

Senate Engrossed

sober living homes

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

CHAPTER 66
SENATE BILL 1308

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 6.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-462.14; AMENDING SECTIONS 13-3730, 36-2061 AND 36-2062, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 18, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-2062.01; AMENDING SECTIONS 36-2063, 36-2064, 36-2065, 36-2066 AND 36-2067, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 18, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 36-2068 AND 36-2069; AMENDING SECTIONS 41-619.51, 41-1758 AND 41-1758.01, ARIZONA REVISED STATUTES; RELATING TO SOBER LIVING HOMES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 9, chapter 4, article 6.1, Arizona Revised
3 Statutes, is amended by adding section 9-462.14, to read:

4 9-462.14. Sober living homes; distance and operation
5 requirements; deviation procedure; prohibition;
6 definition

7 A. IF A MUNICIPALITY HAS A ZONING ORDINANCE THAT RESTRICTS THE
8 DISTANCE BETWEEN SOBER LIVING HOMES OR THAT ENACTS BUILDING OR FIRE CODE
9 REQUIREMENTS FOR THE OPERATION OF SOBER LIVING HOMES, THE MUNICIPALITY
10 SHALL ESTABLISH A PROCEDURE BY WHICH A DEVIATION FROM THE REQUIREMENT MAY
11 BE GRANTED AS A REASONABLE ACCOMMODATION UNDER THE FAIR HOUSING ACT
12 (P.L. 90-284; 82 STAT. 81; 42 UNITED STATES CODE SECTION 3604).

13 B. A MUNICIPALITY MAY NOT RECLASSIFY A SINGLE-FAMILY HOME UNDER A
14 LOCAL BUILDING OR FIRE CODE SOLELY BECAUSE THE SINGLE-FAMILY HOME IS THE
15 SUBJECT OF A LICENSE APPLICATION FOR A SOBER LIVING HOME.

16 C. FOR THE PURPOSES OF THIS SECTION, "SOBER LIVING HOME" HAS THE
17 SAME MEANING PRESCRIBED IN SECTION 36-2061.

18 Sec. 2. Section 13-3730, Arizona Revised Statutes, is amended to
19 read:

20 13-3730. Unlawful patient brokering; classification;
21 definition

22 A. It is unlawful for a person, including a health care provider,
23 BEHAVIORAL HEALTH PROFESSIONAL, health care ~~facility~~ INSTITUTION or sober
24 living home, ~~when only providing or offering substance use disorder~~
25 ~~services,~~ to offer, pay, solicit or receive any commission, bonus, rebate,
26 kickback or bribe, directly or indirectly, in cash or in kind, or engage
27 in any split-fee arrangement, in any form whatsoever, in return for
28 either:

29 1. Referring patients or clients to or from a sober living home or
30 a substance use disorder treatment facility.

31 2. Accepting or acknowledging the enrollment of a patient or client
32 for substance use disorder services at a sober living home.

33 B. A violation of this section is:

34 1. A class 3 felony if the consideration has a value of ~~one~~
35 ~~thousand dollars~~ \$1,000 or more.

36 2. A class 4 felony if the consideration has a value of more than
37 ~~one hundred dollars~~ \$100 but less than ~~one thousand dollars~~ \$1,000.

38 3. A class 6 felony if the consideration has a value of ~~one hundred~~
39 ~~dollars~~ \$100 or less.

40 C. For the purposes of this section, "sober living home" ~~means any~~
41 ~~premises, place or building that provides alcohol-free or drug-free~~
42 ~~housing and that~~.

43 1. ~~Promotes independent living and life skills development.~~

1 2. ~~May provide activities that are directed primarily toward~~
2 ~~recovery from substance use disorders.~~

3 3. ~~Provides a supervised setting to a group of unrelated~~
4 ~~individuals who are recovering from substance use disorders.~~

5 4. ~~Does not provide any medical or clinical services or medication~~
6 ~~administration on-site, except for verification of abstinence HAS THE SAME~~
7 ~~MEANING PRESCRIBED IN SECTION 36-2061.~~

8 Sec. 3. Section 36-2061, Arizona Revised Statutes, is amended to
9 read:

10 36-2061. Definitions

11 In this article, unless the context otherwise requires:

12 1. "ASSISTANCE OR ACTIVITY DIRECTED TOWARD RECOVERY FROM ANY
13 SUBSTANCE USE DISORDER" INCLUDES A SUPERVISED, MONITORED OR PEER-LED
14 ENVIRONMENT DIRECTED TOWARD RECOVERY FROM ANY SUBSTANCE USE DISORDER.

15 ~~1.~~ 2. "Certifying organization" means an organization that
16 certifies homes as sober living homes and ~~THAT~~ is affiliated with a
17 national organization ~~recognized APPROVED~~ by the department whose primary
18 function is to improve access to and the quality of sober living
19 residences through standards, education, research and advocacy.

20 3. "CLOSE FRIEND" MEANS ANY INDIVIDUAL WHOSE CLOSE ASSOCIATION WITH
21 THE PERSON IS THE EQUIVALENT OF A FAMILY RELATIONSHIP.

22 4. "LICENSE" MEANS A LICENSE ISSUED BY THE DIRECTOR PURSUANT TO
23 THIS ARTICLE.

24 ~~2.~~ 5. "Medication-assisted treatment" means the use of
25 pharmacological medications that are approved by the United States food
26 and drug administration, in combination with counseling and behavioral
27 therapies, to provide a whole patient approach to ~~the treatment of~~
28 TREATING substance use disorders.

29 ~~3. "Sober living home" means any premises, place or building that~~
30 ~~provides alcohol-free or drug-free housing and that:~~

31 ~~(a) Promotes independent living and life skills development.~~

32 ~~(b) May provide activities that are directed primarily toward~~
33 ~~recovery from substance use disorders.~~

34 ~~(c) Provides a supervised setting to a group of unrelated~~
35 ~~individuals who are recovering from substance use disorders.~~

36 ~~(d) Does not provide any medical or clinical services or medication~~
37 ~~administration on-site, except for verification of abstinence.~~

38 6. "SERVICE OR TREATMENT DIRECTED TOWARD RECOVERY FROM ANY
39 SUBSTANCE USE DISORDER" INCLUDES PROVIDING OR ARRANGING TRANSPORTATION TO
40 OR FROM ANY SERVICE, TREATMENT OR ACTIVITY DIRECTED TOWARD RECOVERY FROM
41 ANY SUBSTANCE USE DISORDER.

42 7. "SOBER LIVING HOME":

43 (a) MEANS ANY PREMISES, PLACE OR DWELLING UNIT, OR ANY PERSON THAT
44 PROVIDES ANY PREMISES, PLACE OR DWELLING UNIT, THAT MAY PROVIDE
45 VERIFICATION OF ABSTINENCE AND THAT DOES AT LEAST ONE OF THE FOLLOWING:

1 (i) PROVIDES ALCOHOL-FREE AND DRUG-FREE HOUSING IN A SUPERVISED,
2 MONITORED OR PEER-LED ENVIRONMENT FOR INDIVIDUALS WHO ARE IN RECOVERY OR
3 SEEKING RECOVERY FROM ANY SUBSTANCE USE DISORDER.

4 (ii) ADVERTISES, MARKETS, HOLDS ITSELF OUT OR OTHERWISE IMPLIES
5 THROUGH ANY MEANS, INCLUDING ORAL, WRITTEN, ELECTRONIC OR PRINTED MEANS,
6 THAT IT PROVIDES OR WILL PROVIDE A LIVING ENVIRONMENT DIRECTED TOWARD
7 RECOVERY FROM ANY SUBSTANCE USE DISORDER, INCLUDING HOUSING THAT PROVIDES
8 OR ARRANGES FOR RESIDENTS TO RECEIVE ANY ASSISTANCE OR ACTIVITY DIRECTED
9 TOWARD RECOVERY FROM ANY SUBSTANCE USE DISORDER AND HOUSING THAT ARRANGES
10 FOR RESIDENTS TO RECEIVE ANY SERVICE OR TREATMENT DIRECTED TOWARD RECOVERY
11 FROM ANY SUBSTANCE USE DISORDER.

12 (b) DOES NOT INCLUDE:

13 (i) ANY PREMISES, PLACE OR DWELLING UNIT THAT IS LICENSED TO
14 PROVIDE ON-SITE MEDICAL SERVICES, BEHAVIORAL HEALTH SERVICES OR MEDICATION
15 ADMINISTRATION.

