

State of Arizona
Senate
Fifty-second Legislature
Second Regular Session
2016

CHAPTER 312

SENATE BILL 1251

AN ACT

REPEALING SECTION 36-2021, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2015, CHAPTER 195, SECTION 47; AMENDING SECTION 36-2021, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2015, CHAPTER 276, SECTION 6; REPEALING SECTION 36-2907, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2015, CHAPTER 195, SECTION 57; AMENDING SECTION 36-2907, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2015, CHAPTER 264, SECTION 1; REPEALING SECTION 41-2501, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2015, CHAPTER 195, SECTION 82; AMENDING SECTION 41-2501, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2015, CHAPTER 257, SECTION 30; REPEALING SECTION 41-3803, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2015, CHAPTER 195, SECTION 83; AMENDING SECTION 41-3803, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2015, CHAPTER 167, SECTION 1; REPEALING SECTION 41-3804, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2015, CHAPTER 195, SECTION 84; AMENDING SECTION 41-3804, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2015, CHAPTER 167, SECTION 2; REPEALING SECTION 41-3955.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2015, CHAPTER 195, SECTION 85; AMENDING SECTION 41-3955.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2015, CHAPTER 312, SECTION 1; AMENDING SECTION 41-3955.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2015, CHAPTER 312, SECTION 2; REPEALING SECTION 49-123, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2015, CHAPTER 208, SECTION 25; AMENDING SECTION 49-123, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, CHAPTER 205, SECTION 1; REPEALING SECTION 49-127, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2015, CHAPTER 208, SECTION 26; AMENDING SECTION 49-127, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1989, CHAPTER 238, SECTION 5; REPEALING SECTION 49-128, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2015, CHAPTER 208, SECTION 27; AMENDING SECTION 49-128, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2011, CHAPTER 36, SECTION 1; REPEALING SECTION 49-129, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2015, CHAPTER 208, SECTION 28;

AMENDING SECTION 49-129, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1989, CHAPTER 238, SECTION 7; REPEALING SECTION 49-130, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2015, CHAPTER 208, SECTION 29; AMENDING SECTION 49-130, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 138, SECTION 1; REPEALING SECTION 49-131, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2015, CHAPTER 208, SECTION 30; AMENDING SECTION 49-131, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1989, CHAPTER 238, SECTION 9; REPEALING SECTION 49-132, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2015, CHAPTER 208, SECTION 31; AMENDING SECTION 49-132, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1991, CHAPTER 315, SECTION 4; REPEALING LAWS 2015, CHAPTER 208, SECTION 35; APPROPRIATING MONIES; RELATING TO MULTIPLE, DEFECTIVE AND CONFLICTING LEGISLATIVE DISPOSITIONS OF STATUTORY TEXT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Purpose

3 1. Section 36-2021, Arizona Revised Statutes, was amended by Laws
4 2015, chapter 195, section 47 and chapter 276, section 6. The chapter 195
5 version could not be blended because of the delayed effective date. In order
6 to combine these versions, this act amends the Laws 2015, chapter 276 version
7 of section 36-2021, Arizona Revised Statutes, to incorporate the amendments
8 made by Laws 2015, chapter 195, and the chapter 195 version is repealed.

9 2. Section 36-2907, Arizona Revised Statutes, was amended by Laws
10 2015, chapter 195, section 57 and chapter 264, section 1. The chapter 195
11 version could not be blended because of the delayed effective date. In order
12 to combine these versions, this act amends the Laws 2015, chapter 264 version
13 of section 36-2907, Arizona Revised Statutes, to incorporate the amendments
14 made by Laws 2015, chapter 195, and the chapter 195 version is repealed.

15 3. Section 41-2501, Arizona Revised Statutes, was amended by Laws
16 2015, chapter 195, section 82 and chapter 257, section 30. The chapter 195
17 version could not be blended because of the delayed effective date. In order
18 to combine these versions, this act amends the Laws 2015, chapter 257 version
19 of section 41-2501, Arizona Revised Statutes, to incorporate the amendments
20 made by Laws 2015, chapter 195, and the chapter 195 version is repealed.

21 4. Section 41-3803, Arizona Revised Statutes, was amended by Laws
22 2015, chapter 167, section 1 and chapter 195, section 83. The chapter 195
23 version could not be blended because of the delayed effective date. In order
24 to combine these versions, this act amends the Laws 2015, chapter 167 version
25 of section 41-3803, Arizona Revised Statutes, to incorporate the amendments
26 made by Laws 2015, chapter 195, and the chapter 195 version is repealed.

27 5. Section 41-3804, Arizona Revised Statutes, was amended by Laws
28 2015, chapter 167, section 2 and chapter 195, section 84. The chapter 195
29 version could not be blended because of the delayed effective date. In order
30 to combine these versions, this act amends the Laws 2015, chapter 167 version
31 of section 41-3804, Arizona Revised Statutes, to incorporate the amendments
32 made by Laws 2015, chapter 195, and the chapter 195 version is repealed.

33 6. Section 41-3955.01, Arizona Revised Statutes, was amended by Laws
34 2015, chapter 195, section 85 and chapter 312, sections 1 and 2. The chapter
35 195 version could not be blended because of the delayed effective date. In
36 order to combine these versions, this act amends the Laws 2015, chapter 312,
37 section 1 and section 2 versions of section 41-3955.01, Arizona Revised
38 Statutes, to incorporate the amendments made by Laws 2015, chapter 195, and
39 the chapter 195 version is repealed.

40 7. Section 26-343, Arizona Revised Statutes, was transferred and
41 renumbered as section 49-123, Arizona Revised Statutes, by Laws 2015, chapter
42 208, section 12, and, as renumbered, was amended by Laws 2015, chapter 208,
43 section 25. However, the amendment of section 49-123, Arizona Revised
44 Statutes, was not included in the title of the act. In order to comply with
45 article IV, part 2, section 13, Constitution of Arizona, this act amends
46 section 49-123, Arizona Revised Statutes, as amended by Laws 2013, chapter

1 205, section 1, to incorporate the amendments made by Laws 2015, chapter 208,
2 and the chapter 208 version is repealed.

3 8. Section 26-347, Arizona Revised Statutes, was transferred and
4 renumbered as section 49-127, Arizona Revised Statutes, by Laws 2015, chapter
5 208, section 12, and, as renumbered, was amended by Laws 2015, chapter 208,
6 section 26. However, the amendment of section 49-127, Arizona Revised
7 Statutes, was not included in the title of the act. In order to comply with
8 article IV, part 2, section 13, Constitution of Arizona, this act amends
9 section 49-127, Arizona Revised Statutes, as amended by Laws 1989, chapter
10 238, section 5, to incorporate the amendments made by Laws 2015, chapter 208,
11 and the chapter 208 version is repealed.

12 9. Section 26-348, Arizona Revised Statutes, was transferred and
13 renumbered as section 49-128, Arizona Revised Statutes, by Laws 2015, chapter
14 208, section 12, and, as renumbered, was amended by Laws 2015, chapter 208,
15 section 27. However, the amendment of section 49-128, Arizona Revised
16 Statutes, was not included in the title of the act. In order to comply with
17 article IV, part 2, section 13, Constitution of Arizona, this act amends
18 section 49-128, Arizona Revised Statutes, as amended by Laws 2011, chapter
19 36, section 1, to incorporate the amendments made by Laws 2015, chapter 208,
20 and the chapter 208 version is repealed.

21 10. Section 26-349, Arizona Revised Statutes, was transferred and
22 renumbered as section 49-129, Arizona Revised Statutes, by Laws 2015, chapter
23 208, section 12, and, as renumbered, was amended by Laws 2015, chapter 208,
24 section 28. However, the amendment of section 49-129, Arizona Revised
25 Statutes, was not included in the title of the act. In order to comply with
26 article IV, part 2, section 13, Constitution of Arizona, this act amends
27 section 49-129, Arizona Revised Statutes, as amended by Laws 1989, chapter
28 238, section 7, to incorporate the amendments made by Laws 2015, chapter 208,
29 and the chapter 208 version is repealed.

30 11. Section 26-350, Arizona Revised Statutes, was transferred and
31 renumbered as section 49-130, Arizona Revised Statutes, by Laws 2015, chapter
32 208, section 12, and, as renumbered, was amended by Laws 2015, chapter 208,
33 section 29. However, the amendment of section 49-130, Arizona Revised
34 Statutes, was not included in the title of the act. In order to comply with
35 article IV, part 2, section 13, Constitution of Arizona, this act amends
36 section 49-130, Arizona Revised Statutes, as amended by Laws 2002, chapter
37 138, section 1, to incorporate the amendments made by Laws 2015, chapter 208,
38 and the chapter 208 version is repealed.

39 12. Section 26-351, Arizona Revised Statutes, was transferred and
40 renumbered as section 49-131, Arizona Revised Statutes, by Laws 2015, chapter
41 208, section 12, and, as renumbered, was amended by Laws 2015, chapter 208,
42 section 30. However, the amendment of section 49-131, Arizona Revised
43 Statutes, was not included in the title of the act. In order to comply with
44 article IV, part 2, section 13, Constitution of Arizona, this act amends
45 section 49-131, Arizona Revised Statutes, as amended by Laws 1989, chapter

1 238, section 9, to incorporate the amendments made by Laws 2015, chapter 208,
2 and the chapter 208 version is repealed.

