

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

CHAPTER 119

SENATE BILL 1016

AN ACT

AMENDING SECTIONS 12-2801, 13-1415, 15-157, 15-203, 15-843, 28-3167,
28-3315, 36-663, 36-664, 36-1673 AND 36-2351, ARIZONA REVISED STATUTES;
RELATING TO NATUROPATHIC PHYSICIANS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section. 1. Section 12-2801, Arizona Revised Statutes, is amended
3 to read:

4 12-2801. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Genetic test" or "genetic testing":

7 (a) Means a test of a person's genes, genetic sequence, gene
8 products or chromosomes for abnormalities or deficiencies, including
9 carrier status, that:

10 (i) Are linked to physical or mental disorders or impairments.

11 (ii) Indicate a susceptibility to any illness, disease, impairment
12 or other disorder, whether physical or mental.

13 (iii) Demonstrate genetic or chromosomal damage due to any
14 environmental factor.

15 (b) Does not include:

16 (i) Chemical, blood and urine analyses that are widely accepted and
17 used in clinical practice and that are not used to determine genetic
18 traits.

19 (ii) Tests used in a criminal investigation or prosecution or as a
20 result of a criminal conviction.

21 (iii) Tests for the presence of the human immunodeficiency virus.

22 (iv) Tests to determine paternity conducted pursuant to title 25,
23 chapter 6, article 1.

24 (v) Tests given for use in biomedical research that is conducted to
25 generate scientific knowledge about genes or to learn about the genetic
26 basis of disease or for developing pharmaceutical and other treatment of
27 disease.

28 2. "Health care decision maker" means a person who is authorized to
29 make health care treatment decisions for the patient, including a parent
30 of a minor and a person who is authorized to make these decisions pursuant
31 to title 14, chapter 5, article 2 or 3 or section 8-514.05, 36-3221,
32 36-3231 or 36-3281.

33 3. "Health care provider" means physicians licensed pursuant to
34 title 32, chapter 13, 14 or 17, physician assistants licensed pursuant to
35 title 32, chapter 25, registered nurse practitioners licensed pursuant to
36 title 32, chapter 15, health care institutions as defined in section
37 36-401 and clinical laboratories licensed pursuant to title 36, chapter
38 4.1.

39 Sec. 2. Section 13-1415, Arizona Revised Statutes, is amended to
40 read:

41 13-1415. Human immunodeficiency virus and sexually
42 transmitted disease testing; victim's rights;
43 petition; definitions

44 A. A defendant, including a defendant who is a minor, who is
45 alleged to have committed a sexual offense or another offense involving

1 significant exposure is subject to a court order that requires the
2 defendant to submit to testing for the human immunodeficiency virus and
3 other sexually transmitted diseases and to consent to the release of the
4 test results to the victim.

5 B. Pursuant to subsection A of this section, the prosecuting
6 attorney, if requested by the victim, or, if the victim is a minor, by the
7 parent or guardian of the minor, shall petition the court for an order
8 requiring that the person submit a specimen, to be determined by the
9 submitting entity, for laboratory testing by the department of health
10 services or another licensed laboratory for the presence of the human
11 immunodeficiency virus and other sexually transmitted diseases. The
12 court, within ten days, shall determine if sufficient evidence exists to
13 indicate that significant exposure occurred. If the court makes this
14 finding or the act committed against the victim is a sexual offense it
15 shall order that the testing be performed in compliance with rules adopted
16 by the department of health services. The prosecuting attorney shall
17 provide the victim's name and last known address of record to the
18 department of health services for notification purposes. The victim's
19 name and address are confidential, except that the department of health
20 services may disclose the information to a local health department for
21 victim notification purposes.

22 C. After a specimen has been tested pursuant to subsection B of
23 this section, the laboratory that performed the test shall report the
24 results to the submitting entity.

25 D. The submitting entity shall provide the results to the
26 department of health services or a local health department. The
27 department of health services or a local health department shall notify
28 the victim of the results of the test conducted pursuant to subsection B
29 of this section and shall counsel the victim regarding the health
30 implications of the results.

31 E. The submitting entity or the department of health services shall
32 notify the person tested of the results of the test conducted pursuant to
33 subsection B of this section and shall counsel the person regarding the
34 health implications of the results. If the submitting entity does not
35 notify the person tested of the test results, the submitting entity shall
36 provide both the name and last known address of record of the person
37 tested and the test results to the department of health services or a
38 local health department for notification purposes.

39 F. Notwithstanding any other law, copies of the test results shall
40 be provided only to the victim of the crime, the person tested, the
41 submitting entity and the department of health services.

42 G. For the purposes of this section:

43 1. "Sexual offense" means oral sexual contact, sexual contact or
44 sexual intercourse as defined in section 13-1401.

1 2. "Sexually transmitted diseases" means:

- 2 (a) Chlamydia.
3 (b) Genital herpes.
4 (c) Gonorrhea.
5 (d) Syphilis.
6 (e) Trichomonas.

7 3. "Significant exposure" means contact of the victim's ruptured or
8 broken skin or mucous membranes with a person's blood or body fluids,
9 other than tears, saliva or perspiration, of a magnitude that the centers
10 for disease control have epidemiologically demonstrated can result in
11 transmission of the human immunodeficiency virus.

12 4. "Submitting entity" means one of the following:

- 13 (a) A local health department.
14 (b) A health unit of the state department of corrections.
15 (c) A health unit of any detention facility.
16 (d) A physician licensed pursuant to title 32, chapter 13, 14, 17
17 or 29.

