

REFERENCE TITLE: athletic trainers; regulation; repeal

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

HB 2403

Introduced by
Representative Mosley

AN ACT

AMENDING SECTIONS 15-341, 20-3151, 32-1921, 32-3101, 32-3201, 32-3218 AND 36-601.01, ARIZONA REVISED STATUTES; REPEALING TITLE 32, CHAPTER 41, ARIZONA REVISED STATUTES; AMENDING SECTION 41-1092, ARIZONA REVISED STATUTES; REPEALING SECTION 41-3020.07, ARIZONA REVISED STATUTES; RELATING TO ATHLETIC TRAINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-341, Arizona Revised Statutes, is amended to
3 read:

4 15-341. General powers and duties; immunity; delegation

5 A. The governing board shall:

6 1. Prescribe and enforce policies and procedures for the governance
7 of the schools, not inconsistent with law or rules prescribed by the state
8 board of education.

9 2. Exclude from schools all books, publications, papers or
10 audiovisual materials of a sectarian, partisan or denominational
11 character. This paragraph shall not be construed to prohibit the elective
12 course permitted by section 15-717.01.

13 3. Manage and control the school property within its district.

14 4. Acquire school furniture, apparatus, equipment, library books
15 and supplies for the use of the schools.

16 5. Prescribe the curricula and criteria for the promotion and
17 graduation of pupils as provided in sections 15-701 and 15-701.01.

18 6. Furnish, repair and insure, at full insurable value, the school
19 property of the district.

20 7. Construct school buildings on approval by a vote of the district
21 electors.

22 8. Make in the name of the district conveyances of property
23 belonging to the district and sold by the board.

24 9. Purchase school sites when authorized by a vote of the district
25 at an election conducted as nearly as practicable in the same manner as
26 the election provided in section 15-481 and held on a date prescribed in
27 section 15-491, subsection E, but such authorization shall not necessarily
28 specify the site to be purchased and such authorization shall not be
29 necessary to exchange unimproved property as provided in section 15-342,
30 paragraph 23.

31 10. Construct, improve and furnish buildings used for school
32 purposes when such buildings or premises are leased from the national park
33 service.

34 11. Purchase school sites or construct, improve and furnish school
35 buildings from the proceeds of the sale of school property only on
36 approval by a vote of the district electors.

37 12. Hold pupils to strict account for disorderly conduct on school
38 property.

39 13. Discipline students for disorderly conduct on the way to and
40 from school.

41 14. Except as provided in section 15-1224, deposit all monies
42 received by the district as gifts, grants and devises with the county
43 treasurer who shall credit the deposits as designated in the uniform
44 system of financial records. If not inconsistent with the terms of the
45 gifts, grants and devises given, any balance remaining after expenditures

1 for the intended purpose of the monies have been made shall be used for
2 reduction of school district taxes for the budget year, except that in the
3 case of accommodation schools the county treasurer shall carry the balance
4 forward for use by the county school superintendent for accommodation
5 schools for the budget year.

6 15. Provide that, if a parent or legal guardian chooses not to
7 accept a decision of the teacher as provided in ~~section~~ paragraph 42 of
8 this subsection, the parent or legal guardian may request in writing that
9 the governing board review the teacher's decision. This paragraph shall
10 not be construed to release school districts from any liability relating
11 to a child's promotion or retention.

12 16. Provide for adequate supervision over pupils in instructional
13 and noninstructional activities by certificated or noncertificated
14 personnel.

15 17. Use school monies received from the state and county school
16 apportionment exclusively for payment of salaries of teachers and other
17 employees and contingent expenses of the district.

18 18. Make an annual report to the county school superintendent on or
19 before October 1 in the manner and form and on the blanks prescribed by
20 the superintendent of public instruction or county school superintendent.
21 The board shall also make reports directly to the county school
22 superintendent or the superintendent of public instruction whenever
23 required.

24 19. Deposit all monies received by school districts other than
25 student activities monies or monies from auxiliary operations as provided
26 in sections 15-1125 and 15-1126 with the county treasurer to the credit of
27 the school district except as provided in paragraph 20 of this subsection
28 and sections 15-1223 and 15-1224, and the board shall expend the monies as
29 provided by law for other school funds.

30 20. Establish bank accounts in which the board during a month may
31 deposit miscellaneous monies received directly by the district. The board
32 shall remit monies deposited in the bank accounts at least monthly to the
33 county treasurer for deposit as provided in paragraph 19 of this
34 subsection and in accordance with the uniform system of financial records.

35 21. Prescribe and enforce policies and procedures for disciplinary
36 action against a teacher who engages in conduct that is a violation of the
37 policies of the governing board but that is not cause for dismissal of the
38 teacher or for revocation of the certificate of the teacher. Disciplinary
39 action may include suspension without pay for a period of time not to
40 exceed ten school days. Disciplinary action shall not include suspension
41 with pay or suspension without pay for a period of time longer than ten
42 school days. The procedures shall include notice, hearing and appeal
43 provisions for violations that are cause for disciplinary action. The
44 governing board may designate a person or persons to act on behalf of the
45 board on these matters.

1 22. Prescribe and enforce policies and procedures for disciplinary
 2 action against an administrator who engages in conduct that is a violation
 3 of the policies of the governing board regarding duties of administrators
 4 but that is not cause for dismissal of the administrator or for revocation
 5 of the certificate of the administrator. Disciplinary action may include
 6 suspension without pay for a period of time not to exceed ten school days.
 7 Disciplinary action shall not include suspension with pay or suspension
 8 without pay for a period of time longer than ten school days. The
 9 procedures shall include notice, hearing and appeal provisions for
 10 violations that are cause for disciplinary action. The governing board
 11 may designate a person or persons to act on behalf of the board on these
 12 matters. For violations that are cause for dismissal, the provisions of
 13 notice, hearing and appeal in chapter 5, article 3 of this title shall
 14 apply. The filing of a timely request for a hearing suspends the
 15 imposition of a suspension without pay or a dismissal pending completion
 16 of the hearing.

17 23. Notwithstanding sections 13-3108 and 13-3120, prescribe and
 18 enforce policies and procedures that prohibit a person from carrying or
 19 possessing a weapon on school grounds unless the person is a peace officer
 20 or has obtained specific authorization from the school administrator.

21 24. Prescribe and enforce policies and procedures relating to the
 22 health and safety of all pupils participating in ~~district-sponsored~~
 23 **DISTRICT-SPONSORED** practice sessions or games or other interscholastic
 24 athletic activities, including:

25 (a) The provision of water.

