

Senate Engrossed

firefighters; peace officers; PTSD; therapy

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SENATE BILL 1677

AN ACT

AMENDING TITLE 23, CHAPTER 6, ARTICLE 4, ARIZONA REVISED STATUTES, BY
ADDING SECTION 23-972; AMENDING TITLE 38, CHAPTER 4, ARTICLE 5, ARIZONA
REVISED STATUTES, BY ADDING SECTION 38-674; RELATING TO WORKERS'
COMPENSATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 23, chapter 6, article 4, Arizona Revised
3 Statutes, is amended by adding section 23-972, to read:

4 23-972. Coverage; firefighters; peace officers;
5 post-traumatic stress disorder; annual report;
6 definitions

7 A. EMPLOYERS SHALL PROVIDE WORKERS' COMPENSATION COVERAGE TO
8 FIREFIGHTERS AND CERTIFIED PEACE OFFICERS WHO HAVE BEEN DIAGNOSED WITH
9 POST-TRAUMATIC STRESS DISORDER BY A LICENSED MENTAL HEALTH PROFESSIONAL
10 AND WHO HAVE AN ACCEPTED WORKERS' COMPENSATION CLAIM FOR POST-TRAUMATIC
11 STRESS DISORDER UNDER THIS TITLE. IF AN INDEPENDENT MEDICAL EXAMINATION
12 REVEALS A TREATMENT PROTOCOL OF METHYLENEDIOXYMETHAMPHETAMINE-ASSISTED
13 THERAPY (MDMA-AT) IS DEEMED A REASONABLE AND NECESSARY TREATMENT AND THE
14 INDUSTRIAL COMMISSION OF ARIZONA HAS INTEGRATED
15 METHYLENEDIOXYMETHAMPHETAMINE-ASSISTED THERAPY (MDMA-AT) TREATMENT INTO
16 ITS TREATMENT GUIDELINES, WORKERS' COMPENSATION COVERAGE MAY INCLUDE ONE
17 COURSE OF A TREATMENT PROTOCOL OF METHYLENEDIOXYMETHAMPHETAMINE-ASSISTED
18 THERAPY (MDMA-AT) AS PRESCRIBED BY A PSYCHIATRIST.

19 B. A FIREFIGHTER OR CERTIFIED PEACE OFFICER MAY RECEIVE ONE
20 TREATMENT PROTOCOL OF METHYLENEDIOXYMETHAMPHETAMINE-ASSISTED THERAPY
21 (MDMA-AT) DURING THE PERSON'S EMPLOYMENT AS A FIREFIGHTER OR CERTIFIED
22 PEACE OFFICER THROUGH EITHER:

- 23 1. WORKERS' COMPENSATION COVERAGE PURSUANT TO THIS SECTION.
- 24 2. ANY PROGRAM AS PRESCRIBED IN SECTION 38-674.

25 C. METHYLENEDIOXYMETHAMPHETAMINE-ASSISTED THERAPY (MDMA-AT)
26 PRESCRIBED UNDER THIS SECTION SHALL MEET THE REQUIREMENTS UNDER TITLE 36,
27 CHAPTER 27 FOR A CONTROLLED SUBSTANCE.

28 D. ON OR BEFORE JANUARY 1, 2026 THE COMMISSION SHALL SUBMIT A
29 REPORT OF THE COSTS OF TREATMENT FOR
30 METHYLENEDIOXYMETHAMPHETAMINE-ASSISTED THERAPY (MDMA-AT) UNDER THIS
31 SECTION AND SECTION 38-674 FOR FIREFIGHTERS AND CERTIFIED PEACE OFFICERS
32 TO THE JOINT LEGISLATIVE BUDGET COMMITTEE ANNUALLY.

33 E. FOR THE PURPOSES OF THIS SECTION:

34 1. "CERTIFIED PEACE OFFICER" HAS THE SAME MEANING PRESCRIBED IN
35 SECTION 38-842.

36 2. "FIREFIGHTER" MEANS A PROFESSIONAL FIREFIGHTER WHO IS A MEMBER
37 OF A CITY, TOWN, COUNTY OR FIRE DISTRICT FIRE DEPARTMENT.

38 3. "LICENSED MENTAL HEALTH PROFESSIONAL" MEANS A LICENSED
39 INDIVIDUAL WHO SPECIALIZES IN TRAUMA AND CRISIS, WHO USES EVIDENCE-BASED
40 TREATMENT OPTIONS AND WHO IS ONE OF THE FOLLOWING:

41 (a) A PSYCHIATRIST WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13
42 OR 17.

