

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

## CAUCUS AGENDA

June 12, 2024

Bill Number	Short Title	Committee	Date	Action
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### Committee on Health & Human Services

**Chairman:** Steve Montenegro, LD 29

**Vice Chairman:** Barbara Parker, LD 10

**Analyst:** Ahjahna Graham

**Intern:** Kayla Thackeray

[SB 1036](#)<sub>(BSI)</sub> social work compact

SPONSOR: SHOPE, LD 16

HHS	3/18/2024	DP	(8-2-0-0)
(No: PARKER B, PINGERELLI)			

[SB 1267](#)<sub>(BSI)</sub> physical therapy assistants; students; supervision

SPONSOR: SHOPE, LD 16

HHS	3/18/2024	DPA	(6-2-0-2)
(No: PARKER B, PINGERELLI Abs: MATHIS, WILLOUGHBY)			

[SB 1570](#)<sub>(BSI)</sub> psilocybin services; regulation; licensure

SPONSOR: SHOPE, LD 16

HHS	3/11/2024	DP	(8-2-0-0)
(No: PARKER B, PINGERELLI)			

### Committee on Military Affairs & Public Safety

**Chairman:** Kevin Payne, LD 27

**Vice Chairman:** Rachel Jones, LD 17

**Analyst:** Nathan McRae

**Intern:** Tanner Mitchell

[SB 1174](#)<sub>(BSI)</sub> tuition; family; posttraumatic stress; suicide

SPONSOR: GOWAN, LD 19

MAPS	3/18/2024	DP	(15-0-0-0)
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### Committee on Municipal Oversight & Elections

**Chairman:** Jacqueline Parker, LD 15

**Vice Chairman:** Alexander Kolodin, LD 3

**Analyst:** Joel Hobbins

**Intern:** Casey Edwards

[SCR 1023](#)<sub>(BSI)</sub> general election day; all offices

SPONSOR: MESNARD, LD 13

MOE	3/13/2024	DP	(5-4-0-0)
(No: AGUILAR, HERNANDEZ M, TERECH, VILLEGAS)			

[SCR 1041](#)<sub>(BSI)</sub> ballot measures; challenges

SPONSOR: MESNARD, LD 13

MOE	3/20/2024	DP	(5-4-0-0)
(No: AGUILAR, HERNANDEZ M, TERECH, VILLEGAS)			

[SCR 1044](#)<sub>(BSI)</sub> judicial retention elections

SPONSOR: GOWAN, LD 19

MOE 3/20/2024 DPA (5-4-0-0)  
(No: AGUILAR, HERNANDEZ M, TERECH, VILLEGAS)

**Committee on Regulatory Affairs**

**Chairman:** Laurin Hendrix, LD 14

**Analyst:** Diana Clay

**Vice Chairman:** Cory McGarr, LD 17

**Intern:** Ryan Potts

[SCR 1012](#)<sub>(BSI)</sub> rulemaking; legislative ratification; regulatory costs

SPONSOR: KERN, LD 27

RA 3/13/2024 DP (4-3-0-0)  
(No: HERNANDEZ A, CREWS, LIGUORI)

**Committee on Ways & Means**

**Chairman:** Neal Carter, LD 15

**Analyst:** Vince Perez

**Vice Chairman:** Justin Heap, LD 10

**Intern:** Michael Galpin

[SB 1636](#)<sub>(BSI)</sub> excise tax; jet fuel; definition

SPONSOR: CARROLL, LD 28

WM 3/13/2024 DP (10-0-0-0)



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature  
Second Regular Session

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

House: HHS DP 8-2-0-0

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## **SB 1036: social work compact** **Sponsor: Senator Shope, LD 16** **Caucus & COW**

### **Overview**

Adopts the Social Work Licensure Compact (Compact) to facilitate interstate practice of regulated social workers by improving public access to competent social work services. Creates the Social Work Licensure Compact Commission (Commission).

### **History**

[Laws 1988, Chapter 313](#) created the [Arizona Board of Behavioral Health Examiners](#) (AzBBHE) to regulate professionals in the fields of Social Work, Professional Counseling and Marriage and Family Therapy. There are three types of social workers licensed by AzBBHE: 1) baccalaureate social workers (BSW); 2) master social workers (MSW); and 3) clinical social workers (CSW) (A.R.S. §§ [32-3251](#) and [32-3253](#)).

BSW licensees must obtain a baccalaureate degree in social work from a regionally accredited college or university in a program accredited by the Council on Social Work Education (CSWE) or an equivalent foreign degree as determined by the Foreign Equivalency Determination Service of the CSWE to be licensed. MSW and CSW licensees must have a master's or higher degree in social work from a regionally accredited college or university in a program accredited by the CSWE or an equivalent foreign degree as determined by the Foreign Equivalency Determination Service of the CSWE. All social work licensees must receive a passing score on an approved examination for the level of licensure requested within 12 months after receiving written examination authorization from the AzBBHE (A.R.S. §§ [32-3291](#), [32-3292](#) and [32-3293](#)).

AzBBHE administrative rules outline the supervised work experience requirements for CSWs. Specifically, CSWs must demonstrate completion of at least 3200 hours of supervised work experience in the practice of clinical social work in no less than 24 months. Supervised work experience in the practice of clinical social work includes: 1) at least 1600 hours of direct client contact involving the use of psychotherapy; 2) no more than 400 of the 1600 hours of direct client contact are in psychoeducation; 3) at least 100 hours of clinical supervision; and 4) no more than 1600 hours of indirect client contact related to psychotherapy services. There is no supervised work experience requirement for licensure as a BSW or MSW. These professionals can only engage in clinical practice under direct supervision as prescribed by AzBBHE ([4 A.A.C. 6](#)).

According to the Council of State Governments, Missouri and South Dakota are the only states that have adopted the Compact though legislation is currently pending in 25 states ([Council of State Governments](#)).

### **Provisions**

#### ***Purpose***

1. Declares that the purpose of the Compact is to facilitate the interstate practice of social workers by improving public access to competent social work services. (Sec. 1)
2. Declares that the Compact preserves the regulatory authority of the states to protect public health and safety through the current system of state licensure. (Sec. 1)
3. Outlines the objectives the Compact is designed to achieve. (Sec. 1)

#### ***State Participation in the Compact***

4. States that in order to participate in the Compact, a potential member state must currently meet all of the following criteria:
  - a) license and regulate the practice of social work at either the clinical, master's or bachelor's category;

- b) require license applicants to graduate from a program that is operated by a recognized college or university or accredited by a recognized accrediting agency;
  - c) require license applicants to complete a period of supervised practice; and
  - d) have a mechanism in place for receiving, investigating and adjudicating complaints about licensees. (Sec. 1)
5. States that in order to maintain membership in the Compact, a member state must do all of the following:
- a) require applicants for a multistate license to pass a qualifying national exam for the corresponding category of license sought;
  - b) participate fully in the Commission's data system, including using the Commission's unique identifier;
  - c) notify the Commission of any adverse action or the availability of investigative information regarding a licensee;
  - d) implement or use procedures for considering the criminal history records of applicants for an initial privilege to practice, including the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the federal bureau of investigation and the agency responsible for retaining that state's criminal records, as outlined;
  - e) comply with the rules of the Commission;
  - f) require an applicant to obtain or retain a license in the home state and meet the home state's qualifications for licensure or renewal of licensure, as well as all other applicable home state laws;
  - g) authorize a licensee holding a multistate license in any member state to practice in accordance with the terms of the Compact and Commission rules; and
  - h) designate a delegate to participate in the Commission meetings. (Sec. 1)
6. Requires a member state to designate the categories of social work licensure that are eligible for issuance of a multistate license. (Sec. 1)
7. Permits a state that does not meet Compact requirements for participation in any particular category to choose to issue a multistate license to qualified applicants for licensure in such category. (Sec. 1)
8. Permits a home state to charge a fee for a multistate license. (Sec. 1)

