

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

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

1 section 49-123, Arizona Revised Statutes, as amended by Laws 2013, chapter
2 205, section 1, to incorporate the amendments made by Laws 2015, chapter 208,
3 and the chapter 208 version is repealed.

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12 and the chapter 208 version is repealed.

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21 and the chapter 208 version is repealed.

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30 and the chapter 208 version is repealed.

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

40 12. Section 26-351, Arizona Revised Statutes, was transferred and
41 renumbered as section 49-131, Arizona Revised Statutes, by Laws 2015, chapter
42 208, section 12, and, as renumbered, was amended by Laws 2015, chapter 208,
43 section 30. However, the amendment of section 49-131, 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

1 section 49-131, Arizona Revised Statutes, as amended by Laws 1989, chapter
2 238, section 9, to incorporate the amendments made by Laws 2015, chapter 208,
3 and the chapter 208 version is repealed.

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

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

18 Sec. 2. Repeal

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

21 Sec. 3. Section 36-2021, Arizona Revised Statutes, as amended by Laws
22 2015, chapter 276, section 6, is amended to read:

23 36-2021. Definitions

24 In this chapter, unless the context otherwise requires:

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

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

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

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

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

1 ~~5.~~ 6. "Court" means the supreme court, the court of appeals, a
2 superior court, a justice of the peace court, a municipal court or a city
3 court authorized by charter.

4 ~~6.~~ 7. "Department" means the department of health services.

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

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

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

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

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

24 ~~12.~~ 11. "Intoxicated person" means a person whose mental or physical
25 functioning is substantially impaired as a result of the immediate effects of
26 alcohol in ~~his~~ THE PERSON'S system.

27 ~~13.~~ 12. "Local alcoholism reception center" or "center" means an
28 initial reception agency for a person who is intoxicated or who is
29 incapacitated by alcohol to receive initial evaluation and processing for
30 assignment for further evaluation or into a treatment program.

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

36 Sec. 4. Repeal

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

39 Sec. 5. Section 36-2907, Arizona Revised Statutes, as amended by Laws
40 2015, chapter 264, section 1, is amended to read:

41 36-2907. Covered health and medical services; modifications;
42 related delivery of service requirements; definition

43 A. Subject to the limitations and exclusions specified in this
44 section, contractors shall provide the following medically necessary health
45 and medical services:

- 1 1. Inpatient hospital services that are ordinarily furnished by a
2 hospital for the care and treatment of inpatients and that are provided under
3 the direction of a physician or a primary care practitioner. For the
4 purposes of this section, inpatient hospital services exclude services in an
5 institution for tuberculosis or mental diseases unless authorized under an
6 approved section 1115 waiver.
- 7 2. Outpatient health services that are ordinarily provided in
8 hospitals, clinics, offices and other health care facilities by licensed
9 health care providers. Outpatient health services include services provided
10 by or under the direction of a physician or a primary care practitioner.
- 11 3. Other laboratory and x-ray services ordered by a physician or a
12 primary care practitioner.
- 13 4. Medications that are ordered on prescription by a physician or a
14 dentist licensed pursuant to title 32, chapter 11. Persons who are dually
15 eligible for title XVIII and title XIX services must obtain available
16 medications through a medicare licensed or certified medicare advantage
17 prescription drug plan, a medicare prescription drug plan or any other entity
18 authorized by medicare to provide a medicare part D prescription drug
19 benefit.
- 20 5. Medical supplies, durable medical equipment, insulin pumps and
21 prosthetic devices ordered by a physician or a primary care practitioner.
22 Suppliers of durable medical equipment shall provide the administration with
23 complete information about the identity of each person who has an ownership
24 or controlling interest in their business and shall comply with federal
25 bonding requirements in a manner prescribed by the administration.
- 26 6. For persons who are at least twenty-one years of age, treatment of
27 medical conditions of the eye, excluding eye examinations for prescriptive
28 lenses and the provision of prescriptive lenses.
- 29 7. Early and periodic health screening and diagnostic services as
30 required by section 1905(r) of title XIX of the social security act for
31 members who are under twenty-one years of age.
- 32 8. Family planning services that do not include abortion or abortion
33 counseling. If a contractor elects not to provide family planning services,
34 this election does not disqualify the contractor from delivering all other
35 covered health and medical services under this chapter. In that event, the
36 administration may contract directly with another contractor, including an
37 outpatient surgical center or a noncontracting provider, to deliver family
38 planning services to a member who is enrolled with the contractor that elects
39 not to provide family planning services.
- 40 9. Podiatry services ordered by a primary care physician or primary
41 care practitioner.
- 42 10. Nonexperimental transplants approved for title XIX reimbursement.
- 43 11. Ambulance and nonambulance transportation, except as provided in
44 subsection G of this section.
- 45 12. Hospice care.

