretary of state.

36 Sec. 12. Title 36, chapter 18, article 4, Arizona Revised Statutes,
37 is amended by adding sections 36-2068 and 36-2069, to read:

38 36-2068. Legal action; licensure; change of ownership;
39 definitions

40 A. THE DIRECTOR MAY CONTINUE TO PURSUE ANY COURT, ADMINISTRATIVE OR
41 ENFORCEMENT ACTION AGAINST A LICENSEE EVEN IF THE SOBER LIVING HOME IS IN
42 THE PROCESS OF BEING SOLD OR TRANSFERRED OR HAS CLOSED.

43 B. THE DEPARTMENT MAY REVOKE OR SUSPEND A LICENSE OR DENY AN
44 APPLICATION FOR A SOBER LIVING HOME LICENSE IF:

1 1. THE APPLICANT, THE LICENSEE OR A CONTROLLING PERSON HAS A SOBER
2 LIVING HOME OR HEALTH CARE INSTITUTION LICENSE THAT IS IN AN ENFORCEMENT
3 ACTION OR COURT ACTION RELATED TO THE HEALTH AND SAFETY OF THE RESIDENTS
4 OR PATIENTS.

5 2. THE DEPARTMENT HAS DETERMINED FOR REASONS OTHER THAN THOSE
6 SPECIFIED IN PARAGRAPH 1 OF THIS SUBSECTION THAT THE ISSUANCE OF A LICENSE
7 IS LIKELY TO JEOPARDIZE RESIDENT SAFETY.

8 3. THE APPLICANT, THE LICENSEE OR A CONTROLLING PERSON HAS HAD IN
9 ANY STATE OR JURISDICTION AN APPLICATION OR LICENSE TO OPERATE A SOBER
10 LIVING HOME OR A HEALTH CARE INSTITUTION DENIED, SUSPENDED OR REVOKED,
11 UNLESS THE DENIAL WAS BASED ON THE FAILURE TO COMPLETE THE LICENSING
12 PROCESS OR TO PAY A REQUIRED LICENSING FEE WITHIN THE REQUIRED TIME FRAME.

13 4. THE APPLICANT, THE LICENSEE OR A CONTROLLING PERSON HAS HAD IN
14 ANY STATE OR JURISDICTION A HEALTH PROFESSIONAL LICENSE OR CERTIFICATE
15 DENIED, REVOKED OR SUSPENDED.

16 5. THE APPLICANT, THE LICENSEE OR A CONTROLLING PERSON PROVIDES
17 FALSE OR MISLEADING INFORMATION TO THE DEPARTMENT.

18 C. THE DEPARTMENT MAY DENY THE APPROVAL OF A CHANGE IN OWNERSHIP OF
19 A CURRENTLY LICENSED SOBER LIVING HOME IF THE DEPARTMENT DETERMINES THAT
20 THE TRANSFER OF OWNERSHIP, WHETHER INVOLVING A DIRECT OWNER OR INDIRECT
21 OWNER, MAY JEOPARDIZE RESIDENT SAFETY.

22 D. FOR THE PURPOSES OF THIS SECTION:

23 1. "CONTROLLING PERSON" MEANS A PERSON WHO, WITH RESPECT TO A
24 BUSINESS ORGANIZATION:

25 (a) HAS THE POWER TO VOTE AT LEAST TEN PERCENT OF THE OUTSTANDING
26 VOTING SECURITIES OF THE BUSINESS ORGANIZATION.

27 (b) IF THE BUSINESS ORGANIZATION IS A PARTNERSHIP, IS A GENERAL
28 PARTNER OR IS A LIMITED PARTNER WHO HOLDS AT LEAST TEN PERCENT OF THE
29 VOTING RIGHTS OF THE PARTNERSHIP.