16 (ii) ANY PERSON WHO PROVIDES ANY PREMISES, PLACE OR DWELLING UNIT
17 DIRECTED TOWARD RECOVERY FROM ANY SUBSTANCE ABUSE DISORDER EXCLUSIVELY TO
18 RESIDENTS WHO ARE RELATED TO THE PERSON BY AFFINITY OR CONSANGUINITY OF
19 THE FIRST OR SECOND DEGREE, A PERSON WHO IS A CLOSE FRIEND OF THE PERSON
20 FOR WHOM THE PERSON SERVES AS A LEGAL GUARDIAN, AND THE PERSON IS NOT
21 OPERATING THE PREMISES, PLACE OR DWELLING UNIT AS A BUSINESS AND DOES NOT
22 REQUIRE, COLLECT OR RECEIVE ANY FORM OF COMPENSATION FOR PROFIT FROM THE
23 RESIDENTS, INCLUDING INSURANCE OR RENT.

24 (iii) ANY HOUSING FOR PERSONS IN RECOVERY FROM SUBSTANCE USE
25 DISORDERS THAT IS SELF-RUN, SELF-SUPPORTED, ALCOHOL AND DRUG FREE,
26 CHARTERED AND MONITORED BY A NATIONALLY RECOGNIZED NONPROFIT CREDENTIALING
27 ENTITY, ESTABLISHED IN ACCORDANCE WITH 42 UNITED STATES CODE SECTION
28 300x-25 AND HELD TO THE STANDARDS OF THAT NATIONALLY RECOGNIZED NONPROFIT
29 CREDENTIALING ENTITY.

30 Sec. 4. Section 36-2062, Arizona Revised Statutes, is amended to
31 read:

32 36-2062. Licensure required; standards; administrative
33 clearance from local jurisdiction; use of title

34 A. The director shall adopt rules to establish minimum standards
35 and requirements for the licensure of sober living homes in this state
36 necessary to ensure the public health, safety and welfare. The director
37 may use the current standards adopted by any recognized national
38 organization approved by the department as guidelines in prescribing the
39 minimum standards and requirements under this subsection. The standards
40 shall include:

41 1. A requirement that each sober living home ~~to~~ develop policies
42 and procedures to allow individuals who are on medication-assisted
43 treatment to continue to receive this treatment while living in the sober
44 living home.

1 2. Consistent and fair practices for drug and alcohol testing,
2 including frequency, that promote the residents' recovery.

3 3. Policies and procedures ~~for the residence~~ to MEET THE
4 REQUIREMENT THAT THE SOBER LIVING HOME maintain an environment that
5 promotes THE RECOVERY, HEALTH AND SAFETY OF RESIDENTS AND the safety of
6 the surrounding neighborhood and the community at large.

7 4. Policies and procedures for discharge planning of persons living
8 in the ~~residence~~ SOBER LIVING HOME that do not negatively impact the
9 surrounding community, INCLUDING POLICIES AND PROCEDURES TO BE IMPLEMENTED
10 IF THE SOBER LIVING HOME'S LICENSE IS SUSPENDED OR REVOKED.

11 5. A good neighbor policy to address neighborhood concerns and
12 complaints.

13 6. A requirement that the operator of each sober living home have
14 available for emergency personnel an up-to-date list of current
15 medications and medical conditions of each person living in the SOBER
16 LIVING home.

17 7. A policy that ensures residents are informed of all sober living
18 home rules, residency requirements and resident agreements.

19 8. Policies and procedures for ~~the management of~~ MANAGING all
20 monies received and spent by the sober living home in accordance with
21 standard accounting practices, including monies received from residents of
22 the sober living home.

23 9. A requirement that each sober living home post a statement of
24 resident rights that includes the right to file a complaint about the
25 ~~residence~~ SOBER LIVING HOME or provider and information about how to file
26 a complaint.

27 10. Policies that promote recovery by requiring residents to
28 participate in treatment, self-help groups or other recovery supports.

29 11. Policies ~~requiring~~ AND PROCEDURES THAT REQUIRE THE SOBER LIVING
30 HOME TO MAINTAIN AN ENVIRONMENT THAT IS FREE FROM ALCOHOL AND ILLEGAL
31 SUBSTANCES AT ALL TIMES AND THAT REQUIRE abstinence from alcohol and
32 illicit drugs.

33 12. Procedures regarding the appropriate use and security of
34 medication by a resident.

35 13. Policies regarding the maintenance of sober living homes,
36 including the installation of functioning smoke detectors, carbon monoxide
37 detectors and fire extinguishers and compliance with local fire codes AND
38 RULES applicable to comparable dwellings occupied by single families.

39 14. Policies and procedures that prohibit a sober living home
40 owner, employee or administrator from requiring a resident to sign any
41 document for the purpose of relinquishing the resident's public assistance
42 benefits, including medical assistance benefits, cash assistance and
43 supplemental nutrition assistance program benefits.

1 15. Policies and procedures for managing complaints about sober
2 living homes.

3 16. ~~Requirements~~ POLICIES AND PROCEDURES for ~~the notification of~~
4 NOTIFYING THE DEPARTMENT AND a family member or other emergency contact
5 designated by a resident under certain circumstances, including death, ~~due~~
6 ~~to an~~ PERMANENT OR SEVERE HARM AND overdose.

7 17. POLICIES AND PROCEDURES FOR PROVIDING ACTIVITIES THAT PROMOTE
8 INDEPENDENT LIVING AND LIFE SKILLS DEVELOPMENT.

9 18. POLICIES AND PROCEDURES FOR PROVIDING ACTIVITIES DIRECTED
10 PRIMARILY TOWARD RECOVERY FROM SUBSTANCE USE DISORDERS.

11 B. The licensure of a sober living home under this article is for
12 one year. ~~A person operating a sober living home in this state that has~~
13 ~~failed to attain or maintain licensure of the sober living home shall pay~~
14 ~~a civil penalty of up to one thousand dollars for each violation.~~

15 C. To receive and maintain licensure, a sober living home must
16 comply with all federal, state and local laws, including the Americans
17 with disabilities act of 1990. THE SOBER LIVING HOME SHALL OBTAIN AND
18 MAINTAIN CURRENT DOCUMENTATION FROM THE LOCAL JURISDICTION VERIFYING
19 COMPLIANCE WITH ALL LOCAL ZONING, BUILDING, FIRE AND LICENSING ORDINANCES
20 AND RULES. THE SOBER LIVING HOME SHALL PROVIDE DOCUMENTATION TO THE
21 DEPARTMENT ON REQUEST, IN THE APPLICATION FOR AN INITIAL LICENSE AND WHEN
22 REQUESTING APPROVAL FOR ANY PROPOSED CHANGE IN THE MAXIMUM NUMBER OF
23 RESIDENTS OR ANY CONSTRUCTION OF OR MODIFICATION TO THE SOBER LIVING HOME.
24 THE DEPARTMENT SHALL IDENTIFY ON EACH LICENSE THE MAXIMUM NUMBER OF
25 RESIDENTS WHO ARE ALLOWED TO LIVE IN THE SOBER LIVING HOME, INCLUDING ANY
26 MANAGER OR OTHER STAFF LIVING ON THE PREMISES.

27 D. A treatment facility that is licensed by the department ~~for the~~
28 ~~treatment of~~ TO TREAT substance use disorders and that has one or more
29 sober living homes on the same campus as the facility's program shall
30 obtain licensure for each sober living home pursuant to this article.

31 E. ~~Once the director adopts the minimum standards as required in~~
32 ~~subsection A of this section,~~ A person ~~may~~ SHALL not establish, conduct or
33 maintain in this state a sober living home unless that person holds a
34 current and valid license issued by the department ~~or is certified as~~
35 ~~prescribed in section 36-2064.~~ The license is valid only for the
36 establishment, operation and maintenance of the sober living home. The
37 licensee ~~may~~ SHALL not:

38 1. Imply by advertising, ~~OR~~ directory listing or otherwise IMPLY
39 that the licensee is authorized to perform services more specialized or of
40 a higher degree of care than is authorized by this article and the
41 ~~underlying~~ ADOPTED rules for sober living homes.

42 2. Transfer or assign the license. A license is valid only for the
43 premises occupied by the sober living home at the time of its issuance.