18 Sec. 3. Section 15-157, Arizona Revised Statutes, is amended to
19 read:

20 15-157. Emergency administration of epinephrine
21 auto-injectors by trained personnel; immunity

22 Pursuant to a standing order issued by the chief medical officer of
23 the department of health services, the chief medical officer of a county
24 health department, a doctor of medicine licensed pursuant to title 32,
25 chapter 13, A DOCTOR OF NATUROPATHIC MEDICINE LICENSED PURSUANT TO TITLE
26 32, CHAPTER 14, a doctor of osteopathic medicine licensed pursuant to
27 title 32, chapter 17, a nurse practitioner licensed pursuant to title 32,
28 chapter 15 or a physician assistant licensed pursuant to title 32, chapter
29 25, an employee of a school district or charter school who is trained in
30 the administration of epinephrine auto-injectors may administer or assist
31 in the administration of epinephrine auto-injectors to a pupil or an adult
32 whom the employee believes in good faith to be exhibiting symptoms of
33 anaphylactic shock while at school or at school-sponsored activities.
34 Each school district and charter school may stock two or more juvenile
35 doses and two or more adult doses of epinephrine auto-injectors at each
36 school pursuant to a standing order issued by the chief medical officer of
37 the department of health services, the chief medical officer of a county
38 health department, a doctor of medicine licensed pursuant to title 32,
39 chapter 13, A DOCTOR OF NATUROPATHIC MEDICINE LICENSED PURSUANT TO TITLE
40 32, CHAPTER 14, a doctor of osteopathic medicine licensed pursuant to
41 title 32, chapter 17, a nurse practitioner licensed pursuant to title 32,
42 chapter 15 or a physician assistant licensed pursuant to title 32,
43 chapter 25. A school district or charter school may accept monetary
44 donations for or apply for grants for the purchase of epinephrine
45 auto-injectors or may participate in third-party programs to obtain

1 epinephrine auto-injectors at fair market, free or reduced prices. The
2 chief medical officer of the department of health services, the chief
3 medical officer of a county health department, a doctor of medicine
4 licensed pursuant to title 32, chapter 13, **A DOCTOR OF NATUROPATHIC**
5 **MEDICINE LICENSED PURSUANT TO TITLE 32, CHAPTER 14**, a doctor of
6 osteopathic medicine licensed pursuant to title 32, chapter 17, a nurse
7 practitioner licensed pursuant to title 32, chapter 15 or a physician
8 assistant licensed pursuant to title 32, chapter 25, a school district, a
9 charter school and employees of a school district or charter school are
10 immune from civil liability with respect to all decisions made and actions
11 taken that are based on good faith implementation of the requirements of
12 this section, except in cases of gross negligence, wilful misconduct or
13 intentional wrongdoing.

14 Sec. 4. Section 15-203, Arizona Revised Statutes, is amended to
15 read:

16 **15-203. Powers and duties**

17 A. The state board of education shall:

18 1. Exercise general supervision over and regulate the conduct of
19 the public school system and adopt any rules and policies it deems
20 necessary to accomplish this purpose.

21 2. Keep a record of its proceedings.

22 3. Make rules for its own government.

23 4. Determine the policy and work undertaken by it.

24 5. Subject to title 41, chapter 4, article 4, employ staff.

25 6. Prescribe and supervise the duties of its employees pursuant to
26 title 41, chapter 4, article 4, if not otherwise prescribed by statute.

27 7. Delegate to the superintendent of public instruction the
28 execution of board policies and rules.

29 8. Recommend to the legislature changes or additions to the
30 statutes pertaining to schools.

31 9. Prepare, publish and distribute reports concerning the
32 educational welfare of this state.

33 10. Prepare a budget for expenditures necessary for proper
34 maintenance of the board and accomplishment of its purposes and present
35 the budget to the legislature.

36 11. Aid in the enforcement of laws relating to schools.

37 12. Prescribe a minimum course of study in the common schools,
38 minimum competency requirements for the promotion of pupils from the third
39 grade and minimum course of study and competency requirements for the
40 promotion of pupils from the eighth grade. The state board of education
41 shall prepare a fiscal impact statement of any proposed changes to the
42 minimum course of study or competency requirements and, on completion,
43 shall send a copy to the director of the joint legislative budget
44 committee and the executive director of the school facilities board. The
45 state board of education shall not adopt any changes in the minimum course

1 of study or competency requirements in effect on July 1, 1998 that will
2 have a fiscal impact on school capital costs.

3 13. Prescribe minimum course of study and competency requirements
4 for the graduation of pupils from high school. The state board of
5 education shall prepare a fiscal impact statement of any proposed changes
6 to the minimum course of study or competency requirements and, on
7 completion, shall send a copy to the director of the joint legislative
8 budget committee and the executive director of the school facilities
9 board. The state board of education shall not adopt any changes in the
10 minimum course of study or competency requirements in effect on July 1,
11 1998 that will have a fiscal impact on school capital costs.

12 14. Pursuant to section 15-501.01, supervise and control the
13 certification of persons engaged in instructional work directly as any
14 classroom, laboratory or other teacher or indirectly as a supervisory
15 teacher, speech therapist, principal or superintendent in a school
16 district, including school district preschool programs, or any other
17 educational institution below the community college, college or university
18 level, and prescribe rules for certification.

19 15. Adopt a list of approved tests for determining special
20 education assistance to gifted pupils as defined in and as provided in
21 chapter 7, article 4.1 of this title. The adopted tests shall provide
22 separate scores for quantitative reasoning, verbal reasoning and nonverbal
23 reasoning and shall be capable of providing reliable and valid scores at
24 the highest ranges of the score distribution.

25 16. Adopt rules governing the methods for the administration of all
26 proficiency examinations.

27 17. Adopt proficiency examinations for its use and determine the
28 passing score for the proficiency examinations.

29 18. Include within its budget the cost of contracting for the
30 purchase, distribution and scoring of the examinations as provided in
31 paragraphs 16 and 17 of this subsection.

32 19. Supervise and control the qualifications of professional
33 nonteaching school personnel and prescribe standards relating to
34 qualifications. The standards shall not require the business manager of a
35 school district to obtain certification from the state board of education.

36 20. Impose such disciplinary action, including the issuance of a
37 letter of censure, suspension, suspension with conditions or revocation of
38 a certificate, on a finding of immoral or unprofessional conduct.

39 21. Establish an assessment, data gathering and reporting system
40 for pupil performance as prescribed in chapter 7, article 3 of this title,
41 including qualifying examinations for the college credit by examination
42 incentive program pursuant to section 15-249.06.

43 22. Adopt a rule to promote braille literacy pursuant to section
44 15-214.

1 23. Adopt rules prescribing procedures for the investigation by the
2 department of education of every written complaint alleging that a
3 certificated person has engaged in immoral conduct.

4 24. For purposes of federal law, serve as the state board for
5 vocational and technological education and meet at least four times each
6 year solely to execute the powers and duties of the state board for
7 vocational and technological education.

