

REFERENCE TITLE: sober living; regulation

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

## **SB 1605**

Introduced by  
Senator Hatathlie

### AN ACT

AMENDING SECTION 36-2062, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 18, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 36-2062.01 AND 36-2062.02; AMENDING SECTIONS 36-2063 AND 36-2066, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 18, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 36-2068, 36-2069 AND 36-2070; 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. Section 36-2062, Arizona Revised Statutes, is amended to  
3 read:

4 36-2062. Licensure; standards; civil penalties; use of title

5 A. The director shall adopt rules to establish minimum standards  
6 and requirements for the licensure of sober living homes in this state  
7 necessary to ensure the public health, safety and welfare. The director  
8 may use the current standards adopted by any recognized national  
9 organization approved by the department as guidelines in prescribing the  
10 minimum standards and requirements under this subsection. The standards  
11 shall include:

12 1. A requirement that each sober living home ~~to~~ develop policies  
13 and procedures to allow individuals who are on medication-assisted  
14 treatment to continue to receive this treatment while living in the sober  
15 living home.

16 2. Consistent and fair practices for drug and alcohol testing,  
17 including frequency, that promote the residents' recovery.

18 3. Policies and procedures for the residence to maintain an  
19 environment that promotes the safety of the surrounding neighborhood and  
20 the community at large.

21 4. Policies and procedures for discharge planning of persons living  
22 in the residence that do not negatively impact the surrounding community.

23 5. A good neighbor policy to address neighborhood concerns and  
24 complaints.

25 6. A requirement that the operator of each sober living home have  
26 available for emergency personnel an up-to-date list of current  
27 medications and medical conditions of each person living in the home.

28 7. A policy that ensures residents are informed of all sober living  
29 home rules, residency requirements and resident agreements.

30 8. Policies and procedures for ~~the management of~~ MANAGING all  
31 monies received and spent by the sober living home in accordance with  
32 standard accounting practices, including monies received from residents of  
33 the sober living home.

34 9. A requirement that each sober living home post a statement of  
35 resident rights that includes the right to file a complaint about the  
36 residence or provider and information about how to file a complaint.

37 10. Policies that promote recovery by requiring residents to  
38 participate in treatment, self-help groups or other recovery supports.

39 11. Policies requiring abstinence from alcohol and illicit drugs.

40 12. Procedures regarding the appropriate use and security of  
41 medication by a resident.

42 13. Policies regarding the maintenance of sober living homes,  
43 including the installation of functioning smoke detectors, carbon monoxide  
44 detectors and fire extinguishers and compliance with local fire codes  
45 applicable to comparable dwellings occupied by single families.

1 14. Policies and procedures that prohibit a sober living home  
2 owner, employee or administrator from requiring a resident to sign any  
3 document for the purpose of relinquishing the resident's public assistance  
4 benefits, including medical assistance benefits, cash assistance and  
5 supplemental nutrition assistance program benefits.

6 15. Policies and procedures for managing complaints about sober  
7 living homes.

8 16. Requirements for ~~the notification of~~ NOTIFYING a family member  
9 or other emergency contact designated by a resident under certain  
10 circumstances, including death due to an overdose.

11 B. The licensure of a sober living home under this article is for  
12 one year. A person operating a sober living home in this state that has  
13 failed to attain or maintain licensure of the sober living home shall pay  
14 ~~a civil penalty of up to one thousand dollars~~ CIVIL PENALTIES AS  
15 PRESCRIBED IN SECTION 36-2063 for each violation.

16 C. To receive and maintain licensure, a sober living home must  
17 comply with all federal, state and local laws, including the Americans  
18 with disabilities act of 1990.

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

23 E. Once the director adopts the minimum standards as required in  
24 subsection A of this section, a person may not establish, conduct or  
25 maintain in this state a sober living home unless that person holds a  
26 current and valid license issued by the department or is certified as  
27 prescribed in section 36-2064. The license is valid only for the  
28 establishment, operation and maintenance of the sober living home. The  
29 licensee may not:

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

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

36 Sec. 2. Title 36, chapter 18, article 4, Arizona Revised Statutes,  
37 is amended by adding sections 36-2062.01 and 36-2062.02, to read:

38 36-2062.01. Fingerprinting requirements

39 AS A CONDITION OF LICENSURE OR CONTINUED LICENSURE OF A SOBER LIVING  
40 HOME AND AS A CONDITION OF EMPLOYMENT IN A SOBER LIVING HOME, EMPLOYEES  
41 AND OWNERS OF SOBER LIVING HOMES, CONTRACTED PERSONS OF SOBER LIVING HOMES  
42 AND VOLUNTEERS OF SOBER LIVING HOMES SHALL BOTH:

43 1. SUBMIT A FULL SET OF FINGERPRINTS TO THE DEPARTMENT OF HEALTH  
44 SERVICES FOR THE PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS  
45 CHECK PURSUANT TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT

1 OF PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL  
2 BUREAU OF INVESTIGATION. THE DEPARTMENT OF HEALTH SERVICES MAY CHARGE THE  
3 COST OF EACH CRIMINAL BACKGROUND CHECK TO THE APPLICANT.

4 2. HAVE A VALID FINGERPRINT CLEARANCE CARD THAT IS ISSUED PURSUANT  
5 TO TITLE 41, CHAPTER 12, ARTICLE 3.1.

6 36-2062.02. Staff education and training; staff ratios;  
7 supervision

8 A. THE DEPARTMENT SHALL ESTABLISH BY RULE ANNUAL CONTINUING  
9 EDUCATION AND TRAINING REQUIREMENTS FOR EMPLOYEES, VOLUNTEERS AND  
10 CONTRACTORS WHO WORK IN SOBER LIVING HOMES, INCLUDING PEER SUPPORT  
11 SPECIALISTS AND BEHAVIORAL HEALTH TECHNICIANS.

12 B. A SOBER LIVING HOME SHALL MAINTAIN A STAFF RATIO OF TWO STAFF  
13 MEMBERS, WHO PROVIDE MONITORING OR ASSISTANCE TO RESIDENTS AT THE SOBER  
14 LIVING HOME, FOR EVERY SIX RESIDENTS.

15 C. A STAFF MEMBER WHO IS AN EMPLOYEE OF THE SOBER LIVING HOME AND  
16 WHO PROVIDES MONITORING OR ASSISTANCE TO RESIDENTS OF THE SOBER LIVING  
17 HOME MUST SUPERVISE THE SOBER LIVING HOME TWENTY-FOUR HOURS A DAY.

18 Sec. 3. Section 36-2063, Arizona Revised Statutes, is amended to  
19 read:

20 36-2063. Fees; licensure; inspections; investigation;  
21 violation; classification; civil penalty;  
22 sanctions

23 A. The department shall establish fees for initial licensure and  
24 license renewal and a fee for the late payment of licensing fees that  
25 includes a grace period. The department shall deposit, pursuant to  
26 sections 35-146 and 35-147, ninety percent of the fees collected pursuant  
27 to this section in the health services licensing fund established by  
28 section 36-414 and ten percent of the fees collected pursuant to this  
29 section in the state general fund.

30 B. On a determination by the director that there is reasonable  
31 cause to believe a sober living home is not adhering to the licensing  
32 requirements of this article, the director and any duly designated  
33 employee or agent of the director ~~may~~ SHALL enter on and into the premises  
34 of any sober living home that is licensed or required to be licensed  
35 pursuant to this article at any reasonable time for the purpose of  
36 determining the state of compliance with this article, the rules adopted  
37 pursuant to this article and local fire ordinances or rules. Any  
38 application for licensure under this article constitutes permission for  
39 and complete acquiescence in any entry or inspection of the premises  
40 during the pendency of the application and, if licensed, during the term  
41 of the license. If an inspection reveals that the sober living home is  
42 not adhering to the licensing requirements established pursuant to this  
43 article, the director ~~may~~ SHALL take action authorized by this article.

44 C. Any sober living home whose license has been suspended ~~or~~  
45 ~~revoked~~ in accordance with this article is subject to inspection on

1 application for ~~relicensure or~~ reinstatement of THE license. IF A SOBER  
2 LIVING HOME LICENSE IS REVOKED IN THIS STATE OR ANY OTHER STATE, THE  
3 LICENSEE OF THE SOBER LIVING HOME WHOSE LICENSE WAS REVOKED MAY NOT  
4 REAPPLY FOR ANY LICENSE ISSUED PURSUANT TO THIS TITLE FOR A PERIOD OF AT  
5 LEAST FIVE YEARS.