3 13. Section 26-352, Arizona Revised Statutes, was transferred and
4 renumbered as section 49-132, Arizona Revised Statutes, by Laws 2015, chapter
5 208, section 12, and, as renumbered, was amended by Laws 2015, chapter 208,
6 section 31. However, the amendment of section 49-132, Arizona Revised
7 Statutes, was not included in the title of the act. In order to comply with
8 article IV, part 2, section 13, Constitution of Arizona, this act amends
9 section 49-132, Arizona Revised Statutes, as amended by Laws 1991, chapter
10 315, section 4, to incorporate the amendments made by Laws 2015, chapter 208,
11 and the chapter 208 version is repealed.

12 14. Laws 2015, chapter 208, section 35 transferred monies, but this
13 appropriation was not included in the title of the act. In order to comply
14 with article IV, part 2, section 13, Constitution of Arizona, this act
15 repeals Laws 2015, chapter 208, section 35 and reenacts the transfer of
16 monies.

17 Sec. 2. Repeal

18 Section 36-2021, Arizona Revised Statutes, as amended by Laws 2015,
19 chapter 195, section 47, is repealed.

20 Sec. 3. Section 36-2021, Arizona Revised Statutes, as amended by Laws
21 2015, chapter 276, section 6, is amended to read:

22 36-2021. Definitions

23 In this chapter, unless the context otherwise requires:

24 1. "ADMINISTRATION" MEANS THE ARIZONA HEALTH CARE COST CONTAINMENT
25 SYSTEM ADMINISTRATION.

26 ~~1-~~ 2. "Alcoholic" means a person who habitually lacks self-control
27 with respect to the use of alcoholic beverages or who uses alcoholic
28 beverages to the extent that ~~his~~ THE PERSON'S health is substantially
29 impaired or endangered or ~~his~~ social or economic functions are substantially
30 disrupted.

31 ~~2-~~ 3. "Approved private treatment facility" means a private agency
32 meeting the standards established by the ~~division~~ DEPARTMENT and approved
33 pursuant to sections 36-2023 and 36-2029.

34 ~~3-~~ 4. "Approved public treatment facility" means a treatment agency
35 operating under the directions and control of a county, providing treatment
36 through a contract with a county, meeting the standards established by the
37 ~~division~~ DEPARTMENT and approved pursuant to sections 36-2023 and 36-2029.

38 ~~4-~~ 5. "Chronic alcoholic" means an alcoholic who is incapacitated by
39 alcohol and who during the preceding twelve months has been admitted to a
40 local alcoholism reception center on ten or more occasions or has been
41 admitted for three or more episodes of inpatient or residential alcoholism
42 treatment.

43 ~~5-~~ 6. "Court" means the supreme court, the court of appeals, a
44 superior court, a justice of the peace court, a municipal court or a city
45 court authorized by charter.

46 ~~6-~~ 7. "Department" means the department of health services.

1 ~~7. "Deputy director" means the deputy director of the division of~~
2 ~~behavioral health in the department of health services.~~

3 8. "Director" means the director of the ~~department of health services~~
4 ADMINISTRATION.

5 ~~9. "Division" means the division of behavioral health in the~~
6 ~~department of health services.~~

7 ~~10.~~ 9. "Evaluation" means A multidisciplinary professional analysis of
8 a person's medical, psychological, social, financial and legal conditions.
9 Persons providing evaluation services shall be properly qualified
10 professionals and may be full-time employees of an approved treatment
11 facility providing evaluation services or may be part-time employees or may
12 be employed on a contractual basis.

13 ~~11.~~ 10. "Incapacitated by alcohol" means that a person as a result of
14 the use of alcohol is unconscious or has ~~his~~ judgment otherwise so impaired
15 that ~~he~~ THE PERSON is incapable of realizing and making a rational decision
16 with respect to ~~his~~ THE PERSON'S need for evaluation and treatment, is unable
17 to take care of ~~his~~ basic personal needs or safety such as food, clothing,
18 shelter or medical care or lacks sufficient understanding or capacity to make
19 or communicate rational decisions ~~concerning himself.~~

20 ~~12.~~ 11. "Intoxicated person" means a person whose mental or physical
21 functioning is substantially impaired as a result of the immediate effects of
22 alcohol in ~~his~~ THE PERSON'S system.

23 ~~13.~~ 12. "Local alcoholism reception center" or "center" means an
24 initial reception agency for a person who is intoxicated or who is
25 incapacitated by alcohol to receive initial evaluation and processing for
26 assignment for further evaluation or into a treatment program.

27 ~~14.~~ 13. "Treatment" means the broad range of emergency, outpatient,
28 intermediate and inpatient services and care, including diagnostic
29 evaluation, medical, psychiatric, psychological and social service care,
30 vocational rehabilitation and career counseling, which may be extended to
31 alcoholics and intoxicated persons.

32 Sec. 4. Repeal

33 Section 36-2907, Arizona Revised Statutes, as amended by Laws 2015,
34 chapter 195, section 57, is repealed.

35 Sec. 5. Section 36-2907, Arizona Revised Statutes, as amended by Laws
36 2015, chapter 264, section 1, is amended to read:

37 36-2907. Covered health and medical services; modifications;
38 related delivery of service requirements; definition

39 A. Subject to the limitations and exclusions specified in this
40 section, contractors shall provide the following medically necessary health
41 and medical services:

42 1. Inpatient hospital services that are ordinarily furnished by a
43 hospital for the care and treatment of inpatients and that are provided under
44 the direction of a physician or a primary care practitioner. For the
45 purposes of this section, inpatient hospital services exclude services in an

1 institution for tuberculosis or mental diseases unless authorized under an
2 approved section 1115 waiver.

3 2. Outpatient health services that are ordinarily provided in
4 hospitals, clinics, offices and other health care facilities by licensed
5 health care providers. Outpatient health services include services provided
6 by or under the direction of a physician or a primary care practitioner.

7 3. Other laboratory and x-ray services ordered by a physician or a
8 primary care practitioner.

9 4. Medications that are ordered on prescription by a physician or a
10 dentist licensed pursuant to title 32, chapter 11. Persons who are dually
11 eligible for title XVIII and title XIX services must obtain available
12 medications through a medicare licensed or certified medicare advantage
13 prescription drug plan, a medicare prescription drug plan or any other entity
14 authorized by medicare to provide a medicare part D prescription drug
15 benefit.

16 5. Medical supplies, durable medical equipment, insulin pumps and
17 prosthetic devices ordered by a physician or a primary care practitioner.
18 Suppliers of durable medical equipment shall provide the administration with
19 complete information about the identity of each person who has an ownership
20 or controlling interest in their business and shall comply with federal
21 bonding requirements in a manner prescribed by the administration.

22 6. For persons who are at least twenty-one years of age, treatment of
23 medical conditions of the eye, excluding eye examinations for prescriptive
24 lenses and the provision of prescriptive lenses.

25 7. Early and periodic health screening and diagnostic services as
26 required by section 1905(r) of title XIX of the social security act for
27 members who are under twenty-one years of age.

28 8. Family planning services that do not include abortion or abortion
29 counseling. If a contractor elects not to provide family planning services,
30 this election does not disqualify the contractor from delivering all other
31 covered health and medical services under this chapter. In that event, the
32 administration may contract directly with another contractor, including an
33 outpatient surgical center or a noncontracting provider, to deliver family
34 planning services to a member who is enrolled with the contractor that elects
35 not to provide family planning services.

36 9. Podiatry services ordered by a primary care physician or primary
37 care practitioner.

38 10. Nonexperimental transplants approved for title XIX reimbursement.

39 11. Ambulance and nonambulance transportation, except as provided in
40 subsection G of this section.

41 12. Hospice care.

42 13. Orthotics, if all of the following apply:

43 (a) The use of the orthotic is medically necessary as the preferred
44 treatment option consistent with medicare guidelines.

45 (b) The orthotic is less expensive than all other treatment options or
46 surgical procedures to treat the same diagnosed condition.

1 (c) The orthotic is ordered by a physician or primary care
2 practitioner.

3 B. The limitations and exclusions for health and medical services
4 provided under this section are as follows:

5 1. Circumcision of newborn males is not a covered health and medical
6 service.

7 2. For eligible persons who are at least twenty-one years of age:

8 (a) Outpatient health services do not include occupational therapy or
9 speech therapy.

10 (b) Prosthetic devices do not include hearing aids, dentures, ~~bone~~
11 ~~anchored~~ BONE-ANCHORED hearing aids or cochlear implants. Prosthetic
12 devices, except prosthetic implants, may be limited to twelve thousand five
13 hundred dollars per contract year.

14 (c) Percussive vests and orthotics are not covered health and medical
15 services.

16 (d) Durable medical equipment is limited to items covered by medicare.

17 (e) Podiatry services do not include services performed by a
18 podiatrist.

19 (f) Nonexperimental transplants do not include ~~pancreas—only~~
20 PANCREAS-ONLY transplants.

21 (g) Bariatric surgery procedures, including laparoscopic and open
22 gastric bypass and restrictive procedures, are not covered health and medical
23 services.

24 C. The system shall pay noncontracting providers only for health and
25 medical services as prescribed in subsection A of this section and as
26 prescribed by rule.

27 D. The director shall adopt rules necessary to limit, to the extent
28 possible, the scope, duration and amount of services, including maximum
29 limitations for inpatient services that are consistent with federal
30 regulations under title XIX of the social security act (P.L. 89-97; 79 Stat.
31 344; 42 United States Code section 1396 (1980)). To the extent possible and
32 practicable, these rules shall provide for the prior approval of medically
33 necessary services provided pursuant to this chapter.