8 25. Develop and maintain a handbook for use in the schools of this
9 state that provides guidance for the teaching of moral, civic and ethical
10 education. The handbook shall promote existing curriculum frameworks and
11 shall encourage school districts to recognize moral, civic and ethical
12 values within instructional and programmatic educational development
13 programs for the general purpose of instilling character and ethical
14 principles in pupils in kindergarten programs and grades one through
15 twelve.

16 26. Require pupils to recite the following passage from the
17 declaration of independence for pupils in grades four through six at the
18 commencement of the first class of the day in the schools, except that a
19 pupil shall not be required to participate if the pupil or the pupil's
20 parent or guardian objects:

21 We hold these truths to be self-evident, that all men
22 are created equal, that they are endowed by their creator with
23 certain unalienable rights, that among these are life, liberty
24 and the pursuit of happiness. That to secure these rights,
25 governments are instituted among men, deriving their just
26 powers from the consent of the governed. . . .

27 27. Adopt rules that provide for certification reciprocity pursuant
28 to section 15-501.01.

29 28. Adopt rules that provide for the presentation of an honorary
30 high school diploma to a person who has never obtained a high school
31 diploma and who meets both of the following requirements:

32 (a) Currently resides in this state.

33 (b) Provides documented evidence from the department of veterans'
34 services that the person enlisted in the armed forces of the United States
35 and served in World War I, World War II, the Korean conflict or the
36 Vietnam conflict.

37 29. Cooperate with the Arizona-Mexico commission in the governor's
38 office and with researchers at universities in this state to collect data
39 and conduct projects in the United States and Mexico on issues that are
40 within the scope of the duties of the department of education and that
41 relate to quality of life, trade and economic development in this state in
42 a manner that will help the Arizona-Mexico commission to assess and
43 enhance the economic competitiveness of this state and of the
44 Arizona-Mexico region.

1 30. Adopt rules to define and provide guidance to schools as to the
2 activities that would constitute immoral or unprofessional conduct of
3 certificated persons.

4 31. Adopt guidelines to encourage pupils in grades nine, ten,
5 eleven and twelve to volunteer for twenty hours of community service
6 before graduation from high school. A school district that complies with
7 the guidelines adopted pursuant to this paragraph is not liable for
8 damages resulting from a pupil's participation in community service unless
9 the school district is found to have demonstrated wanton or reckless
10 disregard for the safety of the pupil and other participants in community
11 service. For the purposes of this paragraph, "community service" may
12 include service learning. The guidelines shall include the following:

13 (a) A list of the general categories in which community service may
14 be performed.

15 (b) A description of the methods by which community service will be
16 monitored.

17 (c) A consideration of risk assessment for community service
18 projects.

19 (d) Orientation and notification procedures of community service
20 opportunities for pupils entering grade nine, including the development of
21 a notification form. The notification form shall be signed by the pupil
22 and the pupil's parent or guardian, except that a pupil shall not be
23 required to participate in community service if the parent or guardian
24 notifies the principal of the pupil's school in writing that the parent or
25 guardian does not wish the pupil to participate in community service.

26 (e) Procedures for a pupil in grade nine to prepare a written
27 proposal that outlines the type of community service that the pupil would
28 like to perform and the goals that the pupil hopes to achieve as a result
29 of community service. The pupil's written proposal shall be reviewed by a
30 faculty advisor, a guidance counselor or any other school employee who is
31 designated as the community service program coordinator for that school.
32 The pupil may alter the written proposal at any time before performing
33 community service.

34 (f) Procedures for a faculty advisor, a guidance counselor or any
35 other school employee who is designated as the community service program
36 coordinator to evaluate and certify the completion of community service
37 performed by pupils.

38 32. To facilitate the transfer of military personnel and their
39 dependents to and from the public schools of this state, pursue, in
40 cooperation with the Arizona board of regents, reciprocity agreements with
41 other states concerning the transfer credits for military personnel and
42 their dependents. A reciprocity agreement entered into pursuant to this
43 paragraph shall:

44 (a) Address procedures for each of the following:

45 (i) The transfer of student records.

1 (ii) Awarding credit for completed coursework.

2 (iii) Permitting a student to satisfy the graduation requirements
3 prescribed in section 15-701.01 through the successful performance on
4 comparable exit-level assessment instruments administered in another
5 state.

6 (b) Include appropriate criteria developed by the state board of
7 education and the Arizona board of regents.

8 33. Adopt guidelines that school district governing boards shall
9 use in identifying pupils who are eligible for gifted programs and in
10 providing gifted education programs and services. The state board of
11 education shall adopt any other guidelines and rules that it deems
12 necessary in order to carry out the purposes of chapter 7, article 4.1 of
13 this title.

14 34. For each of the alternative textbook formats of human-voiced
15 audio, large-print and braille, designate alternative media producers to
16 adapt existing standard print textbooks or to provide specialized
17 textbooks, or both, for pupils with disabilities in this state. Each
18 alternative media producer shall be capable of producing alternative
19 textbooks in all relevant subjects in at least one of the alternative
20 textbook formats. The board shall post the designated list of alternative
21 media producers on its website.

22 35. Adopt a list of approved professional development training
23 providers for use by school districts as provided in section 15-107,
24 subsection J. The professional development training providers shall meet
25 the training curriculum requirements determined by the state board of
26 education in at least the areas of school finance, governance, employment,
27 staffing, inventory and human resources, internal controls and
28 procurement.

29 36. Adopt rules to prohibit a person who violates the notification
30 requirements prescribed in section 15-183, subsection C, paragraph 8 or
31 section 15-550, subsection C from certification pursuant to this title
32 until the person is no longer charged or is acquitted of any offenses
33 listed in section 41-1758.03, subsection B. The state board shall also
34 adopt rules to prohibit a person who violates the notification
35 requirements, certification surrender requirements or fingerprint
36 clearance card surrender requirements prescribed in section 15-183,
37 subsection C, paragraph 9 or section 15-550, subsection D from
38 certification pursuant to this title for at least ten years after the date
39 of the violation.

40 37. Adopt rules for the alternative certification of teachers of
41 nontraditional foreign languages that allow for the passing of a
42 nationally accredited test to substitute for the education coursework
43 required for certification.

1 38. Adopt rules to define competency-based educational pathways for
2 college and career readiness that may be used by schools. The rules shall
3 include the following components:

4 (a) The establishment of learning outcomes that will be expected
5 for students in a particular subject.