6 D. A SOBER LIVING HOME THAT OPERATES IN THIS STATE WITHOUT A  
7 LICENSE IN VIOLATION OF THIS ARTICLE IS GUILTY OF A CLASS 6 FELONY AND THE  
8 DIRECTOR SHALL ASSESS A CIVIL PENALTY OF AT LEAST \$5,000 AND NOT MORE THAN  
9 \$10,000 FOR EACH VIOLATION. EACH DAY THE SOBER LIVING HOME OPERATES  
10 WITHOUT A LICENSE IS A SEPARATE VIOLATION.

11 ~~E.~~ E. The director ~~may~~ SHALL impose a civil penalty on a person  
12 that violates this article or the rules adopted pursuant to this article  
13 in an amount of AT LEAST \$5,000 AND not more than ~~five hundred dollars~~  
14 \$10,000 for each violation. Each day that a violation occurs constitutes  
15 a separate violation. The director ~~may~~ SHALL issue a notice that includes  
16 the ~~proposed~~ amount of the civil penalty assessment. If a person requests  
17 a hearing to appeal an assessment, the director may not take further  
18 action to enforce and collect the assessment until the hearing process is  
19 complete. The director shall impose a civil penalty only for those days  
20 for which the violation has been documented by the department.

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

26 ~~F.~~ G. The department may contract with a third party to assist the  
27 department with licensure and inspections.

28 Sec. 4. Section 36-2066, Arizona Revised Statutes, is amended to  
29 read:

30 36-2066. Posting; sober living homes; update

31 The department shall post on its public website the name, ADDRESS,  
32 ~~and~~ telephone number, DEPARTMENT-ISSUED LICENSE NUMBER, LOCAL JURISDICTION  
33 BUSINESS LICENSE NUMBER AND LICENSURE STATUS of each certified and  
34 licensed sober living home IN THIS STATE and shall update the list  
35 quarterly. ~~The department may not disclose the address of a certified or~~  
36 ~~licensed sober living home except to a local jurisdiction for zoning~~  
37 ~~purposes, local law enforcement and emergency personnel. A sober living~~  
38 ~~home's address is not a public record and is not subject to title 39,~~  
39 ~~chapter 1, article 2.~~

1 Sec. 5. Title 36, chapter 18, article 4, Arizona Revised Statutes,  
2 is amended by adding sections 36-2068, 36-2069 and 36-2070, to read:

3 36-2068. Resident acceptance; notification of family;  
4 conditions for transportation

5 A. AT THE TIME OF ACCEPTING A RESIDENT INTO A SOBER LIVING HOME,  
6 THE SOBER LIVING HOME SHALL NOTIFY THE RESIDENT'S FAMILY OR NEXT OF KIN  
7 WITHIN SEVENTY-TWO HOURS AFTER ACCEPTING THE RESIDENT. THE NOTIFICATION  
8 SHALL BE DOCUMENTED IN THE RESIDENT'S RECORD.

9 B. A SOBER LIVING HOME MAY NOT COORDINATE, FACILITATE, ARRANGE FOR  
10 OR SOLICIT TRANSPORTATION OF A PERSON TO THE SOBER LIVING HOME IF THE  
11 PERSON IS INTOXICATED OR UNDER THE INFLUENCE OF ALCOHOL OR OTHER  
12 SUBSTANCES, UNLESS THE PERSON IS REFERRED BY AN APPROVED PROVIDER OF A  
13 TRIBAL HEALTH CARE PROGRAM OR A REGIONAL BEHAVIORAL HEALTH AUTHORITY OR IS  
14 COURT-ORDERED.

