

House Engrossed

~~boards and commissions; repeat~~
(now: boards and commissions; state departments)

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

HOUSE BILL 2031

AN ACT

AMENDING SECTIONS 3-108 AND 3-403, ARIZONA REVISED STATUTES; REPEALING TITLE 3, CHAPTER 3, ARTICLE 4.2, ARIZONA REVISED STATUTES; AMENDING SECTIONS 10-122, 11-811, 15-923, 20-3151 AND 28-900, ARIZONA REVISED STATUTES; REPEALING SECTIONS 28-2422, 28-2422.01 AND 28-2422.02, ARIZONA REVISED STATUTES; REPEALING TITLE 28, CHAPTER 8, ARTICLE 2, ARIZONA REVISED STATUTES; AMENDING SECTION 28-3228, ARIZONA REVISED STATUTES; REPEALING TITLE 32, CHAPTER 5, ARIZONA REVISED STATUTES; AMENDING SECTIONS 32-2231, 32-2901, 32-2904, 32-2905, 32-2932, 32-3021, 32-3101, 32-3201, 32-3218 AND 32-3231, ARIZONA REVISED STATUTES; REPEALING TITLE 32, CHAPTER 39, ARIZONA REVISED STATUTES; AMENDING SECTIONS 36-3601 AND 41-619.51, ARIZONA REVISED STATUTES; REPEALING TITLE 41, CHAPTER 5, ARTICLE 6, ARIZONA REVISED STATUTES; AMENDING SECTIONS 41-1092, 41-1234, 41-1758 AND 41-1758.01, ARIZONA REVISED STATUTES; REPEALING SECTION 41-2304, ARIZONA REVISED STATUTES; AMENDING SECTION 41-2706, ARIZONA REVISED STATUTES; REPEALING SECTIONS 41-3026.06, 41-3030.10, 41-3030.25 AND 43-619, ARIZONA REVISED STATUTES; AMENDING SECTION 44-6852, ARIZONA REVISED STATUTES; RELATING TO AGENCIES OF STATE DEPARTMENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 3-108, Arizona Revised Statutes, is amended to
3 read:

4 3-108. Administrative support fund; use; exemption

5 A. A department of agriculture administrative support fund is
6 established. All monies collected pursuant to any interagency agreement
7 with the department pursuant to section 3-588, subsection A shall be
8 deposited, pursuant to sections 35-146 and 35-147, in the fund.

9 B. All monies collected pursuant to any interagency agreement with
10 the department in accordance with section 3-468.03, subsection A ~~and~~
11 ~~section 3-526.03, subsection A~~ shall be deposited in the administrative
12 support fund or deposited in the citrus, fruit and vegetable trust fund
13 established by section 3-447 pursuant to the terms of the interagency
14 agreement. Deposits in the administrative support fund shall be made
15 pursuant to sections 35-146 and 35-147.

16 C. Monies in the fund are continuously appropriated and exempt from
17 the provisions of section 35-190 relating to lapsing of appropriations.

18 Sec. 2. Section 3-403, Arizona Revised Statutes, is amended to
19 read:

20 3-403. Exemptions

21 This article ~~shall~~ DOES not apply to article 2.1, ~~4.2~~ or 4.3 of this
22 chapter.

23 Sec. 3. Repeal

24 Title 3, chapter 3, article 4.2, Arizona Revised Statutes, is
25 repealed.

26 Sec. 4. Section 10-122, Arizona Revised Statutes, is amended to
27 read:

28 10-122. Filing, service and copying fees; expedited report
29 filing and access; same day and next day services;
30 posted wait times; advance monies; definition

31 A. The commission shall collect and deposit, pursuant to sections
32 35-146 and 35-147, the following nonrefundable fees when the documents
33 described in this subsection are delivered to the commission:

<u>Document</u>	<u>Fee</u>
1. Articles of incorporation	\$50
2. Application for use of indistinguishable name	10
3. Application for reserved name	10
4. Notice of transfer of reserved name	10
5. Application for registered name	10
6. Application for renewal of registered name	10
7. Agent's statement of resignation	10
8. Amendment of articles of incorporation	25
9. Restatement of articles of incorporation with amendment of articles	25