6 (b) A process and criteria by which assessments may be identified
7 or established to determine whether students have reached the desired
8 competencies in a particular subject.

9 (c) A mechanism to allow pupils in grades seven through twelve who
10 have demonstrated competency in a subject to immediately obtain credit for
11 the mastery of that subject. The rules shall include a list of applicable
12 subjects, including the level of competency required for each subject.

13 39. In consultation with the department of health services, the
14 department of education, medical professionals, school health
15 professionals, school administrators and an organization that represents
16 school nurses in this state, adopt rules that prescribe the following for
17 school districts and charter schools:

18 (a) Annual training in the administration of auto-injectable
19 epinephrine for designated medical and nonmedical school personnel. The
20 annual training prescribed in this subdivision is optional during any
21 fiscal year in which a school does not stock epinephrine auto-injectors at
22 the school during that fiscal year.

23 (b) Annual training for all school site personnel on the
24 recognition of anaphylactic shock symptoms and the procedures to follow
25 when anaphylactic shock occurs, following the national guidelines of the
26 American academy of pediatrics. The annual training prescribed in this
27 subdivision is optional during any fiscal year in which a school does not
28 stock epinephrine auto-injectors at the school during that fiscal year.

29 (c) Procedures for the administration of epinephrine auto-injectors
30 in emergency situations.

31 (d) Procedures for annually requesting a standing order for
32 epinephrine auto-injectors pursuant to section 15-157 from the chief
33 medical officer of the department of health services, the chief medical
34 officer of a county health department, a doctor of medicine licensed
35 pursuant to title 32, chapter 13, [A DOCTOR OF NATUROPATHIC MEDICINE](#)
36 [LICENSED PURSUANT TO TITLE 32, CHAPTER 14](#) or a doctor of osteopathic
37 medicine licensed pursuant to title 32, chapter 17.

38 (e) Procedures for reporting the use of epinephrine auto-injectors
39 to the department of health services.

40 40. In consultation with the department of education, medical
41 professionals, school health professionals, school administrators and an
42 organization that represents school nurses in this state, adopt rules that
43 prescribe the following for school districts and charter schools that
44 elect to administer inhalers:

1 (a) Annual training in the recognition of respiratory distress
2 symptoms and the procedures to follow when respiratory distress occurs, in
3 accordance with good clinical practice, and the administration of
4 inhalers, as directed on the prescription protocol, by designated medical
5 and nonmedical school personnel.

6 (b) Requirements for school districts and charter schools that
7 elect to administer inhalers to designate at least two employees at each
8 school to be trained in the recognition of respiratory distress symptoms
9 and the procedures to follow when respiratory distress occurs, in
10 accordance with good clinical practice, and at least two employees at each
11 school to be trained in the administration of inhalers, as directed on the
12 prescription protocol.

13 (c) Procedures for the administration of inhalers in emergency
14 situations, as directed on the prescription protocol.

15 (d) Procedures for annually requesting a standing order for
16 inhalers and spacers or holding chambers pursuant to section 15-158 from
17 the chief medical officer of a county health department, a physician
18 licensed pursuant to title 32, chapter 13, 14 or 17 or a nurse
19 practitioner licensed pursuant to title 32, chapter 15.

20 (e) Procedures for notifying a parent once an inhaler has been
21 administered.

22 41. Adopt rules for certification that allow substitute teachers
23 who can demonstrate primary teaching responsibility in a classroom as
24 defined by the state board of education to use the time spent in that
25 classroom toward the required capstone experience for standard teaching
26 certification.

27 42. For the purposes of Sandra Day O'Connor civics celebration day
28 instruction under section 15-710.01, develop a list of recommended
29 resources relating to civics education that align with the academic
30 standards prescribed by the state board of education in social studies
31 pursuant to sections 15-701 and 15-701.01. The state board shall
32 establish a process that allows public schools to recommend resources for
33 addition to the list.

34 B. The state board of education may:

35 1. Contract.

36 2. Sue and be sued.

37 3. Distribute and score the tests prescribed in chapter 7, article
38 3 of this title.

39 4. Provide for an advisory committee to conduct hearings and
40 screenings to determine whether grounds exist to impose disciplinary
41 action against a certificated person, whether grounds exist to reinstate a
42 revoked or surrendered certificate and whether grounds exist to approve or
43 deny an initial application for certification or a request for renewal of
44 a certificate. The board may delegate its responsibility to conduct

1 hearings and screenings to its advisory committee. Hearings shall be
2 conducted pursuant to title 41, chapter 6, article 6.

3 5. Proceed with the disposal of any complaint requesting
4 disciplinary action or with any disciplinary action against a person
5 holding a certificate as prescribed in subsection A, paragraph 14 of this
6 section after the suspension or expiration of the certificate or surrender
7 of the certificate by the holder.

8 6. Assess costs and reasonable attorney fees against a person who
9 files a frivolous complaint or who files a complaint in bad faith. Costs
10 assessed pursuant to this paragraph shall not exceed the expenses incurred
11 by the department of education in the investigation of the complaint.

12 Sec. 5. Section 15-843, Arizona Revised Statutes, is amended to
13 read:

14 15-843. Pupil disciplinary proceedings

15 A. An action concerning discipline, suspension or expulsion of a
16 pupil is not subject to title 38, chapter 3, article 3.1, except that the
17 governing board of a school district shall post regular notice and shall
18 take minutes of any hearing held by the governing board concerning the
19 discipline, suspension or expulsion of a pupil.

20 B. The governing board of any school district, in consultation with
21 the teachers and parents of the school district, shall prescribe rules for
22 the discipline, suspension and expulsion of pupils. The rules shall be
23 consistent with the constitutional rights of pupils and shall include at
24 least the following:

25 1. Penalties for excessive pupil absenteeism pursuant to section
26 15-803, including failure in a subject, failure to pass a grade,
27 suspension or expulsion.

28 2. Procedures for the use of corporal punishment if allowed by the
29 governing board.

30 3. Procedures for the reasonable use of physical force by
31 certificated or classified personnel in self-defense, defense of others
32 and defense of property.

33 4. Procedures for dealing with pupils who have committed or who are
34 believed to have committed a crime.

35 5. A notice and hearing procedure for cases concerning the
36 suspension of a pupil for more than ten days.

37 6. Procedures and conditions for readmission of a pupil who has
38 been expelled or suspended for more than ten days.