***Social Worker Participation in the Compact***

9. Specifies that in order to be eligible for a multistate license under the Compact, regardless of category, an applicant must:
- a) hold or be eligible for an active, unencumbered license in the home state;
  - b) pay any applicable fees, including any state fee for the multistate license;
  - c) submit fingerprints or other biometric data for purposes of a criminal records check;
  - d) notify the home state of any adverse action, encumbrance or restriction on any professional license taken by any member state or nonmember state within 30 days after the date the action is taken;
  - e) meet any continuing competence requirements established by the home state; and
  - f) abide by the laws, regulations and applicable standards in the member state where the client is located at the time care is rendered. (Sec. 1)
10. Instructs applicants for a clinical-category multistate license to meet all of the following requirements:
- a) fulfill a competency requirement, satisfied by passage of a clinical-category qualifying national exam, licensure in the applicant's home state or the substantial equivalent of foregoing competency requirements as determined by the Commission;
  - b) attain at least a master's degree in social work from a program that is operated by a recognized college or university and accredited by a recognized accrediting agency as outlined;
  - c) fulfill a practice requirement by way of postgraduate supervised clinical practice or the substantial equivalent of foregoing the practice requirements as determined by the Commission. (Sec. 1)
11. Requires an applicant for a master's category multistate license to:
- a) fulfill a competency, satisfied by passage of a qualifying national exam, licensure in the applicant's home state or the substantial equivalent of foregoing competency requirements as determined by the Commission; and
  - b) attain at least a master's degree in social work from a program that is operated by a recognized college or university and accredited by a recognized accrediting agency, as outlined. (Sec. 1)
12. States that an applicant for a bachelor's-category multistate license must:
- a) fulfill a competency requirement, satisfied by passage of a qualifying national exam, licensure in the applicant's home state or the substantial equivalent of foregoing competency requirements as determined by the Commission; and

- b) attain at least a bachelor's degree in social work from a program that is operated by a recognized college or university and accredited by a recognized accrediting agency. (Sec. 1)
- 13. Subjects multistate licenses to the renewal requirements of the social worker's home state. (Sec. 1)
- 14. Directs a social worker to maintain compliance with Compact eligibility requirements to be eligible for renewal. (Sec. 1)
- 15. Subjects the social worker's services in a remote state to that state's regulatory authority. (Sec. 1)
- 16. Permits a remote state to remove a social worker's multistate authorization to practice in the state for a specified period of time, impose fines and take any other necessary actions to protect the health and safety of its citizens. (Sec. 1)
- 17. Deactivates a social worker's multistate authorization to practice upon encumbrance of the social worker's multistate license, in all states, until the license is no longer encumbered. (Sec. 1)
- 18. Specifies that, if a social worker's multistate authorization to practice is encumbered in a remote state, the social worker's multistate authorization to practice may be deactivated in that state until unencumbered. (Sec. 1)

#### ***Issuance of Multistate License***

- 19. Requires the home state licensing authority to determine the applicant's eligibility for a multistate license on receipt of an application for a multistate license. (Sec. 1)
- 20. Authorizes the home state licensing authority to issue a multistate license that enables the applicant or regulated social worker to practice in all member states under a multistate authorization to practice. (Sec. 1)
- 21. States that on issuance of a multistate license the home state licensing authority must designate whether the regulated social worker holds a multistate license in the bachelor's, master's or clinical categories of social work. (Sec. 1)
- 22. Asserts that a multistate license issued by the home state to a resident must be recognized by all Compact member states as authorizing social work practice under a multistate authorization to practice corresponding to each licensure category regulated in each member state. (Sec. 1)

#### ***Authority of Interstate Compact Commission and Member State Licensing Authorities***

- 23. States that the Compact and any rule of the Commission does not limit, restrict or reduce the ability of:
  - a) a member state to enact and enforce laws, regulations or other rules related to the practice of social work in that state if they are not inconsistent with the Compact;
  - b) a member state to take adverse action against a licensee's single state license to practice social work in that state;
  - c) a remote state to take adverse action against a licensee's multistate authorization to practice in that state; and
  - d) a licensee's home state to take adverse action against a licensee's multistate license based on information provided by a remote state. (Sec. 1)
- 24. Clarifies that the Compact does not affect requirements established by a member state for the issuance of a single state license. (Sec. 1)

#### ***Reissuance of a Multistate License by a New Home State***

- 25. Permits a licensee to hold a multistate license in only one member state at a time. (Sec. 1)
- 26. Requires, if a licensee changes home state by moving between two member states:
  - a) the licensee to immediately apply for a reissued multistate license in the new home state and pay all applicable fees as well as notify the prior home state of the move;
  - b) the new home state, on receipt of an application for reissuance, to verify that the multistate license is active, unencumbered and eligible for reissuance under the Compact; and
  - c) the new home state, prior to reissuance of a multistate license, to conduct procedures for considering the criminal history records of the licensee. (Sec. 1)
- 27. Permits a new home state to require completion of jurisprudence requirements for licensees who change home state. (Sec. 1)
- 28. States that if a licensee does not meet the Compact requirements for reissuance, the licensee must be subject to the new home state requirements for issuance of a single-state license. (Sec. 1)

29. Subjects a licensee that moves from a member state to a nonmember state to the requirements for issuance of a single state license in the new state. (Sec. 1)
30. Clarifies that the Compact does not interfere with:
  - a) a licensee's ability to hold a single state license in multiple states; or
  - b) the requirements of a member state for the issuance of a single state license. (Sec. 1)
31. States that a licensee can have only one home state license and one multistate license. (Sec. 1)

#### ***Adverse Actions***

32. Enables a home state the authority to:
  - a) take adverse action against a social worker's multistate authorization to practice only within that member state; and
  - b) issue subpoenas for both hearings and investigations that require attendance and testimony of witnesses, as well as the production of evidence. (Sec. 1)
33. Requires subpoenas issued by a state licensing authority to be enforced by the latter state by any court of competent jurisdiction. (Sec. 1)
34. Requires a state licensing authority issuing a subpoena to pay any witness fees, travel expenses, mileage and other fees required in the state the witness or evidence is located. (Sec. 1)
35. Provides home states the power to impose adverse action against a social worker's multistate license. (Sec. 1)
36. Specifies that, for purposes of taking adverse action, a home state must give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state and apply its own laws to determine appropriate action. (Sec. 1)
37. Requires a home state to complete any pending investigations of a social worker who changes primary state of residence during the course of the investigations. (Sec. 1)
38. Provides a home state the authority to take any appropriate action and promptly report the conclusions of the investigations to the administrator of the Commission data system. (Sec. 1)
39. Requires the administrator of the Commission data system to promptly notify the new home state of any adverse actions. (Sec. 1)
40. Permits member states to recover the costs of investigations and disposition of cases from the affected social worker. (Sec. 1)
41. Authorizes a member state to take adverse action based on the factual findings of the remote state, provided that the member state follows its own procedures for taking the adverse action. (Sec. 1)
42. Permits member states to conduct joint investigations of social workers. (Sec. 1)
43. Requires member states to share any investigative, litigation or compliance materials in furtherance of any joint or individual investigation. (Sec. 1)
44. Specifies that a social worker's multistate authorization is deactivated, if any adverse action is taken by the licensee's home state, until all encumbrances on the license have been removed. (Sec. 1)
45. Directs that all home state disciplinary orders that impose adverse action against a social worker's license include a statement that the individual's multistate authorization is deactivated in all member states until all conditions of the decision, order or agreement are satisfied. (Sec. 1)
46. Requires a member state that takes adverse action to promptly notify the data system administrator. (Sec. 1)
47. Instructs the data system administrator to promptly notify the home state of any adverse actions by remote states. (Sec. 1)
48. States that the Compact does not override a member state's decision that participation in an alternative program may be used in lieu of adverse action. (Sec. 1)
49. Declares that the Compact does not authorize a member state to demand the issuance of subpoenas for attendance and testimony of witnesses or the production of evidence from another member state for lawful actions within that state. (Sec. 1)