1	10. Statement of merger, interest exchange,	
2	conversion, domestication or division if	
3	the entity responsible for filing the	
4	statement is a corporation	100
5	11. Articles of dissolution	25
6	12. Articles of revocation of dissolution	25
7	13. Application for reinstatement following	
8	administrative dissolution, in addition	
9	to other fees and penalties due	100
10	14. Application for authority	150
11	15. Application for withdrawal	25
12	16. Annual report	45
13	17. Articles of correction	25
14	18. Application for certificate of good standing	10
15	19. Any other document required or permitted	
16	to be filed by chapters 1 through 17	
17	of this title	25

18 B. The commission shall collect a nonrefundable fee of ~~twenty-five~~
19 ~~dollars~~ \$25 each time process is served on it under chapters 1 through 17
20 of this title. The party to a proceeding causing service of process is
21 entitled to recover this fee as costs if the party prevails in the
22 proceeding.

23 C. The commission shall charge and collect a reasonable fee for
24 copying documents on request, provided the fee does not exceed the cost of
25 providing the service as determined by the commission. The commission
26 shall also charge a reasonable fee for certifying the copy of a filed
27 document, ~~provided~~ IF the fee does not exceed the cost of providing the
28 service as determined by the commission.

29 D. A penalty of ~~one hundred dollars~~ \$100 THAT IS payable in
30 addition to other fees accrues and is payable if a foreign corporation
31 fails to file an amendment, restated articles that include an amendment,
32 or articles of merger within sixty days after the time of filing in the
33 jurisdiction in which the corporation is domiciled. The penalty collected
34 pursuant to this subsection shall be deposited, pursuant to sections
35 35-146 and 35-147, in the state general fund.

36 E. ~~One-third of~~ The fees for the annual report of domestic and
37 foreign corporations paid pursuant to subsection A, paragraph 16 of this
38 section shall be deposited ~~in the Arizona arts trust fund established by~~
39 ~~section 41-983.01 and two-thirds of these fees shall be deposited,~~
40 pursuant to sections 35-146 and 35-147, in the public access fund
41 established by section 10-122.01.

42 F. The commission shall provide for and establish an expedited
43 service for the filing of all documents and services provided pursuant to
44 this title as follows:

1 1. The expedited filing shall be a priority service to be completed
2 as soon as possible after the documents are delivered to the commission.

3 2. In addition to any other fees required by this section or any
4 other law, the commission shall charge a nonrefundable fee for expedited
5 services, including those requested by fax. The fee shall be determined
6 by a supermajority vote of the commissioners.

7 3. The commission may provide for and establish same day and next
8 day services for the filing of any documents and services provided
9 pursuant to this title as follows:

10 (a) The commission shall suspend same day or next day service if
11 the commission determines that it does not have the necessary resources to
12 perform the service within the established time period.

13 (b) In addition to any other fees required by this section or any
14 other law, the commissioners may charge a nonrefundable fee for the same
15 day or next day service or both. The fee shall be determined by a
16 supermajority vote of the commissioners.

17 4. The commission shall publicly post the current wait times for
18 processing regular, expedited and same day and next day services.

19 G. The commission may charge persons who access the commission's
20 data processing system that is maintained pursuant to section 10-122.01
21 from remote locations and persons requesting special computer generated
22 printouts, reports and tapes a reasonable fee that does not exceed the
23 cost of the time, equipment and personnel necessary to provide this
24 service or product as determined by the commission.

25 H. Except as provided in section 10-122.01, subsection B, paragraph
26 3, in addition to any fee charged pursuant to this section, the commission
27 may charge and collect the following nonrefundable fees to help defray the
28 cost of the improved data processing system that is maintained pursuant to
29 section 10-122.01:

30 1. Filing articles of incorporation of a domestic corporation, ~~ten~~
31 ~~dollars~~ \$10.

32 2. Filing an application of a foreign corporation for authority to
33 transact business in this state, ~~twenty-five dollars~~ \$25.

34 I. All monies received pursuant to subsections F, G and H of this
35 section shall be deposited, pursuant to sections 35-146 and 35-147, in the
36 public access fund established by section 10-122.01.

