A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE XVIII, CONSTITUTION OF ARIZONA, BY ADDING SECTION 11; RELATING TO LABOR.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

1. Article XVIII, Constitution of Arizona, is proposed to be amended by adding section 11 as follows if approved by the voters and on proclamation of the Governor:

   11. **Right to engage in profession or occupation; preemption**

   **SECTION 11.** A PERSON HAS A FUNDAMENTAL RIGHT TO ENGAGE IN AN OCCUPATION OR PROFESSION. NO STATE LAW OR RULE SHALL BE ENACTED OR ENFORCED THAT PROHIBITS OR REGULATES A PERSON FROM ENGAGING IN ANY OCCUPATION OR PROFESSION UNLESS THE STATE LAW OR RULE IS CLEARLY NECESSARY TO PROTECT THE PUBLIC HEALTH OR SAFETY. IN ANY ACTION TO ENFORCE SUCH A STATE LAW OR RULE, OR IN ANY CHALLENGE TO SUCH A STATE LAW OR RULE, THE STATE MUST PROVE BY CLEAR AND CONVINCING EVIDENCE THAT THE PROHIBITION OR RULE IS NECESSARY TO PROTECT THE PUBLIC HEALTH OR SAFETY. DEFERENCE MAY NOT BE GIVEN TO AN ADMINISTRATIVE CONCLUSION THAT AN OCCUPATION OR PROFESSION THREATENS THE PUBLIC HEALTH OR SAFETY. OCCUPATIONAL LICENSING IS A MATTER OF Statewide concern. A COUNTY, A MUNICIPALITY OR ANY OTHER POLITICAL SUBDIVISION OF THIS STATE MAY NOT ENACT OR ENFORCE ANY OCCUPATIONAL LICENSING ORDINANCE, RULE OR REGULATION. THIS SECTION DOES NOT PROHIBIT THIS STATE FROM ENFORCING OR THE LEGISLATURE FROM ENACTING CRIMINAL STATUTES PROVIDED THAT THIS STATE DOES NOT IMPOSE CRIMINAL LIABILITY FOR THE FAILURE TO SATISFY OCCUPATIONAL OR PROFESSIONAL LICENSING REQUIREMENTS ALONE.

2. The Secretary of State shall submit this proposition to the voters at the next general election as provided by article XXI, Constitution of Arizona.