26 (b) Guidelines, information and forms, developed in consultation
 27 with a statewide private entity that supervises interscholastic
 28 activities, to inform and educate coaches, pupils and parents of the
 29 dangers of concussions and head injuries and the risks of continued
 30 participation in athletic activity after a concussion. The policies and
 31 procedures shall require that, before a pupil participates in an athletic
 32 activity, the pupil and the pupil's parent must sign an information form
 33 at least once each school year that states that the parent is aware of the
 34 nature and risk of concussion. The policies and procedures shall require
 35 that a pupil who is suspected of sustaining a concussion in a practice
 36 session, game or other interscholastic athletic activity be immediately
 37 removed from the athletic activity. A coach from the pupil's team or an
 38 official or a licensed health care provider may remove a pupil from
 39 play. A team parent may also remove the parent's own child from play. A
 40 pupil may return to play on the same day if a health care provider rules
 41 out a suspected concussion at the time the pupil is removed from play. On
 42 a subsequent day, the pupil may return to play if the pupil has been
 43 evaluated by and received written clearance to resume participation in
 44 athletic activity from a health care provider who has been trained in the
 45 evaluation and management of concussions and head injuries. A health care

1 provider who is a volunteer and who provides clearance to participate in
2 athletic activity on the day of the suspected injury or on a subsequent
3 day is immune from civil liability with respect to all decisions made and
4 actions taken that are based on good faith implementation of the
5 requirements of this subdivision, except in cases of gross negligence or
6 wanton or wilful neglect. A school district, school district employee,
7 team coach, official or team volunteer or a parent or guardian of a team
8 member is not subject to civil liability for any act, omission or policy
9 undertaken in good faith to comply with the requirements of this
10 subdivision or for a decision made or an action taken by a health care
11 provider. A group or organization that uses property or facilities owned
12 or operated by a school district for athletic activities shall comply with
13 the requirements of this subdivision. A school district and its employees
14 and volunteers are not subject to civil liability for any other person or
15 organization's failure or alleged failure to comply with the requirements
16 of this subdivision. This subdivision does not apply to teams that are
17 based in another state and that participate in an athletic activity in
18 this state. For the purposes of this subdivision, athletic activity does
19 not include dance, rhythmic gymnastics, competitions or exhibitions of
20 academic skills or knowledge or other similar forms of physical noncontact
21 activities, civic activities or academic activities, whether engaged in
22 for the purposes of competition or recreation. For the purposes of this
23 subdivision, "health care provider" means a physician who is licensed
24 pursuant to title 32, chapter 13 or 17, ~~an athletic trainer who is~~
25 ~~licensed pursuant to title 32, chapter 41,~~ a nurse practitioner who is
26 licensed pursuant to title 32, chapter 15, and a physician assistant who
27 is licensed pursuant to title 32, chapter 25.

28 25. Establish an assessment, data gathering and reporting system as
29 prescribed in chapter 7, article 3 of this title.

30 26. Provide special education programs and related services
31 pursuant to section 15-764, subsection A to all children with disabilities
32 as defined in section 15-761.

33 27. Administer competency tests prescribed by the state board of
34 education for the graduation of pupils from high school.

35 28. Ensure that insurance coverage is secured for all construction
36 projects for purposes of general liability, property damage and workers'
37 compensation and secure performance and payment bonds for all construction
38 projects.

39 29. Keep in the personnel file of all current and former employees
40 who provide instruction to pupils at a school information about the
41 employee's educational and teaching background and experience in a
42 particular academic content subject area. A school district shall inform
43 parents and guardians of the availability of the information and shall
44 make the information available for inspection on request of parents and
45 guardians of pupils enrolled at a school. This paragraph shall not be

1 construed to require any school to release personally identifiable
 2 information in relation to any teacher or employee, including the
 3 teacher's or employee's address, salary, social security number or
 4 telephone number.

5 30. Report to local law enforcement agencies any suspected crime
 6 against a person or property that is a serious offense as defined in
 7 section 13-706 or that involves a deadly weapon or dangerous instrument or
 8 serious physical injury and any conduct that poses a threat of death or
 9 serious physical injury to employees, students or anyone on the property
 10 of the school. This paragraph does not limit or preclude the reporting by
 11 a school district or an employee of a school district of suspected crimes
 12 other than those required to be reported by this paragraph. For the
 13 purposes of this paragraph, "dangerous instrument", "deadly weapon" and
 14 "serious physical injury" have the same meanings prescribed in section
 15 13-105.

16 31. In conjunction with local law enforcement agencies and
 17 emergency response agencies, develop an emergency response plan for each
 18 school in the school district in accordance with minimum standards
 19 developed jointly by the department of education and the division of
 20 emergency management within the department of emergency and military
 21 affairs.

22 32. Provide written notice to the parents or guardians of all
 23 students enrolled in the school district at least ten days prior to a
 24 public meeting to discuss closing a school within the school district.
 25 The notice shall include the reasons for the proposed closure and the time
 26 and place of the meeting. The governing board shall fix a time for a
 27 public meeting on the proposed closure no less than ten days before voting
 28 in a public meeting to close the school. The school district governing
 29 board shall give notice of the time and place of the meeting. At the time
 30 and place designated in the notice, the school district governing board
 31 shall hear reasons for or against closing the school. The school district
 32 governing board is exempt from this paragraph if it is determined by the
 33 governing board that the school shall be closed because it poses a danger
 34 to the health or safety of the pupils or employees of the school. A
 35 governing board may consult with the school facilities board for technical
 36 assistance and for information on the impact of closing a school. The
 37 information provided from the school facilities board shall not require
 38 the governing board to take or not take any action.

39 33. Incorporate instruction on Native American history into
 40 appropriate existing curricula.

41 34. Prescribe and enforce policies and procedures:

42 (a) Allowing pupils who have been diagnosed with anaphylaxis by a
 43 health care provider licensed pursuant to title 32, chapter 13, 14, 17 or
 44 25 or by a registered nurse practitioner licensed and certified pursuant
 45 to title 32, chapter 15 to carry and self-administer emergency

1 medications, including epinephrine auto-injectors, while at school and at
2 school-sponsored activities. The pupil's name on the prescription label
3 on the medication container or on the medication device and annual written
4 documentation from the pupil's parent or guardian to the school that
5 authorizes possession and self-administration is sufficient proof that the
6 pupil is entitled to the possession and self-administration of the
7 medication. The policies shall require a pupil who uses an epinephrine
8 auto-injector while at school and at school-sponsored activities to notify
9 the nurse or the designated school staff person of the use of the
10 medication as soon as practicable. A school district and its employees
11 are immune from civil liability with respect to all decisions made and
12 actions taken that are based on good faith implementation of the
13 requirements of this subdivision, except in cases of wanton or wilful
14 neglect.