30 (c) IF THE BUSINESS ORGANIZATION IS A CORPORATION, ASSOCIATION OR
31 LIMITED LIABILITY COMPANY, IS THE PRESIDENT, THE CHIEF EXECUTIVE OFFICER,
32 THE INCORPORATOR, AN AGENT OR ANY PERSON WHO OWNS OR CONTROLS AT LEAST TEN
33 PERCENT OF THE VOTING SECURITIES.

34 (d) HOLDS A BENEFICIAL INTEREST IN TEN PERCENT OR MORE OF THE
35 LIABILITIES OF THE BUSINESS ORGANIZATION.

36 2. "DIRECT OWNER" MEANS A PERSON THAT HAS AN OWNERSHIP OR CONTROL
37 INTEREST IN THE SOBER LIVING HOME TOTALING FIFTY-ONE PERCENT OR MORE.

38 3. "INDIRECT OWNER":

39 (a) MEANS A PERSON THAT HAS AN OWNERSHIP OR CONTROL INTEREST IN A
40 DIRECT OWNER TOTALING FIFTY-ONE PERCENT OR MORE.

41 (b) INCLUDES AN OWNERSHIP OR CONTROL INTEREST IN AN INDIRECT OWNER
42 TOTALING FIFTY-ONE PERCENT OR MORE AND A COMBINATION OF DIRECT OWNERSHIP
43 AND INDIRECT OWNERSHIP OR CONTROL INTERESTS TOTALING FIFTY-ONE PERCENT OR
44 MORE IN THE SOBER LIVING HOME.

1 36-2069. Fingerprinting requirements; definitions

2 A. EXCEPT AS PROVIDED IN SUBSECTION E OR F OF THIS SECTION, AS A
3 CONDITION OF LICENSURE OR CONTINUED LICENSURE OF A SOBER LIVING HOME THAT
4 RECEIVES REFERRALS PURSUANT TO SECTION 36-2065, SUBSECTION A OR C, THE
5 LICENSEE AND EACH PAID STAFF MEMBER OF A SOBER LIVING HOME SHALL HAVE A
6 VALID FINGERPRINT CLEARANCE CARD THAT IS ISSUED PURSUANT TO TITLE 41,
7 CHAPTER 12, ARTICLE 3.1 OR SHALL APPLY FOR A FINGERPRINT CLEARANCE CARD
8 WITHIN TWENTY WORKING DAYS AFTER BEGINNING EMPLOYMENT OR CONTRACTED WORK.

9 B. A LICENSEE SHALL MAKE A DOCUMENTED, GOOD FAITH EFFORT TO VERIFY
10 THE CURRENT STATUS OF EACH PAID STAFF MEMBER'S FINGERPRINT CLEARANCE CARD.

11 C. THE LICENSEE OR THE PAID STAFF MEMBER, OR THE LICENSEE ON BEHALF
12 OF THE PAID STAFF MEMBER, SHALL SUBMIT A COMPLETED APPLICATION THAT IS
13 PROVIDED BY THE DEPARTMENT OF PUBLIC SAFETY WITHIN TWENTY DAYS AFTER THE
14 DATE THE PERSON BEGINS EMPLOYMENT OR CONTRACTED WORK.

15 D. EXCEPT AS PROVIDED IN SUBSECTION E OR F OF THIS SECTION, A SOBER
16 LIVING HOME SHALL NOT ALLOW A PAID STAFF MEMBER TO CONTINUE EMPLOYMENT OR
17 CONTRACTED WORK IF THE PERSON HAS BEEN DENIED A FINGERPRINT CLEARANCE CARD
18 PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1 OR HAS HAD A FINGERPRINT
19 CLEARANCE CARD SUSPENDED OR REVOKED.

20 E. THE LICENSEE OR THE PAID STAFF MEMBER OF A SOBER LIVING HOME WHO
21 IS ELIGIBLE PURSUANT TO SECTION 41-1758.07, SUBSECTION C TO PETITION THE
22 BOARD OF FINGERPRINTING FOR A GOOD CAUSE EXCEPTION AND WHO PROVIDES
23 DOCUMENTATION OF HAVING APPLIED FOR A GOOD CAUSE EXCEPTION PURSUANT TO
24 SECTION 41-619.55 BUT WHO HAS NOT YET RECEIVED A DECISION IS EXEMPT FROM
25 THE FINGERPRINTING REQUIREMENTS OF THIS SECTION UNTIL A DECISION IS MADE.