1 13. Orthotics, if all of the following apply:
2 (a) The use of the orthotic is medically necessary as the preferred
3 treatment option consistent with medicare guidelines.
4 (b) The orthotic is less expensive than all other treatment options or
5 surgical procedures to treat the same diagnosed condition.
6 (c) The orthotic is ordered by a physician or primary care
7 practitioner.
8 B. The limitations and exclusions for health and medical services
9 provided under this section are as follows:
10 1. Circumcision of newborn males is not a covered health and medical
11 service.
12 2. For eligible persons who are at least twenty-one years of age:
13 (a) Outpatient health services do not include occupational therapy or
14 speech therapy.
15 (b) Prosthetic devices do not include hearing aids, dentures, ~~bone~~
16 ~~anchored~~ BONE-ANCHORED hearing aids or cochlear implants. Prosthetic
17 devices, except prosthetic implants, may be limited to twelve thousand five
18 hundred dollars per contract year.
19 (c) Percussive vests and orthotics are not covered health and medical
20 services.
21 (d) Durable medical equipment is limited to items covered by medicare.
22 (e) Podiatry services do not include services performed by a
23 podiatrist.
24 (f) Nonexperimental transplants do not include ~~pancreas—only~~
25 PANCREAS-ONLY transplants.
26 (g) Bariatric surgery procedures, including laparoscopic and open
27 gastric bypass and restrictive procedures, are not covered health and medical
28 services.
29 C. The system shall pay noncontracting providers only for health and
30 medical services as prescribed in subsection A of this section and as
31 prescribed by rule.
32 D. The director shall adopt rules necessary to limit, to the extent
33 possible, the scope, duration and amount of services, including maximum
34 limitations for inpatient services that are consistent with federal
35 regulations under title XIX of the social security act (P.L. 89-97; 79 Stat.
36 344; 42 United States Code section 1396 (1980)). To the extent possible and
37 practicable, these rules shall provide for the prior approval of medically
38 necessary services provided pursuant to this chapter.
39 E. The director shall make available home health services in lieu of
40 hospitalization pursuant to contracts awarded under this article. For the
41 purposes of this subsection, "home health services" means the provision of
42 nursing services, home health aide services or medical supplies, equipment
43 and appliances that are provided on a part-time or intermittent basis by a
44 licensed home health agency within a member's residence based on the orders
45 of a physician or a primary care practitioner. Home health agencies shall

1 comply with the federal bonding requirements in a manner prescribed by the
2 administration.

3 F. The director shall adopt rules for the coverage of behavioral
4 health services for persons who are eligible under section 36-2901, paragraph
5 6, subdivision (a). ~~The administration shall contract with the department of~~
6 ~~health services for the delivery of all medically necessary behavioral health~~
7 ~~services to persons who are eligible under rules adopted pursuant to this~~
8 ~~subsection. The division of behavioral health in the department of health~~
9 ~~services~~ THE ADMINISTRATION ACTING THROUGH THE REGIONAL BEHAVIORAL HEALTH
10 AUTHORITIES shall establish a diagnostic and evaluation program to which
11 other state agencies shall refer children who are not already enrolled
12 pursuant to this chapter and who may be in need of behavioral health
13 services. In addition to an evaluation, the ~~division of behavioral health~~
14 ADMINISTRATION ACTING THROUGH REGIONAL BEHAVIORAL HEALTH AUTHORITIES shall
15 also identify children who may be eligible under section 36-2901, paragraph
16 6, subdivision (a) or section 36-2931, paragraph 5 and shall refer the
17 children to the appropriate agency responsible for making the final
18 eligibility determination.

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

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

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

1 36-2901, paragraph 6, subdivision (a). Such reductions or suspensions do not
2 apply to the continuity of care for persons already receiving these services.

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

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

9 1. Emergency services and specialty services provided pursuant to
10 section 36-2908.

11 2. That the director may permit the delivery of health and medical
12 services in other than the geographic service area in this state or in an
13 adjoining state if the director determines that medical practice patterns
14 justify the delivery of services or a net reduction in transportation costs
15 can reasonably be expected. Notwithstanding the definition of physician as
16 prescribed in section 36-2901, if services are procured from a physician or
17 primary care practitioner in an adjoining state, the physician or primary
18 care practitioner shall be licensed to practice in that state pursuant to
19 licensing statutes in that state similar to title 32, chapter 13, 15, 17 or
20 25 and shall complete a provider agreement for this state.

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

26 M. The director shall adopt rules that prescribe the coordination of
27 medical care for persons who are eligible for system services. The rules
28 shall include provisions for the transfer of patients, the transfer of
29 medical records and the initiation of medical care.

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

32 Sec. 6. Repeal

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

35 Sec. 7. Section 41-2501, Arizona Revised Statutes, as amended by Laws
36 2015, chapter 257, section 30, is amended to read:

37 41-2501. Applicability

38 A. This chapter applies only to procurements initiated after
39 January 1, 1985 unless the parties agree to its application to procurements
40 initiated before that date.

41 B. This chapter applies to every expenditure of public monies,
42 including federal assistance monies except as otherwise specified in section
43 41-2637, by this state, acting through a state governmental unit as defined
44 in this chapter, under any contract, except that this chapter does not apply
45 to either grants as defined in this chapter, or contracts between this state

1 and its political subdivisions or other governments, except as provided in
2 chapter 24 of this title and in article 10 of this chapter. This chapter
3 also applies to the disposal of state materials. This chapter and rules
4 adopted under this chapter do not prevent any state governmental unit or
5 political subdivision from complying with the terms of any grant, gift,
6 bequest or cooperative agreement.

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

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

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

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

20 G. The Arizona state lottery commission is exempt from this chapter
21 for procurement relating to the design and operation of the lottery or
22 purchase of lottery equipment, tickets and related materials. The executive
23 director of the Arizona state lottery commission shall adopt rules
24 substantially equivalent to the policies and procedures in this chapter for
25 procurement relating to the design and operation of the lottery or purchase
26 of lottery equipment, tickets or related materials. All other procurement
27 shall be as prescribed by this chapter.

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

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

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

1 K. The state transportation board and the director of the department
2 of transportation are exempt from this chapter other than section 41-2586 for
3 the procurement of construction or reconstruction, including engineering
4 services, of transportation facilities or highway facilities and any other
5 services that are directly related to land titles, appraisals, real property
6 acquisition, relocation, property management or building facility design and
7 construction for highway development and that are required pursuant to title
8 28, chapter 20.

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

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

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

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

27 P. Agreements negotiated by legal counsel representing this state in
28 settlement of litigation or threatened litigation are exempt from this
29 chapter.

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

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

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

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

38 4. With an eligible entity as defined by Public Law 105-285, section
39 673(1)(A)(i), as amended, for designated community services block grant
40 program monies and any other monies given to the eligible entity that
41 accomplishes the purpose of Public Law 105-285, section 672.