39 7. Procedures for appeal to the governing board of the suspension
40 of a pupil for more than ten days, if the decision to suspend the pupil
41 was not made by the governing board.

42 8. Procedures for appeal of the recommendation of the hearing
43 officer or officers designated by the board as provided in subsection F of
44 this section at the time the board considers the recommendation.

1 9. Disciplinary policies for the confinement of pupils left alone
2 in an enclosed space. These policies shall include the following:

3 (a) A process for prior written parental notification that
4 confinement may be used for disciplinary purposes and that is included in
5 the pupil's enrollment packet or admission form.

6 (b) A process for prior written parental consent before confinement
7 is allowed for any pupil in the school district. The policies shall
8 provide for an exemption to prior written parental consent if a school
9 principal or teacher determines that the pupil poses imminent physical
10 harm to self or others. The school principal or teacher shall make
11 reasonable attempts to notify the pupil's parent or guardian in writing by
12 the end of the same day that confinement was used.

13 10. Procedures that require the school district to annually report
14 to the department of education in a manner prescribed by the department
15 the number of suspensions and expulsions that involve the possession, use
16 or sale of an illegal substance under title 13, chapter 34 and the type of
17 illegal substance involved in each suspension or expulsion. The
18 department of education shall compile this information and annually post
19 the information on its website. The information shall comply with the
20 family educational rights and privacy act of 1974 (P.L. 93-380; 88 Stat.
21 57; 20 United States Code section 1232g) and not include personally
22 identifiable information and shall show the number of suspensions and
23 expulsions associated with each illegal substance aggregated statewide and
24 by county.

25 C. Penalties adopted pursuant to subsection B, paragraph 1 of this
26 section for excessive absenteeism shall not be applied to pupils who have
27 completed the course requirements and whose absence from school is due
28 solely to illness, disease or accident as certified by a person who is
29 licensed pursuant to title 32, chapter 7, 13, 14, 15 or 17.

30 D. The governing board shall:

31 1. Support and assist teachers in the implementation and
32 enforcement of the rules prescribed pursuant to subsection B of this
33 section.

34 2. Develop procedures allowing teachers and principals to recommend
35 the suspension or expulsion of pupils.

36 3. Develop procedures allowing teachers and principals to
37 temporarily remove disruptive pupils from a class.

38 4. Delegate to the principal the authority to remove a disruptive
39 pupil from the classroom.

40 E. If a pupil withdraws from school after receiving notice of
41 possible action concerning discipline, expulsion or suspension, the
42 governing board may continue with the action after the withdrawal and may
43 record the results of such action in the pupil's permanent file.

1 F. In all action concerning the expulsion of a pupil, the governing
2 board of a school district shall:

3 1. Be notified of the intended action.

4 2. Either:

5 (a) Decide, in executive session, whether to hold a hearing or to
6 designate one or more hearing officers to hold a hearing to hear the
7 evidence, prepare a record and bring a recommendation to the board for
8 action and whether the hearing shall be held in executive session.

9 (b) Provide by policy or vote at its annual organizational meeting
10 that all hearings concerning the expulsion of a pupil conducted pursuant
11 to this section will be conducted before a hearing officer selected from a
12 list of hearing officers approved by the governing board.

13 3. Give written notice, at least five working days before the
14 hearing by the governing board or the hearing officer or officers
15 designated by the governing board, to all pupils subject to expulsion and
16 their parents or guardians of the date, time and place of the hearing. If
17 the governing board decides that the hearing is to be held in executive
18 session, the written notice shall include a statement of the right of the
19 parents or guardians or an emancipated pupil who is subject to expulsion
20 to object to the governing board's decision to have the hearing held in
21 executive session. Objections shall be made in writing to the governing
22 board.

23 G. If a parent or guardian or an emancipated pupil who is subject
24 to expulsion disagrees that the hearing should be held in executive
25 session, it shall be held in an open meeting unless:

26 1. If only one pupil is subject to expulsion and disagreement
27 exists between that pupil's parents or guardians, the governing board,
28 after consultations with the pupil's parents or guardians or the
29 emancipated pupil, shall decide in executive session whether the hearing
30 will be in executive session.

31 2. If more than one pupil is subject to expulsion and disagreement
32 exists between the parents or guardians of different pupils, separate
33 hearings shall be held subject to this section.

34 H. This section does not prevent the pupil who is subject to
35 expulsion or suspension, and the pupil's parents or guardians and legal
36 counsel, from attending any executive session pertaining to the proposed
37 disciplinary action, from having access to the minutes and testimony of
38 the executive session or from recording the session at the parent's or
39 guardian's expense.

40 I. In schools employing a superintendent or a principal, the
41 authority to suspend a pupil from school is vested in the superintendent,
42 principal or other school officials granted this power by the governing
43 board of the school district.

44 J. In schools that do not have a superintendent or principal, a
45 teacher may suspend a pupil from school.

1 K. In all cases of suspension, it shall be for good cause and shall
2 be reported within five days to the governing board by the superintendent
3 or the person imposing the suspension.

4 L. Rules pertaining to the discipline, suspension and expulsion of
5 pupils shall not be based on race, color, religion, sex, national origin
6 or ancestry. If the department of education, the auditor general or the
7 attorney general determines that a school district is substantially and
8 deliberately not in compliance with this subsection and if the school
9 district has failed to correct the deficiency within ninety days after
10 receiving notice from the department of education, the superintendent of
11 public instruction may withhold the monies the school district would
12 otherwise be entitled to receive from the date of the determination of
13 noncompliance until the department of education determines that the school
14 district is in compliance with this subsection.

15 M. The principal of each school shall ensure that a copy of all
16 rules pertaining to discipline, suspension and expulsion of pupils is
17 distributed to the parents of each pupil at the time the pupil is enrolled
18 in school.

19 N. The principal of each school shall ensure that all rules
20 pertaining to the discipline, suspension and expulsion of pupils are
21 communicated to students at the beginning of each school year, and to
22 transfer students at the time of their enrollment in the school.

23 O. School districts may refer a pupil who has been subject to
24 discipline, suspension or expulsion pursuant to this section to a career
25 and college readiness program for at-risk students established pursuant to
26 section 15-707.