34 E. The director shall make available home health services in lieu of
35 hospitalization pursuant to contracts awarded under this article. For the
36 purposes of this subsection, "home health services" means the provision of
37 nursing services, home health aide services or medical supplies, equipment
38 and appliances that are provided on a part-time or intermittent basis by a
39 licensed home health agency within a member's residence based on the orders
40 of a physician or a primary care practitioner. Home health agencies shall
41 comply with the federal bonding requirements in a manner prescribed by the
42 administration.

43 F. The director shall adopt rules for the coverage of behavioral
44 health services for persons who are eligible under section 36-2901, paragraph
45 6, subdivision (a). ~~The administration shall contract with the department of~~
46 ~~health services for the delivery of all medically necessary behavioral health~~

1 ~~services to persons who are eligible under rules adopted pursuant to this~~
2 ~~subsection. The division of behavioral health in the department of health~~
3 ~~services~~ THE ADMINISTRATION ACTING THROUGH THE REGIONAL BEHAVIORAL HEALTH
4 AUTHORITIES shall establish a diagnostic and evaluation program to which
5 other state agencies shall refer children who are not already enrolled
6 pursuant to this chapter and who may be in need of behavioral health
7 services. In addition to an evaluation, the ~~division of behavioral health~~
8 ADMINISTRATION ACTING THROUGH REGIONAL BEHAVIORAL HEALTH AUTHORITIES shall
9 also identify children who may be eligible under section 36-2901, paragraph
10 6, subdivision (a) or section 36-2931, paragraph 5 and shall refer the
11 children to the appropriate agency responsible for making the final
12 eligibility determination.

13 G. The director shall adopt rules for the provision of transportation
14 services and rules providing for copayment by members for transportation for
15 other than emergency purposes. Subject to approval by the centers for
16 medicare and medicaid services, nonemergency medical transportation shall not
17 be provided except for stretcher vans and ambulance transportation. Prior
18 authorization is required for transportation by stretcher van and for
19 medically necessary ambulance transportation initiated pursuant to a
20 physician's direction. Prior authorization is not required for medically
21 necessary ambulance transportation services rendered to members or eligible
22 persons initiated by dialing telephone number 911 or other designated
23 emergency response systems.

24 H. The director may adopt rules to allow the administration, at the
25 director's discretion, to use a second opinion procedure under which surgery
26 may not be eligible for coverage pursuant to this chapter without
27 documentation as to need by at least two physicians or primary care
28 practitioners.

29 I. If the director does not receive bids within the amounts budgeted
30 or if at any time the amount remaining in the Arizona health care cost
31 containment system fund is insufficient to pay for full contract services for
32 the remainder of the contract term, the administration, on notification to
33 system contractors at least thirty days in advance, may modify the list of
34 services required under subsection A of this section for persons defined as
35 eligible other than those persons defined pursuant to section 36-2901,
36 paragraph 6, subdivision (a). The director may also suspend services or may
37 limit categories of expense for services defined as optional pursuant to
38 title XIX of the social security act (P.L. 89-97; 79 Stat. 344; 42 United
39 States Code section 1396 (1980)) for persons defined pursuant to section
40 36-2901, paragraph 6, subdivision (a). Such reductions or suspensions do not
41 apply to the continuity of care for persons already receiving these services.

42 J. Additional, reduced or modified hospitalization and medical care
43 benefits may be provided under the system to enrolled members who are
44 eligible pursuant to section 36-2901, paragraph 6, subdivision (b), (c), (d)
45 or (e).

1 K. All health and medical services provided under this article shall
2 be provided in the geographic service area of the member, except:

3 1. Emergency services and specialty services provided pursuant to
4 section 36-2908.

5 2. That the director may permit the delivery of health and medical
6 services in other than the geographic service area in this state or in an
7 adjoining state if the director determines that medical practice patterns
8 justify the delivery of services or a net reduction in transportation costs
9 can reasonably be expected. Notwithstanding the definition of physician as
10 prescribed in section 36-2901, if services are procured from a physician or
11 primary care practitioner in an adjoining state, the physician or primary
12 care practitioner shall be licensed to practice in that state pursuant to
13 licensing statutes in that state similar to title 32, chapter 13, 15, 17 or
14 25 and shall complete a provider agreement for this state.

15 L. Covered outpatient services shall be subcontracted by a primary
16 care physician or primary care practitioner to other licensed health care
17 providers to the extent practicable for purposes including, but not limited
18 to, making health care services available to underserved areas, reducing
19 costs of providing medical care and reducing transportation costs.

20 M. The director shall adopt rules that prescribe the coordination of
21 medical care for persons who are eligible for system services. The rules
22 shall include provisions for the transfer of patients, the transfer of
23 medical records and the initiation of medical care.

24 N. For the purposes of this section, "ambulance" has the same meaning
25 prescribed in section 36-2201.

26 Sec. 6. Repeal

27 Section 41-2501, Arizona Revised Statutes, as amended by Laws 2015,
28 chapter 195, section 82, is repealed.

29 Sec. 7. Section 41-2501, Arizona Revised Statutes, as amended by Laws
30 2015, chapter 257, section 30, is amended to read:

31 41-2501. Applicability

32 A. This chapter applies only to procurements initiated after
33 January 1, 1985 unless the parties agree to its application to procurements
34 initiated before that date.

35 B. This chapter applies to every expenditure of public monies,
36 including federal assistance monies except as otherwise specified in section
37 41-2637, by this state, acting through a state governmental unit as defined
38 in this chapter, under any contract, except that this chapter does not apply
39 to either grants as defined in this chapter, or contracts between this state
40 and its political subdivisions or other governments, except as provided in
41 chapter 24 of this title and in article 10 of this chapter. This chapter
42 also applies to the disposal of state materials. This chapter and rules
43 adopted under this chapter do not prevent any state governmental unit or
44 political subdivision from complying with the terms of any grant, gift,
45 bequest or cooperative agreement.

1 C. All political subdivisions and other local public agencies of this
2 state may adopt all or any part of this chapter and the rules adopted
3 pursuant to this chapter.

4 D. Notwithstanding any other law, sections 41-2517 and 41-2546 apply
5 to any agency as defined in section 41-1001, including the office of the
6 governor.

7 E. The Arizona board of regents and the legislative and judicial
8 branches of state government are not subject to this chapter except as
9 prescribed in subsection F of this section.

10 F. The Arizona board of regents and the judicial branch shall adopt
11 rules prescribing procurement policies and procedures for themselves and
12 institutions under their jurisdiction. The rules must be substantially
13 equivalent to the policies and procedures prescribed in this chapter.

14 G. The Arizona state lottery commission is exempt from this chapter
15 for procurement relating to the design and operation of the lottery or
16 purchase of lottery equipment, tickets and related materials. The executive
17 director of the Arizona state lottery commission shall adopt rules
18 substantially equivalent to the policies and procedures in this chapter for
19 procurement relating to the design and operation of the lottery or purchase
20 of lottery equipment, tickets or related materials. All other procurement
21 shall be as prescribed by this chapter.

22 H. The Arizona health care cost containment system administration is
23 exempt from this chapter for provider contracts pursuant to section 36-2904,
24 subsection A and contracts for goods and services, including program
25 contractor contracts pursuant to title 36, chapter 29, articles 2 and 3 AND
26 [CONTRACTS WITH REGIONAL BEHAVIORAL HEALTH AUTHORITIES PURSUANT TO TITLE 36,](#)
27 [CHAPTER 34](#). All other procurement, including contracts for the statewide
28 administrator of the program pursuant to section 36-2903, subsection B, shall
29 be as prescribed by this chapter.

30 I. Arizona industries for the blind is exempt from this chapter for
31 purchases of finished goods from members of national industries for the blind
32 and for purchases of raw materials for use in the manufacture of products for
33 sale pursuant to section 41-1972. All other procurement shall be as
34 prescribed by this chapter.

35 J. Arizona correctional industries is exempt from this chapter for
36 purchases of raw materials, components and supplies that are used in the
37 manufacture or production of goods or services for sale entered into pursuant
38 to section 41-1622. All other procurement shall be as prescribed by this
39 chapter.

40 K. The state transportation board and the director of the department
41 of transportation are exempt from this chapter other than section 41-2586 for
42 the procurement of construction or reconstruction, including engineering
43 services, of transportation facilities or highway facilities and any other
44 services that are directly related to land titles, appraisals, real property
45 acquisition, relocation, property management or building facility design and

1 construction for highway development and that are required pursuant to title
2 28, chapter 20.

3 L. The Arizona highways magazine is exempt from this chapter for
4 contracts for the production, promotion, distribution and sale of the
5 magazine and related products and for contracts for sole source creative
6 works entered into pursuant to section 28-7314, subsection A, paragraph 5.
7 All other procurement shall be as prescribed by this chapter.

8 M. The secretary of state is exempt from this chapter for contracts
9 entered into pursuant to section 41-1012 to publish and sell the
10 administrative code. All other procurement shall be as prescribed by this
11 chapter.

12 N. This chapter is not applicable to contracts for professional
13 witnesses if the purpose of such contracts is to provide for professional
14 services or testimony relating to an existing or probable judicial proceeding
15 in which this state is or may become a party or to contract for special
16 investigative services for law enforcement purposes.

17 O. The head of any state governmental unit, in relation to any
18 contract exempted by this section from this chapter, has the same authority
19 to adopt rules, procedures or policies as is delegated to the director
20 pursuant to this chapter.

21 P. Agreements negotiated by legal counsel representing this state in
22 settlement of litigation or threatened litigation are exempt from this
23 chapter.

24 Q. This chapter is not applicable to contracts entered into by the
25 department of economic security:

26 1. With a provider licensed or certified by an agency of this state to
27 provide child day care services.