26 F. A SOBER LIVING HOME MAY EMPLOY OR CONTINUE TO EMPLOY A PAID
27 STAFF MEMBER WHO IS DENIED A FINGERPRINT CLEARANCE CARD IF THE PAID STAFF
28 MEMBER DOES BOTH OF THE FOLLOWING:

29 1. SUCCESSFULLY COMPLETES TREATMENT FOR SUBSTANCE USE OR, IF
30 APPLICABLE, RECIDIVISM REDUCTION AS PRESCRIBED BY RULE.

31 2. PASSES A BACKGROUND AND SCREENING EVALUATION CONDUCTED BY THE
32 SOBER LIVING HOME THAT DEMONSTRATES THAT THE INDIVIDUAL IS NOT A THREAT TO
33 THE HEALTH OR SAFETY OF THE RESIDENTS OF THE SOBER LIVING HOME. A
34 BACKGROUND AND SCREENING EVALUATION INCLUDES PRIOR EMPLOYMENT OR PERSONAL
35 REFERENCE CHECKS.

36 G. FOR THE PURPOSES OF THIS SECTION:

37 1. "LICENSEE" MEANS THE INDIVIDUAL OR BUSINESS ORGANIZATION TO
38 WHICH THE DEPARTMENT HAS ISSUED A LICENSE TO OPERATE A SOBER LIVING HOME.

39 2. "MONETARY COMPENSATION" MEANS SALARY OR WAGES.

40 3. "PAID STAFF MEMBER":

41 (a) MEANS AN EMPLOYEE WHO PROVIDES MONITORING, SUPERVISION OR
42 ASSISTANCE OR OTHER SERVICES TO RESIDENTS AT A SOBER LIVING HOME AND WHO
43 RECEIVES MONETARY COMPENSATION FROM THE SOBER LIVING HOME.

1 (b) INCLUDES A PERSON WHO PROVIDES JANITORIAL, MAINTENANCE,
2 HOUSEKEEPING OR TRANSPORTATION SERVICES, WHETHER AS A CONTRACTOR OR
3 EMPLOYEE OF THE SOBER LIVING HOME.

4 (c) DOES NOT INCLUDE A RESIDENT OF THE SOBER LIVING HOME UNLESS THE
5 RESIDENT RECEIVES MONETARY COMPENSATION TO PROVIDE MONITORING, SUPERVISION
6 OR ASSISTANCE OR OTHER SERVICES TO THE RESIDENTS OF THE SOBER LIVING HOME.

7 Sec. 13. Section 41-619.51, Arizona Revised Statutes, is amended to
8 read:

9 41-619.51. Definitions

10 In this article, unless the context otherwise requires:

11 1. "Agency" means the supreme court, the department of economic
12 security, the department of child safety, the department of education, the
13 department of health services, the department of juvenile corrections, the
14 department of emergency and military affairs, the department of public
15 safety, the department of transportation, the state real estate
16 department, the department of insurance and financial institutions, the
17 Arizona game and fish department, the Arizona department of agriculture,
18 the board of examiners of nursing care institution administrators and
19 assisted living facility managers, the state board of dental examiners,
20 the Arizona state board of pharmacy, the board of physical therapy, the
21 state board of psychologist examiners, the board of athletic training, the
22 board of occupational therapy examiners, the state board of podiatry
23 examiners, the acupuncture board of examiners, the state board of
24 technical registration, ~~or~~ the board of massage therapy or the Arizona
25 department of housing.

26 2. "Board" means the board of fingerprinting.

27 3. "Central registry exception" means notification to the
28 department of economic security, the department of child safety or the
29 department of health services, as appropriate, pursuant to section
30 41-619.57 that the person is not disqualified because of a central
31 registry check conducted pursuant to section 8-804.