1 Sec. 5. Title 36, chapter 18, article 4, Arizona Revised Statutes,
2 is amended by adding section 36-2062.01, to read:

3 36-2062.01. Legislative findings and intent; substantial
4 compliance; definition

5 A. THE LEGISLATURE RECOGNIZES THE NEED TO PROTECT BOTH PEOPLE WHO
6 ARE IN RECOVERY AND THE PUBLIC FROM UNSCRUPULOUS AND INCOMPETENT OPERATORS
7 OF SOBER LIVING HOMES AND THEREFORE FINDS AND DETERMINES THAT SUBSTANTIAL
8 COMPLIANCE WITH AND ENFORCEMENT OF THE REQUIREMENTS PRESCRIBED IN SECTION
9 36-2062 ARE NECESSARY AND REQUIRED TO ENSURE THE PUBLIC HEALTH, SAFETY AND
10 WELFARE.

11 B. FOR THE PURPOSES OF THIS SECTION, "SUBSTANTIAL COMPLIANCE" MEANS
12 THAT THE NATURE OR NUMBER OF VIOLATIONS REVEALED BY ANY TYPE OF INSPECTION
13 OR INVESTIGATION OF A SOBER LIVING HOME DOES NOT POSE A DIRECT RISK TO THE
14 LIFE, HEALTH OR SAFETY OF THE SOBER LIVING HOME'S RESIDENTS.

15 Sec. 6. Section 36-2063, Arizona Revised Statutes, is amended to
16 read:

17 36-2063. Fees; licensure and renewal; inspections;
18 complaints; investigations; penalties and
19 sanctions; third-party contractors

20 A. The department shall establish fees for initial licensure and
21 license renewal OF A SOBER LIVING HOME and a fee for the late payment of
22 licensing fees that includes a grace period. The department shall
23 deposit, pursuant to sections 35-146 and 35-147, ninety percent of the
24 fees collected pursuant to this section in the health services licensing
25 fund established by section 36-414 and ten percent of the fees collected
26 pursuant to this section in the state general fund.

27 B. On a determination by the director that there is reasonable
28 cause to believe a sober living home is not adhering to the ~~licensing~~
29 requirements of this article OR THE RULES ADOPTED PURSUANT TO THIS
30 ARTICLE, the director and any duly designated employee or agent of the
31 director may enter on and into the premises of any sober living home that
32 is licensed or required to be licensed pursuant to this article at any
33 reasonable time for the purpose of determining the state of compliance
34 with this article, the rules adopted pursuant to this article and local
35 fire ordinances or rules. Any application for licensure OR LICENSE
36 RENEWAL under this article constitutes permission for and complete
37 acquiescence in any entry or inspection of the premises during the
38 pendency of the LICENSE application OR LICENSE RENEWAL and, if licensed,
39 during the term of the license. ~~If an inspection reveals that the sober
40 living home is not adhering to the licensing requirements established
41 pursuant to this article, the director may take action authorized by this
42 article. Any sober living home whose license has been suspended or
43 revoked in accordance with this article is subject to inspection or
44 application for relicensure or reinstatement of license.~~

45 C. ~~The director may~~

1 C. EXCEPT AS PROVIDED IN SECTION 36-2064, THE DEPARTMENT OR ITS
2 THIRD-PARTY CONTRACTOR SHALL CONDUCT A PHYSICAL, ON-SITE INSPECTION OF A
3 SOBER LIVING HOME TO VERIFY COMPLIANCE WITH THE REQUIREMENTS OF THIS
4 ARTICLE AND THE RULES ADOPTED PURSUANT TO THIS ARTICLE AT THE FOLLOWING
5 TIMES:

6 1. BEFORE ISSUING AN INITIAL LICENSE OR APPROVING ANY PROPOSED
7 CHANGE IN THE MAXIMUM NUMBER OF RESIDENTS OR ANY CONSTRUCTION OF OR
8 MODIFICATION TO A SOBER LIVING HOME. APPLICANTS ARE NOT ALLOWED TO
9 SELF-ATTEST TO COMPLIANCE IN LIEU OF THIS INSPECTION.

10 2. AT LEAST ANNUALLY FOR EACH SOBER LIVING HOME.

11 3. ON A DETERMINATION BY THE DIRECTOR THAT THERE IS REASONABLE
12 CAUSE TO BELIEVE THAT A SOBER LIVING HOME IS NOT ADHERING TO THE
13 REQUIREMENTS OF THIS ARTICLE OR THE RULES ADOPTED PURSUANT TO THIS
14 ARTICLE.

15 4. ON NOTIFICATION BY A SOBER LIVING HOME PURSUANT TO SUBSECTION K
16 OF THIS SECTION THAT THE SOBER LIVING HOME BELIEVES IT IS IN SUBSTANTIAL
17 COMPLIANCE WITH THIS ARTICLE AND THE RULES ADOPTED PURSUANT TO THIS
18 ARTICLE.

19 D. AFTER RECEIVING A COMPLAINT THAT IDENTIFIES AN ALLEGED VIOLATION
20 OF THIS ARTICLE OR THE RULES ADOPTED PURSUANT TO THIS ARTICLE, THE
21 DEPARTMENT OR ITS THIRD-PARTY CONTRACTOR SHALL INVESTIGATE THE SOBER
22 LIVING HOME THAT IS THE SUBJECT OF THE COMPLAINT AND SHALL CONDUCT A
23 PHYSICAL INSPECTION IF REQUESTED BY LOCAL LAW ENFORCEMENT OR IF THE
24 DIRECTOR DETERMINES THAT THERE IS REASONABLE CAUSE TO BELIEVE THE SOBER
25 LIVING HOME IS NOT ADHERING TO THE REQUIREMENTS OF THIS ARTICLE OR THE
26 RULES ADOPTED PURSUANT TO THIS ARTICLE.

27 E. IF AN INVESTIGATION OR INSPECTION OF A SOBER LIVING HOME REVEALS
28 THAT A PERSON HAS VIOLATED THIS ARTICLE OR THE RULES ADOPTED PURSUANT TO
29 THIS ARTICLE, THE DIRECTOR ~~may~~ impose a civil penalty ~~on a person that~~
30 ~~violates this article or the rules adopted pursuant to this article in an~~
31 ~~amount~~ of not more than ~~five hundred dollars~~ \$1,000 for each violation,
32 WHICH MAY BE ASSESSED FOR EACH RESIDENT OR PERSON WHO THE DEPARTMENT
33 DETERMINES WAS IMPACTED BY THE VIOLATION. A PERSON OPERATING A SOBER
34 LIVING HOME IN THIS STATE THAT HAS FAILED TO OBTAIN OR MAINTAIN LICENSURE
35 OF THE SOBER LIVING HOME SHALL PAY AN ADDITIONAL CIVIL PENALTY OF UP TO
36 \$1,000 FOR EACH VIOLATION. Each day that a violation occurs constitutes a
37 separate violation. The director may issue a notice that includes the
38 proposed amount of the civil penalty assessment. If a person requests a
39 hearing to appeal an assessment, the director ~~may~~ SHALL not take further
40 action to enforce and collect the assessment until the hearing process is
41 complete. The director shall impose a civil penalty only for those days
42 for which the violation has been documented by the department.

43 ~~D. The department may impose sanctions and commence disciplinary~~
44 ~~actions against a licensed sober living home, including revoking the~~
45 ~~license. A license may not be suspended or revoked under this article~~

1 ~~without affording the licensee notice and an opportunity for a hearing as~~
2 ~~provided in title 41, chapter 6, article 10.~~

3 F. IN DETERMINING THE AMOUNT OF THE CIVIL PENALTY PURSUANT TO
4 SUBSECTION E OF THIS SECTION, THE DEPARTMENT SHALL CONSIDER ALL OF THE
5 FOLLOWING:

6 1. REPEATED VIOLATIONS OF STATUTES OR RULES.

7 2. PATTERNS OF NONCOMPLIANCE.

8 3. TYPES OF VIOLATIONS.

9 4. THE SEVERITY OF VIOLATIONS.

10 5. THE POTENTIAL FOR AND OCCURRENCES OF ACTUAL HARM, INCLUDING TO
11 THE SOBER LIVING HOME'S STAFF OR RESIDENTS.

12 6. THREATS TO HEALTH AND SAFETY, INCLUDING TO THE SOBER LIVING
13 HOME'S STAFF OR RESIDENTS.