28 2. With area agencies on aging created pursuant to the older Americans
29 act of 1965 (P.L. 89-73; 79 Stat. 218; 42 United States Code sections 3001
30 through 3058ff).

31 3. For services pursuant to title 36, chapter 29, article 2.

32 4. With an eligible entity as defined by Public Law 105-285, section
33 673(1)(A)(i), as amended, for designated community services block grant
34 program monies and any other monies given to the eligible entity that
35 accomplishes the purpose of Public Law 105-285, section 672.

36 R. The ~~department of health services~~ ARIZONA HEALTH CARE COST
37 CONTAINMENT SYSTEM may not require that persons with whom it contracts follow
38 this chapter for the purposes of subcontracts entered into for the provision
39 of the following:

40 1. Mental health services pursuant to section 36-189, subsection B.

41 2. Services for the seriously mentally ill pursuant to title 36,
42 chapter 5, article 10.

43 3. Drug and alcohol services pursuant to section 36-141.

44 ~~4.~~ S. THE DEPARTMENT OF HEALTH SERVICES MAY NOT REQUIRE THAT PERSONS
45 WITH WHOM IT CONTRACTS FOLLOW THIS CHAPTER FOR THE PURPOSE OF SUBCONTRACTS

1 ENTERED INTO FOR THE PROVISION OF domestic violence services pursuant to
2 title 36, chapter 30, article 1.

3 ~~S.~~ T. The department of health services is exempt from this chapter
4 for contracts for services of physicians at the Arizona state hospital.

5 ~~T.~~ U. Contracts for goods and services approved by the board of
6 trustees of the public safety personnel retirement system are exempt from
7 this chapter.

8 ~~U.~~ V. The Arizona department of agriculture is exempt from this
9 chapter with respect to contracts for private labor and equipment to effect
10 cotton or cotton stubble plow-up pursuant to rules adopted under title 3,
11 chapter 2, article 1.

12 ~~V.~~ W. The Arizona state parks board is exempt from this chapter for
13 purchases of guest supplies and items for resale such as food, linens, gift
14 items, sundries, furniture, china, glassware and utensils for the facilities
15 located in the Tonto natural bridge state park.

16 ~~W.~~ X. The Arizona state parks board is exempt from this chapter for
17 the purchase, production, promotion, distribution and sale of publications,
18 souvenirs and sundry items obtained and produced for resale.

19 ~~X.~~ Y. The Arizona state schools for the deaf and the blind are exempt
20 from this chapter for the purchase of textbooks and when purchasing products
21 through a cooperative that is organized and operates in accordance with state
22 law if such products are not available on a statewide contract and are
23 related to the operation of the schools or are products for which special
24 discounts are offered for educational institutions.

25 ~~Y.~~ Z. Expenditures of monies in the morale, welfare and recreational
26 fund established by section 26-153 are exempt from this chapter.

27 ~~Z.~~ AA. Notwithstanding section 41-2534, the director of the state
28 department of corrections may contract with local medical providers in
29 counties with a population of less than four hundred thousand persons for the
30 following purposes:

31 1. To acquire hospital and professional medical services for inmates
32 who are incarcerated in state department of corrections facilities that are
33 located in those counties.

34 2. To ensure the availability of emergency medical services to inmates
35 in all counties by contracting with the closest medical facility that offers
36 emergency treatment and stabilization.

37 ~~AA.~~ BB. The department of environmental quality is exempt from this
38 chapter for contracting for procurements relating to the water quality
39 assurance revolving fund program established pursuant to title 49, chapter 2,
40 article 5. The department shall engage in a source selection process that is
41 similar to the procedures prescribed by this chapter. The department may
42 contract for remedial actions with a single selection process. The exclusive
43 remedy for disputes or claims relating to contracting pursuant to this
44 subsection is as prescribed by article 9 of this chapter and the rules
45 adopted pursuant to that article. All other procurement by the department
46 shall be as prescribed by this chapter.

1 ~~BB-~~ CC. The motor vehicle division of the department of
2 transportation is exempt from this chapter for third-party authorizations
3 pursuant to title 28, chapter 13, only if all of the following conditions
4 exist:

5 1. The division does not pay any public monies to an authorized third
6 party.

7 2. Exclusivity is not granted to an authorized third party.

8 3. The director has complied with the requirements prescribed in title
9 28, chapter 13 in selecting an authorized third party.

10 ~~CC-~~ DD. This section does not exempt third-party authorizations
11 pursuant to title 28, chapter 13 from any other applicable law.

12 ~~DD-~~ EE. The state forester is exempt from this chapter for purchases
13 and contracts relating to wildland fire suppression and pre-positioning
14 equipment resources and for other activities related to combating wildland
15 fires and other unplanned risk activities, including fire, flood, earthquake,
16 wind and hazardous material responses. All other procurement by the state
17 forester shall be as prescribed by this chapter.

18 ~~EE-~~ FF. The cotton research and protection council is exempt from
19 this chapter for procurements.

20 ~~FF-~~ GG. Expenditures of monies in the Arizona agricultural protection
21 fund established by section 3-3304 are exempt from this chapter.

22 ~~GG-~~ HH. The Arizona commerce authority is exempt from this chapter,
23 except article 10 for the purpose of cooperative purchases. The authority
24 shall adopt policies, procedures and practices, in consultation with the
25 department of administration, that are similar to and based on the policies
26 and procedures prescribed by this chapter for the purpose of increased public
27 confidence, fair and equitable treatment of all persons engaged in the
28 process and fostering broad competition while accomplishing flexibility to
29 achieve the authority's statutory requirements. The authority shall make its
30 policies, procedures and practices available to the public. The authority
31 may exempt specific expenditures from the policies, procedures and practices.

32 ~~HH-~~ II. The Arizona exposition and state fair board is exempt from
33 this chapter for contracts for professional entertainment.

34 ~~II-~~ JJ. This chapter does not apply to the purchase of water, gas or
35 electric utilities.

36 ~~JJ-~~ KK. This chapter does not apply to professional certifications,
37 professional memberships and conference registrations.

38 ~~KK-~~ LL. The department of gaming is exempt from this chapter for
39 problem gambling treatment services contracts with licensed behavioral health
40 professionals.

41 ~~LL-~~ MM. This chapter does not apply to contracts for credit reporting
42 services.

43 ~~MM-~~ NN. This chapter does not apply to contracts entered into by the
44 department of child safety:

45 1. With a provider of family foster care pursuant to section 8-503.

1 H. The department of health services shall ensure that each regional
2 behavioral health authority and its providers develop and implement a human
3 rights training plan to ensure that providers are trained regarding clients'
4 human rights and the duties of the human rights committees.

5 I. Each committee shall be organized pursuant to this section and the
6 requirements of section 41-3804.

7 Sec. 10. Repeal

8 Section 41-3804, Arizona Revised Statutes, as amended by Laws 2015,
9 chapter 195, section 84, is repealed.

10 Sec. 11. Section 41-3804, Arizona Revised Statutes, as amended by Laws
11 2015, chapter 167, section 2, is amended to read:

12 41-3804. Human rights committees; membership; duties; client
13 information; immunity; violation; classification

14 A. Subject to the approval of the appropriate department director,
15 each committee established pursuant to this article shall adopt guidelines
16 that govern its operation, including terms of members, quorum and attendance
17 requirements and removal of a committee member if necessary. Each committee
18 shall adopt these guidelines by majority vote within the first three months
19 of its formation. These guidelines shall not conflict with this article.
20 The director of the appropriate department shall approve the guidelines
21 unless they are inconsistent with the department's statutes, policies,
22 procedures or rules, or if the guidelines do not promote participation by all
23 interested members of the community that the committee serves. In addition
24 to the procedures in the guidelines, each human rights committee must approve
25 the removal of any committee member on majority vote of the committee.

26 B. Employees of the department of economic security, the department of
27 child safety, the ~~department of health services~~ ARIZONA HEALTH CARE COST
28 CONTAINMENT SYSTEM and the Arizona health care cost containment system
29 administration may serve on a committee only as nonvoting members whose
30 presence is not counted for the purpose of determining a quorum.

31 C. Advocacy groups, local advisory councils, committee members and the
32 director of the appropriate department may submit names of candidates to fill
33 committee vacancies. The appropriate director shall appoint a person to fill
34 a vacancy subject to the approval of the committee.

35 D. Each committee shall meet at least quarterly each calendar year.

36 E. Each committee shall provide independent oversight to:

37 1. Ensure that the rights of clients are protected.

38 2. Review incidents of possible abuse, neglect or denial of a client's
39 rights.

40 3. Make recommendations to the appropriate department director and the
41 legislature regarding laws, rules, policies, procedures and practices to
42 ensure the protection of the rights of clients receiving behavioral health
43 and developmental disability services.

44 F. Each committee shall submit written objections to specific problems
45 or violations of client rights by department employees or service providers
46 to the director of the appropriate department for review. The appropriate

1 department director shall respond, in writing, to written objections within
2 twenty-one days after receiving the objections.

3 G. Each committee shall issue an annual report of its activities and
4 recommendations for changes to the director of the appropriate department,
5 the president of the senate, the speaker of the house of representatives and
6 the chairpersons of the senate health and human services committee and the
7 house of representatives health committee, or their successor committees.

8 H. A committee may request from the appropriate department the
9 services of a consultant or department employee to advise it on specific
10 issues. The consultant may be a member of another human rights committee, a
11 department employee or a service provider. Subject to the availability of
12 monies, the appropriate department shall assume the cost of the consultant.
13 A consultant shall not participate in committee votes.