32 4. "Expedited review" means an examination, in accordance with
33 board rule, of the documents an applicant submits by the board or its
34 hearing officer without the applicant being present.

35 5. "Good cause exception" means the issuance of a fingerprint
36 clearance card to an employee pursuant to section 41-619.55.

37 6. "Person" means a person who is required to be fingerprinted
38 pursuant to this article or who is subject to a central registry check and
39 any of the following:

40 (a) Section 3-314.

41 (b) Section 8-105.

42 (c) Section 8-322.

43 (d) Section 8-463.

44 (e) Section 8-509.

45 (f) Section 8-802.

- 1 (g) Section 8-804.
- 2 (h) Section 15-183.
- 3 (i) Section 15-503.
- 4 (j) Section 15-512.
- 5 (k) Section 15-534.
- 6 (l) Section 15-763.01.
- 7 (m) Section 15-782.02.
- 8 (n) Section 15-1330.
- 9 (o) Section 15-1881.
- 10 (p) Section 17-215.
- 11 (q) Section 28-3228.
- 12 (r) Section 28-3413.
- 13 (s) Section 32-122.02.
- 14 (t) Section 32-122.05.
- 15 (u) Section 32-122.06.
- 16 (v) Section 32-823.
- 17 (w) Section 32-1232.
- 18 (x) Section 32-1276.01.
- 19 (y) Section 32-1284.
- 20 (z) Section 32-1297.01.
- 21 (aa) Section 32-1904.
- 22 (bb) Section 32-1941.
- 23 (cc) Section 32-1982.
- 24 (dd) Section 32-2022.
- 25 (ee) Section 32-2063.
- 26 (ff) Section 32-2108.01.
- 27 (gg) Section 32-2123.
- 28 (hh) Section 32-2371.
- 29 (ii) Section 32-3430.
- 30 (jj) Section 32-3620.
- 31 (kk) Section 32-3668.
- 32 (ll) Section 32-3669.
- 33 (mm) Section 32-3922.
- 34 (nn) Section 32-3924.
- 35 (oo) Section 32-4222.
- 36 (pp) Section 32-4128.
- 37 (qq) Section 36-113.
- 38 (rr) Section 36-207.
- 39 (ss) Section 36-411.
- 40 (tt) Section 36-425.03.
- 41 (uu) Section 36-446.04.
- 42 (vv) Section 36-594.01.
- 43 (ww) Section 36-594.02.
- 44 (xx) Section 36-766.01.
- 45 (yy) Section 36-882.

1 (zz) Section 36-883.02.
2 (aaa) Section 36-897.01.
3 (bbb) Section 36-897.03.
4 (ccc) SECTION 36-2069.
5 ~~(ccc)~~ (ddd) Section 36-3008.
6 ~~(ddd)~~ (eee) Section 41-619.53.
7 ~~(eee)~~ (fff) Section 41-1964.
8 ~~(fff)~~ (ggg) Section 41-1967.01.
9 ~~(ggg)~~ (hhh) Section 41-1968.
10 ~~(hhh)~~ (iii) Section 41-1969.
11 ~~(iii)~~ (jjj) Section 41-2814.
12 ~~(jjj)~~ (kkk) Section 41-4025.
13 ~~(kkk)~~ (lll) Section 46-141, subsection A or B.
14 ~~(lll)~~ (mmm) Section 46-321.
15 Sec. 14. Section 41-1758, Arizona Revised Statutes, is amended to
16 read:
17 41-1758. Definitions
18 In this article, unless the context otherwise requires:
19 1. "Agency" means the supreme court, the department of economic
20 security, the department of child safety, the department of education, the
21 department of health services, the department of juvenile corrections, the
22 department of emergency and military affairs, the department of public
23 safety, the department of transportation, the state real estate
24 department, the department of insurance and financial institutions, the
25 board of fingerprinting, the Arizona game and fish department, the Arizona
26 department of agriculture, the board of examiners of nursing care
27 institution administrators and assisted living facility managers, the
28 state board of dental examiners, the Arizona state board of pharmacy, the
29 board of physical therapy, the state board of psychologist examiners, the
30 board of athletic training, the board of occupational therapy examiners,
31 the state board of podiatry examiners, the acupuncture board of examiners,
32 the state board of technical registration, ~~or~~ the board of massage therapy
33 or the Arizona department of housing.
34 2. "Division" means the fingerprinting division in the department
35 of public safety.
36 3. "Electronic or internet-based fingerprinting services" means a
37 secure system for digitizing applicant fingerprints and transmitting the
38 applicant data and fingerprints of a person or entity submitting
39 fingerprints to the department of public safety for any authorized purpose
40 under this title. For the purposes of this paragraph, "secure system"
41 means a system that complies with the information technology security
42 policy approved by the department of public safety.
43 4. "Good cause exception" means the issuance of a fingerprint
44 clearance card to an applicant pursuant to section 41-619.55.