27 Sec. 6. Section 28-3167, Arizona Revised Statutes, is amended to
28 read:

29 28-3167. Medical code information on license; rules; immunity

30 A. The department shall provide on each driver license and on each
31 nonoperating identification license a space where a licensee may indicate
32 that the licensee suffers from some type of adverse medical condition
33 using a medical code prescribed by the department if the licensee presents
34 a signed statement from a physician who is licensed pursuant to title 32,
35 chapter 13, 14 or 17 or a registered nurse practitioner who is licensed
36 pursuant to title 32, chapter 15 stating that the person suffers from the
37 condition.

38 B. The department shall prescribe by rule a medical code to
39 identify the medical conditions using a system of numerals or letters
40 commonly accepted by the medical profession. Except for the purposes of
41 entering the medical code on the driver license or nonoperating
42 identification license, and unless the person affirmatively requests in
43 writing that the person wants the medical code as part of the computer
44 record, the department shall not maintain the medical code in the

1 department computer after the department issues the driver license or
2 nonoperating identification license.

3 C. The department and this state are exempt from liability for
4 damages from the use of medical code information provided on a license
5 pursuant to this section.

6 Sec. 7. Section 28-3315, Arizona Revised Statutes, is amended to
7 read:

8 28-3315. Period of suspension, revocation or
9 disqualification; unlicensed drivers; definitions

10 A. The department shall not suspend, revoke or disqualify a driver
11 license or privilege to drive a motor vehicle on the public highways for
12 more than one year from the date of a conviction or judgment, if any,
13 against a person for which this chapter makes revocation, suspension or
14 disqualification mandatory or from the date the notice is sent pursuant to
15 section 28-3318 if no conviction was involved, except as permitted under
16 subsection E of this section and sections 28-3312, 28-3319 and 28-3320.

17 B. A person whose license or privilege to drive a motor vehicle on
18 the public highways has been revoked may apply for reinstatement of the
19 person's license as provided by law after the cause of the revocation is
20 removed or after expiration of the revocation period prescribed by law.
21 The department may reinstate the person's driver license after the
22 department reviews an applicant's driving record in this state or another
23 state or other sufficient evidence to determine that:

- 24 1. All withdrawal actions are complete.
- 25 2. The applicant has not been convicted of or found responsible for
26 any traffic violations within twelve months preceding application.
- 27 3. All other statutory requirements are satisfied.

28 C. The department shall not accept an application for reinstatement
29 of a driver license until after the twelve month period prescribed in
30 subsection B of this section has elapsed.

31 D. If the department reinstates a person's driver license or
32 driving privilege for a revocation that is related to alcohol or other
33 drugs, the department may accept an evaluation that was performed within
34 the previous twelve months from a physician, a psychologist, a physician
35 assistant, a registered nurse practitioner or a substance abuse counselor
36 indicating that, in the opinion of the physician, psychologist, physician
37 assistant, registered nurse practitioner or substance abuse counselor, the
38 condition does not affect or impair the person's ability to safely operate
39 a motor vehicle. For the purposes of reinstating a license or driving
40 privilege pursuant to this article, the department may rely on the opinion
41 of a physician, a psychologist, a physician assistant, a registered nurse
42 practitioner or a substance abuse counselor.

43 E. Notwithstanding subsections A and B of this section:

- 44 1. A person whose license or privilege to drive is revoked pursuant
45 to section 28-3304, subsection A, paragraph 1 or 11 is not entitled to

1 have the person's license or privilege renewed or restored for three
2 years.

3 2. A person whose license or privilege to drive is revoked pursuant
4 to section 13-1209 is not entitled to have the person's license or
5 privilege renewed or restored for the period of time ordered by the court.

6 3. If a license, permit or privilege to drive is revoked pursuant
7 to section 28-661, subsection E the license, permit or privilege may not
8 be renewed or restored except as prescribed by section 28-661, subsections
9 E and F.

10 4. A person whose license, permit or privilege to drive is revoked
11 pursuant to section 28-661, subsection G is not entitled to have the
12 person's license, permit or privilege renewed or restored for three years.

13 F. If an unlicensed driver commits an offense for which a driver
14 license could be suspended, revoked or disqualified, the department shall
15 not accept the unlicensed driver's application for a driver license for a
16 period equal to the period of time that applies to a driver with a
17 license. If the offense is one for which a driver license could be
18 revoked, the department shall not accept the unlicensed driver's
19 application for a driver license unless ~~it~~ THE APPLICATION includes an
20 evaluation from a physician, psychologist, physician assistant, registered
21 nurse practitioner or substance abuse counselor on the habits and driving
22 ability of the person and ~~that~~ the evaluator is satisfied that it is safe
23 to grant the privilege of driving a motor vehicle on the public highways.

24 G. The expiration of a person's license during the period of time
25 it is under suspension, revocation or disqualification does not invalidate
26 or terminate the suspension, revocation or disqualification.

27 H. A person whose license or privilege to drive a motor vehicle on
28 the public highways has been suspended pursuant to section 28-3306,
29 subsection A, paragraph 5 or section 28-3314 may apply for a new license
30 as provided by law after the cause for suspension is removed or after
31 expiration of the suspension period prescribed by law if both of the
32 following conditions are met:

33 1. The department is satisfied, after reviewing the medical
34 condition and driving ability of the person, that it is safe to grant the
35 person the privilege of driving a motor vehicle on the public highways.

36 2. If the person has a medical condition related to alcohol or
37 other drugs, the department may accept an evaluation form from a
38 physician, a psychologist, a physician assistant, a registered nurse
39 practitioner or a substance abuse counselor indicating that, in the
40 opinion of the physician, psychologist, physician assistant, registered
41 nurse practitioner or substance abuse counselor, the condition does not
42 affect or impair the person's ability to operate a motor vehicle in a safe
43 manner.

1 I. For the purposes of this section:

2 1. "Physician" means a physician who is licensed pursuant to title
3 32, chapter 13, 14, 17 or 29.

4 2. "Physician assistant" means a physician assistant who is
5 licensed pursuant to title 32, chapter 25.

6 3. "Psychologist" means a psychologist who is licensed pursuant to
7 title 32, chapter 19.1.

8 4. "Registered nurse practitioner" means a registered nurse
9 practitioner who is licensed pursuant to title 32, chapter 15.

10 5. "Substance abuse counselor" has the same meaning prescribed in
11 section 28-3005.