15 (b) For the emergency administration of epinephrine auto-injectors
16 by a trained employee of a school district pursuant to section 15-157.

17 35. Allow the possession and self-administration of prescription
18 medication for breathing disorders in handheld inhaler devices by pupils
19 who have been prescribed that medication by a health care professional
20 licensed pursuant to title 32. The pupil's name on the prescription label
21 on the medication container or on the handheld inhaler device and annual
22 written documentation from the pupil's parent or guardian to the school
23 that authorizes possession and self-administration shall be sufficient
24 proof that the pupil is entitled to the possession and self-administration
25 of the medication. A school district and its employees are immune from
26 civil liability with respect to all decisions made and actions taken that
27 are based on a good faith implementation of the requirements of this
28 paragraph.

29 36. Prescribe and enforce policies and procedures to prohibit
30 pupils from harassing, intimidating and bullying other pupils on school
31 grounds, on school property, on school buses, at school bus stops, at
32 school-sponsored events and activities and through the use of electronic
33 technology or electronic communication on school computers, networks,
34 forums and mailing lists that include the following components:

35 (a) A procedure for pupils, parents and school district employees
36 to confidentially report to school officials incidents of harassment,
37 intimidation or bullying. The school shall make available written forms
38 designed to provide a full and detailed description of the incident and
39 any other relevant information about the incident.

40 (b) A requirement that school district employees report in writing
41 suspected incidents of harassment, intimidation or bullying to the
42 appropriate school official and a description of appropriate disciplinary
43 procedures for employees who fail to report suspected incidents that are
44 known to the employee.

1 (c) A requirement that, at the beginning of each school year,
2 school officials provide all pupils with a written copy of the rights,
3 protections and support services available to a pupil who is an alleged
4 victim of an incident reported pursuant to this paragraph.

5 (d) If an incident is reported pursuant to this paragraph, a
6 requirement that school officials provide a pupil who is an alleged victim
7 of the incident with a written copy of the rights, protections and support
8 services available to that pupil.

9 (e) A formal process for the documentation of reported incidents of
10 harassment, intimidation or bullying and for the confidentiality,
11 maintenance and disposition of this documentation. School districts shall
12 maintain documentation of all incidents reported pursuant to this
13 paragraph for at least six years. The school shall not use that
14 documentation to impose disciplinary action unless the appropriate school
15 official has investigated and determined that the reported incidents of
16 harassment, intimidation or bullying occurred. If a school provides
17 documentation of reported incidents to persons other than school officials
18 or law enforcement, all individually identifiable information shall be
19 redacted.

20 (f) A formal process for the investigation by the appropriate
21 school officials of suspected incidents of harassment, intimidation or
22 bullying, including procedures for notifying the alleged victim on
23 completion and disposition of the investigation.

24 (g) Disciplinary procedures for pupils who have admitted or been
25 found to have committed incidents of harassment, intimidation or bullying.

26 (h) A procedure that sets forth consequences for submitting false
27 reports of incidents of harassment, intimidation or bullying.

28 (i) Procedures designed to protect the health and safety of pupils
29 who are physically harmed as the result of incidents of harassment,
30 intimidation and bullying, including, if appropriate, procedures to
31 contact emergency medical services or law enforcement agencies, or both.

32 (j) Definitions of harassment, intimidation and bullying.

33 37. Prescribe and enforce policies and procedures regarding
34 changing or adopting attendance boundaries that include the following
35 components:

36 (a) A procedure for holding public meetings to discuss attendance
37 boundary changes or adoptions that allows public comments.

38 (b) A procedure to notify the parents or guardians of the students
39 affected.

40 (c) A procedure to notify the residents of the households affected
41 by the attendance boundary changes.

42 (d) A process for placing public meeting notices and proposed maps
43 on the school district's website for public review, if the school district
44 maintains a website.

1 (e) A formal process for presenting the attendance boundaries of
2 the affected area in public meetings that allows public comments.

3 (f) A formal process for notifying the residents and parents or
4 guardians of the affected area as to the decision of the governing board
5 on the school district's website, if the school district maintains a
6 website.

7 (g) A formal process for updating attendance boundaries on the
8 school district's website within ninety days of an adopted boundary
9 change. The school district shall send a direct link to the school
10 district's attendance boundaries website to the department of real estate.

11 38. If the state board of education determines that the school
12 district has committed an overexpenditure as defined in section 15-107,
13 provide a copy of the fiscal management report submitted pursuant to
14 section 15-107, subsection H on its website and make copies available to
15 the public on request. The school district shall comply with a request
16 within five business days after receipt.

17 39. Ensure that the contract for the superintendent is structured
18 in a manner in which up to twenty percent of the total annual salary
19 included for the superintendent in the contract is classified as
20 performance pay. This paragraph shall not be construed to require school
21 districts to increase total compensation for superintendents. Unless the
22 school district governing board votes to implement an alternative
23 procedure at a public meeting called for this purpose, the performance pay
24 portion of the superintendent's total annual compensation shall be
25 determined as follows:

26 (a) Twenty-five percent of the performance pay shall be determined
27 based on the percentage of academic gain determined by the department of
28 education of pupils who are enrolled in the school district compared to
29 the academic gain achieved by the highest ranking of the fifty largest
30 school districts in this state. For the purposes of this subdivision, the
31 department of education shall determine academic gain by the academic
32 growth achieved by each pupil who has been enrolled at the same school in
33 a school district for at least five consecutive months measured against
34 that pupil's academic results in the 2008-2009 school year. For the
35 purposes of this subdivision, of the fifty largest school districts in
36 this state, the school district with pupils who demonstrate the highest
37 statewide percentage of overall academic gain measured against academic
38 results for the 2008-2009 school year shall be assigned a score of 100 and
39 the school district with pupils who demonstrate the lowest statewide
40 percentage of overall academic gain measured against academic results for
41 the 2008-2009 school year shall be assigned a score of 0.

42 (b) Twenty-five percent of the performance pay shall be determined
43 by the percentage of parents of pupils who are enrolled at the school
44 district who assign a letter grade of "A" to the school on a survey of
45 parental satisfaction with the school district. The parental satisfaction

1 survey shall be administered and scored by an independent entity that is
2 selected by the governing board and that demonstrates sufficient expertise
3 and experience to accurately measure the results of the survey. The
4 parental satisfaction survey shall use standard random sampling procedures
5 and provide anonymity and confidentiality to each parent who participates
6 in the survey. The letter grade scale used on the parental satisfaction
7 survey shall direct parents to assign one of the following letter grades:

- 8 (i) A letter grade of "A" if the school district is excellent.
- 9 (ii) A letter grade of "B" if the school district is above average.
- 10 (iii) A letter grade of "C" if the school district is average.
- 11 (iv) A letter grade of "D" if the school district is below average.
- 12 (v) A letter grade of "F" if the school district is a failure.