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

- 1 1. Mental health services pursuant to section 36-189, subsection B.
- 2 2. Services for the seriously mentally ill pursuant to title 36,
- 3 chapter 5, article 10.
- 4 3. Drug and alcohol services pursuant to section 36-141.
- 5 ~~4.~~ **S.** THE DEPARTMENT OF HEALTH SERVICES MAY NOT REQUIRE THAT PERSONS
- 6 WITH WHOM IT CONTRACTS FOLLOW THIS CHAPTER FOR THE PURPOSE OF SUBCONTRACTS
- 7 ENTERED INTO FOR THE PROVISION OF domestic violence services pursuant to
- 8 title 36, chapter 30, article 1.
- 9 ~~S.~~ **T.** The department of health services is exempt from this chapter
- 10 for contracts for services of physicians at the Arizona state hospital.
- 11 ~~T.~~ **U.** Contracts for goods and services approved by the board of
- 12 trustees of the public safety personnel retirement system are exempt from
- 13 this chapter.
- 14 ~~U.~~ **V.** The Arizona department of agriculture is exempt from this
- 15 chapter with respect to contracts for private labor and equipment to effect
- 16 cotton or cotton stubble plow-up pursuant to rules adopted under title 3,
- 17 chapter 2, article 1.
- 18 ~~V.~~ **W.** The Arizona state parks board is exempt from this chapter for
- 19 purchases of guest supplies and items for resale such as food, linens, gift
- 20 items, sundries, furniture, china, glassware and utensils for the facilities
- 21 located in the Tonto natural bridge state park.
- 22 ~~W.~~ **X.** The Arizona state parks board is exempt from this chapter for
- 23 the purchase, production, promotion, distribution and sale of publications,
- 24 souvenirs and sundry items obtained and produced for resale.
- 25 ~~X.~~ **Y.** The Arizona state schools for the deaf and the blind are exempt
- 26 from this chapter for the purchase of textbooks and when purchasing products
- 27 through a cooperative that is organized and operates in accordance with state
- 28 law if such products are not available on a statewide contract and are
- 29 related to the operation of the schools or are products for which special
- 30 discounts are offered for educational institutions.
- 31 ~~Y.~~ **Z.** Expenditures of monies in the morale, welfare and recreational
- 32 fund established by section 26-153 are exempt from this chapter.
- 33 ~~Z.~~ **AA.** Notwithstanding section 41-2534, the director of the state
- 34 department of corrections may contract with local medical providers in
- 35 counties with a population of less than four hundred thousand persons for the
- 36 following purposes:
- 37 1. To acquire hospital and professional medical services for inmates
- 38 who are incarcerated in state department of corrections facilities that are
- 39 located in those counties.
- 40 2. To ensure the availability of emergency medical services to inmates
- 41 in all counties by contracting with the closest medical facility that offers
- 42 emergency treatment and stabilization.
- 43 ~~AA.~~ **BB.** The department of environmental quality is exempt from this
- 44 chapter for contracting for procurements relating to the water quality
- 45 assurance revolving fund program established pursuant to title 49, chapter 2,

1 article 5. The department shall engage in a source selection process that is
2 similar to the procedures prescribed by this chapter. The department may
3 contract for remedial actions with a single selection process. The exclusive
4 remedy for disputes or claims relating to contracting pursuant to this
5 subsection is as prescribed by article 9 of this chapter and the rules
6 adopted pursuant to that article. All other procurement by the department
7 shall be as prescribed by this chapter.

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

12 1. The division does not pay any public monies to an authorized third
13 party.

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

15 3. The director has complied with the requirements prescribed in title
16 28, chapter 13 in selecting an authorized third party.

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

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

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

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

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

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

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

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

1 ~~KK~~. LL. The department of gaming is exempt from this chapter for
2 problem gambling treatment services contracts with licensed behavioral health
3 professionals.

4 ~~LL~~. MM. This chapter does not apply to contracts for credit reporting
5 services.

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

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

9 2. With an eligible entity as defined by Public Law 105-285, section
10 673(1)(A)(i), as amended, for designated community services block grant
11 program monies and any other monies given to the eligible entity that
12 accomplishes the purpose of Public Law 105-285, section 672.

13 Sec. 8. Repeal

14 Section 41-3803, Arizona Revised Statutes, as amended by Laws 2015,
15 chapter 195, section 83, is repealed.

16 Sec. 9. Section 41-3803, Arizona Revised Statutes, as amended by Laws
17 2015, chapter 167, section 1, is amended to read:

18 41-3803. Human rights committee on the mentally ill; training
19 plan

20 A. The human rights committee on the mentally ill is established in
21 the ~~department of health services~~ ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM
22 to promote the rights of persons who receive behavioral health services
23 pursuant to title 36, chapters 5 and 34.

24 B. Each region of the state covered by a regional behavioral health
25 authority shall have at least one human rights committee with the authority
26 and responsibilities as prescribed by the ~~department of health services~~
27 ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION pursuant to rules
28 adopted by the ~~department~~ ADMINISTRATION relating to behavioral health
29 services.

30 C. The director of the ~~department of health services~~ ARIZONA HEALTH
31 CARE COST CONTAINMENT SYSTEM ADMINISTRATION may establish additional
32 committees to serve persons who receive behavioral health services or to
33 oversee the activities of any service provider.

34 D. Each committee established pursuant to this section shall consist
35 of at least seven and not more than fifteen members appointed by the director
36 of the ~~department of health services~~ ARIZONA HEALTH CARE COST CONTAINMENT
37 SYSTEM ADMINISTRATION with expertise in at least one of the following areas:

- 38 1. Psychology.
- 39 2. Law.
- 40 3. Medicine.
- 41 4. Education.
- 42 5. Special education.
- 43 6. Social work.
- 44 7. Mental health.
- 45 8. Housing for the mentally ill.

1 E. Each human rights committee, if appropriate, shall include at least
2 two parents of children who receive behavioral health services pursuant to
3 title 36, chapter 34.

4 F. Each human rights committee shall include at least one member who
5 is a current or former client of the behavioral health system.