15 36-2069. Resident discharge; transportation; documentation

16 A SOBER LIVING HOME SHALL INQUIRE, BOTH VERBALLY AND IN WRITING,  
17 WHETHER A RESIDENT WANTS TO BE TRANSPORTED TO THE RESIDENT'S PLACE OF  
18 RESIDENCE OR AN ALTERNATIVE SAFE LIVING SPACE IN THIS STATE AS REQUESTED  
19 BY THE RESIDENT AFTER DISCHARGE FROM THE SOBER LIVING HOME. THE  
20 RESIDENT'S WISHES REGARDING TRANSPORTATION SHALL BE DOCUMENTED ON A FORM  
21 PRESCRIBED BY THE DEPARTMENT OF HEALTH SERVICES, SIGNED BY THE RESIDENT  
22 AND RETAINED IN THE RESIDENT'S RECORD. THE SOBER LIVING HOME SHALL ENSURE  
23 SAFE AND RELIABLE TRANSPORTATION, AS DETERMINED BY THE DEPARTMENT OF  
24 HEALTH SERVICES, FOR A RESIDENT WHO WISHES TO BE TRANSPORTED TO THE  
25 RESIDENT'S PLACE OF RESIDENCE OR AN ALTERNATIVE SAFE LIVING SPACE IN THIS  
26 STATE AS REQUESTED BY THE RESIDENT ON DISCHARGE.

27 36-2070. Notification requirements; rules; sex offender  
28 registration

29 A. A MANAGER OR STAFF OF A SOBER LIVING HOME SHALL NOTIFY THE  
30 DEPARTMENT, IN A DEPARTMENT-PROVIDED FORMAT, IMMEDIATELY AND NOT MORE THAN  
31 SIX HOURS AFTER ANY OF THE FOLLOWING OCCURS:

32 1. THE DEATH OF A RESIDENT, INCLUDING WHETHER THE DEATH MAY HAVE  
33 BEEN DRUG-RELATED.

34 2. A RESIDENT NEEDED IMMEDIATE INTERVENTION BY AN EMERGENCY MEDICAL  
35 PROVIDER OR OTHER HEALTH CARE PROVIDER FOR A POSSIBLE OVERDOSE OR OTHER  
36 DRUG OR ALCOHOL-RELATED ILLNESS.

37 3. A SEX-RELATED CRIME MAY HAVE BEEN COMMITTED AT THE SOBER LIVING  
38 HOME.

39 4. ANY OTHER INCIDENT SPECIFIED IN RULE BY THE DEPARTMENT.

40 B. SOBER LIVING HOME MANAGERS AND STAFF MAY NOT HAVE A PERSONAL OR  
41 INTIMATE RELATIONSHIP WITH A RESIDENT OF THE SOBER LIVING HOME.

42 C. THE MANAGER OR STAFF OF A SOBER LIVING HOME SHALL CONTACT LAW  
43 ENFORCEMENT IF THE MANAGER OR STAFF IS INFORMED THAT A RESIDENT OF THE  
44 SOBER LIVING HOME MAY HAVE BEEN INVOLVED IN A SEX-RELATED CRIME.

1 D. A SOBER LIVING LICENSEE SHALL ENSURE THAT ANY RESIDENT OF THE  
2 LICENSEE'S SOBER LIVING HOME WHO IS REQUIRED TO REGISTER PURSUANT TO  
3 SECTION 13-3821 REGISTERS WITHIN THE STATUTORILY REQUIRED TIME FRAME AFTER  
4 ADMISSION TO THE SOBER LIVING HOME.

5 Sec. 6. Section 41-619.51, Arizona Revised Statutes, is amended to  
6 read:

7 41-619.51. Definitions

8 In this article, unless the context otherwise requires:

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

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

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

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

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

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

- 38 (a) Section 3-314.
- 39 (b) Section 8-105.
- 40 (c) Section 8-322.
- 41 (d) Section 8-463.
- 42 (e) Section 8-509.
- 43 (f) Section 8-802.
- 44 (g) Section 8-804.
- 45 (h) Section 15-183.