14 7. THE NUMBER OF PERSONS AFFECTED BY THE VIOLATIONS.

15 8. THE NUMBER OF VIOLATIONS.

16 9. THE SIZE OF THE FACILITY.

17 10. THE LENGTH OF TIME THAT THE VIOLATIONS HAVE BEEN OCCURRING.

18 G. IF A LICENSED OR UNLICENSED SOBER LIVING HOME HAS A BUSINESS
19 RELATIONSHIP WITH A PERSON OR ENTITY THAT IS FOUND TO BE ENGAGING IN
20 FRAUDULENT, ABUSIVE OR MISLEADING HEALTH CARE-RELATED PRACTICES, THE SOBER
21 LIVING HOME IS SUBJECT TO CIVIL PENALTIES PURSUANT TO THIS SECTION,
22 INCLUDING LICENSE SUSPENSION OR REVOCATION. EACH DAY A VIOLATION OCCURS
23 CONSTITUTES A SEPARATE VIOLATION.

24 H. SUBJECT TO TITLE 41, CHAPTER 6, ARTICLE 10, EXCEPT AS PROVIDED
25 IN SUBSECTION J OF THIS SECTION, THE DIRECTOR MAY DENY, REVOKE OR SUSPEND
26 A SOBER LIVING HOME LICENSE IF ANY OWNER, OFFICER, AGENT OR EMPLOYEE OF
27 THE SOBER LIVING HOME DOES ANY OF THE FOLLOWING:

28 1. VIOLATES THIS ARTICLE OR THE RULES ADOPTED PURSUANT TO THIS
29 ARTICLE.

30 2. COMMITS A FELONY UNDER THE LAWS OF ANY STATE OR OF THE UNITED
31 STATES ARISING OUT OF OR IN CONNECTION WITH THE OPERATION OF A SOBER
32 LIVING HOME. THE RECORD OF CONVICTION OR A COPY OF THE RECORD CERTIFIED
33 BY THE CLERK OF THE COURT OR BY THE JUDGE WHO SENTENCED THE PERSON IS
34 CONCLUSIVE EVIDENCE OF CONVICTION.

35 3. KNOWINGLY AIDS, ALLOWS OR ABETS THE SUBMISSION OF FALSE OR
36 INACCURATE INFORMATION REQUIRED BY THIS ARTICLE OR THE RULES ADOPTED
37 PURSUANT TO THIS ARTICLE.

38 4. VIOLATES THE REQUIREMENTS FOR LICENSURE OF THE SOBER LIVING HOME
39 PURSUANT TO THIS ARTICLE.

40 I. IF A LICENSEE OR ANY OWNER, OFFICER, AGENT OR EMPLOYEE OF A
41 SOBER LIVING HOME REFUSES TO ALLOW THE DEPARTMENT OR ITS EMPLOYEE OR AGENT
42 TO INSPECT THE SOBER LIVING HOME'S PREMISES, THAT ACTION SHALL BE DEEMED
43 REASONABLE CAUSE TO BELIEVE THAT A SUBSTANTIAL VIOLATION OF SUBSECTION H,
44 PARAGRAPH 1 OF THIS SECTION EXISTS.

1 J. IF THE DIRECTOR REASONABLY BELIEVES THAT A VIOLATION OF
2 SUBSECTION H OF THIS SECTION HAS OCCURRED AND THAT THE LIFE OR SAFETY OF
3 THE SOBER LIVING HOME'S RESIDENTS OR STAFF OR THE PUBLIC IS IMMEDIATELY
4 THREATENED OR AFFECTED, ON WRITTEN NOTICE TO THE OWNER OR AGENT OF THE
5 SOBER LIVING HOME, THE DIRECTOR MAY ORDER ONE OR MORE OF THE FOLLOWING
6 INTERMEDIATE SANCTIONS UNTIL THE SOBER LIVING HOME IS IN SUBSTANTIAL
7 COMPLIANCE WITH THIS ARTICLE AND THE RULES ADOPTED PURSUANT TO THIS
8 ARTICLE:

9 1. THE IMMEDIATE RESTRICTION OF THE ACCEPTANCE AND REACCEPTANCE OF
10 RESIDENTS TO THE SOBER LIVING HOME.
11 2. THE SELECTED TRANSFER OF RESIDENTS OUT OF THE SOBER LIVING HOME.
12 3. THE REDUCTION OF THE SOBER LIVING HOME'S CAPACITY.
13 4. THE TERMINATION OF ANY SPECIFIC SERVICE, POLICY, PROCEDURE OR
14 PRACTICE OF THE SOBER LIVING HOME.

15 K. A SOBER LIVING HOME THAT IS SANCTIONED PURSUANT TO SUBSECTION J
16 OF THIS SECTION SHALL NOTIFY THE DEPARTMENT IN WRITING WHEN THE SOBER
17 LIVING HOME BELIEVES IT IS IN SUBSTANTIAL COMPLIANCE WITH THIS ARTICLE AND
18 THE RULES ADOPTED PURSUANT TO THIS ARTICLE. ON RECEIPT OF THIS
19 NOTIFICATION THE DEPARTMENT SHALL CONDUCT AN INSPECTION. IF THE
20 DEPARTMENT DETERMINES THAT THE SOBER LIVING HOME IS IN SUBSTANTIAL
21 COMPLIANCE, THE DIRECTOR SHALL IMMEDIATELY RESCIND THE SANCTION OR
22 SANCTIONS. IF THE DEPARTMENT DETERMINES THAT THE SOBER LIVING HOME IS NOT
23 IN SUBSTANTIAL COMPLIANCE, THE SANCTION OR SANCTIONS SHALL REMAIN IN
24 EFFECT. AT LEAST FOURTEEN DAYS AFTER THE DATE OF THE INSPECTION, THE
25 SOBER LIVING HOME MAY AGAIN NOTIFY THE DEPARTMENT THAT THE SOBER LIVING
26 HOME IS IN SUBSTANTIAL COMPLIANCE AND THE DEPARTMENT SHALL CONDUCT ANOTHER
27 INSPECTION. IF THE DEPARTMENT DETERMINES ON THE REPEAT INSPECTION THAT
28 THE SOBER LIVING HOME IS STILL NOT IN SUBSTANTIAL COMPLIANCE, THE SANCTION
29 OR SANCTIONS SHALL REMAIN IN EFFECT. THE SOBER LIVING HOME MAY NOTIFY THE
30 DEPARTMENT OF SUBSTANTIAL COMPLIANCE NOT SOONER THAN THIRTY DAYS AFTER THE
31 DATE OF THE LAST INSPECTION. THE SOBER LIVING HOME SHALL MAKE ALL
32 NOTIFICATIONS OF SUBSTANTIAL COMPLIANCE BY CERTIFIED MAIL. THE DEPARTMENT
33 SHALL CONDUCT ALL INSPECTIONS REQUIRED BY THIS SUBSECTION WITHIN FOURTEEN
34 DAYS AFTER RECEIVING A NOTIFICATION OF SUBSTANTIAL COMPLIANCE. IF THE
35 DEPARTMENT DOES NOT CONDUCT AN INSPECTION WITHIN THIS TIME PERIOD, THE
36 SANCTION OR SANCTIONS HAVE NO FURTHER EFFECT.

37 L. A LICENSEE THAT IS SUBJECT TO AN INTERMEDIATE SANCTION ORDERED
38 BY THE DIRECTOR PURSUANT TO SUBSECTION J OF THIS SECTION MAY REQUEST A
39 HEARING TO REVIEW THE DIRECTOR'S ACTION. THE LICENSEE SHALL MAKE THIS
40 REQUEST IN WRITING WITH THE OFFICE OF ADMINISTRATIVE HEARINGS WITHIN TEN
41 DAYS AFTER RECEIVING NOTICE OF THE DIRECTOR'S ACTION. THE OFFICE OF
42 ADMINISTRATIVE HEARINGS SHALL CONDUCT AN ADMINISTRATIVE HEARING WITHIN
43 SEVEN BUSINESS DAYS AFTER THE NOTICE OF APPEAL HAS BEEN FILED.