6 G. Current or former providers or employees of providers that have
7 contracted with a regional behavioral health authority may serve on a human
8 rights committee.

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

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

15 Sec. 10. Repeal

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

18 Sec. 11. Section 41-3804, Arizona Revised Statutes, as amended by Laws
19 2015, chapter 167, section 2, is amended to read:

20 41-3804. Human rights committees; membership; duties; client
21 information; immunity; violation; classification

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

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

39 C. Advocacy groups, local advisory councils, committee members and the
40 director of the appropriate department may submit names of candidates to fill
41 committee vacancies. The appropriate director shall appoint a person to fill
42 a vacancy subject to the approval of the committee.

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

44 E. Each committee shall provide independent oversight to:

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

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

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

7 F. Each committee shall submit written objections to specific problems
8 or violations of client rights by department employees or service providers
9 to the director of the appropriate department for review. The appropriate
10 department director shall respond, in writing, to written objections within
11 twenty-one days after receiving the objections.

12 G. Each committee shall issue an annual report of its activities and
13 recommendations for changes to the director of the appropriate department,
14 the president of the senate, the speaker of the house of representatives and
15 the chairpersons of the senate health and human services committee and the
16 house of representatives health committee, or their successor committees.

17 H. A committee may request from the appropriate department the
18 services of a consultant or department employee to advise it on specific
19 issues. The consultant may be a member of another human rights committee, a
20 department employee or a service provider. Subject to the availability of
21 monies, the appropriate department shall assume the cost of the consultant.
22 A consultant shall not participate in committee votes.

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

44 J. If a committee's request for information or records from a
45 department is denied, the committee may request in writing that the director

1 of the appropriate department review this decision. The agency director or
2 designee shall conduct the review within five business days after receiving
3 the request for review. The agency shall bear the costs of conducting the
4 review. A final agency decision made pursuant to this subsection is subject
5 to judicial review pursuant to title 12, chapter 7, article 6. The agency
6 shall not release any information or records during the period an appeal may
7 be filed or is pending.

8 K. Confidential records and information received by the committee or
9 its consultant are subject to the same provisions concerning subpoenas,
10 discovery and use in legal actions as are the original records and
11 information.

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

15 M. The human rights committees may encourage public awareness and
16 involvement in their activities by supporting committee members with
17 affiliation agreements with postsecondary education-sponsored internship
18 placements pursuant to the appropriate department's approved operating
19 procedures.

20 N. The appropriate departments shall coordinate education and training
21 programs for committee members to facilitate their role as human rights
22 committee members. The appropriate departments shall coordinate statewide
23 meetings of committees at least every two years and provide staff for the
24 committees.

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

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

34 Sec. 12. Repeal

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

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

39 41-3955.01. Seriously mentally ill housing trust fund; purpose;
40 report

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

1 B. On notice from the ~~department of health services~~ DIRECTOR OF THE
2 ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION, the state
3 treasurer shall invest and divest monies in the fund as provided by section
4 35-313, and monies earned from investment shall be credited to the fund.

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

9 D. The director of the ~~department of health services~~ ARIZONA HEALTH
10 CARE COST CONTAINMENT SYSTEM ADMINISTRATION shall report annually to the
11 legislature on the status of the seriously mentally ill housing trust fund.
12 The report shall include a summary of facilities for which funding was
13 provided during the preceding fiscal year and shall show the cost and
14 geographic location of each facility and the number of individuals benefiting
15 from the operation, construction or renovation of the facility. The report
16 shall be submitted to the president of the senate and the speaker of the
17 house of representatives no later than September 1 of each year.

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

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

25 G. For any construction project financed by the ~~department of health~~
26 ~~services~~ ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION pursuant
27 to this section, the ~~department of health services~~ ADMINISTRATION shall
28 notify a city, town, county or tribal government that a project is planned
29 for its jurisdiction and, before proceeding, shall seek comment from the
30 governing body of the city, town, county or tribal government or an official
31 authorized by the governing body of the city, town, county or tribal
32 government. The ~~department of health services~~ ARIZONA HEALTH CARE COST
33 CONTAINMENT SYSTEM ADMINISTRATION shall not interfere with or attempt to
34 override the local jurisdiction's planning, zoning or land use regulations.

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

37 41-3955.01. Seriously mentally ill housing trust fund; purpose;
38 report

39 A. The seriously mentally ill housing trust fund is established. The
40 director of the ~~department of health services~~ ARIZONA HEALTH CARE COST
41 CONTAINMENT SYSTEM ADMINISTRATION shall administer the fund. The fund
42 consists of monies received pursuant to section 44-313 and investment
43 earnings.

44 B. On notice from the ~~department of health services~~ DIRECTOR OF THE
45 ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION, the state

1 treasurer shall invest and divest monies in the fund as provided by section
2 35-313, and monies earned from investment shall be credited to the fund.

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

6 D. The director of the ~~department of health services~~ ARIZONA HEALTH
7 CARE COST CONTAINMENT SYSTEM ADMINISTRATION shall report annually to the
8 legislature on the status of the seriously mentally ill housing trust fund.
9 The report shall include a summary of facilities for which funding was
10 provided during the preceding fiscal year and shall show the cost and
11 geographic location of each facility and the number of individuals benefiting
12 from the operation, construction or renovation of the facility. The report
13 shall be submitted to the president of the senate and the speaker of the
14 house of representatives no later than September 1 of each year.