- 1 (i) Section 15-503.
- 2 (j) Section 15-512.
- 3 (k) Section 15-534.
- 4 (l) Section 15-763.01.
- 5 (m) Section 15-782.02.
- 6 (n) Section 15-1330.
- 7 (o) Section 15-1881.
- 8 (p) Section 17-215.
- 9 (q) Section 28-3228.
- 10 (r) Section 28-3413.
- 11 (s) Section 32-122.02.
- 12 (t) Section 32-122.05.
- 13 (u) Section 32-122.06.
- 14 (v) Section 32-823.
- 15 (w) Section 32-1232.
- 16 (x) Section 32-1276.01.
- 17 (y) Section 32-1284.
- 18 (z) Section 32-1297.01.
- 19 (aa) Section 32-1904.
- 20 (bb) Section 32-1941.
- 21 (cc) Section 32-1982.
- 22 (dd) Section 32-2022.
- 23 (ee) Section 32-2063.
- 24 (ff) Section 32-2108.01.
- 25 (gg) Section 32-2123.
- 26 (hh) Section 32-2371.
- 27 (ii) Section 32-3430.
- 28 (jj) Section 32-3620.
- 29 (kk) Section 32-3668.
- 30 (ll) Section 32-3669.
- 31 (mm) Section 32-3922.
- 32 (nn) Section 32-3924.
- 33 (oo) Section 32-4222.
- 34 (pp) Section 32-4128.
- 35 (qq) Section 36-113.
- 36 (rr) Section 36-207.
- 37 (ss) Section 36-411.
- 38 (tt) Section 36-425.03.
- 39 (uu) Section 36-446.04.
- 40 (vv) Section 36-594.01.
- 41 (ww) Section 36-594.02.
- 42 (xx) Section 36-766.01.
- 43 (yy) Section 36-882.
- 44 (zz) Section 36-883.02.
- 45 (aaa) Section 36-897.01.



- 1 (bbb) Section 36-897.03.
- 2 (~~ccc~~) [SECTION 36-2062.01.](#)
- 3 (~~ccc~~) (ddd) Section 36-3008.
- 4 (~~ddd~~) (eee) Section 41-619.53.
- 5 (~~eee~~) (fff) Section 41-1964.
- 6 (~~fff~~) (ggg) Section 41-1967.01.
- 7 (~~ggg~~) (hhh) Section 41-1968.
- 8 (~~hhh~~) (iii) Section 41-1969.
- 9 (~~iii~~) (jjj) Section 41-2814.
- 10 (~~jjj~~) (kkk) Section 41-4025.
- 11 (~~kkk~~) (lll) Section 46-141, subsection A or B.
- 12 (~~lll~~) (mmm) Section 46-321.

13 Sec. 7. Section 41-1758, Arizona Revised Statutes, is amended to  
14 read:

15 [41-1758. Definitions](#)

16 In this article, unless the context otherwise requires:

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

32 2. "Division" means the fingerprinting division in the department  
33 of public safety.

34 3. "Electronic or internet-based fingerprinting services" means a  
35 secure system for digitizing applicant fingerprints and transmitting the  
36 applicant data and fingerprints of a person or entity submitting  
37 fingerprints to the department of public safety for any authorized purpose  
38 under this title. For the purposes of this paragraph, "secure system"  
39 means a system that complies with the information technology security  
40 policy approved by the department of public safety.

41 4. "Good cause exception" means the issuance of a fingerprint  
42 clearance card to an applicant pursuant to section 41-619.55.

43 5. "Person" means a person who is required to be fingerprinted  
44 pursuant to any of the following:

- 45 (a) Section 3-314.

- 1 (b) Section 8-105.
- 2 (c) Section 8-322.
- 3 (d) Section 8-463.
- 4 (e) Section 8-509.
- 5 (f) Section 8-802.
- 6 (g) Section 15-183.
- 7 (h) Section 15-503.
- 8 (i) Section 15-512.
- 9 (j) Section 15-534.
- 10 (k) Section 15-763.01.
- 11 (l) Section 15-782.02.
- 12 (m) Section 15-1330.
- 13 (n) Section 15-1881.
- 14 (o) Section 17-215.
- 15 (p) Section 28-3228.
- 16 (q) Section 28-3413.
- 17 (r) Section 32-122.02.
- 18 (s) Section 32-122.05.
- 19 (t) Section 32-122.06.
- 20 (u) Section 32-823.
- 21 (v) Section 32-1232.
- 22 (w) Section 32-1276.01.
- 23 (x) Section 32-1284.
- 24 (y) Section 32-1297.01.
- 25 (z) Section 32-1904.
- 26 (aa) Section 32-1941.
- 27 (bb) Section 32-1982.
- 28 (cc) Section 32-2022.
- 29 (dd) Section 32-2063.
- 30 (ee) Section 32-2108.01.
- 31 (ff) Section 32-2123.
- 32 (gg) Section 32-2371.
- 33 (hh) Section 32-3430.
- 34 (ii) Section 32-3620.
- 35 (jj) Section 32-3668.
- 36 (kk) Section 32-3669.
- 37 (ll) Section 32-3922.
- 38 (mm) Section 32-3924.
- 39 (nn) Section 32-4128.
- 40 (oo) Section 32-4222.
- 41 (pp) Section 36-113.
- 42 (qq) Section 36-207.
- 43 (rr) Section 36-411.
- 44 (ss) Section 36-425.03.
- 45 (tt) Section 36-446.04.