43 (b) A PSYCHOLOGIST WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER
44 19.1.

1 4. "PSYCHIATRIST" MEANS A PHYSICIAN WHO IS LICENSED PURSUANT TO
2 TITLE 32, CHAPTER 13 OR 17.

3 5. "TREATMENT PROTOCOL OF METHYLENEDIOXYMETHAMPHETAMINE-ASSISTED
4 THERAPY (MDMA-AT)" MEANS A PROCESS OF TREATMENT THAT HAS RECEIVED APPROVAL
5 FROM THE UNITED STATES FOOD AND DRUG ADMINISTRATION FOR POST-TRAUMATIC
6 STRESS DISORDER AND THAT USES METHYLENEDIOXYMETHAMPHETAMINE IN CONJUNCTION
7 WITH THERAPY SESSIONS.

8 Sec. 2. Title 38, chapter 4, article 5, Arizona Revised Statutes,
9 is amended by adding section 38-674, to read:

10 38-674. Traumatic event; counseling for firefighters and
11 certified peace officers; post-traumatic stress
12 disorder; definitions

13 A. FOR FIREFIGHTERS AND CERTIFIED PEACE OFFICERS WHO HAVE BEEN
14 EXPOSED TO A TRAUMATIC EVENT AND WHO HAVE BEEN DIAGNOSED WITH
15 POST-TRAUMATIC STRESS DISORDER BY A LICENSED MENTAL HEALTH PROFESSIONAL,
16 THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE SHALL INCLUDE IN A
17 PROGRAM THAT IS ESTABLISHED TO PROVIDE LICENSED COUNSELING PURSUANT TO
18 SECTION 38-673 COVERAGE FOR ONE TREATMENT PROTOCOL OF
19 METHYLENEDIOXYMETHAMPHETAMINE-ASSISTED THERAPY (MDMA-AT), IF A
20 PSYCHIATRIST DEEMS THAT A TREATMENT PROTOCOL OF
21 METHYLENEDIOXYMETHAMPHETAMINE-ASSISTED THERAPY (MDMA-AT) IS A REASONABLE
22 AND NECESSARY TREATMENT. TREATMENT BY A PSYCHIATRIST UNDER THIS SECTION
23 SUPPLANTS LICENSED COUNSELING AS DEFINED IN SECTION 38-673.

24 B. A FIREFIGHTER OR CERTIFIED PEACE OFFICER MAY RECEIVE ONE
25 TREATMENT PROTOCOL OF METHYLENEDIOXYMETHAMPHETAMINE-ASSISTED THERAPY
26 (MDMA-AT) DURING THE PERSON'S EMPLOYMENT AS A FIREFIGHTER OR CERTIFIED
27 PEACE OFFICER THROUGH EITHER:

- 28 1. WORKERS' COMPENSATION COVERAGE PURSUANT TO SECTION 23-972.
29 2. ANY PROGRAM AS PRESCRIBED IN THIS SECTION.

30 C. ANY TREATMENT PROTOCOL OF METHYLENEDIOXYMETHAMPHETAMINE-ASSISTED
31 THERAPY (MDMA-AT) SHALL COMPLY WITH THE TREATMENT GUIDELINES AND SCHEDULE
32 OF FEES AS ESTABLISHED BY THE INDUSTRIAL COMMISSION OF ARIZONA. ANY COSTS
33 ASSOCIATED WITH THE TREATMENT PROTOCOL OF
34 METHYLENEDIOXYMETHAMPHETAMINE-ASSISTED THERAPY (MDMA-AT) FOR A FIREFIGHTER
35 OR CERTIFIED PEACE OFFICER SHALL BE REPORTED TO THE INDUSTRIAL COMMISSION
36 OF ARIZONA.

37 D. A FIREFIGHTER OR CERTIFIED PEACE OFFICER PARTICIPATING IN A
38 TREATMENT PROTOCOL OF METHYLENEDIOXYMETHAMPHETAMINE-ASSISTED THERAPY
39 (MDMA-AT) PURSUANT TO THIS ARTICLE SHALL NOTIFY THE PERSON'S EMPLOYER
40 BEFORE BEGINNING ONE TREATMENT PROTOCOL OF
41 METHYLENEDIOXYMETHAMPHETAMINE-ASSISTED THERAPY (MDMA-AT).