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

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

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

32 Sec. 15. Repeal

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

35 Sec. 16. Section 26-343, Arizona Revised Statutes, as amended by Laws
36 2013, chapter 205, section 1, and as renumbered by Laws 2015, chapter 208,
37 section 12, as section 49-123, is amended to read:

38 49-123. Hazardous materials emergency management program;
39 Arizona emergency response commission; emergency
40 planning and community right-to-know

41 ~~A. The Arizona emergency response commission is established consisting~~
42 ~~of the director of the division, who shall serve as chairperson, and the~~
43 ~~directors, or their respective designees, of the department of environmental~~
44 ~~quality, the department of health services, the department of public safety~~
45 ~~and the department of transportation.~~

1 ~~B. An advisory committee to the commission is established consisting~~
2 ~~of:~~

3 ~~1. The state fire marshal.~~
4 ~~2. The chief administrative officer, or the officer's designee, of the~~
5 ~~following agencies:~~

- 6 ~~(a) Arizona department of agriculture.~~
- 7 ~~(b) Corporation commission.~~
- 8 ~~(c) Industrial commission of Arizona.~~
- 9 ~~(d) Radiation regulatory agency.~~
- 10 ~~(e) State mine inspector.~~

11 ~~3. Two representatives nominated by the Arizona fire chiefs~~
12 ~~association incorporated or its successor agency. One nominee shall~~
13 ~~represent a fire department serving a population of two hundred fifty~~
14 ~~thousand or more persons. One nominee shall represent a fire department or~~
15 ~~fire district serving a population of less than two hundred fifty thousand~~
16 ~~persons. The term of appointment is for two years.~~

17 ~~C. The governor shall appoint four private sector representatives to~~
18 ~~the advisory committee to the commission after reviewing the recommendations~~
19 ~~provided by the commission. The governor shall appoint, or reappoint, two of~~
20 ~~the members each year from the private sector, to serve terms of two years.~~
21 ~~These members, to the extent practicable, shall have technical expertise in~~
22 ~~the emergency response field.~~

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

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

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

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

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

- 39 1. THE DIVISION OF EMERGENCY MANAGEMENT.
- 40 2. THE DEPARTMENT OF HEALTH SERVICES.
- 41 3. THE DEPARTMENT OF PUBLIC SAFETY.
- 42 4. THE DEPARTMENT OF TRANSPORTATION.
- 43 5. THE ARIZONA DEPARTMENT OF AGRICULTURE.
- 44 6. THE CORPORATION COMMISSION.
- 45 7. THE INDUSTRIAL COMMISSION OF ARIZONA.

1 8. THE OFFICE OF STATE FIRE MARSHAL.
2 9. THE OFFICE OF STATE MINE INSPECTOR.
3 10. THE RADIATION REGULATORY AGENCY.
4 11. TWO REPRESENTATIVES NOMINATED BY THE ARIZONA FIRE CHIEFS
5 ASSOCIATION OR ITS SUCCESSOR ORGANIZATION, ONE OF WHOM REPRESENTS A FIRE
6 DEPARTMENT OR A FIRE DISTRICT SERVING A POPULATION OF LESS THAN TWO HUNDRED
7 FIFTY THOUSAND PERSONS.
8 12. OTHER AGENCIES OR OFFICES DEEMED NECESSARY BY THE DIRECTOR.
9 D. THIS ARTICLE DOES NOT CHANGE OR ALTER THE EXISTING REGULATORY
10 AUTHORITY OR PROVISIONS OF LAW RELATING TO THE AGENCIES AND DEPARTMENTS
11 LISTED IN SUBSECTION C OF THIS SECTION.
12 E. THE DEPARTMENT IS DESIGNATED AS THE LEAD AGENCY FOR IMPLEMENTING
13 TITLE III OF THE SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT OF 1986
14 (P.L. 99-499). THE DIRECTOR SHALL ADMINISTER ANY MONIES RECEIVED UNDER
15 SUBSECTION G OF THIS SECTION.
16 F. The ~~commission~~ DEPARTMENT shall administer this article and the
17 rules adopted under this article. The ~~commission~~ DEPARTMENT shall administer
18 title III in this state and may conduct whatever activities are necessary to
19 implement this article and title III in this state. The ~~commission~~
20 DEPARTMENT is granted all the authority and responsibilities of a state
21 emergency response commission for purposes of title III.
22 G. The ~~commission~~ DEPARTMENT may procure by contract the temporary or
23 intermittent services of experts or consultants if such services are to be
24 performed on a part-time or fee-for-services basis and do not involve the
25 performance of administrative duties. The ~~commission~~ DEPARTMENT may also
26 enter into agreements with the federal government, Indian tribes, other
27 states and political subdivisions of this state for the purposes of this
28 article. The ~~commission~~ DEPARTMENT may also accept on behalf of this state
29 any reimbursement, grant or gift that may become available for purposes of
30 this ~~chapter~~ ARTICLE. The ~~commission~~ DEPARTMENT shall deposit, pursuant to
31 sections 35-146 and 35-147, any such monies in the emergency response fund.
32 H. The ~~commission~~ DEPARTMENT shall establish a program of financial
33 grants to local governments funded through the ~~division~~ DEPARTMENT by
34 appropriations to the emergency response fund. The grants shall be dedicated
35 to and used for local compliance with this article. The ~~commission~~
36 DEPARTMENT shall include procedures for applying for the grants and
37 qualifying criteria for awarding the grants.
38 I. The ~~commission~~ DEPARTMENT shall adopt and may modify, suspend or
39 repeal rules pursuant to title 41, chapter 6. The rules may not be more
40 stringent than title III and the federal regulations adopted under title III,
41 except as specifically authorized in this article. These rules shall
42 implement this ~~chapter~~ ARTICLE and title III in this state. The authority to
43 adopt rules includes establishing:
44 1. Procedures for handling public information requests.

1 2. Procedures and implementing programs for chemical emergency
2 planning and preparedness.

3 3. Community right-to-know program reporting requirements.

4 4. ~~Through December 31, 2018,~~ Fees to implement the community
5 right-to-know program. The fees shall be deposited, pursuant to sections
6 35-146 and 35-147, in the emergency response fund established by section
7 ~~26-352~~ 49-132. The governor's regulatory review council must approve rules
8 adopted pursuant to this paragraph.

9 5. Release reporting requirements.