1 (uu) Section 36-594.01.  
2 (vv) Section 36-594.02.  
3 (ww) Section 36-766.01.  
4 (xx) Section 36-882.  
5 (yy) Section 36-883.02.  
6 (zz) Section 36-897.01.  
7 (aaa) Section 36-897.03.  
8 (bbb) SECTION 36-2062.01.  
9 ~~(bbb)~~ (ccc) Section 36-3008.  
10 ~~(ccc)~~ (ddd) Section 41-619.52.  
11 ~~(ddd)~~ (eee) Section 41-619.53.  
12 ~~(eee)~~ (fff) Section 41-1964.  
13 ~~(fff)~~ (ggg) Section 41-1967.01.  
14 ~~(ggg)~~ (hhh) Section 41-1968.  
15 ~~(hhh)~~ (iii) Section 41-1969.  
16 ~~(iii)~~ (jjj) Section 41-2814.  
17 ~~(jjj)~~ (kkk) Section 41-4025.  
18 ~~(kkk)~~ (lll) Section 46-141, subsection A or B.  
19 ~~(lll)~~ (mmm) Section 46-321.  
20 6. "Vulnerable adult" has the same meaning prescribed in section  
21 13-3623.  
22 Sec. 8. Section 41-1758.01, Arizona Revised Statutes, is amended to  
23 read:  
24 41-1758.01. Fingerprinting division; powers and duties  
25 A. The fingerprinting division is established in the department of  
26 public safety and shall:  
27 1. Conduct fingerprint background checks for persons and applicants  
28 who are seeking licenses from state agencies, employment with licensees,  
29 contract providers and state agencies or employment or educational  
30 opportunities with agencies that require fingerprint background checks  
31 pursuant to sections 3-314, 8-105, 8-322, 8-463, 8-509, 8-802, 15-183,  
32 15-503, 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 17-215,  
33 28-3228, 28-3413, 32-122.02, 32-122.05, 32-122.06, 32-823, 32-1232,  
34 32-1276.01, 32-1284, 32-1297.01, 32-1904, 32-1941, 32-1982, 32-2022,  
35 32-2063, 32-2108.01, 32-2123, 32-2371, 32-3430, 32-3620, 32-3668, 32-3669,  
36 32-3922, 32-3924, 32-4128, 32-4222, 36-113, 36-207, 36-411, 36-425.03,  
37 36-446.04, 36-594.01, 36-594.02, 36-766.01, 36-882, 36-883.02, 36-897.01,  
38 36-897.03, 36-2062.01, 36-3008, 41-619.52, 41-619.53, 41-1964, 41-1967.01,  
39 41-1968, 41-1969, 41-2814, ~~AND~~ 41-4025, section 46-141, subsection A or B  
40 and section 46-321.  
41 2. Issue fingerprint clearance cards. On issuance, a fingerprint  
42 clearance card becomes the personal property of the cardholder and the  
43 cardholder shall retain possession of the fingerprint clearance card.  
44 3. On submission of an application for a fingerprint clearance  
45 card, collect the fees established by the board of fingerprinting pursuant

1 to section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147,  
2 the monies collected in the board of fingerprinting fund.

3 4. Inform in writing each person who submits fingerprints for a  
4 fingerprint background check of the right to petition the board of  
5 fingerprinting for a good cause exception pursuant to section 41-1758.03,  
6 41-1758.04 or 41-1758.07.

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

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

21 7. Administer and enforce this article.

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

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

32 2. The information technology security policy approved by the  
33 department of public safety.

34 Sec. 9. Rulemaking exemption; intent

35 A. Notwithstanding any other law, for the purposes of this act and  
36 amending the rules relating to sober living homes, the department of  
37 health services is exempt from the rulemaking requirements of title 41,  
38 chapters 6 and 6.1, Arizona Revised Statutes, through June 30, 2025.

39 B. The legislature intends for the department of health services to  
40 review and amend the rules for sober living homes to ensure that there are  
41 adequate and proper requirements for staffing, care and oversight.