1 M. IN ADDITION TO ANY OTHER REMEDIES PRESCRIBED IN THIS ARTICLE,
2 THE DIRECTOR MAY ISSUE A CEASE AND DESIST ORDER AGAINST A SOBER LIVING
3 HOME THAT DOES NOT HOLD A CURRENT OR VALID LICENSE OR THAT EXCEEDS THE
4 SCOPE OF ACTIVITIES OR SERVICES AUTHORIZED BY A LICENSE ISSUED PURSUANT TO
5 THIS ARTICLE. THE ATTORNEY GENERAL OR A COUNTY ATTORNEY MAY BRING AN
6 ACTION FOR AN INJUNCTION TO RESTRAIN THE VIOLATION OR TO ENJOIN THE FUTURE
7 OPERATION OR MAINTENANCE OF THE SOBER LIVING HOME UNTIL THE SOBER LIVING
8 HOME COMPLIES WITH THIS ARTICLE OR THE RULES ADOPTED PURSUANT TO THIS
9 ARTICLE. BEFORE ISSUING A CEASE AND DESIST ORDER OR BRINGING AN ACTION
10 FOR AN INJUNCTION PURSUANT TO THIS SECTION, THE DEPARTMENT MAY ISSUE TO
11 THE OWNER OR AGENT OF THE LICENSED OR UNLICENSED SOBER LIVING HOME A
12 CERTIFIED LETTER THAT STATES THE FACTUAL BASIS FOR THE DEPARTMENT'S BELIEF
13 THAT THE SOBER LIVING HOME IS OPERATING IN VIOLATION OF THIS ARTICLE OR
14 THE RULES ADOPTED PURSUANT TO THIS ARTICLE. THE DEPARTMENT MAY INCLUDE IN
15 THE CERTIFIED LETTER A DESCRIPTION OF THE ENFORCEMENT OPTIONS AVAILABLE TO
16 THE DEPARTMENT IF THE VIOLATION OR VIOLATIONS CONTINUE.

17 N. IF A POLITICAL SUBDIVISION OF THIS STATE REQUESTS AN UPDATE FROM
18 THE DEPARTMENT ON THE STATUS OF THE INVESTIGATION OF A COMPLAINT FILED BY
19 THE POLITICAL SUBDIVISION RELATING TO A SOBER LIVING HOME, THE DEPARTMENT
20 SHALL NOTIFY THE POLITICAL SUBDIVISION OF THE STATUS WITHIN FIVE BUSINESS
21 DAYS AFTER THE REQUEST. IF REQUESTED BY THE POLITICAL SUBDIVISION, THE
22 DEPARTMENT SHALL PROVIDE TO THE POLITICAL SUBDIVISION THE FINDINGS OF ITS
23 INVESTIGATION, INCLUDING COPIES OF INVESTIGATIVE REPORTS WITHOUT PERSONAL
24 IDENTIFYING INFORMATION OF THE SOBER LIVING HOME RESIDENTS.

25 F. O. The department may contract with a third party to assist the
26 department with licensure, INVESTIGATIONS and inspections, EXCEPT THAT THE
27 DEPARTMENT SHALL NOT CONTRACT WITH ANY OWNER, OPERATOR, ADMINISTRATOR,
28 ACCREDITING BODY OR ASSOCIATION OF SOBER LIVING HOMES. THIRD-PARTY
29 CONTRACTORS SHALL BE PAID FROM THE HEALTH SERVICES LICENSING FUND
30 ESTABLISHED BY SECTION 36-414.

31 Sec. 7. Section 36-2064, Arizona Revised Statutes, is amended to
32 read:

33 36-2064. Certified sober living homes; licensure; inspection
34 waiver

35 A. ~~Notwithstanding any other provision of this article, A sober~~
36 living home THAT IS LICENSED in this state AND that is certified by a
37 certifying organization may operate in this state and receive referrals
38 pursuant to section 36-2065. A sober living home certification is in lieu

~~of licensure until the sober living home is licensed. A certified sober~~
~~living home shall apply to the department for licensure within ninety days~~
~~after the department's initial licensure rules are final. The department~~
~~shall notify the certifying organization when the department's initial~~
~~licensure rules are final.~~

1 B. In lieu of an initial on-site licensure ~~survey~~ INSPECTION and
2 any annual on-site ~~survey~~ INSPECTION, the department shall issue a license
3 to a sober living home that submits an application prescribed by the
4 department and that meets the following requirements:

5 1. Is currently certified as a sober living home by a certifying
6 organization.

7 2. Meets all department licensure requirements.

8 3. DOES NOT RECEIVE ANY MONIES FROM THIS STATE OR THE FEDERAL
9 GOVERNMENT.

10 4. HAS NOT BEEN SUBJECT TO AN ENFORCEMENT ACTION PURSUANT TO
11 SECTION 36-2063 WITHIN THE PRECEDING YEAR.

12 C. THE DIRECTOR MAY ACCEPT PROOF THAT A SOBER LIVING HOME IS A
13 CERTIFIED SOBER LIVING HOME IN LIEU OF ALL COMPLIANCE INSPECTIONS REQUIRED
14 BY THIS ARTICLE IF THE DIRECTOR RECEIVES A COPY OF THE SOBER LIVING HOME'S
15 CERTIFICATION REPORT FOR THE LICENSURE PERIOD AND THE SOBER LIVING HOME IS
16 CERTIFIED BY A CERTIFYING ORGANIZATION. IF THE CERTIFICATION REPORT IS
17 NOT VALID FOR THE ENTIRE LICENSURE PERIOD, THE DEPARTMENT MAY CONDUCT A
18 COMPLIANCE INSPECTION OF THE SOBER LIVING HOME DURING THE TIME PERIOD THE
19 DEPARTMENT DOES NOT HAVE A VALID CERTIFICATION REPORT FOR THE SOBER LIVING
20 HOME.

21 Sec. 8. Section 36-2065, Arizona Revised Statutes, is amended to
22 read:

23 36-2065. Referrals: licensed sober living homes

24 ~~Beginning January 1, 2019.~~

25 ~~1.~~ A state agency or a state-contracted vendor that directs
26 substance abuse treatment shall refer a person only to a ~~certified or~~
27 licensed sober living home.

28 ~~2.~~ B. Only a ~~certified or~~ licensed sober living home ~~may be~~ IS
29 eligible for federal or state funding to deliver sober living home
30 services in this state.

31 ~~3.~~ C. Persons whose substance abuse treatment is funded with
32 federal or state monies may be referred only to a ~~certified or~~ licensed
33 sober living home.

34 ~~4.~~ D. A state ~~or county~~ court shall give first consideration to a
35 ~~certified or~~ licensed sober living home when making residential
36 recommendations for individuals under its supervision.

37 ~~5.~~ E. A health care institution that provides substance abuse
38 treatment and that is licensed by the department shall refer a patient or
39 client only to a ~~certified or~~ licensed sober living home.

40 ~~6.~~ F. A behavioral health provider OR A BEHAVIORAL HEALTH
41 PROFESSIONAL who is licensed pursuant to title 32, chapter 33 shall refer
42 a patient or client only to a ~~certified or~~ licensed sober living home.

1 Sec. 9. Section 36-2066, Arizona Revised Statutes, is amended to
2 read:

3 36-2066. ~~Posting: confidential information: notification of~~
4 local jurisdictions

5 A. The department shall post on its public website the name and
6 telephone number of each ~~certified and~~ licensed sober living home and
7 shall update the list quarterly. The department ~~may~~ SHALL not disclose
8 the address of a ~~certified or~~ licensed sober living home, except THAT THE
9 DEPARTMENT, ON REQUEST, SHALL DISCLOSE THE ADDRESS OF THE SOBER LIVING
10 HOME to:

- 11 1. A local jurisdiction for zoning purposes. ~~and~~
- 12 2. Local law enforcement. ~~and~~
- 13 3. Emergency personnel.

14 4. A THIRD-PARTY CONTRACTOR OF THE DEPARTMENT.

15 B. A sober living home's address is not a public record and is not
16 subject to title 39, chapter 1, article 2. THIS SECTION DOES NOT PROHIBIT
17 A SOBER LIVING HOME FROM PUBLISHING OR OTHERWISE SELF-DISCLOSING ITS
18 ADDRESS.

19 C. IF A LOCAL JURISDICTION PROVIDES ITS CONTACT INFORMATION TO THE
20 DEPARTMENT FOR NOTIFICATIONS RELATING TO SOBER LIVING HOMES, THE
21 DEPARTMENT SHALL NOTIFY THE LOCAL JURISDICTION OF ALL INITIAL LICENSES
22 ISSUED PURSUANT TO THIS ARTICLE IN THAT JURISDICTION IN THE PRECEDING
23 MONTH. THE DEPARTMENT IS NOT OBLIGATED TO PROVIDE THE NOTIFICATIONS UNDER
24 THIS SUBSECTION TO A LOCAL JURISDICTION THAT DOES NOT PROVIDE THE LOCAL
25 JURISDICTION'S CONTACT INFORMATION TO THE DEPARTMENT.