### ***Compact Commission***

50. Creates and establishes a joint government agency whose membership consists of all member states that have enacted the Compact known as the Social Work Licensure Compact Commission. (Sec. 1)
51. Establishes the Commission on or after the effective date of the Compact, as provided in the Compact. (Sec. 1)
52. Specifies that the Commission is an instrumentality of all Compact states and not any one state. (Sec. 1)
53. Sets membership, powers, duties and requirements of the Commission. (Sec. 1)
54. Creates an executive committee with the power to act on behalf of the Commission. (Sec. 1)
55. Establishes membership, powers, duties and requirements of the executive committee. (Sec. 1)
56. Requires Commission meetings to be open to the public, with properly provided public notice. (Sec. 1)
57. Outlines hearing requirements and guidelines for meetings of the Commission and the executive committee. (Sec. 1)
58. Permits the Commission and the executive committee to convene for a closed, nonpublic meeting for legal advice or to discuss outlined topics. (Sec. 1)
59. Directs the Commission's presiding officer to state that a meeting will be closed and reference each relevant exempting provision. (Sec. 1)
60. Directs the Commission to keep minutes of meetings and provide a full and accurate summary of actions taken. (Sec. 1)
61. Outlines financial requirements and authorities of the Commission. (Sec. 1)
62. Holds harmless from liability the members, officers, executive director, employees and representatives of the Commission for any claim for damage to or loss of property, personal injury or other civil liability caused by an act, error or omission that occurred, unless the damage, loss, injury or liability was caused by the intentional, willful or wanton misconduct of that person. (Sec. 1)
63. Forbids insurance procured by the Commission from in any way compromising or limiting immunity granted under the Compact. (Sec. 1)
64. Requires the Commission to defend any member, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability for an act, error or omission that occurred within the scope of Commission employment, duties or responsibilities. (Sec. 1)
65. Permits a person to retain private counsel in any action against the person if the act was not a result of intentional, willful or wanton misconduct. (Sec. 1)
66. Directs the Commission to indemnify and hold harmless any member, officer, executive director, employee or Commission representative for the amount of any settlement or judgment obtained against that person arising out of an act, error or omission that occurred within the scope of Commission employment, duties or responsibilities if the act was not a result of intentional, willful or wanton misconduct. (Sec. 1)
67. Clarifies that the Compact:
  - a) does not limit the liability of any licensee for professional malpractice or misconduct, which is governed solely by state law;
  - b) does not waive or abrogate a member state's action immunity or state action affirmative defense with respect to antitrust claims under federal law or regulation; and
  - c) is not a waiver of sovereign immunity by the member states or the Commission. (Sec. 1)

### ***Data System***

68. Directs the Commission to develop, maintain and utilize a coordinated database and reporting system containing licensure, adverse action and investigative information on all licensed individuals in member states. (Sec. 1)
69. Requires member states to submit uniform data sets to the data system on all Compact individuals using a unique identifier that includes specified information. (Sec. 1)

70. Asserts that the certified records and information provided to member states under the Compact or through the data system constitute the authenticated business records of the Commission and are entitled to any associated hearsay exception in any proceeding in a member state. (Sec. 1)
71. Restricts current significant investigative information pertaining to a licensee in any member state from being made available to nonmember states. (Sec. 1)
72. Deems it the responsibility of the member states to report any adverse action against a licensee and to monitor the database to determine whether action has been taken against a licensee. (Sec. 1)
73. Makes adverse action information for licensees available to all member states. (Sec. 1)
74. Permits member states that contribute information to the data system to designate confidential information that may not be shared without express permission. (Sec. 1)
75. Instructs any data system information that must be expunged to be removed from the data system. (Sec. 1)

### ***Rulemaking***

76. Requires the Commission to promulgate reasonable rules to implement and administer the purpose of the Compact effectively and efficiently. (Sec. 1)
77. Declares a rule invalid and without force or effect if a court of competent jurisdiction holds the rule invalid because the Commission acted beyond the scope of the Compact. (Sec. 1)
78. Stipulates that Commission rules have the force of law in each member state unless they conflict with the laws, regulations and standards of a member state. (Sec. 1)
79. States that Commission rules are ineffective to the extent of a conflict with the laws, regulations and standards of a member state. (Sec. 1)
80. Requires the Commission to exercise its rulemaking authorities pursuant to the Compact and rules established under the Compact. (Sec. 1)
81. Deems that the rules and amendments to the rules become binding on the day following adoption or the date specified in the rule or amendment, whichever is later. (Sec. 1)
82. Specifies that a rule has no further force or effect in any member state if a majority of the legislatures of the member states rejects a rule by enactment of a statute or resolution in the same manner used to adopt the Compact, within four years of the adoption of the rule. (Sec. 1)
83. Requires rules to be adopted at a regular or special meeting. (Sec. 1)
84. Directs the Commission, before adopting a proposed rule, to hold a public hearing and allows persons to provide oral and written comments, data, facts, opinions and arguments. (Sec. 1)
85. Requires the Commission, before adopting a final rule, to file a notice of proposed rulemaking at least 30 days before the meeting at which the rule will be considered and voted on, with notice provided on the website of:
  - a) the Commission or other publicly accessible platform; and
  - b) each member state's professional counseling licensing board or other publicly accessible platform in which each state would otherwise publish proposed rules. (Sec. 1)
86. Outlines requirements for notices of proposed rulemaking. (Sec. 1)
87. Requires all hearings to be recorded and made available to the public, along with all written comments and documents received by the Commission in response to the proposed rule. (Sec. 1)
88. Directs the Commission to:
  - a) take final action on a proposed rule by majority vote and determine the effective date of the rule, no longer than 30 days after noticing the adopted or amended rule; and
  - b) provide an explanation of the reasons for the substantive changes made to the proposed rule as well as an explanation of why changes recommended by commenters were not made. (Sec. 1)
89. Outlines Commission guidelines for convening hearings. (Sec. 1)
90. Permits the Commission to proceed with adopting a proposed rule without a public hearing if no written notice of intent to attend the public hearing by interested parties is received. (Sec. 1)



91. Allows the Commission to consider and adopt an emergency rule with 48-hours' notice, with an opportunity for comment, if the Commission determines that an emergency exists and usual rulemaking procedures provided in the Compact are retroactively applied as soon as reasonably possible, within 90 days. (Sec. 1)
92. Asserts that an emergency rule is one that must be adopted immediately in order to:
  - a) meet an imminent threat to public health, safety or welfare;
  - b) prevent a loss of Commission or member state funds;
  - c) meet a deadline for the adoption of an administrative rule established by federal law; or
  - d) protect public health and safety. (Sec. 1)
93. Permits the Commission or an authorized committee to direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. (Sec. 1)
94. Requires public notice of any revisions to be posted on the Commission website. (Sec. 1)
95. States that revisions are subject to challenge by any person for 30 days on the grounds that the revision results in a material change to a rule. (Sec. 1)
96. Requires any challenge to be made in writing and delivered to the Chairperson of the Commission before the end of the notice period. (Sec. 1)
97. Stipulates that the revision takes effect without further action if no challenge is made. (Sec. 1)
98. Specifies that, if the revision is challenged, the revision may not take effect without the approval of the Commission. (Sec. 1)
99. States that a member state's rulemaking requirements do not apply under the Compact. (Sec. 1)

### ***Oversight, Dispute Resolution and Enforcement***

100. Requires the executive and judicial branches of state government in each member state to enforce the Compact and take all actions necessary and appropriate to implement the Compact. (Sec. 1)
101. Requires judicial proceedings by or against the Commission to be brought exclusively in a court of competent jurisdiction where the principal office of the Commission is located. (Sec. 1)
102. Permits the Commission to waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. (Sec. 1)
103. States that the Compact does not affect or limit the selection or proprietary of venue in any action against a licensee for professional malpractice, misconduct or a similar matter. (Sec. 1)
104. Entitles the Commission to receive service of process as well as standing to intervene in a proceeding for all purposes. (Sec. 1)
105. Specifies that failure to provide service of process to the Commission renders a judgment or order void. (Sec. 1)
106. Directs the Commission, if a member state has defaulted in the performance of its obligations or responsibilities under the Compact, to:
  - a) provide written notice of default to the defaulting state and other member states, including the proposed means of curing the default and any other action to be taken by the Commission; and
  - b) provide remedial training and specific technical assistance regarding the default. (Sec. 1)
107. Allows a defaulting state that fails to cure a default to be terminated from the Compact, upon a majority vote of member states. (Sec. 1)
108. Specifies that curing a default does not relieve an offending state of obligations or liabilities incurred during the period of default. (Sec. 1)
109. Permits termination of Compact membership only after all other means of securing compliance have been exhausted. (Sec. 1)
110. Requires the Commission to provide notice of intent to suspend or terminate a state to the governor, the majority and minority leaders of the state's legislature and the licensing authorities of the defaulting state and each of the member states. (Sec. 1)

