



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

House: CJR DP 9-0-0-0 | 3rd Read 60-0-0-0

HB 2319: license denial; prohibition; drug convictions

Sponsor: Representative Toma, LD 22

House Engrossed

Overview

Prohibits an agency from denying a qualified applicant from receiving an occupational license because of a drug offense conviction.

History

A person with a criminal record may petition an agency before obtaining any required education or experience, taking an exam or paying any fee to determine if the person's criminal record disqualifies them from receiving a license, permit, certificate or other state recognition. The petition must include the person's complete criminal history record and any additional information about the person's current circumstances. The agency may determine that the person is disqualified only if the agency can conclude that the state has an important interest in protecting public safety that is superior to the person's rights if certain specified circumstances apply. The agency is required to issue a written determination within 90 days after receiving the petition. If the agency determines that the state's interest is superior to the person's right, the agency can advise the person on actions that the person may take to remedy the disqualification ([A.R.S. § 41-1093.04](#)).

Provisions

1. Prohibits an agency from denying an otherwise qualified applicant who has been convicted of a drug offense or a drug offense committed in another jurisdiction from either of the following:
 - a) The regular occupational license for which the applicant applied; or
 - b) A provisional occupational license. (Sec. 1)
2. Stipulates that the following instances do not apply:
 - a) The state Board of Education for the purposes of teacher certifications;
 - b) A health profession regulatory board that regulates one or more health professionals;
 - c) The Department of Health Services regarding the Arizona Medical Marijuana Act; and
 - d) A law enforcement agency and the Arizona Peace Officer Standards and Training Board. (Sec. 1)
3. Defines *occupational license*. (Sec. 1)

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