26 Sec. 10. Section 36-2067, Arizona Revised Statutes, is amended to
27 read:

28 36-2067. Department: annual report

29 A. ~~Beginning ON OR BEFORE January 2, 2020 and 31 OF each January 2~~
30 ~~thereafter~~ YEAR, the department shall submit to the senate health and
31 human services committee and the house of representatives health
32 committee, or their successor committees, a report on licensed **AND**
33 **UNLICENSED** sober living homes in this state that includes:

34 1. The number of licensed sober living homes in each city, town and
35 county.

36 2. The number of sober living homes that are licensed each year.

37 3. The number of complaints against licensed sober living homes
38 ~~that RECEIVED BY~~ the department ~~investigates annually~~ EACH YEAR.

39 4. THE NUMBER OF COMPLAINTS AGAINST LICENSED SOBER LIVING HOMES
40 INVESTIGATED BY THE DEPARTMENT OR ITS THIRD-PARTY CONTRACTOR EACH YEAR.

41 ~~4.~~ 5. The number of enforcement actions ~~TAKEN BY~~ the department
42 ~~takes~~ against licensed sober living homes ~~annually~~ EACH YEAR.

43 6. THE NUMBER OF COMPLAINTS AGAINST RESIDENCES, PLACES, DWELLING
44 UNITS OR OTHER PREMISES SUSPECTED OF BEING UNLICENSED SOBER LIVING HOMES.

1 7. THE NUMBER OF INVESTIGATIONS RESULTING FROM COMPLAINTS AGAINST
2 UNLICENSED SOBER LIVING HOMES, INCLUDING HOW MANY OF THOSE INVESTIGATED
3 MET THE LEGAL REQUIREMENTS FOR SOBER LIVING HOME LICENSURE AND HOW THE
4 DEPARTMENT TOOK ACTION ON ITS FINDINGS.

5 8. THE NUMBER OF ENFORCEMENT ACTIONS TAKEN BY THE DEPARTMENT
6 AGAINST UNLICENSED SOBER LIVING HOMES EACH YEAR.

7 B. The department shall provide a copy of the report submitted
8 pursuant to subsection A of this section to the secretary of state.

9 Sec. 11. Title 36, chapter 18, article 4, Arizona Revised Statutes,
10 is amended by adding sections 36-2068 and 36-2069, to read:

11 36-2068. Legal action; licensure; change of ownership;
12 definitions

13 A. THE DIRECTOR MAY CONTINUE TO PURSUE ANY COURT, ADMINISTRATIVE OR
14 ENFORCEMENT ACTION AGAINST A LICENSEE EVEN IF THE SOBER LIVING HOME IS IN
15 THE PROCESS OF BEING SOLD OR TRANSFERRED OR HAS CLOSED.

16 B. THE DEPARTMENT MAY REVOKE OR SUSPEND A SOBER LIVING HOME LICENSE
17 OR DENY AN APPLICATION FOR A SOBER LIVING HOME LICENSE IF:

18 1. THE APPLICANT, THE LICENSEE OR A CONTROLLING PERSON HAS A SOBER
19 LIVING HOME OR HEALTH CARE INSTITUTION LICENSE THAT IS IN AN ENFORCEMENT
20 ACTION OR COURT ACTION RELATED TO THE HEALTH AND SAFETY OF THE RESIDENTS
21 OR PATIENTS.

22 2. THE DEPARTMENT HAS DETERMINED FOR REASONS OTHER THAN THOSE
23 SPECIFIED IN PARAGRAPH 1 OF THIS SUBSECTION THAT THE ISSUANCE OF A LICENSE
24 IS LIKELY TO JEOPARDIZE RESIDENT SAFETY.

25 3. THE APPLICANT, THE LICENSEE OR A CONTROLLING PERSON HAS HAD IN
26 ANY STATE OR JURISDICTION AN APPLICATION OR LICENSE TO OPERATE A SOBER
27 LIVING HOME OR A HEALTH CARE INSTITUTION DENIED, SUSPENDED OR REVOKED,
28 UNLESS THE DENIAL WAS BASED ON THE FAILURE TO COMPLETE THE LICENSING
29 PROCESS OR TO PAY A REQUIRED LICENSING FEE WITHIN THE REQUIRED TIME FRAME.

30 4. THE APPLICANT, THE LICENSEE OR A CONTROLLING PERSON HAS HAD IN
31 ANY STATE OR JURISDICTION A HEALTH PROFESSIONAL LICENSE OR CERTIFICATE
32 DENIED, SUSPENDED OR REVOKED.

33 5. THE APPLICANT, THE LICENSEE OR A CONTROLLING PERSON PROVIDES
34 FALSE OR MISLEADING INFORMATION TO THE DEPARTMENT.

35 C. THE DEPARTMENT MAY DENY THE APPROVAL OF A CHANGE IN OWNERSHIP OF
36 A CURRENTLY LICENSED SOBER LIVING HOME IF THE DEPARTMENT DETERMINES THAT
37 THE TRANSFER OF OWNERSHIP, WHETHER INVOLVING A DIRECT OWNER OR INDIRECT
38 OWNER, MAY JEOPARDIZE RESIDENT SAFETY.

39 D. FOR THE PURPOSES OF THIS SECTION:

40 1. "CONTROLLING PERSON" MEANS A PERSON WHO, WITH RESPECT TO A
41 BUSINESS ORGANIZATION:

42 (a) HAS THE POWER TO VOTE AT LEAST TEN PERCENT OF THE OUTSTANDING
43 VOTING SECURITIES OF THE BUSINESS ORGANIZATION.

(b) IF THE BUSINESS ORGANIZATION IS A PARTNERSHIP, IS A GENERAL PARTNER OR IS A LIMITED PARTNER WHO HOLDS AT LEAST TEN PERCENT OF THE VOTING RIGHTS OF THE PARTNERSHIP.

(c) IF THE BUSINESS ORGANIZATION IS A CORPORATION, ASSOCIATION OR LIMITED LIABILITY COMPANY, IS THE PRESIDENT, THE CHIEF EXECUTIVE OFFICER, THE INCORPORATOR, AN AGENT OR ANY PERSON WHO OWNS OR CONTROLS AT LEAST TEN PERCENT OF THE VOTING SECURITIES.

(d) HOLDS A BENEFICIAL INTEREST IN TEN PERCENT OR MORE OF THE LIABILITIES OF THE BUSINESS ORGANIZATION.

2. "DIRECT OWNER" MEANS A PERSON THAT HAS AN OWNERSHIP OR CONTROL INTEREST IN THE SOBER LIVING HOME TOTALING FIFTY-ONE PERCENT OR MORE.

3. "INDIRECT OWNER":

(a) MEANS A PERSON THAT HAS AN OWNERSHIP OR CONTROL INTEREST IN A DIRECT OWNER TOTALING FIFTY-ONE PERCENT OR MORE.

(b) INCLUDES AN OWNERSHIP OR CONTROL INTEREST IN AN INDIRECT OWNER TOTALING FIFTY-ONE PERCENT OR MORE AND A COMBINATION OF DIRECT OWNERSHIP AND INDIRECT OWNERSHIP OR CONTROL INTERESTS TOTALING FIFTY-ONE PERCENT OR MORE IN THE SOBER LIVING HOME.

36-2069. Fingerprinting requirements: definitions

A. EXCEPT AS PROVIDED IN SUBSECTION E OR F OF THIS SECTION, AS A CONDITION OF LICENSURE OR CONTINUED LICENSURE OF A SOBER LIVING HOME THAT RECEIVES REFERRALS PURSUANT TO SECTION 36-2065, SUBSECTION A OR C, THE LICENSEE AND EACH PAID STAFF MEMBER OF A SOBER LIVING HOME SHALL HAVE A VALID FINGERPRINT CLEARANCE CARD THAT IS ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1 OR SHALL APPLY FOR A FINGERPRINT CLEARANCE CARD WITHIN TWENTY WORKING DAYS AFTER BEGINNING EMPLOYMENT OR CONTRACTED WORK.