37 J. Fees charged pursuant to this section are exempt from section
38 39-121.03, subsection A, paragraph 3.

39 K. The commission may allow any person to advance monies to the
40 commission to pay fees required pursuant to this section for future
41 filings and services. All monies received pursuant to this subsection
42 shall be deposited, pursuant to sections 35-146 and 35-147, in the money
43 on deposit account in the public access fund established by section
44 10-122.01.

1 L. In addition to any other fees prescribed by law, the commission
2 may establish a fee for the filing of an annual benefit report delivered
3 to the commission pursuant to section 10-2442. The fee shall be
4 determined by a majority vote of the commissioners.

5 M. For the purposes of this section, "supermajority" means an
6 affirmative vote of at least four commissioners.

7 Sec. 5. Section 11-811, Arizona Revised Statutes, is amended to
8 read:

9 11-811. Zoning ordinance; zoning districts; definitions

10 A. Pursuant to this article, the board of supervisors may adopt a
11 zoning ordinance in order to conserve and promote the public health,
12 safety, convenience and general welfare. The zoning ordinance and all
13 rezonings and zoning regulations amendments adopted under this article
14 shall be consistent with and conform to the adopted comprehensive plan.
15 In addition to the other matters that are required or authorized under
16 this section and article 1 of this chapter, the zoning ordinance:

17 1. Shall show the zoning districts designated as appropriate for
18 various classes of residential, business and industrial uses and shall
19 provide for the establishment of setback lines and other plans providing
20 for adequate light, air and parking facilities and for expediting traffic
21 within the districts.

22 2. May establish the percentage of a lot or parcel that may be
23 covered by buildings and the size of yards, courts and other open spaces.

24 3. Shall consider access to incident solar energy.

25 4. May provide for retirement community zoning districts.

26 5. May provide for the regulation and use of business licenses,
27 adult oriented business manager permits and adult service provider permits
28 in conjunction with the establishment or operation of adult oriented
29 businesses and facilities, including adult arcades, adult bookstores or
30 video stores, cabarets, adult live entertainment establishments, adult
31 motion picture theaters, adult theaters, massage establishments and nude
32 model studios. With respect to cabarets, the ordinance shall not conflict
33 with specific statutory or valid regulatory requirements applicable to
34 persons licensed to dispense alcoholic beverages, but the ordinance may
35 include regulation of the age and conduct of erotic entertainers in a
36 manner at least as restrictive as rules adopted under title 4.
37 Notwithstanding section 11-812, a county in regulating or licensing
38 businesses and facilities pursuant to this paragraph may impose reasonable
39 operating requirements that affect the existing uses of businesses and
40 facilities.

41 6. Shall designate and zone appropriate areas of reasonable size in
42 which there may be established with reasonable permanency canneries,
43 fertilizer plants, refineries, commercial feedlots, meat packing plants,
44 tallow works and other like businesses. A dairy operation, including
45 areas designated for the raising of replacement heifers or bulls owned by

1 the same dairy operation, is not subject to this paragraph, and is a
2 general agricultural purpose under subsection D, paragraph 2 of this
3 section and section 11-812, subsection A, paragraph 2. A replacement
4 heifer or bull raising operation of a dairy that is not on contiguous
5 property of the dairy is subject to this paragraph unless the operation
6 begins within one-quarter mile of the dairy.

7 B. To carry out the purposes of this article, the board may adopt
8 overlay zoning districts and regulations applicable to particular
9 buildings, structures and land within individual zones. For the purposes
10 of this subsection, "overlay zoning district" means a special zoning
11 district that includes regulations that modify regulations in another
12 zoning district with which the overlay zoning district is combined.
13 Overlay zoning districts and regulations shall be adopted pursuant to
14 section 11-813. The provisions of overlay zoning shall apply
15 retroactively to authorize overlay zoning districts and regulations
16 adopted before April 20, 1993.

17 C. In accordance with article II, sections 1 and 2, Constitution of
18 Arizona, the board shall consider the individual property rights and
19 personal liberties of the residents of the county before adopting any
20 zoning ordinance.

21 D. This section does not authorize:

22 1. The imposition of dedications, exactions, fees or other
23 requirements that are not otherwise authorized by law.