- 1 5. "Person" means a person who is required to be fingerprinted
2 pursuant to any of the following:
- 3 (a) Section 3-314.
 - 4 (b) Section 8-105.
 - 5 (c) Section 8-322.
 - 6 (d) Section 8-463.
 - 7 (e) Section 8-509.
 - 8 (f) Section 8-802.
 - 9 (g) Section 15-183.
 - 10 (h) Section 15-503.
 - 11 (i) Section 15-512.
 - 12 (j) Section 15-534.
 - 13 (k) Section 15-763.01.
 - 14 (l) Section 15-782.02.
 - 15 (m) Section 15-1330.
 - 16 (n) Section 15-1881.
 - 17 (o) Section 17-215.
 - 18 (p) Section 28-3228.
 - 19 (q) Section 28-3413.
 - 20 (r) Section 32-122.02.
 - 21 (s) Section 32-122.05.
 - 22 (t) Section 32-122.06.
 - 23 (u) Section 32-823.
 - 24 (v) Section 32-1232.
 - 25 (w) Section 32-1276.01.
 - 26 (x) Section 32-1284.
 - 27 (y) Section 32-1297.01.
 - 28 (z) Section 32-1904.
 - 29 (aa) Section 32-1941.
 - 30 (bb) Section 32-1982.
 - 31 (cc) Section 32-2022.
 - 32 (dd) Section 32-2063.
 - 33 (ee) Section 32-2108.01.
 - 34 (ff) Section 32-2123.
 - 35 (gg) Section 32-2371.
 - 36 (hh) Section 32-3430.
 - 37 (ii) Section 32-3620.
 - 38 (jj) Section 32-3668.
 - 39 (kk) Section 32-3669.
 - 40 (ll) Section 32-3922.
 - 41 (mm) Section 32-3924.
 - 42 (nn) Section 32-4128.
 - 43 (oo) Section 32-4222.
 - 44 (pp) Section 36-113.
 - 45 (qq) Section 36-207.