13 (c) Twenty-five percent of the performance pay shall be determined
14 by the percentage of teachers who are employed at the school district and
15 who assign a letter grade of "A" to the school on a survey of teacher
16 satisfaction with the school. The teacher satisfaction survey shall be
17 administered and scored by an independent entity that is selected by the
18 governing board and that demonstrates sufficient expertise and experience
19 to accurately measure the results of the survey. The teacher satisfaction
20 survey shall use standard random sampling procedures and provide anonymity
21 and confidentiality to each teacher who participates in the survey. The
22 letter grade scale used on the teacher satisfaction survey shall direct
23 teachers to assign one of the following letter grades:

- 24 (i) A letter grade of "A" if the school district is excellent.
- 25 (ii) A letter grade of "B" if the school district is above average.
- 26 (iii) A letter grade of "C" if the school district is average.
- 27 (iv) A letter grade of "D" if the school district is below average.
- 28 (v) A letter grade of "F" if the school district is a failure.

29 (d) Twenty-five percent of the performance pay shall be determined
30 by other criteria selected by the governing board.

31 40. Maintain and store permanent public records of the school
32 district as required by law. Notwithstanding section 39-101, the
33 standards adopted by the Arizona state library, archives and public
34 records for the maintenance and storage of school district public records
35 shall allow school districts to elect to satisfy the requirements of this
36 paragraph by maintaining and storing these records either on paper or in
37 an electronic format, or a combination of a paper and electronic format.

38 41. Adopt in a public meeting and implement ~~by school year~~
39 ~~2013-2014~~ policies for principal evaluations. Before the adoption of
40 principal evaluation policies, the school district governing board shall
41 provide opportunities for public discussion on the proposed policies. The
42 policies shall describe:

43 (a) The principal evaluation instrument, including the four
44 performance classifications adopted by the governing board pursuant to
45 section 15-203, subsection A, paragraph 38.

1 (b) Alignment of professional development opportunities to the
2 principal evaluations.

3 (c) Incentives for principals in one of the two highest performance
4 classifications pursuant to section 15-203, subsection A, paragraph 38,
5 which may include:

6 (i) Multiyear contracts pursuant to section 15-503.

7 (ii) Incentives to work at schools that are assigned a letter grade
8 of D or F pursuant to section 15-241.

9 (d) Transfer and contract processes for principals designated in
10 the lowest performance classification pursuant to section 15-203,
11 subsection A, paragraph 38.

12 42. Prescribe and enforce policies and procedures that define the
13 duties of principals and teachers. These policies and procedures shall
14 authorize teachers to take and maintain daily classroom attendance, make
15 the decision to promote or retain a pupil in a grade in common school or
16 to pass or fail a pupil in a course in high school, subject to review by
17 the governing board in the manner provided in section 15-342,
18 paragraph 11.

19 43. Prescribe and enforce policies and procedures for the emergency
20 administration by an employee of a school district pursuant to section
21 36-2267 of naloxone hydrochloride or any other opioid antagonist approved
22 by the United States food and drug administration.

23 B. Notwithstanding subsection A, paragraphs 7, 9 and 11 of this
24 section, the county school superintendent may construct, improve and
25 furnish school buildings or purchase or sell school sites in the conduct
26 of an accommodation school.

27 C. If any school district acquires real or personal property,
28 whether by purchase, exchange, condemnation, gift or otherwise, the
29 governing board shall pay to the county treasurer any taxes on the
30 property that were unpaid as of the date of acquisition, including
31 penalties and interest. The lien for unpaid delinquent taxes, penalties
32 and interest on property acquired by a school district:

33 1. Is not abated, extinguished, discharged or merged in the title
34 to the property.

35 2. Is enforceable in the same manner as other delinquent tax liens.

36 D. The governing board may not locate a school on property that is
37 less than one-fourth mile from agricultural land regulated pursuant to
38 section 3-365, except that the owner of the agricultural land may agree to
39 comply with the buffer zone requirements of section 3-365. If the owner
40 agrees in writing to comply with the buffer zone requirements and records
41 the agreement in the office of the county recorder as a restrictive
42 covenant running with the title to the land, the school district may
43 locate a school within the affected buffer zone. The agreement may
44 include any stipulations regarding the school, including conditions for

1 future expansion of the school and changes in the operational status of
2 the school that will result in a breach of the agreement.

3 E. A school district, its governing board members, its school
4 council members and its employees are immune from civil liability for the
5 consequences of adoption and implementation of policies and procedures
6 pursuant to subsection A of this section and section 15-342. This waiver
7 does not apply if the school district, its governing board members, its
8 school council members or its employees are guilty of gross negligence or
9 intentional misconduct.

10 F. A governing board may delegate in writing to a superintendent,
11 principal or head teacher the authority to prescribe procedures that are
12 consistent with the governing board's policies.

13 G. Notwithstanding any other provision of this title, a school
14 district governing board shall not take any action that would result in a
15 reduction of pupil square footage unless the governing board notifies the
16 school facilities board established by section 15-2001 of the proposed
17 action and receives written approval from the school facilities board to
18 take the action. A reduction includes an increase in administrative space
19 that results in a reduction of pupil square footage or sale of school
20 sites or buildings, or both. A reduction includes a reconfiguration of
21 grades that results in a reduction of pupil square footage of any grade
22 level. This subsection does not apply to temporary reconfiguration of
23 grades to accommodate new school construction if the temporary
24 reconfiguration does not exceed one year. The sale of equipment that
25 results in a reduction that falls below the equipment requirements
26 prescribed in section 15-2011, subsection B is subject to commensurate
27 withholding of school district district additional assistance monies
28 pursuant to the direction of the school facilities board. Except as
29 provided in section 15-342, paragraph 10, proceeds from the sale of school
30 sites, buildings or other equipment shall be deposited in the school plant
31 fund as provided in section 15-1102.

32 H. Subsections C through G of this section apply to a county board
33 of supervisors and a county school superintendent when operating and
34 administering an accommodation school.

35 Sec. 2. Section 20-3151, Arizona Revised Statutes, is amended to
36 read:

37 20-3151. Definitions

38 ~~For the purposes of~~ IN this ~~section~~ CHAPTER, UNLESS THE CONTEXT
39 OTHERWISE REQUIRES:

40 1. "Enrollee" means an individual who is enrolled in a health care
41 plan provided by a health care insurer.

42 2. "Health care insurer" means a disability insurer, group
43 disability insurer, blanket disability insurer, health care services
44 organization, hospital service corporation, medical service corporation or
45 hospital and medical service corporation.