B. A LICENSEE SHALL MAKE A DOCUMENTED, GOOD FAITH EFFORT TO VERIFY THE CURRENT STATUS OF EACH PAID STAFF MEMBER'S FINGERPRINT CLEARANCE CARD.

C. THE LICENSEE OR THE PAID STAFF MEMBER, OR THE LICENSEE ON BEHALF OF THE PAID STAFF MEMBER, SHALL SUBMIT A COMPLETED APPLICATION THAT IS PROVIDED BY THE DEPARTMENT OF PUBLIC SAFETY WITHIN TWENTY DAYS AFTER THE DATE THE PERSON BEGINS EMPLOYMENT OR CONTRACTED WORK.

D. EXCEPT AS PROVIDED IN SUBSECTION E OR F OF THIS SECTION, A SOBER LIVING HOME SHALL NOT ALLOW A PAID STAFF MEMBER TO CONTINUE EMPLOYMENT OR CONTRACTED WORK IF THE PERSON HAS BEEN DENIED A FINGERPRINT CLEARANCE CARD PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1 OR HAS HAD A FINGERPRINT CLEARANCE CARD SUSPENDED OR REVOKED.

E. THE LICENSEE OR THE PAID STAFF MEMBER OF A SOBER LIVING HOME WHO IS ELIGIBLE PURSUANT TO SECTION 41-1758.07, SUBSECTION C TO PETITION THE BOARD OF FINGERPRINTING FOR A GOOD CAUSE EXCEPTION AND WHO PROVIDES DOCUMENTATION OF HAVING APPLIED FOR A GOOD CAUSE EXCEPTION PURSUANT TO SECTION 41-619.55 BUT WHO HAS NOT YET RECEIVED A DECISION IS EXEMPT FROM THE FINGERPRINTING REQUIREMENTS OF THIS SECTION UNTIL A DECISION IS MADE.

1 F. A SOBER LIVING HOME MAY EMPLOY OR CONTINUE TO EMPLOY A PAID
2 STAFF MEMBER WHO IS DENIED A FINGERPRINT CLEARANCE CARD IF THE PAID STAFF
3 MEMBER DOES BOTH OF THE FOLLOWING:

4 1. SUCCESSFULLY COMPLETES TREATMENT FOR SUBSTANCE USE OR, IF
5 APPLICABLE, RECIDIVISM REDUCTION AS PRESCRIBED BY RULE.

6 2. PASSES A BACKGROUND AND SCREENING EVALUATION CONDUCTED BY THE
7 SOBER LIVING HOME THAT DEMONSTRATES THAT THE INDIVIDUAL IS NOT A THREAT TO
8 THE HEALTH OR SAFETY OF THE RESIDENTS OF THE SOBER LIVING HOME. A
9 BACKGROUND AND SCREENING EVALUATION INCLUDES PRIOR EMPLOYMENT OR PERSONAL
10 REFERENCE CHECKS.

11 G. FOR THE PURPOSES OF THIS SECTION:

12 1. "LICENSEE" MEANS THE INDIVIDUAL OR BUSINESS ORGANIZATION TO
13 WHICH THE DEPARTMENT HAS ISSUED A LICENSE TO OPERATE A SOBER LIVING HOME.

14 2. "MONETARY COMPENSATION" MEANS SALARY OR WAGES.

15 3. "PAID STAFF MEMBER":

16 (a) MEANS AN EMPLOYEE WHO PROVIDES MONITORING, SUPERVISION OR
17 ASSISTANCE OR OTHER SERVICES TO RESIDENTS AT A SOBER LIVING HOME AND WHO
18 RECEIVES MONETARY COMPENSATION FROM THE SOBER LIVING HOME.

19 (b) INCLUDES A PERSON WHO PROVIDES JANITORIAL, MAINTENANCE,
20 HOUSEKEEPING OR TRANSPORTATION SERVICES, WHETHER AS A CONTRACTOR OR
21 EMPLOYEE OF THE SOBER LIVING HOME.

22 (c) DOES NOT INCLUDE A RESIDENT OF THE SOBER LIVING HOME UNLESS THE
23 RESIDENT RECEIVES MONETARY COMPENSATION TO PROVIDE MONITORING, SUPERVISION
24 OR ASSISTANCE OR OTHER SERVICES TO THE RESIDENTS OF THE SOBER LIVING HOME.

25 Sec. 12. Section 41-619.51, Arizona Revised Statutes, is amended to
26 read:

27 41-619.51. Definitions

28 In this article, unless the context otherwise requires:

29 1. "Agency" means the supreme court, the department of economic
30 security, the department of child safety, the department of education, the
31 department of health services, the department of juvenile corrections, the
32 department of emergency and military affairs, the department of public
33 safety, the department of transportation, the state real estate
34 department, the department of insurance and financial institutions, the
35 Arizona game and fish department, the Arizona department of agriculture,
36 the board of examiners of nursing care institution administrators and
37 assisted living facility managers, the state board of dental examiners,
38 the Arizona state board of pharmacy, the board of physical therapy, the
39 state board of psychologist examiners, the board of athletic training, the
40 board of occupational therapy examiners, the state board of podiatry
41 examiners, the acupuncture board of examiners, the state board of
42 technical registration, ~~or~~ the board of massage therapy or the Arizona
43 department of housing.

44 2. "Board" means the board of fingerprinting.

1 3. "Central registry exception" means notification to the
2 department of economic security, the department of child safety or the
3 department of health services, as appropriate, pursuant to section
4 41-619.57 that the person is not disqualified because of a central
5 registry check conducted pursuant to section 8-804.

6 4. "Expedited review" means an examination, in accordance with
7 board rule, of the documents an applicant submits by the board or its
8 hearing officer without the applicant being present.

9 5. "Good cause exception" means the issuance of a fingerprint
10 clearance card to an employee pursuant to section 41-619.55.

11 6. "Person" means a person who is required to be fingerprinted
12 pursuant to this article or who is subject to a central registry check and
13 any of the following:

- 14 (a) Section 3-314.
- 15 (b) Section 8-105.
- 16 (c) Section 8-322.
- 17 (d) Section 8-463.
- 18 (e) Section 8-509.
- 19 (f) Section 8-802.
- 20 (g) Section 8-804.
- 21 (h) Section 15-183.
- 22 (i) Section 15-503.
- 23 (j) Section 15-512.
- 24 (k) Section 15-534.
- 25 (l) Section 15-763.01.
- 26 (m) Section 15-782.02.
- 27 (n) Section 15-1330.
- 28 (o) Section 15-1881.
- 29 (p) Section 17-215.
- 30 (q) Section 28-3228.
- 31 (r) Section 28-3413.
- 32 (s) Section 32-122.02.
- 33 (t) Section 32-122.05.
- 34 (u) Section 32-122.06.
- 35 (v) Section 32-823.
- 36 (w) Section 32-1232.
- 37 (x) Section 32-1276.01.
- 38 (y) Section 32-1284.
- 39 (z) Section 32-1297.01.
- 40 (aa) Section 32-1904.
- 41 (bb) Section 32-1941.
- 42 (cc) Section 32-1982.
- 43 (dd) Section 32-2022.
- 44 (ee) Section 32-2063.
- 45 (ff) Section 32-2108.01.