24 2. The regulation or restriction of the use or occupation of land
25 or improvements for railroad, mining, metallurgical, grazing or general
26 agricultural purposes, if the tract concerned is five or more contiguous
27 commercial acres. For the purposes of this paragraph, general
28 agricultural purposes do not include the cultivation of cannabis as
29 defined in section 13-3401 or marijuana as defined in section 13-3401 or
30 36-2801.

31 E. For the purposes of this section:

32 1. "Adult arcade" means any place to which the public is allowed or
33 invited and in which coin-operated or slug-operated or electronically,
34 electrically or mechanically controlled still or motion picture machines,
35 projectors or other image-producing devices are maintained to show images
36 involving specific sexual activities or specific anatomical areas to
37 persons in booths or viewing rooms.

38 2. "Adult bookstore or video store" means a commercial
39 establishment that offers for sale or rent any of the following as one of
40 its principal business purposes:

41 (a) Books, magazines, periodicals or other printed matter,
42 photographs, films, motion pictures, videocassettes or reproductions or
43 slides or other visual representations that depict or describe specific
44 sexual activities or specific anatomical areas.

1 (b) Instruments, devices or paraphernalia that are designed for use
2 in connection with specific sexual activities.

3 3. "Adult live entertainment establishment" means an establishment
4 that features either:

5 (a) Persons who appear in a state of nudity.

6 (b) Live performances that are characterized by the exposure of
7 specific anatomical areas or specific sexual activities.

8 4. "Adult motion picture theater" means a commercial establishment
9 in which for any form of consideration films, motion pictures,
10 videocassettes, slides or other similar photographic reproductions that
11 are characterized by the depiction or description of specific sexual
12 activities or specific anatomical areas are predominantly shown.

13 5. "Adult oriented business" means adult arcades, adult bookstores
14 or video stores, cabarets, adult live entertainment establishments, adult
15 motion picture theaters, adult theaters, massage establishments that offer
16 adult service or nude model studios.

17 6. "Adult oriented business manager" means a person on the premises
18 of an adult oriented business who is authorized to exercise overall
19 operational control of the business.

20 7. "Adult service" means dancing, serving food or beverages,
21 modeling, posing, wrestling, singing, reading, talking, listening or other
22 performances or activities conducted for any consideration in an adult
23 oriented business by a person who is nude or seminude during all or part
24 of the time that the person is providing the service.

25 8. "Adult service provider" or "erotic entertainer" means any
26 natural person who provides an adult service.

27 9. "Adult theater" means a theater, concert hall, auditorium or
28 similar commercial establishment that predominantly features persons who
29 appear in a state of nudity or who engage in live performances that are
30 characterized by the exposure of specific anatomical areas or specific
31 sexual activities.

32 10. "Cabaret" means an adult oriented business licensed to provide
33 alcoholic beverages pursuant to title 4, chapter 2, article 1.

34 11. "Discernibly turgid state" means the state of being visibly
35 swollen, bloated, inflated or distended.

36 12. "Massage establishment" means an establishment in which a
37 person, firm, association or corporation engages in or permits massage
38 activities, including any method of pressure on, friction against,
39 stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating
40 of external soft parts of the body with the hands or with the aid of any
41 mechanical apparatus or electrical apparatus or appliance. This paragraph
42 does not apply to:

43 (a) Persons who are licensed pursuant to title 32, chapter 7, 8,
44 13, 14 or 17.

1 (b) Registered nurses, licensed practical nurses or technicians who
2 are acting under the supervision of a physician who is licensed pursuant
3 to title 32, chapter 13 or 17.

4 (c) Registered nurse practitioners who are licensed pursuant to
5 title 32, chapter 15.

6 (d) Persons who are employed or acting as trainers for a bona fide
7 amateur, semiprofessional or professional athlete or athletic team.