10 J. ~~Commissioners and advisory committee members~~ THE DEPARTMENT shall
11 ensure that mandatory hazardous materials training programs for on-scene
12 command personnel that are developed, delivered or managed by their
13 respective agencies, departments or divisions address notification
14 procedures, coordination of services and comprehensive management for
15 protection of the public health during and after a chemical or other toxic
16 fire event. The training shall include notification and coordination with
17 ~~the emergency response unit of the department of environmental quality,~~ the
18 department of public safety, the department of transportation, the radiation
19 regulatory agency, the commission, local emergency planning committees, the
20 department of health services, the division of emergency management, the
21 national response center and the Arizona poison control system. Training
22 shall also include orientation on the state emergency response and recovery
23 plan concerning hazardous materials. ~~Commissioners and advisory committee~~
24 ~~members~~ THE DEPARTMENT shall encourage private companies that deliver similar
25 training in ~~Arizona~~ THIS STATE to include the same curriculum in their
26 programs.

27 Sec. 17. Repeal

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

30 Sec. 18. Section 26-347, Arizona Revised Statutes, as amended by Laws
31 1989, chapter 238, section 5, and as renumbered by Laws 2015, chapter 208,
32 section 12, as section 49-127, is amended to read:

33 49-127. Facilities subject to emergency planning; facility
34 emergency response plans

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

39 B. For purposes of emergency planning, the ~~commission~~ DEPARTMENT may
40 designate additional facilities ~~which~~ THAT are subject to this section. The
41 designation shall be accomplished after providing at least thirty days' prior
42 public notice in a newspaper of general circulation in the county where the
43 facility is located, after allowing public comment to the ~~commission~~
44 DEPARTMENT for thirty days and after notification to the facility of the
45 proposed designation.

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

5 D. Each facility THAT IS subject to this section shall prepare a
6 facility emergency response plan and submit copies of that plan to the
7 ~~commission~~ DEPARTMENT, the local emergency planning committee for the
8 district in which the facility is located and the fire department with
9 jurisdiction over the facility. A facility that is required to prepare a
10 contingency plan under ~~title 49~~, chapter 5, article 2 OF THIS TITLE or the
11 resource conservation and recovery act of 1976 (P.L. 94-580; 90 Stat. 2795)
12 may submit that contingency plan in lieu of the emergency response plan
13 required by this section if the information in paragraphs 1 through 7 of this
14 subsection is included in the plan. In preparing the plan required by this
15 section, the facility emergency coordinator shall consult with the local
16 emergency planning committee and other emergency and health professionals to
17 assure maximum coordination with those whose cooperation or services may be
18 required in the event of a reportable release. The facility emergency
19 response plan shall include specific actions to be taken in the event of an
20 imminent or accidental reportable release to safeguard the public health,
21 safety and welfare and the environment to the maximum extent practicable.
22 The facility emergency response plan shall include:

23 1. Names, addresses and emergency telephone numbers of a facility
24 emergency coordinator and alternate.

25 2. A description of emergency warning systems and a list of emergency
26 units, emergency personnel and health professionals in close proximity to the
27 facility.

28 3. A description of employee emergency response training and emergency
29 preparedness programs.

30 4. A description of appropriate emergency equipment necessary to
31 respond to a release.

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

34 6. Identification of transport routes and transportation methods used
35 to transport extremely hazardous substances to and from the facility, if
36 known.

37 7. Provisions for at least an annual review of the plan and provisions
38 to demonstrate the capability to execute the plan on the request of the
39 ~~commission~~ DEPARTMENT.

40 Sec. 19. Repeal

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

1 Sec. 20. Section 26-348, Arizona Revised Statutes, as amended by Laws
2 2011, chapter 36, section 1, and as renumbered by Laws 2015, chapter 208,
3 section 12, as section 49-128, is amended to read:

4 49-128. Emergency notification of reportable releases

5 A. If a reportable release of an extremely hazardous substance listed
6 under section ~~26-346~~ 49-126 occurs from a facility at which a hazardous
7 chemical is produced, used or stored, the owner or operator of the facility,
8 except as excluded under 40 Code of Federal Regulations sections 355.31 and
9 355.32, in addition to any other notification required by law or rule, shall
10 immediately orally notify the community emergency coordinator for the local
11 emergency planning committee for any area likely to be affected by the
12 reportable release, ~~and the commission, by notifying the emergency response~~
13 ~~unit of the department of environmental quality~~ and appropriate emergency
14 responders designated by rule of the ~~commission~~ DEPARTMENT, in the manner
15 prescribed by rule of the ~~commission~~ DEPARTMENT. Unless impracticable under
16 the circumstances, this oral notification shall occur immediately after the
17 facility emergency coordinator or ~~his~~ THE COORDINATOR'S designee has
18 knowledge of the reportable release. The notice of the reportable release
19 shall include the following to the extent known at the time of the notice and
20 as long as no delay in responding to the emergency results:

- 21 1. The specific location of the release.
- 22 2. The chemical name or identity of substances released and a
23 description of the container or vessel from which the release occurred.
- 24 3. An estimate of the quantity of substances ~~which~~ THAT were released
25 into the environment.
- 26 4. The time and duration of the release.
- 27 5. The medium or media into which the release occurred.
- 28 6. Any known or anticipated acute or chronic health risks associated
29 with the release and, if within the informant's knowledge, advice regarding
30 medical attention necessary for exposed individuals.
- 31 7. Proper precautions to take as a result of the release, including
32 evacuation and other proposed response actions.
- 33 8. The name and telephone number of the person or persons to be
34 contacted for further information.

35 B. Within thirty days after the reportable release, the owner or
36 operator of a facility where a release occurred requiring notification
37 pursuant to this section shall submit to the local emergency planning
38 committee and to the ~~commission~~ DEPARTMENT a written follow-up emergency
39 notice stating and updating the information originally provided pursuant to
40 subsection A of this section and including the following additional
41 information:

- 42 1. Actions taken to respond to and contain the release.
- 43 2. Any known or anticipated acute or chronic health risks associated
44 with the release.