12 Sec. 8. Section 36-663, Arizona Revised Statutes, is amended to
13 read:

14 36-663. HIV-related testing; restrictions; exceptions

15 A. Except as otherwise specifically authorized or required by this
16 state or by federal law, before an HIV-related test is ordered by a health
17 care provider, the health care provider shall ensure that oral or written
18 informed consent information is provided to the subject of the test who
19 has capacity to consent or, if the subject lacks capacity to consent, to a
20 person authorized pursuant to law to consent to health care for that
21 person. For the purposes of this subsection, "informed consent
22 information" means information that explains HIV infection and the meaning
23 of a positive test result and that indicates that the patient may ask
24 questions and decline testing.

25 B. This section does not apply to the performance of an HIV-related
26 test:

27 1. By a health care provider or health facility in relation to the
28 procuring, processing, distributing or use of a human body or a human body
29 part, including organs, tissues, eyes, bones, arteries, blood, semen, milk
30 or other body fluids, for use in medical research or therapy or for
31 transplantation to other persons.

32 2. If testing is requested by a health care provider or first
33 responder who has had an occupational significant exposure risk to the
34 patient's blood or bodily fluid. HIV-related testing under this paragraph
35 may be performed under a general consent to receive treatment, except in
36 an emergency when consent may be implied. Such testing may be performed
37 under this paragraph only on receipt of a written request from a health
38 care provider or first responder who documents the occurrence and
39 information regarding the nature of the occupational significant exposure
40 risk and the report is reviewed and confirmed by a health care provider
41 who is both licensed pursuant to title 32, chapter 13, 14, 15 or 17 and
42 competent to determine a significant exposure risk. A patient may not be
43 forced to provide a blood sample for the purposes of this paragraph. When
44 an HIV-related test is ordered, a health care provider shall provide the
45 patient with the test results and information that explains HIV infection

1 and the meaning of a positive or negative test result and that indicates
2 that the patient may ask questions.

3 3. For the purpose of research if the testing is performed in a
4 manner by which the identity of the test subject is not known and may not
5 be retrieved by the researcher.

6 4. On a deceased person, if the test is conducted in order to
7 determine the cause of death or for epidemiologic or public health
8 purposes.

9 5. In the course of providing necessary emergency medical treatment
10 to a patient who lacks capacity to consent to HIV-related testing and for
11 whom no person authorized pursuant to law to consent to health care for
12 that person can be identified on a timely basis if the testing is
13 necessary for the diagnosis and treatment of the emergency condition. The
14 attending physician shall document the existence of an emergency medical
15 condition, the necessity of the HIV-related testing to diagnose and treat
16 the emergency condition and the patient's lack of capacity.

17 6. On a patient who lacks capacity to consent and for whom no
18 person authorized pursuant to law to consent to health care for that
19 person can be identified on a timely basis if the HIV-related testing is
20 directly related to and necessary for the diagnosis and treatment of the
21 person's medical condition. HIV-related testing shall be performed under
22 these circumstances only on written certification by the attending
23 physician and a consulting physician that the HIV-related testing is
24 directly related to and necessary for the diagnosis and treatment of the
25 patient's medical condition.

26 7. That is performed on an anonymous basis at a public health
27 agency.

28 C. A medical examiner or alternate medical examiner may provide a
29 blood sample from a deceased person for the purpose of HIV-related testing
30 pursuant to subsection B, paragraph 2 of this section. A medical examiner
31 or alternate medical examiner is not required to perform an HIV-related
32 test for an occupational significant exposure risk.

33 Sec. 9. Section 36-664, Arizona Revised Statutes, is amended to
34 read:

35 36-664. Confidentiality; exceptions

36 A. A person who obtains communicable disease related information in
37 the course of providing a health service or obtains that information from
38 a health care provider pursuant to an authorization shall not disclose or
39 be compelled to disclose that information except as authorized by state or
40 federal law, including the health insurance portability and accountability
41 act privacy standards (45 Code of Federal Regulations part 160 and part
42 164, subpart E), or pursuant to the following:

43 1. The protected person or, if the protected person lacks capacity
44 to consent, the protected person's health care decision maker.

1 2. A health care provider or first responder who has had an
2 occupational significant exposure risk to the protected person's blood or
3 bodily fluid if the health care provider or first responder provides a
4 written request that documents the occurrence and information regarding
5 the nature of the occupational significant exposure risk and the report is
6 reviewed and confirmed by a health care provider who is both licensed
7 pursuant to title 32, chapter 13, 14, 15 or 17 and competent to determine
8 a significant exposure risk. A health care provider who releases
9 communicable disease information pursuant to this paragraph shall provide
10 education and counseling to the person who has had the occupational
11 significant exposure risk.

12 3. The department or a local health department for purposes of
13 notifying a Good Samaritan pursuant to subsection E of this section.

14 4. An agent or employee of a health facility or health care
15 provider to provide health services to the protected person or the
16 protected person's child or for billing or reimbursement for health
17 services.

18 5. A health facility or health care provider, in relation to the
19 procurement, processing, distributing or use of a human body or a human
20 body part, including organs, tissues, eyes, bones, arteries, blood, semen,
21 milk or other body fluids, for use in medical education, research or
22 therapy or for transplantation to another person.

23 6. A health facility or health care provider, or an organization,
24 committee or individual designated by the health facility or health care
25 provider, that is engaged in the review of professional practices,
26 including the review of the quality, utilization or necessity of medical
27 care, or an accreditation or oversight review organization responsible for
28 the review of professional practices at a health facility or by a health
29 care provider.

30 7. A private entity that accredits the health facility or health
31 care provider and with whom the health facility or health care provider
32 has an agreement requiring the agency to protect the confidentiality of
33 patient information.

34 8. A federal, state, county or local health officer if disclosure
35 is mandated by federal or state law.

36 9. A federal, state or local government agency authorized by law to
37 receive the information. The agency is authorized to redisclose the
38 information only pursuant to this article or as otherwise permitted by
39 law.

40 10. An authorized employee or agent of a federal, state or local
41 government agency that supervises or monitors the health care provider or
42 health facility or administers the program under which the health service
43 is provided. An authorized employee or agent includes only an employee or
44 agent who, in the ordinary course of business of the government agency,

1 has access to records relating to the care or treatment of the protected
2 person.

3 11. A person, health care provider or health facility to which
4 disclosure is ordered by a court or administrative body pursuant to
5 section 36-665.