111. Specifies that a terminated state is responsible for all assessments, obligations and liabilities incurred, including obligations that extend beyond the effective date of termination. (Sec. 1)
112. Requires a state that terminates Compact membership to immediately provide notice to all licensees within the state. (Sec. 1)
113. Directs the terminated state to continue to recognize all licenses granted under the Compact for at least six months after the date of termination. (Sec. 1)
114. Prevents the Commission from bearing any costs related to a defaulting or terminated state, unless agreed to in writing between the Commission and the defaulting state. (Sec. 1)
115. Allows a defaulting state to appeal an action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. (Sec. 1)
116. Grants all costs of litigation, including reasonable attorney fees, to the prevailing party. (Sec. 1)
117. Requires the Commission to attempt to resolve Compact disputes between member states or member states and nonmember states upon request by a member state. (Sec. 1)
118. Requires the Commission to promulgate a rule providing for both mediation and binding dispute resolution. (Sec. 1)
119. Allows the Commission, by majority vote, to initiate legal action and seek injunctive relief and damages, in the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices, against a defaulting member state to enforce Compact compliance and rules. (Sec. 1)
120. States that Compact remedies are not the exclusive remedies of the Commission and that the Commission may pursue any other remedies available under federal or state law. (Sec. 1)
121. Authorizes a member state to initiate legal action and seek injunctive relief and damages against the Commission, in the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices, to enforce compliance with Compact terms and adopted rules. (Sec. 1)
122. Specifies that, if judicial enforcement is necessary, the prevailing party is awarded all costs of litigation, including reasonable attorney fees. (Sec. 1)
123. Prohibits any person from enforcing the Compact against the Commission. (Sec. 1)

#### ***Effective Date, Withdrawal and Amendment***

124. Declares the Compact effective on the date on which the Compact statute is enacted into law by the seventh member state. (Sec. 1)
125. Requires the Commission to convene, on or after the effective date, and review the enactment of each of the first seven member states, known as the charter member states, to determine if the statute enacted by each charter member state is materially different than the model Compact statute. (Sec. 1)
126. Entitles a charter member state whose enactment is materially different than the model Compact statute to the default process established the Compact. (Sec. 1)
127. Specifies that, if a charter member state is later found to be in default or is terminated or withdraws from the Compact, the Commission remains in existence and the Compact remains in effect. (Sec. 1)
128. Subjects member states enacting the Compact after the seven initial charter member states to the Compact process for determining if enactments are materially different from the model Compact statute and whether a state qualifies for participation in the Compact. (Sec. 1)
129. Declares all actions taken prior to the effective date of the Compact or the Commission coming into existence, for the benefit of the Commission or in furtherance of Compact administration, to be actions of the Commission unless specifically repudiated by the Commission. (Sec. 1)
130. Specifies that any state that joins the Compact subsequent to the Commission's initial adoption of rules is subject to the rules in place on the effective date of the Compact. (Sec. 1)
131. States that any rule previously adopted by the Commission has the full force and effect of law on the effective date of the Compact. (Sec. 1)

132. Authorizes any member state to withdraw from the Compact by enacting a statute repealing the Compact. (Sec. 1)
133. Specifies that a member state's withdrawal does not:
- a) take effect until 180 days after repealing the enacting statute; or
  - b) affect the continuing requirement of the withdrawing state's licensing authority to comply with the investigative and adverse action reporting requirements of the Compact before the date of withdrawal. (Sec. 1)
134. Requires a withdrawing state to immediately notify all licensees of withdrawal and continue to recognize all licenses granted under the Compact for at least 180 days. (Sec. 1)
135. States that the Compact does not invalidate or prevent any professional counseling licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the Compact. (Sec. 1)
136. Allows the Compact to be amended by the member states. (Sec. 1)
137. Specifies that a Compact amendment does not become effective until it is enacted by all member states. (Sec. 1)

***Construction and Severability***

138. Requires the Compact and the Commission's rulemaking authority to be liberally construed to effectuate the Compact's purposes, implementation and administration. (Sec. 1)
139. Requires the provisions of the Compact to be severable. (Sec. 1)
140. Asserts that, if any phrase, clause, sentence or provision of the Compact is declared to be contrary to the constitution of a member state, a state seeking Compact membership or the United States, the validity of the remainder of the Compact and the applicability to any government, agency, person or circumstance is not affected. (Sec. 1)
141. Allows the Commission to deny a state's participation in the Compact or terminate a member state's participation if it determines that a state constitutional requirement is a material departure from the Compact. (Sec. 1)
142. Specifies that, if the Compact is held to be contrary to the constitution of a member state, the Compact remains in full force and effect in:
- a) the remaining member states; and
  - b) the affected member state as to all severable matters. (Sec. 1)

***Consistent Effect and Conflict with Other State Laws***

143. Directs licensees practicing with Compact privileges in a remote state to adhere to the laws and regulations, including scope of practice, of the remote state where the client is located at the time of care. (Sec. 1)
144. Clarifies that the Compact does not prevent the enforcement of any other law of a member state that is not inconsistent with the Compact. (Sec. 1)
145. States that any laws, statutes, regulations or other legal requirements of a member state that are in conflict with the Compact are superseded to the extent of the conflict. (Sec. 1)
146. Specifies that all agreements between the Commission and member states are binding in accordance with their terms. (Sec. 1)

***Miscellaneous***

147. Defines terms. (Sec. 1)

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

Fifty-sixth Legislature  
Second Regular Session

Senate: HHS DPA 7-0-0-0 | 3rd Read 30-0-0-0

House: HHS DPA 6-2-0-2

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## **SB 1267: physical therapy assistants; students; supervision**

**Sponsor: Senator Shope, LD 16**

**Caucus & COW**

### **Overview**

Requires physical therapy assistants to be licensed rather than certified. Requires the Arizona Health Care Cost Containment System (AHCCCS) and its contractors, subject to approval by the Centers for Medicare and Medicaid Services (CMS), to provide an exception to any visit limitation for physical therapy services when a member's condition is justified by documentation indicating that the member requires continued skilled therapy. Defines and revises terms related to the practice of physical therapy.

### **History**

[Laws 1952, Chapter 36](#) created the Arizona State Board of Physical Therapy (Board) to regulate the practice of physical therapy in Arizona, certify qualified applicants and take enforcement action and disciplinary action as necessary. Board responsibilities include: 1) evaluating, licensing and certifying qualified applicants; 2) providing national examinations and determining passing scores for physical therapists and physical therapist assistants; 3) establishing mechanisms to assess continued professional competence of physical therapists and physical therapist assistants; 4) maintaining a current list of all persons regulated by the Board; 5) publishing final disciplinary actions taken against a licensee or certificate holder; 6) entering into contracts for services as necessary to carry out the Board's duties; and 7) providing information to the public regarding the Board, its processes and consumer rights ([A.R.S. § 32-2003](#)).

The *practice of physical therapy* means examining, evaluating and testing persons with mechanical, physiological and developmental impairments, functional limitations and disabilities or other health and movement related conditions in order to determine a diagnosis, a prognosis and a plan of therapeutic intervention and to assess the ongoing effects of intervention, including ordering musculoskeletal imaging consisting of plain film radiographs. It includes alleviating impairments and functional limitations by managing, designing, implementing and modifying therapeutic interventions as outlined in statute.

*Physical therapy* means the care and services provided by or under the direction and supervision of a licensed physical therapist. *Physical therapy assistants* are individuals who meet certification requirements and perform physical therapy procedures and related tasks that have been selected and delegated by the supervising physical therapist. *Assistive personnel* consist of: 1) physical therapist assistants; 2) physical therapy aides; and 3) other assistive personnel who are trained or educated health care providers who perform specific designated tasks related to physical therapy under the supervision of a physical therapist. *Assistive personnel* does not include personnel assisting other licensed health care professionals in performing delegable treatment responsibilities within the personnel's scope of practice ([A.R.S. § 32-2001](#)).