1 3. If appropriate, advice regarding medical attention necessary for
2 exposed individuals.

3 4. Measures ~~which~~ THAT have been or will be taken at the facility to
4 avoid a reoccurrence of similar releases.

5 C. After additional information becomes known, the owner or operator
6 shall update the notice in writing within seven calendar days.

7 Sec. 21. Repeal

8 Section 49-129, Arizona Revised Statutes, as amended by Laws 2015,
9 chapter 208, section 28, is repealed.

10 Sec. 22. Section 26-349, Arizona Revised Statutes, as amended by Laws
11 1989, chapter 238, section 7, and as renumbered by Laws 2015, chapter 208,
12 section 12, as section 49-129, is amended to read:

13 49-129. Material safety data sheets

14 A. A person who owns or operates a facility ~~which~~ THAT is required to
15 prepare or have available a material safety data sheet for a hazardous
16 chemical under the occupational safety and health act of 1970 (P.L. 91-593;
17 84 Stat. 1590), and federal regulations adopted under that act, or under
18 title 23, chapter 2, article 10, and rules adopted under that article, shall
19 submit to the local emergency planning committee for the district in which
20 the facility is located, the ~~commission~~ DEPARTMENT, and the fire department
21 with jurisdiction over the facility material safety data sheets or lists of
22 hazardous chemicals and any extremely hazardous substances stored, handled or
23 processed at the facility pursuant to minimum threshold levels prescribed in
24 ~~title~~ 40 Code of Federal Regulations part 370 as well as comply with section
25 311 of title III and regulations adopted under that act.

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

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

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

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

34 C. On request of a local emergency planning committee, the ~~commission~~
35 DEPARTMENT or the local fire department with jurisdiction over the facility,
36 an owner or operator of a facility who has submitted a list pursuant to this
37 section shall also submit the material safety data sheet for any chemical on
38 the list to the requesting agency. On request by any person, the local
39 emergency planning committee may make available a material safety data sheet
40 to the person or transmit the request to the ~~commission~~ DEPARTMENT, which
41 shall make the material safety data sheet available, subject to the trade
42 secret provisions and regulations adopted under title III. If the committee
43 or ~~commission~~ DEPARTMENT does not have the requested material safety data
44 sheet, the committee or ~~commission~~ DEPARTMENT shall request the sheet from
45 the facility owner or operator. The facility owner or operator shall make

1 the sheet available within thirty days after receiving the request to the
2 committee or ~~commission~~ DEPARTMENT and the committee or ~~commission~~ DEPARTMENT
3 shall make the sheet available to the requesting person subject to the trade
4 secret provisions and regulations adopted under title III.

5 D. Within three months after discovery by an owner or operator of a
6 facility of significant new information concerning an aspect of a hazardous
7 chemical for which a list or material safety data sheet was submitted, or
8 within three months after a facility obtains a new hazardous chemical subject
9 to the reporting requirements of this section, the owner or operator shall
10 update and submit a revised list or material safety data sheet to the local
11 emergency planning committee, the ~~commission~~ DEPARTMENT and the fire
12 department with jurisdiction over the facility.

13 Sec. 23. Repeal

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

16 Sec. 24. Section 26-350, Arizona Revised Statutes, as amended by Laws
17 2002, chapter 138, section 1, and as renumbered by Laws 2015, chapter 208,
18 section 12, as section 49-130, is amended to read:

19 49-130. Emergency and hazardous chemical inventory forms

20 A. A person who owns or operates a facility ~~which~~ THAT is required to
21 prepare or have available a material safety data sheet for a hazardous
22 chemical under the occupational safety and health act of 1970 (P.L. 91-593;
23 84 Stat. 1590) and federal regulations adopted under that act or ~~which~~ THAT
24 has to provide a material safety data sheet or listing under this article
25 shall either file electronically as prescribed by subsection D OF THIS
26 SECTION or submit to the local emergency planning committee for the district
27 in which the facility is located, the ~~commission~~ DEPARTMENT and the fire
28 department with jurisdiction over the facility an emergency and hazardous
29 chemical inventory form pursuant to section 312 of title III as well as
30 comply with section 312 of title III and regulations adopted under that act,
31 except that the tier II emergency and hazardous chemical inventory form shall
32 be the required form to comply with section 312 of title III effective with
33 inventory forms due on or after March 1, 1991.

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

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

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

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

41 4. A brief description of the manner of storage of the hazardous
42 chemical.

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

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

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

6 C. An owner or operator of a facility subject to this section shall
7 submit the information required by this section on the inventory form
8 provided by the ~~commission~~ DEPARTMENT. The tier II inventory form provided
9 by the ~~commission~~ DEPARTMENT shall be available in electronic and paper
10 formats and shall be based on and contain at least the information required
11 by the federal forms as prescribed by 40 Code of Federal Regulations section
12 370.41. The ~~commission~~ DEPARTMENT shall identify on its tier II inventory
13 form each item that is required to be reported by 40 Code of Federal
14 Regulations section 370.41. The ~~commission~~ DEPARTMENT shall provide notice
15 on the form that the provision of the information items not required by 40
16 Code of Federal Regulations section 370.41 is optional.

17 D. Facilities that are subject to reporting under this article may
18 file reports electronically at an internet ~~web-site~~ WEBSITE that is
19 designated by the ~~Arizona emergency response commission~~ DEPARTMENT. A
20 facility that files electronically pursuant to this subsection is deemed to
21 have complied with the reporting requirements of the ~~commission~~ DEPARTMENT
22 and with the requirements of title III. Local emergency planning committees,
23 fire departments and FIRE districts also may accept electronic reporting if
24 they have agreed to do so in a written agreement with the ~~commission~~
25 DEPARTMENT that provides for the electronic filing and sharing of reports.
26 The ~~commission~~ DEPARTMENT shall publish on the ~~commission's web-site~~
27 DEPARTMENT'S WEBSITE a listing of local emergency planning committees, fire
28 departments and fire districts that have agreed to accept electronic
29 reporting to assist facilities in determining submission requirements.