8 ~~(e) Persons who are licensed pursuant to title 32, chapter 5 if the~~
9 ~~activity is limited to the head, face or neck.~~

10 13. "Nude model studio" means a place in which a person who appears
11 in a state of nudity or who displays specific anatomical areas is
12 observed, sketched, drawn, painted, sculptured, photographed or otherwise
13 depicted by other persons who pay money or other consideration. Nude
14 model studio does not include a proprietary school that is licensed by
15 this state, a college, community college or university that is supported
16 entirely or in part by taxation, a private college or university that
17 maintains and operates educational programs in which credits are
18 transferable to a college, community college or university that is
19 supported entirely or in part by taxation or a structure to which the
20 following apply:

21 (a) A sign is not visible from the exterior of the structure and no
22 other advertising appears indicating that a nude person is available for
23 viewing.

24 (b) A student must enroll at least three days in advance of a class
25 in order to participate.

26 (c) No more than one nude or seminude model is on the premises at
27 any time.

28 14. "Nude", "nudity" or "state of nudity" means any of the
29 following:

30 (a) The appearance of a human anus, genitals or a female breast
31 below a point immediately above the top of the areola.

32 (b) A state of dress that fails to opaquely cover a human anus,
33 genitals or a female breast below a point immediately above the top of the
34 areola.

35 15. "Principal business purposes" means that a commercial
36 establishment derives fifty percent or more of its gross income from the
37 sale or rental of items listed in paragraph 2 of this subsection.

38 16. "Seminude" means a state of dress in which clothing covers no
39 more than the genitals, pubic region and female breast below a point
40 immediately above the top of the areola, as well as portions of the body
41 that are covered by supporting straps or devices.

42 17. "Specific anatomical areas" means any of the following:

43 (a) A human anus, genitals, the pubic region or a female breast
44 below a point immediately above the top of the areola that is less than
45 completely and opaquely covered.

1 (b) Male genitals in a discernibly turgid state even if completely
2 and opaquely covered.

3 18. "Specific sexual activities" means any of the following:

4 (a) Human genitals in a state of sexual stimulation or arousal.

5 (b) Sex acts, normal or perverted, actual or simulated, including
6 acts of human masturbation, sexual intercourse, oral copulation or sodomy.

7 (c) Fondling or other erotic touching of the human genitals, pubic
8 region, buttocks, anus or female breast.

9 (d) Excretory functions as part of or in connection with any of the
10 activities under subdivision (a), (b) or (c) of this paragraph.

11 Sec. 6. Section 15-923, Arizona Revised Statutes, is amended to
12 read:

13 15-923. Contracts for transportation; requirement; report

14 A. As an alternative to maintaining and operating a transportation
15 program or in conjunction with a transportation program, a school
16 district, if it is found to be economically advantageous, may contract for
17 vehicles and other transportation services. Contracts may be with another
18 political subdivision, a common or contract carrier or a private party.

19 B. In order to expediently process contracts for the provision of
20 transportation, a school district may select a preapproved contract
21 carrier or private party that ~~meets both of the following criteria:~~

22 ~~1. provides one or more of the following:~~

23 ~~(a) 1. Electric school buses.~~

24 ~~(b) 2. Electric school bus charging infrastructure.~~

25 ~~(c) 3. Charging and charging management services.~~

26 ~~(d) 4. Electric school bus services.~~

27 ~~2. Has filed with and received approval from the school bus~~
28 ~~advisory council established by section 28-3053.~~

29 C. In addition to other powers and duties prescribed by title 11,
30 chapter 2, article 4, any board of supervisors, at the request of any or
31 all of the governing boards of the school districts within the county, may
32 provide necessary student transportation. If the board of supervisors and
33 the governing board or boards of such school districts mutually agree that
34 such an arrangement is economically advantageous, the governing board of
35 the school district is authorized to sell or lease its bus or buses to the
36 board of supervisors for such purposes. Agreement between the parties
37 shall be by written contract.

38 D. An eligible student who is transported part by contract and part
39 by school district transportation facilities may not be counted as more
40 than one eligible student.

41 E. Miles driven to transport eligible students may not be reported
42 as daily route miles by more than one school district.

43 F. Each school district shall submit electronically to the
44 department of education a report regarding the routes contracted, the
45 contractor contract information, the number of eligible students

1 transported by each contractor and any additional information requested by
2 the department of education.

