

REFERENCE TITLE: **mental health inquiry; prohibition**

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2173

Introduced by
Representative Willoughby

AN ACT

AMENDING TITLE 32, CHAPTER 32, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 32-3223.01; AMENDING TITLE 32, CHAPTER 48, ARIZONA REVISED
STATUTES, BY ADDING ARTICLE 2; RELATING TO PROFESSIONS AND OCCUPATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 32, chapter 32, article 1, Arizona Revised
3 Statutes, is amended by adding section 32-3223.01, to read:

4 32-3223.01. Health profession regulatory board; mental health
5 inquiry; prohibition; definition

6 A. A HEALTH PROFESSION REGULATORY BOARD MAY NOT INCLUDE ANY
7 QUESTION ON AN APPLICATION FOR A LICENSE, PERMIT, CERTIFICATE OR
8 ENDORSEMENT THAT REQUESTS INFORMATION ABOUT WHETHER THE APPLICANT HAS
9 SOUGHT MENTAL HEALTH ASSISTANCE OR RECEIVED A MENTAL HEALTH DIAGNOSIS OR
10 TREATMENT. THE HEALTH PROFESSION REGULATORY BOARD MAY ASK IF THE
11 APPLICANT IS CURRENTLY UNDER A REGULATORY ENTITY'S ORDER IN ANOTHER STATE
12 FOR THE MONITORING OF A HEALTH CONDITION, INCLUDING SUBSTANCE ABUSE. THE
13 APPLICANT IS NOT REQUIRED TO RESPOND IF THE MONITORING IS PART OF A
14 CONFIDENTIAL PROGRAM.

15 B. FOR THE PURPOSES OF THIS SECTION, "HEALTH PROFESSION REGULATORY
16 BOARD" INCLUDES THE DEPARTMENT OF HEALTH SERVICES RELATING TO HEALTH
17 PROFESSIONALS WHO ARE REGULATED BY THE DEPARTMENT.

18 Sec. 2. Title 32, chapter 48, Arizona Revised Statutes, is amended
19 by adding article 2, to read:

20 ARTICLE 2. NONHEALTH PROFESSIONS AND
21 OCCUPATIONS REGULATORY BOARDS

22 32-4821. Licensing authorities; mental health inquiry;
23 prohibition; definition

24 A. A LICENSING AUTHORITY MAY NOT INCLUDE ANY QUESTION ON AN
25 APPLICATION FOR A LICENSE, PERMIT, CERTIFICATE OR REGISTRATION THAT
26 REQUESTS INFORMATION ABOUT WHETHER THE APPLICANT HAS SOUGHT MENTAL HEALTH
27 ASSISTANCE OR RECEIVED A MENTAL HEALTH DIAGNOSIS OR TREATMENT. THE
28 LICENSING AUTHORITY MAY ASK IF THE APPLICANT IS CURRENTLY UNDER A
29 REGULATORY ENTITY'S ORDER IN ANOTHER STATE FOR THE MONITORING OF A HEALTH
30 CONDITION, INCLUDING SUBSTANCE ABUSE. THE APPLICANT IS NOT REQUIRED TO
31 RESPOND IF THE MONITORING IS PART OF A CONFIDENTIAL PROGRAM.

32 B. FOR THE PURPOSES OF THIS SECTION, "LICENSING AUTHORITY" MEANS
33 ANY AGENCY, DEPARTMENT, BOARD OR COMMISSION OF THIS STATE THAT ISSUES A
34 LICENSE, PERMIT, CERTIFICATE OR REGISTRATION PURSUANT TO THIS TITLE TO AN
35 INDIVIDUAL WHO PROVIDES A SERVICE TO ANY PERSON. LICENSING AUTHORITY DOES
36 NOT MEAN:

37 1. AN ENTITY THAT ISSUES LICENSES PURSUANT TO CHAPTER 40 OF THIS
38 TITLE.

39 2. A HEALTH PROFESSION REGULATORY BOARD AS DEFINED IN SECTION
40 32-3201.