A physical therapist is responsible for patient care given by assistive personnel under the physical therapist's supervision. A physical therapist may delegate to assistive personnel and supervise selected acts, tasks or procedures that fall within the scope of physical therapy practice but that do not exceed the education or training of the assistive personnel ([A.R.S. § 32-2043](#)).

### **Provisions**

1. Modifies the term *physical therapist assistant* to mean a person who meets the requirements for licensure, rather than certification, and performs physical therapy procedures according to the physical therapy care plan under the on-site supervision of the supervising physical therapist. (Sec. 1)
2. Modifies the *practice of physical therapy* to include ordering imaging and laboratory tests within the scope of practice and with appropriate training and education approved by the Board, or to form the basis for referring patients to other health care professionals. (Sec. 1)
3. Modifies the definition of *on-site supervision* to:

- a) mean a supervising physical therapist that is on site and is present in the facility or on the campus where a student physical therapist or a student physical therapist assistant is performing services; and
  - b) include supervision provided through telehealth. (Sec. 1)
4. Defines *student physical therapist* as a person enrolled in a Doctor of Physical Therapy Program that is accredited by or has candidate status by the Commission Accreditation in Physical Therapy Education (Commission). (Sec. 1)
  5. Defines *student physical therapist assistant* as a person enrolled in an academic physical therapist assistant program that is accredited by or has candidate status by the Commission. (Sec. 1)
  6. Specifies that assistive personnel do not include student physical therapists or student physical therapist assistants. (Sec. 1)
  7. Replaces the term certification with licensure as it relates to physical therapy assistants. (Sec. 1-14 and 16-20)
  8. Asserts that a physical therapist is responsible for patient care given by student physical therapists and student physical therapy assistants under the physical therapist's supervision. (Sec. 15)
  9. Removes the requirement that a licensed physical therapist must determine the use of physical therapist assistants and other assistive personnel for each patient on each date of service. (Sec. 15)
  10. Allows a certified physical therapist to retain their certification until renewal. (Sec. 22)
  11. Requires the Board to issue a license to a certified physical therapist assistant on the date of their certification renewal. (Sec. 22)
  12. Directs AHCCCS and its contractors, subject to approval by CMS, to provide an exception to any visit limitation for physical therapy services when a member's condition is justified by documentation indicating that the member requires continued skilled therapy. (Sec. 21)
  13. Removes the definition of a *restricted certificate*. (Sec. 1)
  14. Makes technical and conforming changes. (Sec. 1-3, 5, 7, 10-13, 15, 17-21)

**Amendments**

*Committee on Health & Human Services*

1. Modifies the definition of the *practice of physical therapy* to include ordering imaging, rather than musculoskeletal imaging consisting of plain film radiographs.
2. Makes conforming changes.

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

Fifty-sixth Legislature  
Second Regular Session

Senate: HHS DP 7-0-0-0 | 3rd Read 24-4-2-0

House: HHS DP 8-2-0-0

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## **SB 1570: psilocybin services; regulation; licensure**

**Sponsor: Senator Shope, LD 16**

**Caucus & COW**

### **Overview**

Directs the Arizona Department of Health Services (DHS), by January 1, 2026, to begin receiving applications to license psychedelic-assisted therapy centers and outlines licensure requirements and restrictions. Creates the Advisory Psilocybin Advisory Board (Advisory Board) and the Psilocybin Control and Regulation Fund (Fund).

### **History**

[Laws 2023, Chapter 139](#) appropriated \$5 million in FY 2024 to DHS to provide competitive research grants for whole mushroom psilocybin phase one, phase two and phase three clinical trials that are capable of being approved by the U.S. Food and Drug Administration (FDA) in order to evaluate the effects of whole mushroom psilocybin on treating certain disorders. The law established a four-member Psilocybin Research Advisory Council (Advisory Council) to: 1) establish criteria for the clinical trials that qualify to receive the research grants; 2) oversee the application process and review applications for the research grants to assist the DHS Director in selecting the most credible clinical trials; and 3) ensure that all council meetings are open to the public and allow for public participation. Annually on June 1, the Advisory Council makes recommendations to the Governor, Legislature and DHS on psychedelic-assisted therapies based on current and federal state research policies. Grants must be awarded by February 1 of each year and the grant program is repealed on July 1, 2026.

According to the U.S. Drug Enforcement Administration (DEA), Psilocybin is a halogenic chemical obtained from certain types of fresh or dried mushrooms it is currently a Schedule I controlled substance under federal law ([DEA Fact Sheet, Psilocybin](#)).

The U.S. Food and Drug Administration (FDA) published a new draft guidance on June 23, 2023, to provide considerations to researchers investigating the use of psychedelic drugs for potential treatment of medical conditions, including psychiatric or substance use disorders ([FDA](#)).

### **Provisions**

#### ***Psilocybin Control and Regulation Fund***

1. Establishes the Psilocybin Control and Regulation Fund (Fund) to be administered by DHS consisting of fees and civil penalties collected through the regulation of psilocybin. (Sec. 1)
2. Specifies that monies in the Fund are continuously appropriated and are exempt from lapsing. (Sec. 1)
3. Permits Fund monies to be used to provide grants for psilocybin clinical trials. (Sec. 1)

#### ***Arizona Psilocybin Advisory Board***

4. Establishes the Advisory Board within DHS and outlines membership. (Sec. 1)
5. Requires the Advisory Board to:
  - a) publish an annual report;
  - b) approve training programs for licensees and health professionals who provide psilocybin services; and
  - c) make recommendations to DHS relating to manufacturing, cultivating, possessing and transporting psilocybin. (Sec. 1)
6. Allows the Advisory Board to:
  - a) advise and make recommendations to DHS regarding the implementation of the licensure and regulation of psychedelic-assisted therapy centers;
  - b) determine the health and safety warnings and other disclosures that must be made to a patient before the patient receives psilocybin services;

- c) recommend the formulation of a code of professional conduct for licensed individuals, including a code of ethics; and
  - d) monitor and study federal laws, regulations and policies regarding psilocybin. (Sec. 1)
7. Directs the Governor, Speaker of the House of Representatives and President of the Senate to appoint Advisory Board members by December 31, 2024. (Sec. 1)
  8. Requires the Advisory Board, by March 1, 2025, to hold its first meeting at a time and place specified by DHS. (Sec. 1)
  9. Requires Advisory Board members to serve four-year terms. (Sec. 1)
  10. Specifies that an Advisory Board member is not eligible for reappointment once the person has been appointed for two full terms, in addition to any time served on the Advisory Board to fill a vacancy. (Sec. 1)
  11. Allows a person to be reappointed to the Advisory Board after the person has been off the Advisory Board for at least two full terms. (Sec. 1)
  12. Directs the Advisory Board to annually elect a chairperson from among its members. (Sec. 1)
  13. Requires the Advisory Board to meet at least once every two calendar months at a time and place determined by the Chairperson or a majority of the voting members. (Sec. 1)
  14. Asserts that Advisory Board members are not eligible to receive compensation but are eligible for reimbursement of expenses. (Sec. 1)
  15. Requires the Advisory Board, by July 31, 2025, and annually thereafter, in consultation with DHS, to publish and distribute to the public a report that includes:
    - a) a summary of available medical, psychological and scientific studies, research and other information relating to the safety and efficacy of psilocybin in treating mental health conditions, including addiction, depression, anxiety disorders and end-of-life psychological distress; and
    - b) a long-term strategic plan for ensuring that psychedelic-assisted therapy will become and remain a safe, accessible and affordable therapeutic option for all persons who are at least 21 years of age and for whom psilocybin may be appropriate, considering federal laws, regulations and policies regarding psilocybin. (Sec. 1)