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

35 F. Information that is collected pursuant to this section shall be
36 made available to the public pursuant to 40 Code of Federal Regulations part
37 370, subpart C, except for confidential information.

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

40 Sec. 25. Repeal

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

1 Sec. 26. Section 26-351, Arizona Revised Statutes, as amended by Laws
2 1989, chapter 238, section 9, and as renumbered by Laws 2015, chapter 208,
3 section 12, as section 49-131, is amended to read:

4 49-131. Toxic chemical release forms; definitions

5 A. In order to implement section 313 of title III, the owner or
6 operator of a facility subject to the requirements of this section and
7 section 313 of title III and regulations adopted under that act shall
8 complete a toxic chemical release form as supplied by the administrator,
9 pursuant to section 313(g) of title III, or as supplied by the ~~commission~~
10 DEPARTMENT, for each toxic chemical listed in the Code of Federal Regulations
11 by the administrator pursuant to section 313(c) of title III that was
12 manufactured, processed or otherwise used in quantities exceeding the toxic
13 chemical threshold quantity established by subsection E of this section
14 during the preceding calendar year at that facility. The form shall be
15 submitted to the administrator and to the ~~commission~~ DEPARTMENT on or before
16 July 1 of each year and shall contain data reflecting releases in excess of
17 the quantity of that toxic chemical established under subsection E of this
18 section during the preceding calendar year.

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

29 C. The ~~director of environmental quality as the representative of the~~
30 ~~governor pursuant to this section~~ DEPARTMENT may request the administrator to
31 apply the requirements of this section to the owners and operators of any
32 particular facility that manufactures, processes or otherwise uses a toxic
33 chemical listed pursuant to section 313(c) of title III if the administrator
34 determines that such action is warranted on the basis of toxicity of the
35 toxic chemical, the proximity to other facilities that release the toxic
36 chemical or to population centers, the history of releases of the chemical at
37 the facility or such other factors as the administrator deems appropriate.

38 D. The toxic chemicals subject to the requirements of this section are
39 those chemicals listed in ~~title~~ 40 Code of Federal Regulations by the
40 administrator pursuant to section 313(c) of title III, including any revised
41 version of the list as may be made pursuant to section 313(d) or (e) of
42 title III. The ~~director of environmental quality as the representative of~~
43 ~~the governor~~ DEPARTMENT, pursuant to section 313(e)(2) of title III, may
44 petition the administrator to add a chemical to or delete a chemical from the
45 list identified in this section.

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

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

5 2. With respect to a toxic chemical manufactured or processed at a
6 facility:

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

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

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

16 F. The threshold amounts for purposes of reporting toxic chemicals
17 under this section shall be adjusted pursuant to revisions by the
18 administrator.

19 G. Owners and operators of facilities subject to the requirements of
20 this section shall provide the information required under this section on a
21 uniform toxic chemical release form published by the administrator or on a
22 uniform toxic chemical release form published by the ~~director of~~
23 ~~environmental quality~~ DEPARTMENT. The form shall:

24 1. Provide for the name and location of and principal business
25 activities at the facility.

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

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

31 (a) Whether the toxic chemical at the facility is manufactured,
32 processed or otherwise used, and the general category or categories of use of
33 the chemical.

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

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

39 (d) The annual quantity of the toxic chemical entering each
40 environmental medium.

41 H. The release forms required under this section are intended to
42 provide information to the federal, state and local governments and to the
43 public, including citizens of communities surrounding facilities covered by
44 this section. The release form shall be available consistent with the trade
45 secret provisions of title III to inform persons about releases of toxic

1 chemicals to the environment, to assist governmental agencies, researchers
2 and other persons in conducting research and data gathering, to aid in
3 developing appropriate rules and regulations, guidelines and standards and
4 for similar purposes.

5 I. For purposes of this section:

6 1. "Administrator" means the administrator of the United States
7 environmental protection agency.

8 2. "Manufacture" means to produce, prepare, import or compound a toxic
9 chemical.

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

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

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

16 Sec. 27. Repeal

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

19 Sec. 28. Section 26-352, Arizona Revised Statutes, as amended by Laws
20 1991, chapter 315, section 4, and as renumbered by Laws 2015, chapter 208,
21 section 12, as section 49-132, is amended to read:

22 49-132. Emergency response fund

23 The emergency response fund is established consisting of monies
24 appropriated by the legislature for purposes of ~~section 26-305.02 and~~ this
25 article and federal, private and other monies available for that purpose.
26 The ~~chairman of the commission~~ DEPARTMENT shall manage the fund and expend
27 monies in the fund in performing the functions required or authorized by this
28 article. All interest earned from investing monies in the fund shall be
29 credited to the fund. Monies in the fund are subject to legislative
30 appropriation and are exempt from section 35-190 relating to lapsing of
31 appropriations.

32 Sec. 29. Repeal

33 Laws 2015, chapter 208, section 35 is repealed.

34 Sec. 30. Transfer of monies

35 All unexpended and unencumbered monies remaining in the national guard
36 relief fund established by section 26-183, Arizona Revised Statutes, are
37 transferred to the department of veterans' services. Using the rules or
38 policies for grants adopted pursuant to section 41-608, Arizona Revised
39 Statutes, the department of veterans' services shall distribute the monies
40 transferred pursuant to this section to a nonprofit organization that
41 provides financial assistance to Arizona national guard members and their
42 families.

1 Sec. 31. Retroactive application
2 A. Sections 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29
3 and 30 of this act apply retroactively to from and after July 2, 2015.
4 B. Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 of this act
5 apply retroactively to from and after June 30, 2016.
6 Sec. 32. Effective date
7 Section 14 of this act is effective from and after December 31, 2017.