42 E. AN EMPLOYER MAY NOT REQUIRE A FIREFIGHTER OR CERTIFIED PEACE
43 OFFICER WHO IS RECEIVING ONE TREATMENT PROTOCOL OF
44 METHYLENEDIOXYMETHAMPHETAMINE-ASSISTED THERAPY (MDMA-AT) PURSUANT TO THIS
45 SECTION TO USE THE FIREFIGHTER'S OR CERTIFIED PEACE OFFICER'S ACCRUED PAID

1 VACATION LEAVE, PERSONAL LEAVE OR SICK LEAVE IF THE FIREFIGHTER OR
2 CERTIFIED PEACE OFFICER LEAVES WORK TO ATTEND A TREATMENT VISIT PURSUANT
3 TO THIS SECTION.

4 F. IF THE LICENSED MENTAL HEALTH PROFESSIONAL DETERMINES THAT THE
5 FIREFIGHTER OR CERTIFIED PEACE OFFICER IS NOT FIT FOR DUTY WHILE THE
6 FIREFIGHTER OR CERTIFIED PEACE OFFICER IS RECEIVING TREATMENT PURSUANT TO
7 THIS SECTION, THE EMPLOYER SHALL ENSURE THAT THE FIREFIGHTER OR CERTIFIED
8 PEACE OFFICER HAS NO LOSS OF PAY AND BENEFITS FOR UP TO THIRTY CALENDAR
9 DAYS. THE THIRTY-CALENDAR DAYS INCLUDE BOTH THE COURSE OF TREATMENT FOR
10 LICENSED COUNSELING AS DEFINED IN SECTION 38-673 AND FOR ONE TREATMENT
11 PROTOCOL OF METHYLENEDIOXYMETHAMPHETAMINE-ASSISTED THERAPY (MDMA-AT)
12 PURSUANT TO THIS SECTION. AN EMPLOYEE BECOMES ELIGIBLE AFTER THE DATE A
13 LICENSED MENTAL HEALTH PROFESSIONAL DETERMINES THAT THE EMPLOYEE IS NOT
14 FIT FOR DUTY, IF ALL OF THE FOLLOWING APPLY:

15 1. THE FIREFIGHTER OR CERTIFIED PEACE OFFICER IS UNABLE TO WORK
16 LIGHT DUTY OR THE EMPLOYER DOES NOT OFFER A LIGHT DUTY OPTION.

17 2. THE FIREFIGHTER OR CERTIFIED PEACE OFFICER HAS EXHAUSTED THE
18 FIREFIGHTER'S OR CERTIFIED PEACE OFFICER'S SICK LEAVE, VACATION LEAVE OR
19 OTHER LEAVE THAT IS PROVIDED AS PART OF THE FIREFIGHTER'S OR CERTIFIED
20 PEACE OFFICER'S BENEFITS PACKAGE.

21 3. IF THE EMPLOYER OFFERS SHORT-TERM DISABILITY BENEFITS, THE
22 EMPLOYER OFFERED AND THE FIREFIGHTER OR CERTIFIED PEACE OFFICER ELECTED
23 SHORT-TERM DISABILITY BENEFITS, BUT THE FIREFIGHTER OR CERTIFIED PEACE
24 OFFICER IS NOT ELIGIBLE TO RECEIVE SHORT-TERM DISABILITY BENEFITS.

25 4. THE EMPLOYER DOES NOT HAVE A SUPPLEMENTAL PROGRAM THAT PROVIDES
26 PAY AND BENEFITS AFTER THE OCCURRENCE OF AN INJURY. FOR THE PURPOSES OF
27 THIS PARAGRAPH, "SUPPLEMENTAL PROGRAM":

28 (a) MEANS A PROGRAM THAT PROVIDES PAY AND BENEFITS AFTER THE
29 OCCURRENCE OF AN INJURY.

30 (b) DOES NOT INCLUDE A SUPPLEMENTAL BENEFITS PLAN ESTABLISHED
31 PURSUANT TO SECTION 38-961.