14 I. Subject to federal law, committee members and consultants have
15 access to client information and records, including quality of care reports
16 and, on request, case presentations, adult protective services investigation
17 case status and outcomes, substantiations, recommendations and other quality
18 of care findings from peer reviews or any successor report or process,
19 maintained by the appropriate department, provider or regional behavioral
20 health authorities to the extent necessary to conduct committee duties. Each
21 person who receives information or records pursuant to this subsection shall
22 maintain the information or records as confidential and sign an agreement to
23 comply with all confidentiality requirements. Any client information or
24 records shall be released to the committee without the designation of
25 personally identifiable information unless the personally identifiable
26 information is required for the official purposes of the committee. **A**
27 **VIOLATION OF THIS SUBSECTION IS A CLASS 2 MISDEMEANOR.** For the purposes of
28 this subsection, "personally identifiable information" includes a person's
29 name, address, date of birth, social security number, tribal enrollment
30 number, telephone or fax number, e-mail address, social media identifier,
31 driver license number, places of employment, ~~or~~ school identification or
32 military identification number or any other distinguishing characteristic
33 that tends to identify a particular person. ~~A violation of this subsection~~
34 ~~is a class 2 misdemeanor.~~

35 J. If a committee's request for information or records from a
36 department is denied, the committee may request in writing that the director
37 of the appropriate department review this decision. The agency director or
38 designee shall conduct the review within five business days after receiving
39 the request for review. The agency shall bear the costs of conducting the
40 review. A final agency decision made pursuant to this subsection is subject
41 to judicial review pursuant to title 12, chapter 7, article 6. The agency
42 shall not release any information or records during the period an appeal may
43 be filed or is pending.

44 K. Confidential records and information received by the committee or
45 its consultant are subject to the same provisions concerning subpoenas,

1 discovery and use in legal actions as are the original records and
2 information.

3 L. The human rights committees may exchange information and engage in
4 planning and coordination activities between committee members in the
5 performance of committee duties pursuant to this section.

6 M. The human rights committees may encourage public awareness and
7 involvement in their activities by supporting committee members with
8 affiliation agreements with postsecondary education-sponsored internship
9 placements pursuant to the appropriate department's approved operating
10 procedures.

11 N. The appropriate departments shall coordinate education and training
12 programs for committee members to facilitate their role as human rights
13 committee members. The appropriate departments shall coordinate statewide
14 meetings of committees at least every two years and provide staff for the
15 committees.

16 O. Any person who, in good faith and without malice and in connection
17 with duties or functions of a committee established pursuant to this article,
18 takes an action or makes a decision or recommendation as a member or agent of
19 a committee or who furnishes records, information or assistance that is
20 related to the duties of a committee is not subject to liability for civil
21 damages in consequence of that action. The court shall determine the
22 presence of malice by clear and convincing evidence.

23 P. Title 38, chapter 3, article 8, relating to conflict of interest,
24 applies to all committee members.

25 Sec. 12. Repeal

26 Section 41-3955.01, Arizona Revised Statutes, as amended by Laws 2015,
27 chapter 195, section 85, is repealed.

28 Sec. 13. Section 41-3955.01, Arizona Revised Statutes, as amended by
29 Laws 2015, chapter 312, section 1, is amended to read:

30 41-3955.01. Seriously mentally ill housing trust fund; purpose;
31 report

32 A. The seriously mentally ill housing trust fund is established. The
33 director of the ~~department of health services~~ ARIZONA HEALTH CARE COST
34 CONTAINMENT SYSTEM ADMINISTRATION shall administer the fund. The fund
35 consists of monies received pursuant to section 44-313 and investment
36 earnings.

37 B. On notice from the ~~department of health services~~ DIRECTOR OF THE
38 ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION, the state
39 treasurer shall invest and divest monies in the fund as provided by section
40 35-313, and monies earned from investment shall be credited to the fund.

41 C. Fund monies shall be spent on approval of the ~~department of health~~
42 ~~services~~ ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION solely
43 for housing projects and rental assistance for seriously mentally ill
44 persons.

45 D. The director of the ~~department of health services~~ ARIZONA HEALTH
46 CARE COST CONTAINMENT SYSTEM ADMINISTRATION shall report annually to the

1 legislature on the status of the seriously mentally ill housing trust fund.
2 The report shall include a summary of facilities for which funding was
3 provided during the preceding fiscal year and shall show the cost and
4 geographic location of each facility and the number of individuals benefiting
5 from the operation, construction or renovation of the facility. The report
6 shall be submitted to the president of the senate and the speaker of the
7 house of representatives no later than September 1 of each year.

8 E. Monies in the seriously mentally ill housing trust fund are exempt
9 from the provisions of section 35-190 relating to lapsing of appropriations.

10 F. An amount not to exceed ten percent of the seriously mentally ill
11 housing trust fund monies may be appropriated annually by the legislature to
12 the ~~department of health services~~ ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM
13 for administrative costs in providing services relating to the seriously
14 mentally ill housing trust fund.

15 G. For any construction project financed by the ~~department of health~~
16 ~~services~~ ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION pursuant
17 to this section, the ~~department of health services~~ ADMINISTRATION shall
18 notify a city, town, county or tribal government that a project is planned
19 for its jurisdiction and, before proceeding, shall seek comment from the
20 governing body of the city, town, county or tribal government or an official
21 authorized by the governing body of the city, town, county or tribal
22 government. The ~~department of health services~~ ARIZONA HEALTH CARE COST
23 CONTAINMENT SYSTEM ADMINISTRATION shall not interfere with or attempt to
24 override the local jurisdiction's planning, zoning or land use regulations.

25 Sec. 14. Section 41-3955.01, Arizona Revised Statutes, as amended by
26 Laws 2015, chapter 312, section 2, is amended to read:

27 41-3955.01. Seriously mentally ill housing trust fund; purpose;
28 report

29 A. The seriously mentally ill housing trust fund is established. The
30 director of the ~~department of health services~~ ARIZONA HEALTH CARE COST
31 CONTAINMENT SYSTEM ADMINISTRATION shall administer the fund. The fund
32 consists of monies received pursuant to section 44-313 and investment
33 earnings.

34 B. On notice from the ~~department of health services~~ DIRECTOR OF THE
35 ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION, the state
36 treasurer shall invest and divest monies in the fund as provided by section
37 35-313, and monies earned from investment shall be credited to the fund.

38 C. Fund monies shall be spent on approval of the ~~department of health~~
39 ~~services~~ ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION solely
40 for housing projects for seriously mentally ill persons.

41 D. The director of the ~~department of health services~~ ARIZONA HEALTH
42 CARE COST CONTAINMENT SYSTEM ADMINISTRATION shall report annually to the
43 legislature on the status of the seriously mentally ill housing trust fund.
44 The report shall include a summary of facilities for which funding was
45 provided during the preceding fiscal year and shall show the cost and
46 geographic location of each facility and the number of individuals benefiting

1 from the operation, construction or renovation of the facility. The report
2 shall be submitted to the president of the senate and the speaker of the
3 house of representatives no later than September 1 of each year.

4 E. Monies in the seriously mentally ill housing trust fund are exempt
5 from the provisions of section 35-190 relating to lapsing of appropriations.

6 F. An amount not to exceed ten percent of the seriously mentally ill
7 housing trust fund monies may be appropriated annually by the legislature to
8 the ~~department of health services~~ ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM
9 for administrative costs in providing services relating to the seriously
10 mentally ill housing trust fund.

11 G. For any construction project financed by the ~~department of health~~
12 ~~services~~ ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION pursuant
13 to this section, the ~~department of health services~~ ADMINISTRATION shall
14 notify a city, town, county or tribal government that a project is planned
15 for its jurisdiction and, before proceeding, shall seek comment from the
16 governing body of the city, town, county or tribal government or an official
17 authorized by the governing body of the city, town, county or tribal
18 government. The ~~department of health services~~ ARIZONA HEALTH CARE COST
19 CONTAINMENT SYSTEM ADMINISTRATION shall not interfere with or attempt to
20 override the local jurisdiction's planning, zoning or land use regulations.

21 Sec. 15. Repeal

22 Section 49-123, Arizona Revised Statutes, as amended by Laws 2015,
23 chapter 208, section 25, is repealed.

24 Sec. 16. Section 26-343, Arizona Revised Statutes, as amended by Laws
25 2013, chapter 205, section 1, and as renumbered by Laws 2015, chapter 208,
26 section 12, as section 49-123, is amended to read:

27 49-123. Hazardous materials emergency management program;
28 Arizona emergency response commission; emergency
29 planning and community right-to-know

30 ~~A. The Arizona emergency response commission is established consisting~~
31 ~~of the director of the division, who shall serve as chairperson, and the~~
32 ~~directors, or their respective designees, of the department of environmental~~
33 ~~quality, the department of health services, the department of public safety~~
34 ~~and the department of transportation.~~

35 ~~B. An advisory committee to the commission is established consisting~~
36 ~~of:~~

37 ~~1. The state fire marshal.~~

38 ~~2. The chief administrative officer, or the officer's designee, of the~~
39 ~~following agencies:~~

40 ~~(a) Arizona department of agriculture.~~

41 ~~(b) Corporation commission.~~

42 ~~(c) Industrial commission of Arizona.~~

43 ~~(d) Radiation regulatory agency.~~

44 ~~(e) State mine inspector.~~

45 ~~3. Two representatives nominated by the Arizona fire chiefs~~
46 ~~association incorporated or its successor agency. One nominee shall~~

1 ~~represent a fire department serving a population of two hundred fifty~~
2 ~~thousand or more persons. One nominee shall represent a fire department or~~
3 ~~fire district serving a population of less than two hundred fifty thousand~~
4 ~~persons. The term of appointment is for two years.~~

5 ~~C. The governor shall appoint four private sector representatives to~~
6 ~~the advisory committee to the commission after reviewing the recommendations~~
7 ~~provided by the commission. The governor shall appoint, or reappoint, two of~~
8 ~~the members each year from the private sector, to serve terms of two years.~~
9 ~~These members, to the extent practicable, shall have technical expertise in~~
10 ~~the emergency response field.~~

11 ~~D. The members of the commission shall serve without compensation but~~
12 ~~are eligible for reimbursement for travel and other expenses as provided by~~
13 ~~law. The division and the department of environmental quality shall provide~~
14 ~~such professional, technical or administrative staff support as necessary to~~
15 ~~implement and perform the commission duties.~~

16 ~~E. The commission shall meet as often as necessary and may organize~~
17 ~~itself into such support committees as necessary to implement this article~~
18 ~~and title III in this state. The full commission shall meet at least~~
19 ~~annually. The commission may adopt internal operating rules.~~

20 A. THE DEPARTMENT IS DESIGNATED THE LEAD AGENCY FOR DEVELOPING AND
21 IMPLEMENTING A STATE HAZARDOUS MATERIALS EMERGENCY MANAGEMENT PROGRAM.