***Training Programs for Psychedelic-Assisted Therapy Centers***

16. Requires training programs for licensees and health professionals serving as medical directors of psychedelic-assisted therapy center to provide core training that consists of at least 132 hours of instruction. (Sec. 1)
17. Specifies, for training that is not conducted in person, at least 50% of the training must be conveyed through online synchronous learning. (Sec. 1)
18. Asserts that a person who applies to have the person's training program approved must demonstrate that the training program curriculum consists of the following, at minimum:
  - a) 12 hours of instruction in historical, traditional and contemporary practices and applications;
  - b) 12 hours of instruction in safety, ethics and responsibilities;
  - c) 12 hours of instruction in integration;
  - d) 20 hours of instruction in psilocybin pharmacology, neuroscience and clinical research;
  - e) 16 hours of instruction in core facilitation skills, administration, preparation and orientation;
  - f) 16 hours of instruction in group facilitation;
  - g) 4 hours of instruction in the Arizona public mental health system; and
  - h) 4 hours of instruction in the Arizona crisis mental health system. (Sec. 1)
19. Requires training programs to comply with the requirements specified in DHS rules to maintain approved status. (Sec. 1)
20. Permits training programs to offer additional modules or hours of instruction beyond those required in statute. (Sec. 1)

***Licensure of Psychedelic-Assisted Therapy Centers***

21. Directs DHS, by January 1, 2026, to begin receiving applications to license persons to operate psychedelic-assisted therapy centers as a health care institution. (Sec. 1)

22. Subjects all statutes relating to licensure and enforcement, including imposing civil penalties, to psychedelic-assisted therapy centers, except that all licensure, renewal fees and civil penalties collected must be deposited in the Fund. (Sec. 1)
23. Requires DHS to:
  - a) adopt rules, including rules deemed necessary to protect the public health and safety;
  - b) establish and collect application, licensing and renewal fees for licensees;
  - c) adopt rules regulating and prohibiting the advertisement of psilocybin services in a manner that is appealing to minors, promotes excessive use, promotes illegal activity or otherwise presents a significant risk to public health and safety; and
  - d) deposit collected fees in the Fund. (Sec. 1)
24. Prohibits DHS from requiring that a psilocybin product be manufactured by means of chemical synthesis. (Sec. 1)
25. Prohibits DHS from requiring a patient to be diagnosed with or have any particular medical condition in order to be provided psilocybin services. (Sec. 1)
26. Directs psychedelic-assisted therapy centers to be licensed as outpatient treatment centers by DHS for the premises at which psilocybin services are provided. (Sec. 1)
27. Requires a direct owner holding a psychedelic-assisted therapy center license to:
  - a) if a legal entity, provide proof that more than 50% of the shares, membership interests, partnership interests or other ownership interests are held, directly or indirectly by one or more individuals who have been Arizona residents for at least four years;
  - b) if a partnership, provide proof that more than 50% of the partnership interests are held, directly or indirectly, by one or more individuals who have been Arizona residents for at least four years;
  - c) if an individual, provide proof that the individual has been an Arizona resident for at least four years; and
  - d) meet the applicable statutes and DHS rules. (Sec. 1)
28. Directs psychedelic-assisted therapy centers to:
  - a) annually renew a license;
  - b) pay all required application, licensure and renewal fees;
  - c) meet any public health and safety standards and industry best practices established by DHS;
  - d) employ or contract with a health professional who is actively registered under the federal Contracted Substances Act (CSA) and eligible under DHS rule to provide indirect supervision of the psychedelic-assisted therapy center during all hours of operation as the medical director; and
  - e) maintain a record for each staff member that includes:
    - i. verification of having a current unrestricted health professional license;
    - ii. evidence of successfully completing a psilocybin services training program for any employee required to be trained; and
    - iii. evidence that the staff member holds a valid fingerprint clearance card. (Sec. 1)
29. Prohibits DHS from licensing an applicant under 21 years old. (Sec. 1)
30. Permits a psychedelic-assisted therapy center applicant to receive a license if one of the following applies:
  - a) both of the following applies:
    - i. the owner can demonstrate that the psilocybin product to be used is from a manufacturer, distributor, dispenser, imported or exporter licensed under the federal CSA; and
    - ii. the psychedelic-assisted therapy center is operating to conduct research for a clinical trial of whole mushroom psilocybin phase one, phase two and phase three clinical trials that are capable of being approved by the FDA to evaluate the effects of whole mushroom psilocybin;
  - b) a manufacturer, distributor dispenser, importer or exporter becomes available without violating the CSA; or
  - c) the applicant has received Board-approved training. (Sec. 1)
31. Outlines the circumstances in which DHS may refuse to issue or renew a license:
  - a) if the applicant or licensee has not completed the required training;
  - b) if the applicant or licensee has made false statements to DHS;
  - c) if the applicant or licensee has been convicted of violating a federal law, state law or local ordinance if the conviction is substantially related to the applicant's fitness and ability to lawfully carry out activities under the license;
  - d) if the applicant or licensee does not have a good record of compliance with statutes or rules relating to the licensure and regulation of psychedelic-assisted therapy centers;



- e) if the applicant or licensee is not the legitimate owner of the premises or has not disclosed that other persons have ownership interests;
- f) if the applicant or licensee has not demonstrated financial responsibility sufficient to adequately meet the requirements of the premises proposed to be licensed; or
- g) if the applicant or licensee is unable to understand state laws or adopted rules regarding psilocybin products or services. (Sec. 1)

***Fingerprint Clearance Cards***

32. Mandates that psychedelic-assisted therapy center applications must include a copy of a valid fingerprint clearance card issued to an applicant and to any of the following individuals:
- a) if a limited partnership, each general partner;
  - b) if a manger-managed limited liability company, each manager;
  - c) if a member-managed limited liability company, each voting member;
  - d) if a corporation, each director and officer; and
  - e) any individual who holds a financial interest of at least 10% in the applying entity. (Sec. 1)

***Psychedelic-Assisted Therapy Center Location Restrictions***

33. Forbids psychedelic-assisted therapy centers from being located within 1,000 feet of a public or private K-12 school. (Sec. 1)
34. Permits psychedelic-assisted therapy centers to be located within 1,000 feet of a public or private K-12 school if DHS determines that there is a physical or geographic barrier capable of preventing children from traversing to the premises. (Sec. 1)
35. Specifies that, if a public or private K-12 school is established within 1,000 feet of a psychedelic-assisted therapy center, the center may remain at the location unless DHS revokes or refuses to renew the license under another law or rule related to psilocybin products or services. (Sec. 1)

***Psychedelic-Assisted Therapy Center Employees***

36. Allows a patient to consume a psilocybin product only at a licensed psychedelic-assisted therapy center and under supervision of a staff member and the indirect supervision of the medical director. (Sec. 1)
37. Prohibits a psychedelic-assisted therapy center employee from consuming psilocybin products during the administration, integration or preparation session that the employee is supervising. (Sec. 1)
38. Prohibits a licensee of a psychedelic-assisted therapy center from employing a person who is under 21 years of age. (Sec. 1)
39. Allows DHS, during an inspection of the psychedelic-assisted therapy center premises, to require proof that a person performing work at the center is at least 21 years of age. (Sec. 1)
40. Specifies that if the employee does not provide DHS with acceptable proof of age on request, DHS may require the person to immediately cease any activity and leave the premises until the agency receives acceptable proof of age. (Sec. 1)
41. Asserts that this does not apply to a person who is temporarily at the premises to make a service, maintenance or repair call or for other purposes independent of the premises operations. (Sec. 1)
42. Asserts that a licensee's failure to respond to a request for proof of age is prima facie evidence that the licensee has allowed the person to perform work at the premises in violation of the age requirement. (Sec. 1)

***Miscellaneous***

43. Forbids DHS employees from being charged with or prosecuted for possession of psilocybin products if the employee is acting in their official capacity as necessary to ensure compliance with and enforcement of laws relating to psilocybin products or services. (Sec. 1)
44. Defines terms. (Sec. 1-3)
45. Contains a severability clause. (Sec. 5)
46. Makes technical and conforming changes. (Sec. 2-4)

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

Fifty-sixth Legislature  
Second Regular Session

Senate: MAPS DP 7-0-0-0 | APPROP DP 9-1-0-0 | 3<sup>rd</sup> Read 22-5-0-3

House: MAPS DP 15-0-0-0

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## **SB 1174: tuition; family; posttraumatic stress; suicide**

**Sponsor: Senator Gowan, LD 19**

**Caucus & COW**

### **Overview**

Grants eligibility for tuition waiver scholarships (TWSs) to spouses and children of veterans, peace officers or firefighters who die by suicide caused by a posttraumatic stress injury (PTSI).