32 G. AN EMPLOYER SHALL ALLOW A FIREFIGHTER OR CERTIFIED PEACE OFFICER
33 TO SELECT THE FIREFIGHTER'S OR CERTIFIED PEACE OFFICER'S OWN LICENSED
34 MENTAL HEALTH PROFESSIONAL WITHIN THIS STATE, EXCEPT THAT IF A LICENSED
35 MENTAL HEALTH PROFESSIONAL DECLINES TO PROVIDE ONE TREATMENT PROTOCOL OF
36 METHYLENEDIOXYMETHAMPHETAMINE-ASSISTED THERAPY (MDMA-AT) PURSUANT TO THIS
37 SECTION, THE EMPLOYER IS NOT REQUIRED TO SECURE THE SERVICES OF THAT
38 LICENSED MENTAL HEALTH PROFESSIONAL. THE EMPLOYER SHALL PAY THE LICENSED
39 MENTAL HEALTH PROFESSIONAL PURSUANT TO THE SCHEDULE OF FEES THAT IS FIXED
40 BY THE INDUSTRIAL COMMISSION OF ARIZONA PURSUANT TO SECTION 23-908. THE
41 EMPLOYER IS NOT REQUIRED TO PAY FOR A LICENSED MENTAL HEALTH PROFESSIONAL
42 WHO PRACTICES OUTSIDE OF THIS STATE AND MAY PAY FOR CARE OUTSIDE OF THE
43 COUNTY IN WHICH THE EMPLOYER IS LOCATED.

44 H. PAYMENT BY THE EMPLOYER FOR ONE TREATMENT PROTOCOL OF
45 METHYLENEDIOXYMETHAMPHETAMINE-ASSISTED THERAPY (MDMA-AT) PURSUANT TO THIS

1 SECTION DOES NOT ESTABLISH A PRESUMPTION THAT A CLAIM IS COMPENSABLE UNDER
2 SECTION 23-1043.01, SUBSECTION B.

3 I. METHYLENEDIOXYMETHAMPHETAMINE-ASSISTED THERAPY (MDMA-AT)
4 PRESCRIBED UNDER THIS SECTION SHALL MEET THE REQUIREMENTS UNDER TITLE 36,
5 CHAPTER 27 FOR A CONTROLLED SUBSTANCE.

6 J. FOR THE PURPOSES OF THIS SECTION:

7 1. "CERTIFIED PEACE OFFICER" HAS THE SAME MEANING PRESCRIBED IN
8 SECTION 38-842.

9 2. "FIREFIGHTER" MEANS A PROFESSIONAL FIREFIGHTER WHO IS A MEMBER
10 OF A CITY, TOWN, COUNTY OR FIRE DISTRICT FIRE DEPARTMENT.

11 3. "LICENSED MENTAL HEALTH PROFESSIONAL" MEANS A LICENSED
12 INDIVIDUAL WHO SPECIALIZES IN TRAUMA AND CRISIS, WHO USES EVIDENCE-BASED
13 TREATMENT OPTIONS AND WHO IS ONE OF THE FOLLOWING:

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15 OR 17.

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18 4. "PSYCHIATRIST" MEANS A PHYSICIAN WHO IS LICENSED PURSUANT TO
19 TITLE 32, CHAPTER 13 OR 17.

20 5. "TREATMENT PROTOCOL OF METHYLENEDIOXYMETHAMPHETAMINE-ASSISTED
21 THERAPY (MDMA-AT)" MEANS A PROCESS OF TREATMENT THAT HAS RECEIVED APPROVAL
22 FROM THE UNITED STATES FOOD AND DRUG ADMINISTRATION FOR POST-TRAUMATIC
23 STRESS DISORDER AND THAT USES METHYLENEDIOXYMETHAMPHETAMINE IN CONJUNCTION
24 WITH THERAPY SESSIONS.

25 Sec. 3. Conditional enactment; notice

26 A. Sections 23-972 and 38-674, Arizona Revised Statutes, as added
27 by this act, do not become effective unless on or before December 31, 2025
28 the United States Food and Drug Administration approves the use of
29 methylenedioxyamphetamine-assisted therapy (MDMA-AT) for the treatment
30 of post-traumatic stress disorder.

31 B. The department of health services shall notify the director of
32 the Arizona legislative council and the director of the industrial
33 commission of Arizona in writing on or before February 2, 2026 either:

34 1. The date on which the condition was met.

35 2. That the condition was not met.

36 Sec. 4. Industrial commission of Arizona report

37 On notification from the department of health services, the
38 industrial commission of Arizona shall consider whether to incorporate
39 methylenedioxyamphetamine-assisted therapy (MDMA-AT) into its
40 treatment guidelines, and if the industrial commission of Arizona
41 incorporates methylenedioxyamphetamine-assisted therapy (MDMA-AT) into
42 its treatment guidelines, the industrial commission of Arizona shall
43 include the treatment in its schedule of fees.