1 3. "Health care plan" means a policy, contract or evidence of
2 coverage issued to an enrollee. Health care plan does not include limited
3 benefit coverage as defined in section 20-1137.

4 4. "Health care professional" means a professional who is regulated
5 pursuant to title 32, chapter 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19,
6 19.1, 25, 28, 29, 33, 34, 35, ~~OR 39 or 41~~, title 36, chapter 6, article 7
7 or title 36, chapter 17.

8 Sec. 3. Section 32-1921, Arizona Revised Statutes, is amended to
9 read:

10 32-1921. Exempted acts; exemption from registration fees;
11 definition

12 A. This chapter does not prevent:

13 1. The prescription and dispensing of drugs or prescription
14 medications by a registered nurse practitioner pursuant to rules adopted
15 by the ARIZONA STATE board of nursing in consultation with the Arizona
16 medical board, the ARIZONA board of osteopathic examiners in medicine and
17 surgery and the ARIZONA STATE board of pharmacy.

18 2. The sale of nonprescription drugs that are sold at retail in
19 original packages by a person holding a permit issued by the board under
20 this chapter.

21 3. The sale of drugs at wholesale by a wholesaler or manufacturer
22 that holds the required permit issued by the board to a person who holds
23 the required permit issued under this chapter.

24 4. The manufacturing of drugs by a person who is not a pharmacist
25 and who holds the required permit issued by the board under this chapter.

26 5. The following health professionals from dispensing or personally
27 administering drugs or devices to a patient for a condition being treated
28 by the health professional:

29 (a) A doctor of medicine licensed pursuant to chapter 13 of this
30 title.

31 (b) An osteopathic physician licensed pursuant to chapter 17 of
32 this title.

33 (c) A homeopathic physician licensed pursuant to chapter 29 of this
34 title.

35 (d) A podiatrist licensed pursuant to chapter 7 of this title.

36 (e) A dentist licensed pursuant to chapter 11 of this title.

37 (f) A doctor of naturopathic medicine who is authorized to
38 prescribe natural substances, drugs or devices and who is licensed
39 pursuant to chapter 14 of this title.

40 (g) An optometrist who is licensed pursuant to chapter 16 of this
41 title and who is certified for topical or oral pharmaceutical agents.

42 6. A veterinarian licensed pursuant to chapter 21 of this title
43 from dispensing or administering drugs to an animal or from dispensing or
44 administering devices to an animal being treated by the veterinarian.

1 7. The use of any pesticide chemical, soil or plant nutrient or
2 other agricultural chemical that is a color additive solely because of its
3 effect in aiding, retarding or otherwise affecting directly or indirectly
4 the growth or other natural physiological process of produce of the soil
5 and thereby affecting its color whether before or after harvest.

6 8. A licensed practical or registered nurse employed by a person
7 licensed pursuant to chapter 7, 11, 13, 14, 17 or 29 of this title from
8 assisting in the delivery of drugs and devices to patients, in accordance
9 with chapter 7, 11, 13, 14, 17 or 29 of this title.

10 9. The use of any mechanical device or vending machine in
11 connection with the sale of any nonprescription drug, including
12 proprietary and patent medicine. The board may adopt rules to prescribe
13 conditions under which nonprescription drugs may be dispensed pursuant to
14 this paragraph.

15 B. A person who is licensed pursuant to chapter 7, 11, 13, 14, 17
16 or 29 of this title and who employs a licensed practical or registered
17 nurse who in the course of employment assists in the delivery of drugs and
18 devices is responsible for the dispensing process.

19 C. Pursuant to a prescription order written by a physician for the
20 physician's patients and dispensed by a licensed pharmacist, a physical
21 therapist licensed pursuant to chapter 19 of this title, ~~OR~~ an
22 occupational therapist licensed pursuant to chapter 34 of this title ~~or an~~
23 ~~athletic trainer licensed pursuant to chapter 41 of this title~~ may
24 procure, store and administer nonscheduled legend and topical
25 anti-inflammatories and topical anesthetics for use in phonophoresis and
26 iontophoresis procedures and within the scope of practice of physical or
27 occupational therapy or athletic training.

28 D. A public health facility operated by this state or a county and
29 a qualifying community health center may dispense medication or devices to
30 patients at no cost without providing a written prescription if the public
31 health facility or the qualifying community health center meets all
32 storage, labeling, safety and record keeping rules adopted by the board of
33 pharmacy.

34 E. A person who is licensed pursuant to chapter 7, 11, 13, 14, 17
35 or 29 of this title, who is practicing at a public health facility or a
36 qualifying community health center and who is involved in the dispensing
37 of medication or devices only at a facility or center, whether for a
38 charge or at no cost, shall register to dispense with the appropriate
39 licensing board but is exempt from paying registration fees.

40 F. For the purposes of this section, "qualifying community health
41 center" means a primary care clinic that is recognized as nonprofit under
42 section 501(c)(3) of the United States internal revenue code and whose
43 board of directors includes patients of the center and residents of the
44 center's service area.

1 Sec. 4. Section 32-3101, Arizona Revised Statutes, is amended to
2 read:

3 32-3101. Definitions

4 In this chapter, unless the context otherwise requires:

5 1. "Applicant group" means any health professional group or
6 organization, any individual or any other interested party that proposes
7 that any health professional group not presently regulated be regulated or
8 that proposes to increase the scope of practice of a health profession.

9 2. "Certification" means a voluntary process by which a regulatory
10 entity grants recognition to an individual who has met certain
11 prerequisite qualifications specified by that regulatory entity and who
12 may assume or use the word "certified" in a title or designation to
13 perform prescribed health professional tasks.

14 3. "Grandfather clause" means a provision applicable to
15 practitioners actively engaged in the regulated health profession before
16 the effective date of a law that exempts the practitioners from meeting
17 the prerequisite qualifications set forth in the law to perform prescribed
18 occupational tasks.

19 4. "Health professions" means professions regulated pursuant to
20 chapter 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19, 19.1, 21, 25, 28, 29,
21 33, 34, 35, ~~OR 39~~ ~~or 41~~ of this title, title 36, chapter 6, article 7 or
22 title 36, chapter 17.

23 5. "Increase the scope of practice" means to engage in conduct
24 beyond the authority granted to a health profession by law.

25 6. "Inspection" means the periodic examination of practitioners by
26 a state agency in order to ascertain whether the practitioners' occupation
27 is being carried out in a fashion consistent with the public health,
28 safety and welfare.

29 7. "Legislative committees of reference" means joint subcommittees
30 composed of the members of the appropriate standing committees of the
31 house of representatives and senate appointed pursuant to section 41-2954.