1 (rr) Section 36-411.
2 (ss) Section 36-425.03.
3 (tt) Section 36-446.04.
4 (uu) Section 36-594.01.
5 (vv) Section 36-594.02.
6 (ww) Section 36-766.01.
7 (xx) Section 36-882.
8 (yy) Section 36-883.02.
9 (zz) Section 36-897.01.
10 (aaa) Section 36-897.03.
11 (bbb) SECTION 36-2069.
12 ~~(bbb)~~ (ccc) Section 36-3008.
13 ~~(ccc)~~ (ddd) Section 41-619.52.
14 ~~(ddd)~~ (eee) Section 41-619.53.
15 ~~(eee)~~ (fff) Section 41-1964.
16 ~~(fff)~~ (ggg) Section 41-1967.01.
17 ~~(ggg)~~ (hhh) Section 41-1968.
18 ~~(hhh)~~ (iii) Section 41-1969.
19 ~~(iii)~~ (jjj) Section 41-2814.
20 ~~(jjj)~~ (kkk) Section 41-4025.
21 ~~(kkk)~~ (lll) Section 46-141, subsection A or B.
22 ~~(lll)~~ (mmm) Section 46-321.
23 6. "Vulnerable adult" has the same meaning prescribed in section
24 13-3623.
25 Sec. 15. Section 41-1758.01, Arizona Revised Statutes, is amended
26 to read:
27 41-1758.01. Fingerprinting division; powers and duties
28 A. The fingerprinting division is established in the department of
29 public safety and shall:
30 1. Conduct fingerprint background checks for persons and applicants
31 who are seeking licenses from state agencies, employment with licensees,
32 contract providers and state agencies or employment or educational
33 opportunities with agencies that require fingerprint background checks
34 pursuant to sections 3-314, 8-105, 8-322, 8-463, 8-509, 8-802, 15-183,
35 15-503, 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 17-215,
36 28-3228, 28-3413, 32-122.02, 32-122.05, 32-122.06, 32-823, 32-1232,
37 32-1276.01, 32-1284, 32-1297.01, 32-1904, 32-1941, 32-1982, 32-2022,
38 32-2063, 32-2108.01, 32-2123, 32-2371, 32-3430, 32-3620, 32-3668, 32-3669,
39 32-3922, 32-3924, 32-4128, 32-4222, 36-113, 36-207, 36-411, 36-425.03,
40 36-446.04, 36-594.01, 36-594.02, 36-766.01, 36-882, 36-883.02, 36-897.01,
41 36-897.03, 36-2069, 36-3008, 41-619.52, 41-619.53, 41-1964, 41-1967.01,
42 41-1968, 41-1969, 41-2814, ~~AND~~ 41-4025, section 46-141, subsection A or B
43 and section 46-321.

1 2. Issue fingerprint clearance cards. On issuance, a fingerprint
2 clearance card becomes the personal property of the cardholder and the
3 cardholder shall retain possession of the fingerprint clearance card.

4 3. On submission of an application for a fingerprint clearance
5 card, collect the fees established by the board of fingerprinting pursuant
6 to section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147,
7 the monies collected in the board of fingerprinting fund.

8 4. Inform in writing each person who submits fingerprints for a
9 fingerprint background check of the right to petition the board of
10 fingerprinting for a good cause exception pursuant to section 41-1758.03,
11 41-1758.04 or 41-1758.07.

12 5. If after conducting a state and federal criminal history records
13 check the division determines that it is not authorized to issue a
14 fingerprint clearance card to a person, inform the person in writing that
15 the division is not authorized to issue a fingerprint clearance card. The
16 notice shall include the criminal history information on which the denial
17 was based. This criminal history information is subject to dissemination
18 restrictions pursuant to section 41-1750 and Public Law 92-544.

19 6. Notify the person in writing if the division suspends, revokes
20 or places a driving restriction notation on a fingerprint clearance card
21 pursuant to section 41-1758.04. The notice shall include the criminal
22 history information on which the suspension, revocation or placement of
23 the driving restriction notation was based. This criminal history
24 information is subject to dissemination restrictions pursuant to section
25 41-1750 and Public Law 92-544.

26 7. Administer and enforce this article.

27 B. The fingerprinting division may contract for electronic or
28 internet-based fingerprinting services through an entity or entities for
29 the acquisition and transmission of applicant fingerprint and data
30 submissions to the department, including identity verified fingerprints
31 pursuant to section 15-106. The entity or entities contracted by the
32 department of public safety may charge the applicant a fee for services
33 provided pursuant to this article. The entity or entities contracted by
34 the department of public safety shall comply with:

35 1. All information privacy and security measures and submission
36 standards established by the department of public safety.

37 2. The information technology security policy approved by the
38 department of public safety.

39 Sec. 16. Effective date

40 Section 36-2069, Arizona Revised Statutes, as added by this act, is
41 effective six months after the effective date of this act.