6 12. The industrial commission or parties to an industrial
7 commission of Arizona claim pursuant to section 23-908, subsection D and
8 section 23-1043.02.

9 13. Insurance entities pursuant to section 20-448.01 and
10 third-party payors or the payors' contractors.

11 14. Any person or entity as authorized by the patient or the
12 patient's health care decision maker.

13 15. A person or entity as required by federal law.

14 16. The legal representative of the entity holding the information
15 in order to secure legal advice.

16 17. A person or entity for research only if the research is
17 conducted pursuant to applicable federal or state laws and regulations
18 governing research.

19 18. A person or entity that provides services to the patient's
20 health care provider, as defined in section 12-2291, and with whom the
21 health care provider has a business associate agreement that requires the
22 person or entity to protect the confidentiality of patient information as
23 required by the health insurance portability and accountability act
24 privacy standards (45 Code of Federal Regulations part 164, subpart E).

25 19. A county medical examiner or an alternate medical examiner
26 directing an investigation into the circumstances surrounding a death
27 pursuant to section 11-593.

28 B. At the request of the department of child safety or the
29 department of economic security and in conjunction with the placement of
30 children in foster care or for adoption or court-ordered placement, a
31 health care provider shall disclose communicable disease information,
32 including HIV-related information, to the department of child safety or
33 the department of economic security.

34 C. A state, county or local health department or officer may
35 disclose communicable disease related information if the disclosure is any
36 of the following:

37 1. Specifically authorized or required by federal or state law.

38 2. Made pursuant to an authorization signed by the protected person
39 or the protected person's health care decision maker.

40 3. Made to a contact of the protected person. The disclosure shall
41 be made without identifying the protected person.

42 4. For the purposes of research as authorized by state and federal
43 law.

44 D. The director may authorize the release of information that
45 identifies the protected person to the national center for health

1 statistics of the United States public health service for the purposes of
2 conducting a search of the national death index.

3 E. The department or a local health department shall disclose
4 communicable disease related information to a Good Samaritan who submits a
5 request to the department or the local health department. The request
6 shall document the occurrence of the accident, fire or other
7 life-threatening emergency and shall include information regarding the
8 nature of the significant exposure risk. The department shall adopt rules
9 that prescribe standards of significant exposure risk based on the best
10 available medical evidence. The department shall adopt rules that
11 establish procedures for processing requests from Good Samaritans pursuant
12 to this subsection. The rules shall provide that the disclosure to the
13 Good Samaritan shall not reveal the protected person's name and shall be
14 accompanied by a written statement that warns the Good Samaritan that the
15 confidentiality of the information is protected by state law.

16 F. An authorization to release communicable disease related
17 information shall be signed by the protected person or, if the protected
18 person lacks capacity to consent, the protected person's health care
19 decision maker. An authorization shall be dated and shall specify to whom
20 disclosure is authorized, the purpose for disclosure and the time period
21 during which the release is effective. A general authorization for the
22 release of medical or other information, including communicable disease
23 related information, is not an authorization for the release of
24 HIV-related information unless the authorization specifically indicates
25 its purpose as an authorization for the release of confidential
26 HIV-related information and complies with the requirements of this
27 section.

28 G. A person to whom communicable disease related information is
29 disclosed pursuant to this section shall not disclose the information to
30 another person except as authorized by this section. This subsection does
31 not apply to the protected person or a protected person's health care
32 decision maker.

33 H. This section does not prohibit the listing of communicable
34 disease related information, including acquired immune deficiency
35 syndrome, HIV-related illness or HIV infection, in a certificate of death,
36 autopsy report or other related document that is prepared pursuant to law
37 to document the cause of death or that is prepared to release a body to a
38 funeral director. This section does not modify a law or rule relating to
39 access to death certificates, autopsy reports or other related documents.

40 I. If a person in possession of HIV-related information reasonably
41 believes that an identifiable third party is at risk of HIV infection,
42 that person may report that risk to the department. The report shall be
43 in writing and include the name and address of the identifiable third
44 party and the name and address of the person making the report. The
45 department shall contact the person at risk pursuant to rules adopted by

1 the department. The department employee making the initial contact shall
2 have expertise in counseling persons who have been exposed to or tested
3 positive for HIV or acquired immune deficiency syndrome.

4 J. Except as otherwise provided pursuant to this article or subject
5 to an order or search warrant issued pursuant to section 36-665, a person
6 who receives HIV-related information in the course of providing a health
7 service or pursuant to a release of HIV-related information shall not
8 disclose that information to another person or legal entity or be
9 compelled by subpoena, order, search warrant or other judicial process to
10 disclose that information to another person or legal entity.

11 K. This section and sections 36-663, 36-666, 36-667 and 36-668 do
12 not apply to persons or entities subject to regulation under title 20.

13 Sec. 10. Section 36-1673, Arizona Revised Statutes, is amended to
14 read:

15 36-1673. Reporting of lead levels

16 The director shall adopt rules and regulations establishing an
17 effective procedure under which all physicians licensed pursuant to ~~the~~
18 ~~provisions of~~ title 32, chapter 13, 14 or 17 shall report to the
19 department all analyses of blood samples which indicate significant levels
20 of lead. The regulations shall include such necessary criteria to
21 determine those levels of significance which shall be reported.

22 Sec. 11. Section 36-2351, Arizona Revised Statutes, is amended to
23 read:

24 36-2351. Definitions

25 In this chapter, unless the context otherwise requires:

26 1. "Construction" means building, erection, fabrication or
27 installation.

28 2. "Coordinating medical provider" means a physician or group of
29 physicians, or any combination thereof, which has entered into an
30 agreement with a county, incorporated city or town, health service
31 district or the department to supervise the medical care offered at a
32 medical clinic, as defined by this section.

33 3. "Department" means the department of health services.

34 4. "Health service district" means a health service district
35 established pursuant to title 48, chapter 16, article 1.

36 5. "Hospital" means a health care institution licensed as a
37 hospital pursuant to chapter 4, article 2 of this title.

38 6. "Medical clinic" means a facility, whether mobile or stationary,
39 which provides ambulatory medical care in a medically-underserved area
40 through the employment of physicians, professional nurses, physician
41 assistants or other health care technical and paraprofessional personnel.

42 7. "Physician" means a physician licensed pursuant to title 32,
43 chapter 13, 14 or 17.

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