32 8. "Licensure" or "license" means an individual, nontransferable
33 authorization to carry on a health activity that would otherwise be
34 unlawful in this state in the absence of the permission, and that is based
35 on qualifications that include graduation from an accredited or approved
36 program and acceptable performance on a qualifying examination or a series
37 of examinations.

38 9. "Practitioner" means an individual who has achieved knowledge
39 and skill by practice and who is actively engaged in a specified health
40 profession.

41 10. "Public member" means an individual who is not and never has
42 been a member or spouse of a member of the health profession being
43 regulated and who does not have and never has had a material financial
44 interest in either the rendering of the health professional service being

1 regulated or an activity directly related to the profession being
2 regulated.

3 11. "Registration" means the formal notification that, before
4 rendering services, a practitioner shall submit to a state agency setting
5 forth the name and address of the practitioner, the location, nature and
6 operation of the health activity to be practiced and, if required by a
7 regulatory entity, a description of the service to be provided.

8 12. "Regulatory entity" means any board, commission, agency or
9 department of this state that regulates one or more health professions in
10 this state.

11 13. "State agency" means any department, board, commission or
12 agency of this state.

13 Sec. 5. Section 32-3201, Arizona Revised Statutes, is amended to
14 read:

15 32-3201. Definitions

16 In this chapter, unless the context otherwise requires:

17 1. "Health profession regulatory board" means any board that
18 regulates one or more health professionals in this state.

19 2. "Health professional" means a person who is certified or
20 licensed pursuant to chapter 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19,
21 19.1, 21, 25, 28, 29, 33, 34, 35, 39, ~~41~~ or 42 of this title, title 36,
22 chapter 4, article 6, title 36, chapter 6, article 7 or title 36,
23 chapter 17.

24 3. "Medical ~~record~~ RECORDS" has the same meaning prescribed in
25 section 12-2291 but does not include prescription orders.

26 Sec. 6. Section 32-3218, Arizona Revised Statutes, is amended to
27 read:

28 32-3218. Health profession regulatory boards; members;
29 training; definitions

30 A. ~~Beginning January 1, 2015,~~ Each member of a health profession
31 regulatory board shall complete a twelve-hour training within one year
32 after the member's initial appointment to the board. ~~Any member of a~~
33 ~~health profession regulatory board whose initial appointment was before~~
34 ~~January 1, 2015 has until January 1, 2016 to complete the training~~
35 ~~required by this subsection.~~ The training must include the subjects of
36 governance and administrative management, disciplinary procedures, conduct
37 of quasi-judicial proceedings, administrative procedure and rule adoption
38 and licensure as they apply to the health profession regulatory board.
39 Any training completed by a current board member on and after January 1,
40 2014 on the topics specified in this subsection may count toward the
41 requirements of this subsection.

42 B. The training of board members required by this section may be
43 provided by the staff of any health profession regulatory board, the
44 office of the attorney general, the department of administration, the
45 auditor general or an outside educational institution or any other

1 provider that is approved by the health profession regulatory board on
2 which the member is serving.

3 C. Any board action taken by a health profession regulatory board
4 is not subject to challenge or invalidation because a board member has not
5 completed the training required by this section.

6 D. For the purposes of this section:

7 ~~1.~~ 1. "Health professional" means a person who is certified or
8 licensed pursuant to chapter 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19,
9 19.1, 21, 25, 28, 29, 34, 35, 39, ~~41~~ or 42 of this title.

10 ~~2.~~ 2. "Health profession regulatory board" means any board that
11 regulates one or more health ~~professiona~~ PROFESSIONALS in this state.

12 Sec. 7. Subject to the requirements of article IV, part 1,
13 section 1, Constitution of Arizona, section 36-601.01, Arizona Revised
14 Statutes, is amended to read:

15 36-601.01. Smoke-free Arizona act

16 A. Definitions. The following words and phrases, whenever used in
17 this section, shall be construed as defined in this section:

18 1. "Employee" means any person who performs any service on a
19 full-time, part-time or contracted basis whether or not the person is
20 denominated an employee, independent contractor or otherwise and whether
21 or not the person is compensated or is a volunteer.

22 2. "Employer" means a person, A business, A partnership, AN
23 association, the state of Arizona and its political subdivisions,
24 corporations, including ~~a~~ municipal corporations, A trust, ~~or non-profit~~
25 A NONPROFIT entity that employs the services of one or more individual
26 persons.

27 3. "Enclosed area" means all space between a floor and ceiling that
28 is enclosed on all sides by permanent or temporary walls or windows
29 (exclusive of doorways), ~~which~~ THAT extend from the floor to the ceiling.
30 Enclosed area includes a reasonable distance from any entrances, windows
31 and ventilation systems so that persons entering or leaving the building
32 or facility ~~shall~~ ARE not ~~be~~ subjected to breathing tobacco smoke and so
33 that tobacco smoke does not enter the building or facility through
34 entrances, windows, ventilation systems or any other means.

35 4. "Health care facility" means any enclosed area utilized by any
36 health care institution licensed according to ~~title 36 chapter 4,~~
37 ~~chapter 6~~ article 7, ~~OF THIS CHAPTER~~ or chapter 4 OR 17 OF THIS TITLE, or
38 any health care professional licensed according to title 32, ~~chapters~~
39 CHAPTER 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19, 19.1, 21, 25, 28, 29,
40 33, 34, 35, 39, ~~41~~, or 42.

41 5. "Person" means an individual, partnership, corporation, limited
42 liability company, entity, association, governmental subdivision or unit
43 of a governmental subdivision, or a public or private organization of any
44 character.

1 6. "Physically separated" means all space between a floor and
2 ceiling ~~which~~ THAT is enclosed on all sides by solid walls or windows
3 (exclusive of door or passageway) and independently ventilated from
4 smoke-free areas, so that air within permitted smoking areas does not
5 drift or get vented into smoke-free areas.

6 7. "Places of employment" means an enclosed area under the control
7 of a public or private employer that employees normally frequent during
8 the course of employment, including office buildings, work areas,
9 auditoriums, employee lounges, restrooms, conference rooms, meeting rooms,
10 classrooms, cafeterias, hallways, stairs, elevators, health care
11 facilities, private offices and vehicles owned and operated by the
12 employer during working hours when the vehicle is occupied by more than
13 one person. A private residence is not a ~~"place of employment"~~ unless
14 it is used as a child care, adult day care,~~;~~ or health care facility.