1 (gg) Section 32-2123.
2 (hh) Section 32-2371.
3 (ii) Section 32-3430.
4 (jj) Section 32-3620.
5 (kk) Section 32-3668.
6 (ll) Section 32-3669.
7 (mm) Section 32-3922.
8 (nn) Section 32-3924.
9 (oo) Section 32-4222.
10 (pp) Section 32-4128.
11 (qq) Section 36-113.
12 (rr) Section 36-207.
13 (ss) Section 36-411.
14 (tt) Section 36-425.03.
15 (uu) Section 36-446.04.
16 (vv) Section 36-594.01.
17 (ww) Section 36-594.02.
18 (xx) Section 36-766.01.
19 (yy) Section 36-882.
20 (zz) Section 36-883.02.
21 (aaa) Section 36-897.01.
22 (bbb) Section 36-897.03.
23 (ccc) **SECTION 36-2069.**
24 ~~(cccc)~~ (ddd) Section 36-3008.
25 ~~(dddc)~~ (eee) Section 41-619.53.
26 ~~(eeee)~~ (fff) Section 41-1964.
27 ~~(ffff)~~ (ggg) Section 41-1967.01.
28 ~~(gggg)~~ (hhh) Section 41-1968.
29 ~~(hhhh)~~ (iii) Section 41-1969.
30 ~~(iiii)~~ (jjj) Section 41-2814.
31 ~~(jjjj)~~ (kkk) Section 41-4025.
32 ~~(kkkk)~~ (lll) Section 46-141, subsection A or B.
33 ~~(llll)~~ (mmm) Section 46-321.
34 Sec. 13. Section 41-1758, Arizona Revised Statutes, is amended to
35 read:
36 **41-1758. Definitions**
37 In this article, unless the context otherwise requires:
38 1. "Agency" means the supreme court, the department of economic
39 security, the department of child safety, the department of education, the
40 department of health services, the department of juvenile corrections, the
41 department of emergency and military affairs, the department of public
42 safety, the department of transportation, the state real estate
43 department, the department of insurance and financial institutions, the
44 board of fingerprinting, the Arizona game and fish department, the Arizona
45 department of agriculture, the board of examiners of nursing care

1 institution administrators and assisted living facility managers, the
2 state board of dental examiners, the Arizona state board of pharmacy, the
3 board of physical therapy, the state board of psychologist examiners, the
4 board of athletic training, the board of occupational therapy examiners,
5 the state board of podiatry examiners, the acupuncture board of examiners,
6 the state board of technical registration, the board of massage therapy or
7 the Arizona department of housing.

8 2. "Division" means the fingerprinting division in the department
9 of public safety.

10 3. "Electronic or internet-based fingerprinting services" means a
11 secure system for digitizing applicant fingerprints and transmitting the
12 applicant data and fingerprints of a person or entity submitting
13 fingerprints to the department of public safety for any authorized purpose
14 under this title. For the purposes of this paragraph, "secure system"
15 means a system that complies with the information technology security
16 policy approved by the department of public safety.

17 4. "Good cause exception" means the issuance of a fingerprint
18 clearance card to an applicant pursuant to section 41-619.55.

19 5. "Person" means a person who is required to be fingerprinted
20 pursuant to any of the following:

- 21 (a) Section 3-314.
- 22 (b) Section 8-105.
- 23 (c) Section 8-322.
- 24 (d) Section 8-463.
- 25 (e) Section 8-509.
- 26 (f) Section 8-802.
- 27 (g) Section 15-183.
- 28 (h) Section 15-503.
- 29 (i) Section 15-512.
- 30 (j) Section 15-534.
- 31 (k) Section 15-763.01.
- 32 (l) Section 15-782.02.
- 33 (m) Section 15-1330.
- 34 (n) Section 15-1881.
- 35 (o) Section 17-215.
- 36 (p) Section 28-3228.
- 37 (q) Section 28-3413.
- 38 (r) Section 32-122.02.
- 39 (s) Section 32-122.05.
- 40 (t) Section 32-122.06.
- 41 (u) Section 32-823.
- 42 (v) Section 32-1232.
- 43 (w) Section 32-1276.01.
- 44 (x) Section 32-1284.
- 45 (y) Section 32-1297.01.

1 (z) Section 32-1904.
2 (aa) Section 32-1941.
3 (bb) Section 32-1982.
4 (cc) Section 32-2022.
5 (dd) Section 32-2063.
6 (ee) Section 32-2108.01.
7 (ff) Section 32-2123.
8 (gg) Section 32-2371.
9 (hh) Section 32-3430.
10 (ii) Section 32-3620.
11 (jj) Section 32-3668.
12 (kk) Section 32-3669.
13 (ll) Section 32-3922.
14 (mm) Section 32-3924.
15 (nn) Section 32-4128.
16 (oo) Section 32-4222.
17 (pp) Section 36-113.
18 (qq) Section 36-207.
19 (rr) Section 36-411.
20 (ss) Section 36-425.03.
21 (tt) Section 36-446.04.
22 (uu) Section 36-594.01.
23 (vv) Section 36-594.02.
24 (ww) Section 36-766.01.
25 (xx) Section 36-882.
26 (yy) Section 36-883.02.
27 (zz) Section 36-897.01.
28 (aaa) Section 36-897.03.
29 (bbb) SECTION 36-2069.
30 (ccc) Section 36-3008.
31 (ddd) Section 41-619.52.
32 (eee) Section 41-619.53.
33 (fff) Section 41-1964.
34 (ggg) Section 41-1967.01.
35 (hhh) Section 41-1968.
36 (iii) Section 41-1969.
37 (jjj) Section 41-2814.
38 (kkk) Section 41-4025.
39 (lll) Section 46-141, subsection A or B.
40 (mmm) Section 46-321.
41 6. "Rap back services" has the same meaning prescribed in section
42 41-1750.
43 7. "Vulnerable adult" has the same meaning prescribed in section
44 13-3623.

1 Sec. 14. Section 41-1758.01, Arizona Revised Statutes, is amended
2 to read:

3 **41-1758.01. Fingerprinting division; powers and duties**

4 A. The fingerprinting division is established in the department of
5 public safety and shall:

6 1. Conduct fingerprint background checks for persons and applicants
7 who are seeking licenses from state agencies, employment with licensees,
8 contract providers and state agencies or employment or educational
9 opportunities with agencies that require fingerprint background checks
10 pursuant to sections 3-314, 8-105, 8-322, 8-463, 8-509, 8-802, 15-183,
11 15-503, 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 17-215,
12 28-3228, 28-3413, 32-122.02, 32-122.05, 32-122.06, 32-823, 32-1232,
13 32-1276.01, 32-1284, 32-1297.01, 32-1904, 32-1941, 32-1982, 32-2022,
14 32-2063, 32-2108.01, 32-2123, 32-2371, 32-3430, 32-3620, 32-3668, 32-3669,
15 32-3922, 32-3924, 32-4128, 32-4222, 36-113, 36-207, 36-411, 36-425.03,
16 36-446.04, 36-594.01, 36-594.02, 36-766.01, 36-882, 36-883.02, 36-897.01,
17 36-897.03, **36-2069**, 36-3008, 41-619.52, 41-619.53, 41-1964, 41-1967.01,
18 41-1968, 41-1969, 41-2814, ~~AND~~ 41-4025, section 46-141, subsection A or B
19 and section 46-321.

20 2. Issue fingerprint clearance cards. On issuance, a fingerprint
21 clearance card becomes the personal property of the cardholder and the
22 cardholder shall retain possession of the fingerprint clearance card.

23 3. On submission of an application for a fingerprint clearance
24 card, collect the fees established by the board of fingerprinting pursuant
25 to section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147,
26 the monies collected in the board of fingerprinting fund.

27 4. Inform in writing each person who submits fingerprints for a
28 fingerprint background check of the right to petition the board of
29 fingerprinting for a good cause exception pursuant to section 41-1758.03,
30 41-1758.04 or 41-1758.07.

31 5. If after conducting a state and federal criminal history records
32 check the division determines that it is not authorized to issue a
33 fingerprint clearance card to a person, inform the person in writing that
34 the division is not authorized to issue a fingerprint clearance card. The
35 notice shall include the criminal history information on which the denial
36 was based. This criminal history information is subject to dissemination
37 restrictions pursuant to section 41-1750 and Public Law 92-544.

38 6. Notify the person in writing if the division suspends, revokes
39 or places a driving restriction notation on a fingerprint clearance card
40 pursuant to section 41-1758.04. The notice shall include the criminal
41 history information on which the suspension, revocation or placement of
42 the driving restriction notation was based. This criminal history
43 information is subject to dissemination restrictions pursuant to section
44 41-1750 and Public Law 92-544.

45 7. Administer and enforce this article.

1 B. The fingerprinting division may contract for electronic or
2 internet-based fingerprinting services through an entity or entities for
3 the acquisition and transmission of applicant fingerprint and data
4 submissions to the department, including identity verified fingerprints
5 pursuant to section 15-106. The entity or entities contracted by the
6 department of public safety may charge the applicant a fee for services
7 provided pursuant to this article. The entity or entities contracted by
8 the department of public safety shall comply with:

9 1. All information privacy and security measures and submission
10 standards established by the department of public safety.

11 2. The information technology security policy approved by the
12 department of public safety.

13 Sec. 15. Effective date

14 Section 36-2069, Arizona Revised Statutes, as added by this act, is
15 effective six months after the effective date of this act.

APPROVED BY THE GOVERNOR APRIL 18, 2025.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 21, 2025.