22 B. THE DIRECTOR SHALL APPOINT A COORDINATOR TO WORK IN CONSULTATION
23 WITH THE ARIZONA EMERGENCY RESPONSE COMMISSION IN THE DEVELOPMENT AND
24 IMPLEMENTATION OF THE HAZARDOUS MATERIALS EMERGENCY MANAGEMENT PROGRAM.

25 C. THE ARIZONA EMERGENCY RESPONSE COMMISSION IS ESTABLISHED CONSISTING
26 OF REPRESENTATIVES FROM THE FOLLOWING AGENCIES AND DEPARTMENTS:

- 27 1. THE DIVISION OF EMERGENCY MANAGEMENT.
- 28 2. THE DEPARTMENT OF HEALTH SERVICES.
- 29 3. THE DEPARTMENT OF PUBLIC SAFETY.
- 30 4. THE DEPARTMENT OF TRANSPORTATION.
- 31 5. THE ARIZONA DEPARTMENT OF AGRICULTURE.
- 32 6. THE CORPORATION COMMISSION.
- 33 7. THE INDUSTRIAL COMMISSION OF ARIZONA.
- 34 8. THE OFFICE OF STATE FIRE MARSHAL.
- 35 9. THE OFFICE OF STATE MINE INSPECTOR.
- 36 10. THE RADIATION REGULATORY AGENCY.

37 11. TWO REPRESENTATIVES NOMINATED BY THE ARIZONA FIRE CHIEFS
38 ASSOCIATION OR ITS SUCCESSOR ORGANIZATION, ONE OF WHOM REPRESENTS A FIRE
39 DEPARTMENT OR A FIRE DISTRICT SERVING A POPULATION OF LESS THAN TWO HUNDRED
40 FIFTY THOUSAND PERSONS.

- 41 12. OTHER AGENCIES OR OFFICES DEEMED NECESSARY BY THE DIRECTOR.

42 D. THIS ARTICLE DOES NOT CHANGE OR ALTER THE EXISTING REGULATORY
43 AUTHORITY OR PROVISIONS OF LAW RELATING TO THE AGENCIES AND DEPARTMENTS
44 LISTED IN SUBSECTION C OF THIS SECTION.

45 E. THE DEPARTMENT IS DESIGNATED AS THE LEAD AGENCY FOR IMPLEMENTING
46 TITLE III OF THE SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT OF 1986

1 (P.L. 99-499). THE DIRECTOR SHALL ADMINISTER ANY MONIES RECEIVED UNDER
2 SUBSECTION G OF THIS SECTION.

3 F. The ~~commission~~ DEPARTMENT shall administer this article and the
4 rules adopted under this article. The ~~commission~~ DEPARTMENT shall administer
5 title III in this state and may conduct whatever activities are necessary to
6 implement this article and title III in this state. The ~~commission~~
7 DEPARTMENT is granted all the authority and responsibilities of a state
8 emergency response commission for purposes of title III.

9 G. The ~~commission~~ DEPARTMENT may procure by contract the temporary or
10 intermittent services of experts or consultants if such services are to be
11 performed on a part-time or fee-for-services basis and do not involve the
12 performance of administrative duties. The ~~commission~~ DEPARTMENT may also
13 enter into agreements with the federal government, Indian tribes, other
14 states and political subdivisions of this state for the purposes of this
15 article. The ~~commission~~ DEPARTMENT may also accept on behalf of this state
16 any reimbursement, grant or gift that may become available for purposes of
17 this ~~chapter~~ ARTICLE. The ~~commission~~ DEPARTMENT shall deposit, pursuant to
18 sections 35-146 and 35-147, any such monies in the emergency response fund.

19 H. The ~~commission~~ DEPARTMENT shall establish a program of financial
20 grants to local governments funded through the ~~division~~ DEPARTMENT by
21 appropriations to the emergency response fund. The grants shall be dedicated
22 to and used for local compliance with this article. The ~~commission~~
23 DEPARTMENT shall include procedures for applying for the grants and
24 qualifying criteria for awarding the grants.

25 I. The ~~commission~~ DEPARTMENT shall adopt and may modify, suspend or
26 repeal rules pursuant to title 41, chapter 6. The rules may not be more
27 stringent than title III and the federal regulations adopted under title III,
28 except as specifically authorized in this article. These rules shall
29 implement this ~~chapter~~ ARTICLE and title III in this state. The authority to
30 adopt rules includes establishing:

- 31 1. Procedures for handling public information requests.
- 32 2. Procedures and implementing programs for chemical emergency
33 planning and preparedness.
- 34 3. Community right-to-know program reporting requirements.
- 35 4. ~~Through December 31, 2018,~~ Fees to implement the community
36 right-to-know program. The fees shall be deposited, pursuant to sections
37 35-146 and 35-147, in the emergency response fund established by section
38 ~~26-352~~ 49-132. The governor's regulatory review council must approve rules
39 adopted pursuant to this paragraph.
- 40 5. Release reporting requirements.

41 J. ~~Commissioners and advisory committee members~~ THE DEPARTMENT shall
42 ensure that mandatory hazardous materials training programs for on-scene
43 command personnel that are developed, delivered or managed by their
44 respective agencies, departments or divisions address notification
45 procedures, coordination of services and comprehensive management for
46 protection of the public health during and after a chemical or other toxic

1 fire event. The training shall include notification and coordination with
2 ~~the emergency response unit of the department of environmental quality,~~ the
3 department of public safety, the department of transportation, the radiation
4 regulatory agency, the commission, local emergency planning committees, the
5 department of health services, the division of emergency management, the
6 national response center and the Arizona poison control system. Training
7 shall also include orientation on the state emergency response and recovery
8 plan concerning hazardous materials. ~~Commissioners and advisory committee~~
9 ~~members~~ THE DEPARTMENT shall encourage private companies that deliver similar
10 training in ~~Arizona~~ THIS STATE to include the same curriculum in their
11 programs.

12 Sec. 17. Repeal

13 Section ~~49-127~~, Arizona Revised Statutes, as amended by Laws 2015,
14 chapter 208, section 26, is repealed.

15 Sec. 18. Section 26-347, Arizona Revised Statutes, as amended by Laws
16 1989, chapter 238, section 5, and as renumbered by Laws 2015, chapter 208,
17 section 12, as section ~~49-127~~, is amended to read:

18 ~~49-127.~~ Facilities subject to emergency planning; facility
19 emergency response plans

20 A. A facility is subject to emergency planning requirements if a
21 substance identified under section ~~26-346~~ ~~49-126~~ is present at the facility
22 in an amount at or in excess of the threshold planning quantity for that
23 substance.

24 B. For purposes of emergency planning, the ~~commission~~ DEPARTMENT may
25 designate additional facilities ~~which~~ THAT are subject to this section. The
26 designation shall be accomplished after providing at least thirty days' prior
27 public notice in a newspaper of general circulation in the county where the
28 facility is located, after allowing public comment to the ~~commission~~
29 DEPARTMENT for thirty days and after notification to the facility of the
30 proposed designation.

31 C. The owner or operator of a facility subject to this section shall
32 provide to the ~~committee~~ DEPARTMENT the identity of a facility representative
33 who will provide a facility emergency response plan and who will participate
34 in the emergency planning process as the facility emergency coordinator.

35 D. Each facility THAT IS subject to this section shall prepare a
36 facility emergency response plan and submit copies of that plan to the
37 ~~commission~~ DEPARTMENT, the local emergency planning committee for the
38 district in which the facility is located and the fire department with
39 jurisdiction over the facility. A facility that is required to prepare a
40 contingency plan under ~~title 49,~~ chapter 5, article 2 OF THIS TITLE or the
41 resource conservation and recovery act of 1976 (P.L. 94-580; 90 Stat. 2795)
42 may submit that contingency plan in lieu of the emergency response plan
43 required by this section if the information in paragraphs 1 through 7 of this
44 subsection is included in the plan. In preparing the plan required by this
45 section, the facility emergency coordinator shall consult with the local
46 emergency planning committee and other emergency and health professionals to

1 assure maximum coordination with those whose cooperation or services may be
2 required in the event of a reportable release. The facility emergency
3 response plan shall include specific actions to be taken in the event of an
4 imminent or accidental reportable release to safeguard the public health,
5 safety and welfare and the environment to the maximum extent practicable.
6 The facility emergency response plan shall include:

7 1. Names, addresses and emergency telephone numbers of a facility
8 emergency coordinator and alternate.