15 ~~9.~~ 8. "Public place" means any enclosed area to which the public
16 is invited or in which the public is permitted, including airports, banks,
17 bars, common areas of apartment buildings, condominiums or other
18 multifamily housing facilities, educational facilities, entertainment
19 facilities or venues, health care facilities, hotel and motel common
20 areas, laundromats, public transportation facilities, reception areas,
21 restaurants, retail food production and marketing establishments, retail
22 service establishments, retail stores, shopping malls, sports facilities,
23 theaters,~~;~~ and waiting rooms. A private residence is not a ~~"public~~
24 ~~place"~~ unless it is used as a child care, adult day care,~~;~~ or health care
25 facility.

26 ~~10.~~ 9. "Retail tobacco store" means a retail store that derives the
27 majority of its sales from tobacco products and accessories.

28 ~~11.~~ 10. "Smoking" means inhaling, exhaling, burning,~~;~~ or carrying
29 or possessing any lighted tobacco product, including cigars, cigarettes,
30 pipe tobacco and any other lighted tobacco product.

31 ~~12.~~ 11. "Sports facilities" means enclosed areas of sports
32 pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming
33 pools, roller and ice rinks, billiard halls, bowling alleys,~~;~~ and other
34 similar places where members of the general public assemble to engage in
35 physical exercise, participate in athletic competition,~~;~~ or witness
36 sporting events.

37 ~~8.~~ 12. "Veteran and fraternal clubs" means a club as defined in
38 ~~A.R.S. 4-101(7)(a)(b) or (c)~~ SECTION 4-101, PARAGRAPH 7, SUBDIVISION (a),
39 (b) OR (c).

40 B. Smoking is prohibited in all public places and places of
41 employment within the state of Arizona, except the following:

42 1. Private residences, except when used as a licensed child care,
43 adult day care,~~;~~ or health care facility.

44 2. Hotel and motel rooms that are rented to guests and are
45 designated as smoking rooms; ~~provided, however, that~~ IF not more than

1 fifty percent of rooms rented to guests in a hotel or motel are so
2 designated.

3 3. Retail tobacco stores that are physically separated so that
4 smoke from retail tobacco stores does not infiltrate into areas where
5 smoking is prohibited under ~~the provisions of~~ this section.

6 4. Veterans and fraternal clubs when they are not open to the
7 general public.

8 5. Smoking when associated with a religious ceremony practiced
9 pursuant to the American Indian religious freedom act of 1978.

10 6. Outdoor patios so long as tobacco smoke does not enter areas
11 where smoking is prohibited through entrances, windows, ventilation
12 systems, ~~or~~ other means.

13 7. A theatrical performance ~~upon~~ ON a stage or in the course of a
14 film or television production if the smoking is part of the performance or
15 production.

16 C. The prohibition on smoking in places of employment shall be
17 communicated to all existing employees ~~by the effective date of this~~
18 ~~section~~ and to all prospective employees ~~upon~~ ON their application for
19 employment.

20 D. Notwithstanding any other provision of this section, an owner,
21 operator, manager, ~~or~~ other person or entity in control of an
22 establishment, facility, ~~or~~ outdoor area may declare that entire
23 establishment, facility, ~~or~~ outdoor area as a nonsmoking place.

24 E. Posting of signs and ashtray removal.

25 1. ~~"No smoking"~~ signs or the international ~~"no smoking"~~ symbol
26 (consisting of a pictorial representation of a burning cigarette enclosed
27 in a red circle with a red bar across it) shall be clearly and
28 conspicuously posted by the owner, operator, manager, ~~or~~ other person in
29 control of that place identifying where smoking is prohibited by this
30 section and where complaints regarding violations may be registered.

31 2. Every public place and place of employment where smoking is
32 prohibited by this section shall have posted at every entrance a
33 conspicuous sign clearly stating that smoking is prohibited.

34 3. All ashtrays shall be removed from any area where smoking is
35 prohibited by this section by the owner, operator, manager, ~~or~~ other
36 person having control of the area.

37 F. ~~No~~ AN employer may NOT discharge or retaliate against an
38 employee because that employee exercises any rights afforded by this
39 section or reports or attempts to prosecute a violation of this section.

40 G. ~~The law~~ THIS SECTION shall be implemented and enforced by the
41 department of health services as follows:

42 1. The department shall design and implement a program, including
43 the establishment of an internet website, to educate the public regarding
44 the provisions of this ~~law~~ SECTION.

1 2. The department shall inform persons who own, manage, operate or
2 otherwise control a public place or place of employment of the
3 requirements of this ~~law~~ SECTION and how to comply with its provisions,
4 including making information available and providing a toll-free telephone
5 number and e-mail address to be used exclusively for this purpose.

6 3. Any member of the public may report a violation of this ~~law~~
7 SECTION to the department. The department shall accept oral and written
8 reports of violation and establish an e-mail address(es) and toll-free
9 telephone number(s) to be used exclusively for the purpose of reporting
10 violations. A person shall not be required to disclose the person's
11 identity when reporting a violation.

12 4. If the department has reason to believe a violation of this ~~law~~
13 SECTION exists, the department may enter ~~upon~~ ON and into any public place
14 or place of employment for purposes of determining compliance with this
15 ~~law~~ SECTION. However, the department may inspect public places where food
16 or alcohol is served at any time to determine compliance with this ~~law~~
17 SECTION.

18 5. If the department determines that a violation of this ~~law~~
19 SECTION exists at a public place or place of employment, the department
20 shall issue a notice of violation to the person who owns, manages,
21 operates or otherwise controls the public place or place of employment.
22 The notice shall include the nature of each violation, date and time each
23 violation occurred, and department contact person.

24 6. The department shall impose a civil penalty on the person in an
25 amount of not less than \$100, but not more than \$500 for each violation.
26 In considering whether to impose a fine and the amount of the fine, the
27 department may consider whether the person has been cited previously and
28 what efforts the person has taken to prevent or cure the violation,
29 including reporting the violation or taking action under subsection J OF
30 THIS SECTION. Each day that a violation occurs constitutes a separate
31 violation. The director may issue a notice that includes the proposed
32 amount of the civil penalty assessment. A person may appeal the
33 assessment of a civil penalty by requesting a hearing. If a person
34 requests a hearing to appeal an assessment, the director shall not take
35 further action to enforce and collect the assessment until the hearing
36 process is complete. The director shall impose a civil penalty only for
37 those days on which the violation has been documented by the department.

38 7. If a civil penalty imposed by this section is not paid, the
39 attorney general or a county attorney shall file an action to collect the
40 civil penalty in a justice court or the superior court in the county in
41 which the violation occurred.

42 8. The department may apply for injunctive relief to enforce these
43 provisions in the superior court in the county in which the violation
44 occurred. The court may impose appropriate injunctive relief and impose a
45 penalty of not less than \$100 but not more than \$500 for each violation.