### **History**

A [TWS](#) covers the full cost of tuition, at a university governed by the Arizona Board of Regents or at a community college district, for eligible persons.

Under current law, the children and spouses of those who were killed in the line of duty, while in the following positions, are eligible for a TWS:

- 1) peace officer;
- 2) correctional officer;
- 3) firefighter;
- 4) emergency paramedic;
- 5) national guard member; or
- 6) member of the United States armed forces ([A.R.S. § 15-1808](#)).

A TWS recipient who is a child of one of the outlined individuals must not be more than 30 years old, and a TWS recipient who was a spouse must not be remarried. A TWS may not cover more than the number of credits necessary for a baccalaureate degree ([A.R.S. § 15-1808](#)).

### **Provisions**

1. Broadens eligibility for a TWS to include an individual who is the child or spouse of a person who:
  - a) was a veteran, peace officer, firefighter or member of the armed forces;
  - b) was a resident of Arizona at the time of death;
  - c) suffered a PTSI; and
  - d) died by suicide. (Sec. 1)
2. Specifies that the person who committed suicide is not required to have been employed as a peace officer or firefighter, or serving on active military duty, at the time of death. (Sec. 1)
3. Asserts, beginning July 1, 2023, that a spouse or child may qualify for the TWS regardless of the date that the PTSI was suffered or the suicide was committed. (Sec. 2)
4. Entitles a spouse or child who qualifies for the TWS, and paid tuition in the 2023-2024 or 2024-2025 school years, to be reimbursed for the tuition paid in an amount equal to what the TWS would award. (Sec. 2)
5. Contains a retroactivity clause of July 1, 2023. (Sec. 3)
6. Makes technical and conforming changes. (Sec. 1)

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

Fifty-sixth Legislature  
Second Regular Session

Senate: ELEC DP 4-3-1-0 | 3<sup>rd</sup> Read 16-13-1-0

House: MOE DP 5-4-0-0

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## **SCR1023: general election day; all offices**

**Sponsor: Senator Mesnard, LD 13**

**Caucus & COW**

### **Overview**

A ballot referral that mandates city, town and school district elections be held during a general election.

### **History**

A *general election* is held on the first Tuesday after the first Monday in November of every even-numbered year. A general election must be held for the election of Representatives in Congress, members of the Legislature, and state, county and precinct officers whose terms expire at the end of the year in which the election is being held or in the following year ([A.R.S. § 16-211](#) and ([Const. of Ariz. Art. VII, § 11](#)).

Nonpartisan elections and elections held by a school district, a city or a town that are not held concurrently with a general election must be called no later than 180 days before the election date. Nonpartisan elections apply to candidates for cities and towns, school districts and special districts ([A.R.S. §§ 16-226, 15-522, 9-821.01](#)).

All elections, except for regular elections, in a city or town with a population of 175,000 or more must be held on the following: 1) the second Tuesday in March; 2) the third Tuesday in May; 3) the tenth Tuesday before the first Tuesday after the first Monday in November; or the first Tuesday after the first Monday in November.

Regular elections, not including recall elections and special elections to fill vacancies, in a city or town with a population of 175,000 or more must be held on the following: 1) the tenth Tuesday before the first Tuesday after the first Monday in November; or 2) the first Tuesday after the first Monday in November ([A.R.S. § 16-204](#)).

### **Provisions**

1. Requires a city, town and school district election to be held during a general election. (Sec. 1)
2. Directs the Secretary of State to submit the proposition to the voters at the next general election.
3. Becomes effective if approved by the voters and on proclamation of the Governor.

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

Fifty-sixth Legislature  
Second Regular Session

Senate: ELEC DPA 4-3-1-0 | 3<sup>rd</sup> Read: 16-12-2-0

House: MOE DP 5-4-0-0

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## **SCR1041: ballot measures; challenges**

**Sponsor: Senator Mesnard, LD 13**  
**Caucus & COW**

### **Overview**

Allows a person to bring an action in the superior court that challenges the constitutionality of proposed constitutional amendments and measures.

### **History**

The Arizona Constitution recognizes the reserved power of the people to propose laws and amendments to the constitution and to enact or reject such laws and amendments at the polls. The first of these reserved powers is the initiative: 10% of qualified electors have the right to propose any measure and 15% have the right to propose any amendment to the constitution. The second of these reserved powers is the referendum: the legislature or 5% of qualified electors may order any measure, item, section or part of any measure enacted by the Legislature to the people at the polls, except for laws immediately necessary for the preservation of public peace, health or safety, or for support and maintenance of the departments of state government ([Const. of Ariz. Art. IV, Part 1, § 1](#)).

### **Provisions**

1. Authorizes a person to bring an action in superior court to contest the constitutionality of a proposed measure or amendment to the constitution on the grounds that the measure or amendment would violate the United States Constitution or the Arizona Constitution. (Sec. 1)
2. Instructs the courts to advance, hear and decide on any action contesting the constitutionality of a proposed measure or amendment that is brought at least 90 days before the election at which the measure or amendment will be voted on. (Sec. 1)
3. Allows any party to appeal to the Arizona Supreme Court within five calendar days after the superior court enters its judgement. (Sec. 1)
4. Prohibits the Secretary of State or other election official from certifying or printing the measure or amendment on the official ballot if a court of competent jurisdiction, at least 90 days before the appropriate election, finds the measure or amendment to be unconstitutional. (Sec. 1)
5. Clarifies that this law does not preclude or limit any claim, cause of action or remedy given by law to challenge the validity or legal sufficiency of an initiative measure, referendum or constitutional amendment, or a petition filed in support of the same. (Sec. 1)
6. Contains a Legislative findings and declaration of purpose clause. (Sec. 1)
7. Requires the Secretary of State to submit the proposition to the voters at the next general election.
8. Becomes effective if approved by the voters and upon proclamation of the Governor.

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

Fifty-sixth Legislature  
Second Regular Session

Senate: ELEC DPA 4-3-1-0 | 3<sup>rd</sup> Read: 16-14-0-0

House: MOE DPA 5-4-0-0

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## **SCR1044: judicial retention elections**

**Sponsor: Senator Gowan, LD 19**  
**Caucus & COW**

### **Overview**

A ballot measure proposing to amend the Arizona Constitution to revise the judicial retention process by requiring a vote of retention only in specified circumstances.

### **History**

#### ***Judicial Terms of Office***

Superior Court Judges generally serve regular terms of four years in office, except that appointed judges hold office for a term of two years, ending 60 days after the next regular general election, then four year terms of office thereafter (Art. 6 § [12](#) & [37](#), Const. of Ariz.).

The Arizona Court of Appeals is the state's intermediate appellate court of record, established by Laws 1964, Chapter 102, § 1 as the first level of appeal from the superior court. Court of Appeals judges are appointed by the Governor to initial terms of at least two years before being subject to a retention election. The voters then consider the judges for retention every six years ([Art. 6 § 37, Const. of Ariz.](#), [A.R.S. § 12-120.01](#)).

The Arizona Supreme Court is responsible for reviewing appeals and providing rule of procedure for all courts in Arizona. Justices of the Supreme Court hold a regular term of six years in office (Art. 6 § [4](#) & [5](#), Const. of Ariz.).

#### ***Arizona Commission on Judicial Performance Review***

In 1992 Arizona voters voted to amend the state Constitution to create a process for evaluating the performance of judges appointed through merit selection. The Constitution requires that the performance evaluation process include input from the public and that judicial performance reports be given to the voters before the state's general election. The Commission on Judicial Performance Review (JPR Commission) was created to conduct the periodic performance reviews of appointed judges required by the Constitution. The Arizona Supreme Court sets the standards for judicial performance including whether judges can apply the law fairly, treat people with respect and manage a courtroom ([Art. VI § 42, Const. of Ariz.](#), [JPR Commission](#)).

#### ***Judicial Retention Elections***

Judges and justices must file a declaration expressing a desire to be retained in office with the appropriate filing officer at least 90 days before the regular general election before their term of office expires. A judge or justice's term in office will expire upon the expiration of that judge or justice's term if they fail to file a declaration expressing a desire to be retained ([Art. IV, § 38, Const. of Ariz.](#)).