9 2. A description of emergency warning systems and a list of emergency
10 units, emergency personnel and health professionals in close proximity to the
11 facility.

12 3. A description of employee emergency response training and emergency
13 preparedness programs.

14 4. A description of appropriate emergency equipment necessary to
15 respond to a release.

16 5. A description of emergency response procedures, including
17 notification procedures and evacuation plans in the event of a release.

18 6. Identification of transport routes and transportation methods used
19 to transport extremely hazardous substances to and from the facility, if
20 known.

21 7. Provisions for at least an annual review of the plan and provisions
22 to demonstrate the capability to execute the plan on the request of the
23 ~~commission~~ DEPARTMENT.

24 Sec. 19. Repeal

25 Section 49-128, Arizona Revised Statutes, as amended by Laws 2015,
26 chapter 208, section 27, is repealed.

27 Sec. 20. Section 26-348, Arizona Revised Statutes, as amended by Laws
28 2011, chapter 36, section 1, and as renumbered by Laws 2015, chapter 208,
29 section 12, as section 49-128, is amended to read:

30 49-128. Emergency notification of reportable releases

31 A. If a reportable release of an extremely hazardous substance listed
32 under section ~~26-346~~ 49-126 occurs from a facility at which a hazardous
33 chemical is produced, used or stored, the owner or operator of the facility,
34 except as excluded under 40 Code of Federal Regulations sections 355.31 and
35 355.32, in addition to any other notification required by law or rule, shall
36 immediately orally notify the community emergency coordinator for the local
37 emergency planning committee for any area likely to be affected by the
38 reportable release, ~~and the commission, by notifying the emergency response~~
39 ~~unit of the department of environmental quality~~ and appropriate emergency
40 responders designated by rule of the ~~commission~~ DEPARTMENT, in the manner
41 prescribed by rule of the ~~commission~~ DEPARTMENT. Unless impracticable under
42 the circumstances, this oral notification shall occur immediately after the
43 facility emergency coordinator or ~~his~~ THE COORDINATOR'S designee has
44 knowledge of the reportable release. The notice of the reportable release
45 shall include the following to the extent known at the time of the notice and
46 as long as no delay in responding to the emergency results:

- 1 1. The specific location of the release.
- 2 2. The chemical name or identity of substances released and a
- 3 description of the container or vessel from which the release occurred.
- 4 3. An estimate of the quantity of substances ~~which~~ THAT were released
- 5 into the environment.
- 6 4. The time and duration of the release.
- 7 5. The medium or media into which the release occurred.
- 8 6. Any known or anticipated acute or chronic health risks associated
- 9 with the release and, if within the informant's knowledge, advice regarding
- 10 medical attention necessary for exposed individuals.
- 11 7. Proper precautions to take as a result of the release, including
- 12 evacuation and other proposed response actions.
- 13 8. The name and telephone number of the person or persons to be
- 14 contacted for further information.
- 15 B. Within thirty days after the reportable release, the owner or
- 16 operator of a facility where a release occurred requiring notification
- 17 pursuant to this section shall submit to the local emergency planning
- 18 committee and to the ~~commission~~ DEPARTMENT a written follow-up emergency
- 19 notice stating and updating the information originally provided pursuant to
- 20 subsection A of this section and including the following additional
- 21 information:
 - 22 1. Actions taken to respond to and contain the release.
 - 23 2. Any known or anticipated acute or chronic health risks associated
 - 24 with the release.
 - 25 3. If appropriate, advice regarding medical attention necessary for
 - 26 exposed individuals.
 - 27 4. Measures ~~which~~ THAT have been or will be taken at the facility to
 - 28 avoid a reoccurrence of similar releases.
- 29 C. After additional information becomes known, the owner or operator
- 30 shall update the notice in writing within seven calendar days.
- 31 Sec. 21. Repeal
- 32 Section 49-129, Arizona Revised Statutes, as amended by Laws 2015,
- 33 chapter 208, section 28, is repealed.
- 34 Sec. 22. Section 26-349, Arizona Revised Statutes, as amended by Laws
- 35 1989, chapter 238, section 7, and as renumbered by Laws 2015, chapter 208,
- 36 section 12, as section 49-129, is amended to read:
 - 37 49-129. Material safety data sheets
 - 38 A. A person who owns or operates a facility ~~which~~ THAT is required to
 - 39 prepare or have available a material safety data sheet for a hazardous
 - 40 chemical under the occupational safety and health act of 1970 (P.L. 91-593;
 - 41 84 Stat. 1590), and federal regulations adopted under that act, or under
 - 42 title 23, chapter 2, article 10, and rules adopted under that article, shall
 - 43 submit to the local emergency planning committee for the district in which
 - 44 the facility is located, the ~~commission~~ DEPARTMENT, and the fire department
 - 45 with jurisdiction over the facility material safety data sheets or lists of
 - 46 hazardous chemicals and any extremely hazardous substances stored, handled or

1 processed at the facility pursuant to minimum threshold levels prescribed in
2 ~~title~~ 40 Code of Federal Regulations part 370 as well as comply with section
3 311 of title III and regulations adopted under that act.

4 B. If a list of hazardous chemicals or extremely hazardous substances
5 is submitted under this section, it shall include:

6 1. Information prescribed by section 311 of title III.

7 2. The chemical abstract service registry number applicable to each
8 such chemical and substance, if available.

9 3. An indication of whether the owner elects to withhold information
10 about the hazardous chemical or extremely hazardous substance from disclosure
11 as a trade secret.

12 C. On request of a local emergency planning committee, the ~~commission~~
13 ~~DEPARTMENT~~ or the local fire department with jurisdiction over the facility,
14 an owner or operator of a facility who has submitted a list pursuant to this
15 section shall also submit the material safety data sheet for any chemical on
16 the list to the requesting agency. On request by any person, the local
17 emergency planning committee may make available a material safety data sheet
18 to the person or transmit the request to the ~~commission~~ ~~DEPARTMENT~~, which
19 shall make the material safety data sheet available, subject to the trade
20 secret provisions and regulations adopted under title III. If the committee
21 or ~~commission~~ ~~DEPARTMENT~~ does not have the requested material safety data
22 sheet, the committee or ~~commission~~ ~~DEPARTMENT~~ shall request the sheet from
23 the facility owner or operator. The facility owner or operator shall make
24 the sheet available within thirty days after receiving the request to the
25 committee or ~~commission~~ ~~DEPARTMENT~~ and the committee or ~~commission~~ ~~DEPARTMENT~~
26 shall make the sheet available to the requesting person subject to the trade
27 secret provisions and regulations adopted under title III.

28 D. Within three months after discovery by an owner or operator of a
29 facility of significant new information concerning an aspect of a hazardous
30 chemical for which a list or material safety data sheet was submitted, or
31 within three months after a facility obtains a new hazardous chemical subject
32 to the reporting requirements of this section, the owner or operator shall
33 update and submit a revised list or material safety data sheet to the local
34 emergency planning committee, the ~~commission~~ ~~DEPARTMENT~~ and the fire
35 department with jurisdiction over the facility.

36 Sec. 23. Repeal

37 Section 49-130, Arizona Revised Statutes, as amended by Laws 2015,
38 chapter 208, section 29, is repealed.

39 Sec. 24. Section 26-350, Arizona Revised Statutes, as amended by Laws
40 2002, chapter 138, section 1, and as renumbered by Laws 2015, chapter 208,
41 section 12, as section 49-130, is amended to read:

42 49-130. Emergency and hazardous chemical inventory forms

43 A. A person who owns or operates a facility ~~which~~ ~~THAT~~ is required to
44 prepare or have available a material safety data sheet for a hazardous
45 chemical under the occupational safety and health act of 1970 (P.L. 91-593;
46 84 Stat. 1590) and federal regulations adopted under that act or ~~which~~ ~~THAT~~

1 has to provide a material safety data sheet or listing under this article
2 shall either file electronically as prescribed by subsection D OF THIS
3 SECTION or submit to the local emergency planning committee for the district
4 in which the facility is located, the ~~commission~~ DEPARTMENT and the fire
5 department with jurisdiction over the facility an emergency and hazardous
6 chemical inventory form pursuant to section 312 of title III as well as
7 comply with section 312 of title III and regulations adopted under that act,
8 except that the tier II emergency and hazardous chemical inventory form shall
9 be the required form to comply with section 312 of title III effective with
10 inventory forms due on or after March 1, 1991.

11 B. The tier II inventory form shall contain the following information:

12 1. The chemical name or the common name of the chemical as provided on
13 the material safety data sheet and the CAS number.

14 2. An estimate, in ranges, of the maximum amount of the hazardous
15 chemical present at the facility at any time during the preceding year.

16 3. An estimate, in ranges, of the average daily amount of the
17 hazardous chemical present at the facility during the preceding year.

18 4. A brief description of the manner of storage of the hazardous
19 chemical.

20 5. The location of the hazardous chemical at the facility.

21 6. An indication of whether the owner elects to withhold location
22 information or other information about a specific hazardous chemical from
23 disclosure to the public as a trade secret.

24 7. The fire department or district with jurisdiction for the facility,
25 including a notation of whether the facility is located on Indian lands.