1 Each day that a violation occurs constitutes a separate violation. If the
2 superior court finds the violations are ~~wilful~~ WILFUL or evidence a
3 pattern of noncompliance, the court may impose a fine up to \$5000 per
4 violation.

5 9. The department may contract with a third party to determine
6 compliance with this law.

7 10. The department may delegate to a state agency or political
8 subdivision of this state any functions, powers or duties under this law.

9 11. The director of the department may ~~promulgate~~ ADOPT rules for
10 the implementation and enforcement of this ~~law~~ SECTION. The department is
11 exempt from the rulemaking procedures in ~~A.R.S. §~~ title 41, chapter 6
12 except the department shall publish draft rules and thereafter take public
13 input, including hold at least two public hearings ~~prior to~~ BEFORE
14 implementing the rules. This exemption expires May 1, 2007.

15 H. Beginning on June 1, 2008 and every other June 1 thereafter, the
16 director of the ~~Arizona~~ department of health services shall issue a report
17 analyzing its activities to enforce this law, including the activities of
18 all of the state agencies or political subdivisions to whom the department
19 has delegated responsibility under this ~~law~~ SECTION.

20 I. An owner, manager, operator or employee of place regulated by
21 this ~~law~~ SECTION shall inform any person who is smoking in violation of
22 this ~~law~~ SECTION that smoking is illegal and request that the illegal
23 smoking stop immediately.

24 J. This ~~law~~ SECTION does not create any new private right of action
25 nor does it extinguish any existing common law causes of action.

26 K. A person who smokes where smoking is prohibited is guilty of a
27 petty offense with a fine of not less than fifty dollars and not more than
28 three hundred dollars.

29 L. Smoke-free Arizona fund.

30 1. The smoke-free Arizona fund is established consisting of all
31 revenues deposited in the fund pursuant to ~~§42-3251.02~~ SECTION 42-3251.02
32 and interest earned on those monies. The Arizona department of health
33 services shall administer the fund. On notice from the department, the
34 state treasurer shall invest and divest monies in the fund as provided by
35 ~~§35-313~~ SECTION 35-313 and monies earned from investment shall be credited
36 to the fund.

37 2. All money in the smoke-free Arizona fund shall be used to
38 enforce the provisions of this section, ~~provided however~~ EXCEPT that if
39 there is money remaining after the department has met its enforcement
40 obligations, that remaining money shall be deposited in the tobacco
41 products tax fund and used for education programs to reduce and eliminate
42 tobacco use and for no other purpose.

43 3. Monies in this fund are continuously appropriated, are not
44 subject to further approval, do not revert to the general fund and are

1 exempt from the provisions of ~~§36-190~~ SECTION 35-190 relating to the
2 lapsing of appropriations.

3 M. This section does not prevent a political subdivision of ~~the~~
4 THIS state from adopting ordinances or regulations that are more
5 restrictive than this section nor does this section repeal any existing
6 ordinance or regulation that is more restrictive than this section.

7 N. Tribal sovereignty – this section has no application on Indian
8 reservations as defined in ~~ARS 42-3301(2)~~ SECTION 42-3301.

9 Sec. 8. Repeal

10 Title 32, chapter 41, Arizona Revised Statutes, is repealed.

11 Sec. 9. Section 41-1092, Arizona Revised Statutes, is amended to
12 read:

13 41-1092. Definitions

14 In this article, unless the context otherwise requires:

15 1. "Administrative law judge" means an individual or an agency
16 head, board or commission that sits as an administrative law judge, that
17 conducts administrative hearings in a contested case or an appealable
18 agency action and that makes decisions regarding the contested case or
19 appealable agency action.

20 2. "Administrative law judge decision" means the findings of fact,
21 conclusions of law and recommendations or decisions issued by an
22 administrative law judge.

23 3. "Appealable agency action" means an action that determines the
24 legal rights, duties or privileges of a party and that is not a contested
25 case. Appealable agency actions do not include interim orders by
26 self-supporting regulatory boards, rules, orders, standards or statements
27 of policy of general application issued by an administrative agency to
28 implement, interpret or make specific the legislation enforced or
29 administered by it or clarifications of interpretation, nor does it mean
30 or include rules concerning the internal management of the agency that do
31 not affect private rights or interests. For the purposes of this
32 paragraph, administrative hearing does not include a public hearing held
33 for the purpose of receiving public comment on a proposed agency action.

34 4. "Director" means the director of the office of administrative
35 hearings.

36 5. "Final administrative decision" means a decision by an agency
37 that is subject to judicial review pursuant to title 12, chapter 7,
38 article 6.

39 6. "Office" means the office of administrative hearings.

40 7. "Self-supporting regulatory board" means any one of the
41 following:

42 (a) The Arizona state board of accountancy.

43 (b) The board of barbers.

44 (c) The board of behavioral health examiners.

45 (d) The Arizona state boxing and mixed martial arts commission.

- 1 (e) The state board of chiropractic examiners.
- 2 (f) The board of cosmetology.
- 3 (g) The state board of dental examiners.
- 4 (h) The state board of funeral directors and embalmers.
- 5 (i) The Arizona game and fish commission.
- 6 (j) The board of homeopathic and integrated medicine examiners.
- 7 (k) The Arizona medical board.
- 8 (l) The naturopathic physicians medical board.
- 9 (m) The state board of nursing.
- 10 (n) The board of examiners of nursing care institution
- 11 administrators and adult care home managers.
- 12 (o) The board of occupational therapy examiners.
- 13 (p) The state board of dispensing opticians.
- 14 (q) The state board of optometry.
- 15 (r) The Arizona board of osteopathic examiners in medicine and
- 16 surgery.
- 17 (s) The Arizona peace officer standards and training board.
- 18 (t) The Arizona state board of pharmacy.
- 19 (u) The board of physical therapy.
- 20 (v) The state board of podiatry examiners.
- 21 (w) The state board for private postsecondary education.
- 22 (x) The state board of psychologist examiners.
- 23 (y) The board of respiratory care examiners.
- 24 (z) The state board of technical registration.
- 25 (aa) The Arizona state veterinary medical examining board.
- 26 (bb) The acupuncture board of examiners.
- 27 (cc) The Arizona regulatory board of physician assistants.
- 28 ~~(dd) The board of athletic training.~~
- 29 ~~(ee)~~ (dd) The board of massage therapy.
- 30 Sec. 10. Repeal
- 31 Section 41-3020.07, Arizona Revised Statutes, is repealed.
- 32 Sec. 11. Requirements for enactment: three-fourths vote
- 33 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
- 34 section 36-601.01, Arizona Revised Statutes, as amended by this act, is
- 35 effective only on the affirmative vote of at least three-fourths of the
- 36 members of each house of the legislature.