### **Provisions**

#### ***Regular Terms of Office***

1. Allows a Justice of the Supreme Court to hold office indefinitely during good behavior. (Sec. 1)
2. Allows Judges of Intermediate Appellate Courts to hold office indefinitely during good behavior. (Sec. 2)
3. Allows Judges of the Superior Court, in counties with a population of 250,000 or more, to hold office indefinitely during good behavior. (Sec. 3)

#### ***Judicial Retention***

4. Establishes the following circumstance in which a justice or judge of the Supreme Court, an Intermediate Appellate Court or, for counties with a population of at least 250,000, a Superior Court is subject to a vote of retention:
  - a) upon conviction of a felony offense;
  - b) upon conviction of a crime involving fraud or dishonesty;

- c) upon the initiation of personal bankruptcy proceedings in which the justice or judge is a debtor;
  - d) the foreclosure of any mortgage for which the justice or judge is a mortgagor; and
  - e) a determination by the body responsible for evaluating judicial performance that the judge or justice does not meet judicial performance standards. (Sec. 5)
5. Instructs a justice or judge who is subject to a vote of retention to file with the appropriate filing officer within the prescribed timeframe. (Sec. 5)
  6. Specifies that events requiring a vote of retention that occur less than 120 days before a regular general election require the declaration to be filed between 60 and 90 days before the next ensuing regular general election. (Sec. 5)
  7. Directs the Chief Justice of the Supreme Court to provide to the Secretary of State a list of all justices and judges subject to a vote of retention no later than 120 days before the regular general election. (Sec. 5)
  8. Specifies the Chief Justice of the Supreme Court is responsible for determining whether a justice or judge is subject to retention. (Sec. 5)
  9. Directs the Vice Chief Justice of the Supreme Court to determine, in the appropriate situations, whether the Chief Justice of the Supreme Court is subject to a vote of retention. (Sec. 5)
  10. Asserts that if a majority of those voting vote not to retain a justice or judge, a vacancy in that office exists on January 1 the year after the general election. (Sec. 5)
  11. Clarifies that if a justice or judge is subject to a vote of retention but fails to file a declaration for retention with the appropriate filing officer, the justice or judge's office becomes vacant on January 1 the year after the general election at which the individual would have been a candidate for retention. (Sec. 5).
  12. Clarifies that Judges of an Intermediate Appellate Court who are subject to a vote of retention must be elected for retention on a statewide basis. (Sec. 5)

#### ***Retention Evaluations***

13. Applies the required judicial performance evaluations only to Judges of the Superior Court in counties with a population of 250,000 or more and Judges of the Superior Court in counties with less than 250,000 at the county's discretion. (Sec. 8)
14. Requires the evaluation of the appropriate judges at least every 4 years from the year of first appointment. (Sec. 8)

#### ***Miscellaneous***

15. Removes language requiring appointed justices and judges to hold office for a term ending 60 days after the next regular general election after the expiration of a term of 2 years in office. (Sec. 4)
16. Contains a retroactivity clause. (Sec. 9)
17. Requires the Secretary of State to submit the proposition to the voters at the next general election.
18. Becomes effective if approved by the voters and on proclamation of the Governor.
19. Makes technical and conforming changes. (Sec. 4, 5, 6, 7).

#### **Amendments**

##### *Committee on Municipal Oversight & Elections*

1. Specifies that a Justice or Judge's good behavior is exclusively determined through the Arizona Constitution's Articles on the Judicial Department, the Commission on Judicial Conduct and the removal from office.
2. Modifies the events requiring a vote of retention to specify that any criminal conviction must be a final conviction.
3. Specifies a majority of all members of the JPR Commission must find that a Justice or Judge did not meet judicial standards for a vote of retention to be required.
4. Adds a findings clause.
5. Sunsets the provisions of this act on December 31, 2034.

6. Entitles this act as the *Judicial Accountability Act of 2024*.

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



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature  
Second Regular Session

Senate: GOV DP 5-2-1-0 | 3<sup>rd</sup> Read 16-13-1-0

House: RA DP 4-3-0-0

## SCR1012: rulemaking; legislative ratification; regulatory costs

**Sponsor: Senator Kern, LD 27**

**Caucus & COW**

### Overview

Submits a proposition regarding legislative ratification of proposed rules to the voters.

### History

The mission of the Office of Economic Opportunity (OEO) is to expand economic opportunities for people in Arizona by leading the analysis and evaluation of Arizona's population and economy and investing in communities to power the state's economic growth ([OEO](#)).

The Administrative Rules Oversight Committee (AROC) has authority to review any proposed or final rule for conformity with statute and legislative intent. AROC additionally receives complaints concerning statutes, rules, agency practices and substantive policy statements that are alleged to be duplicative or onerous and may hold hearings regarding the allegations (A.R.S. §§ [41-1047](#), [41-1048](#)).

*A similar bill was introduced in the 56th Legislature, 1st Regular Session and was [vetoed](#) by the Governor (SB 1255 regulatory costs; rulemaking; ratification).*

### Provisions

1. Directs an agency to submit a proposed rule to OEO for review if the rule is estimated to increase state regulatory costs by more than \$100,000 within five years after implementation.
2. Specifies that when OEO confirms a proposed rule is estimated to increase state regulatory costs by more than \$500,000 within five years after the rule's implementation, the rule becomes effective only when the Legislature ratifies the proposed rule.
3. Instructs OEO to submit the proposed rule to AROC no later than 30 days before the next regular legislative session.
4. Stipulates that AROC must submit the proposed rule to the Legislature as soon as practicable.
5. Authorizes any member of the Legislature to introduce legislation to ratify the proposed rule and exempts the proposed rule from statute relating to the time and manner of rulemaking.
6. Prohibits an agency from filing a final rule with the Secretary of State before obtaining legislative approval through legislation ratifying the proposed rule.
7. Requires an agency to publish a notice of termination in the register and terminate the proposed rulemaking if the Legislature does not enact legislation to ratify the proposed rule during the current legislative session.
8. Allows a person who is regulated by an agency proposing a rule or a legislator to request OEO to review the rule.
9. Exempts emergency rules adopted pursuant to statute from the legislative ratification requirements on rulemaking.
10. States that, beginning on the general effective date, a rule is void and unenforceable unless the rule is ratified as prescribed.
11. Excludes the Arizona Corporation Commission from the requirements of legislative ratification of proposed rules.
12. Directs the Secretary of State to submit this proposition to the voters at the next general election.

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

Fifty-sixth Legislature  
Second Regular Session

Senate: FICO DPA 6-0-1-0 | 3<sup>rd</sup> Read 28-0-2-0-0

House: WM DP 10-0-0-0

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## **SB 1636: excise tax; jet fuel; definition**

**Sponsor: Senator Carroll, LD 28**

**Caucus & COW**

### **Overview**

Expands the definition of *jet fuel*.

### **History**

*Jet fuel* is defined as crude oil or any fraction of crude oil which is liquid at 60 degrees Fahrenheit and 14.7 pounds per square inch absolute, and petroleum-based substances comprised of a complex blend of hydrocarbons derived from crude oil through processes of separation, conversion, upgrading and finishing, such as motor fuels, residual fuel oils, lubricants, petroleum solvents and used oils when these products are expressly manufactured and blended for the purpose of effectively and efficiently operating jet or turbine powered aircraft ([A.R.S. § 42-5351](#)).

An excise tax is levied on every person engaging or continuing in the business of the retail sale of jet fuel. The first 10 million gallons of jet fuel are taxed at a rate of 3.05 cents per gallon. From and after June 30, 1994, any amounts over 10 million gallons of jet fuel are not subject to tax ([A.R.S. § 42-5352](#)).

Jet fuel which is sold in Arizona to commercial airlines and used on flights which originate in Arizona and whose first outbound destination is outside the United States is exempt from the excise tax ([A.R.S. § 42-5354](#)).

### **Provisions**

1. Expands the definition of *jet fuel* to include:
  - a) an aviation turbine fuel that consists of conventional and synthetic blending components that can be used without the need to modify aircraft engines and existing fuel distribution infrastructure; and
  - b) jet fuels derived from coprocessed feedstocks at a conventional petroleum refinery. (Sec. 1)
2. Applies to taxable periods beginning on or after the first day of the month following the general effective date. (Sec. 2)

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