26 C. An owner or operator of a facility subject to this section shall
27 submit the information required by this section on the inventory form
28 provided by the ~~commission~~ DEPARTMENT. The tier II inventory form provided
29 by the ~~commission~~ DEPARTMENT shall be available in electronic and paper
30 formats and shall be based on and contain at least the information required
31 by the federal forms as prescribed by 40 Code of Federal Regulations section
32 370.41. The ~~commission~~ DEPARTMENT shall identify on its tier II inventory
33 form each item that is required to be reported by 40 Code of Federal
34 Regulations section 370.41. The ~~commission~~ DEPARTMENT shall provide notice
35 on the form that the provision of the information items not required by 40
36 Code of Federal Regulations section 370.41 is optional.

37 D. Facilities that are subject to reporting under this article may
38 file reports electronically at an internet ~~web-site~~ WEBSITE that is
39 designated by the ~~Arizona emergency response commission~~ DEPARTMENT. A
40 facility that files electronically pursuant to this subsection is deemed to
41 have complied with the reporting requirements of the ~~commission~~ DEPARTMENT
42 and with the requirements of title III. Local emergency planning committees,
43 fire departments and FIRE districts also may accept electronic reporting if
44 they have agreed to do so in a written agreement with the ~~commission~~
45 DEPARTMENT that provides for the electronic filing and sharing of reports.
46 The ~~commission~~ DEPARTMENT shall publish on the ~~commission's web-site~~

1 DEPARTMENT'S WEBSITE a listing of local emergency planning committees, fire
2 departments and fire districts that have agreed to accept electronic
3 reporting to assist facilities in determining submission requirements.

4 E. On certifying an electronic submittal pursuant to subsection D OF
5 THIS SECTION, the facility is deemed to have complied with the original
6 signature requirements of section 312 of title III. The ~~commission~~
7 DEPARTMENT and the facility shall each maintain tracking information for the
8 submittal for purposes of confirmation.

9 F. Information that is collected pursuant to this section shall be
10 made available to the public pursuant to 40 Code of Federal Regulations part
11 370, subpart C, except for confidential information.

12 G. For purposes of this section, tier II forms are the forms
13 established under 40 Code of Federal Regulations part 370.

14 Sec. 25. Repeal

15 Section 49-131, Arizona Revised Statutes, as amended by Laws 2015,
16 chapter 208, section 30, is repealed.

17 Sec. 26. Section 26-351, Arizona Revised Statutes, as amended by Laws
18 1989, chapter 238, section 9, and as renumbered by Laws 2015, chapter 208,
19 section 12, as section 49-131, is amended to read:

20 49-131. Toxic chemical release forms; definitions

21 A. In order to implement section 313 of title III, the owner or
22 operator of a facility subject to the requirements of this section and
23 section 313 of title III and regulations adopted under that act shall
24 complete a toxic chemical release form as supplied by the administrator,
25 pursuant to section 313(g) of title III, or as supplied by the ~~commission~~
26 DEPARTMENT, for each toxic chemical listed in the Code of Federal Regulations
27 by the administrator pursuant to section 313(c) of title III that was
28 manufactured, processed or otherwise used in quantities exceeding the toxic
29 chemical threshold quantity established by subsection E of this section
30 during the preceding calendar year at that facility. The form shall be
31 submitted to the administrator and to the ~~commission~~ DEPARTMENT on or before
32 July 1 of each year and shall contain data reflecting releases in excess of
33 the quantity of that toxic chemical established under subsection E of this
34 section during the preceding calendar year.

35 B. The requirements of this section apply to owners and operators of
36 facilities that have ten or more full-time employees and that are in standard
37 industrial classification codes 20 through 39 in effect on July 1, 1987 as
38 prepared by the statistical policy division of the United States office of
39 management and budget, office of the president and that manufactured,
40 processed or otherwise used a toxic chemical listed in ~~title~~ 40 Code of
41 Federal Regulations part 372 pursuant to section 313(c) and (d) of title III
42 in excess of the quantity of that toxic chemical established under subsection
43 E of this section during the calendar year for which the release form is
44 required under this section.

45 C. The ~~director of environmental quality as the representative of the~~
46 ~~governor pursuant to this section~~ DEPARTMENT may request the administrator to

1 apply the requirements of this section to the owners and operators of any
2 particular facility that manufactures, processes or otherwise uses a toxic
3 chemical listed pursuant to section 313(c) of title III if the administrator
4 determines that such action is warranted on the basis of toxicity of the
5 toxic chemical, the proximity to other facilities that release the toxic
6 chemical or to population centers, the history of releases of the chemical at
7 the facility or such other factors as the administrator deems appropriate.

8 D. The toxic chemicals subject to the requirements of this section are
9 those chemicals listed in ~~title~~ 40 Code of Federal Regulations by the
10 administrator pursuant to section 313(c) of title III, including any revised
11 version of the list as may be made pursuant to section 313(d) or (e) of
12 title III. The ~~director of environmental quality as the representative of~~
13 ~~the governor~~ DEPARTMENT, pursuant to section 313(e)(2) of title III, may
14 petition the administrator to add a chemical to or delete a chemical from the
15 list identified in this section.

16 E. The threshold amounts for purposes of reporting toxic chemicals
17 under this section are:

18 1. With respect to a toxic chemical used at a facility, ten thousand
19 pounds of the toxic chemical for the applicable calendar year.

20 2. With respect to a toxic chemical manufactured or processed at a
21 facility:

22 (a) For the toxic chemical release form required to be submitted under
23 this section on or before July 1, 1988, seventy-five thousand pounds of the
24 toxic chemical per year.

25 (b) For the toxic chemical release form required to be submitted under
26 this section on or before July 1, 1989, fifty thousand pounds of the toxic
27 chemical per year.

28 (c) For the toxic chemical release form required to be submitted under
29 this section on or before July 1, 1990 and for each year thereafter,
30 twenty-five thousand pounds of the toxic chemical per year.

31 F. The threshold amounts for purposes of reporting toxic chemicals
32 under this section shall be adjusted pursuant to revisions by the
33 administrator.

34 G. Owners and operators of facilities subject to the requirements of
35 this section shall provide the information required under this section on a
36 uniform toxic chemical release form published by the administrator or on a
37 uniform toxic chemical release form published by the ~~director of~~
38 ~~environmental quality~~ DEPARTMENT. The form shall:

39 1. Provide for the name and location of and principal business
40 activities at the facility.

41 2. Include an appropriate certification, signed by a senior official
42 with management responsibility for the person or persons completing the form,
43 regarding the accuracy or completeness of the report.

44 3. Provide for the following information for each listed toxic
45 chemical known to be present at the facility:

1 (a) Whether the toxic chemical at the facility is manufactured,
2 processed or otherwise used, and the general category or categories of use of
3 the chemical.

4 (b) An estimate of the maximum amount in ranges of the toxic chemical
5 present at the facility at any time during the preceding calendar year.

6 (c) For each wastestream, the waste treatment or disposal methods
7 employed and an estimate of the treatment efficiency typically achieved by
8 such methods for that wastestream.

9 (d) The annual quantity of the toxic chemical entering each
10 environmental medium.

11 H. The release forms required under this section are intended to
12 provide information to the federal, state and local governments and to the
13 public, including citizens of communities surrounding facilities covered by
14 this section. The release form shall be available consistent with the trade
15 secret provisions of title III to inform persons about releases of toxic
16 chemicals to the environment, to assist governmental agencies, researchers
17 and other persons in conducting research and data gathering, to aid in
18 developing appropriate rules and regulations, guidelines and standards and
19 for similar purposes.

20 I. For purposes of this section:

21 1. "Administrator" means the administrator of the United States
22 environmental protection agency.

23 2. "Manufacture" means to produce, prepare, import or compound a toxic
24 chemical.

25 3. "Process" means the preparation of a toxic chemical after its
26 manufacture for distribution in commerce either:

27 (a) In the same form or physical state as, or in a different form or
28 physical state from, that in which it was received by the person so preparing
29 the chemical.

30 (b) As part of an article containing the toxic chemical.

31 Sec. 27. Repeal

32 Section 49-132, Arizona Revised Statutes, as amended by Laws 2015,
33 chapter 208, section 31, is repealed.

34 Sec. 28. Section 26-352, Arizona Revised Statutes, as amended by Laws
35 1991, chapter 315, section 4, and as renumbered by Laws 2015, chapter 208,
36 section 12, as section 49-132, is amended to read:

37 49-132. Emergency response fund

38 The emergency response fund is established consisting of monies
39 appropriated by the legislature for purposes of ~~section 26-305.02 and~~ this
40 article and federal, private and other monies available for that purpose.
41 The ~~chairman of the commission~~ DEPARTMENT shall manage the fund and expend
42 monies in the fund in performing the functions required or authorized by this
43 article. All interest earned from investing monies in the fund shall be
44 credited to the fund. Monies in the fund are subject to legislative
45 appropriation and are exempt from section 35-190 relating to lapsing of
46 appropriations.

1 Sec. 29. Repeal
2 Laws 2015, chapter 208, section 35 is repealed.

3 Sec. 30. Transfer of monies
4 All unexpended and unencumbered monies remaining in the national guard
5 relief fund established by section 26-183, Arizona Revised Statutes, are
6 transferred to the department of veterans' services. Using the rules or
7 policies for grants adopted pursuant to section 41-608, Arizona Revised
8 Statutes, the department of veterans' services shall distribute the monies
9 transferred pursuant to this section to a nonprofit organization that
10 provides financial assistance to Arizona national guard members and their
11 families.

12 Sec. 31. Retroactive application
13 A. Sections 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29
14 and 30 of this act apply retroactively to from and after July 2, 2015.

15 B. Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 of this act
16 apply retroactively to from and after June 30, 2016.

17 Sec. 32. Effective date
18 Section 14 of this act is effective from and after December 31, 2017.

APPROVED BY THE GOVERNOR MAY 17, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 18, 2016.