3 Sec. 7. Section 20-3151, Arizona Revised Statutes, is amended to
4 read:

5 20-3151. Definitions

6 ~~For the purposes of~~ IN this ~~section~~ CHAPTER, UNLESS THE CONTEXT
7 OTHERWISE REQUIRES:

8 1. "Enrollee" means an individual who is enrolled in a health care
9 plan provided by a health care insurer.

10 2. "Health care insurer" means a disability insurer, group
11 disability insurer, blanket disability insurer, health care services
12 organization, hospital service corporation, medical service corporation or
13 hospital and medical service corporation.

14 3. "Health care plan":

15 (a) Means a policy, contract or evidence of coverage issued to an
16 enrollee. ~~Health care plan~~

17 (b) Does not include limited benefit coverage as defined in section
18 20-1137.

19 4. "Health care professional" means a professional who is regulated
20 pursuant to title 32, chapter 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19,
21 19.1, 25, 28, 29, 33, 34, 35, ~~39~~ or 41, title 36, chapter 6, article 7 or
22 title 36, chapter 17.

23 Sec. 8. Section 28-900, Arizona Revised Statutes, is amended to
24 read:

25 28-900. School transportation rules

26 A. The department of public safety ~~in consultation with the student~~
27 ~~transportation advisory council established by section 28-3053~~ shall adopt
28 rules as necessary to improve the safety and welfare of student passengers
29 by minimizing the probability of accidents involving school buses and
30 student passengers and by minimizing the risk of serious bodily injury to
31 student passengers in the event of an accident.

32 B. The rules may include:

33 1. Minimum standards for the design and equipment of school buses
34 that are designed for sixteen or more passengers.

35 2. Minimum standards for the periodic inspection and maintenance of
36 school buses that are designed for sixteen or more passengers.

37 3. Procedures for the operation of school buses that are designed
38 for sixteen or more passengers.

39 4. Minimum standards for the design and equipment of motor vehicles
40 described in section 15-925 that are substantially different than the
41 minimum standards prescribed in paragraph 1 of this subsection.

42 5. Minimum standards for the periodic inspection and maintenance of
43 motor vehicles described in section 15-925.

44 6. Procedures for the operation of motor vehicles described in
45 section 15-925.

1 7. Other criteria as deemed by the department of public safety and
2 the student transportation advisory council to be necessary and
3 appropriate to ensure the safe operation of school buses and motor
4 vehicles that are described in section 15-925. Any rules adopted pursuant
5 to this section shall allow for a variety of vehicles to be used to meet
6 the needs of students and systems of varying sizes and locations.

7 C. The rules shall provide, if applicable, minimum standards equal
8 to or more restrictive than those adopted by the United States department
9 of transportation in accordance with 23 United States Code and rules
10 adopted pursuant to 23 United States Code.

11 D. Notwithstanding a rule adopted by the department of public
12 safety with respect to exterior color of a school bus that is designed for
13 sixteen or more passengers, in order to reduce the interior temperature of
14 a school bus, the exterior top of a school bus may be painted white, but
15 the white area shall not extend beyond the center clearance lights, front
16 and rear, and shall not extend below a line five inches above the top of
17 the side windows.

18 E. An officer or employee of any school district or charter school
19 who violates any of the rules or who fails to include the obligation to
20 comply with the rules in any contract executed by the officer or employee
21 on behalf of the school district or charter school is guilty of misconduct
22 and is subject to removal from office or employment. Any person who
23 operates a school bus or motor vehicle under contract with a school
24 district or charter school and who fails to comply with any of the rules
25 is in breach of contract, and the school district or charter school shall
26 cancel the contract after notice and a hearing by the responsible officers
27 of the school district or charter school.

28 F. The department of public safety shall enforce the rules adopted
29 pursuant to this section.

30 Sec. 9. Repeal

31 A. Sections 28-2422, 28-2422.01 and 28-2422.02, Arizona Revised
32 Statutes, are repealed.

33 B. Title 28, chapter 8, article 2, Arizona Revised Statutes, is
34 repealed.

35 Sec. 10. Section 28-3228, Arizona Revised Statutes, is amended to
36 read:

37 28-3228. School bus drivers; student transportation
38 requirements; rules; cancellation of certificate

39 A. A person shall not operate a school bus that is designed for
40 sixteen or more passengers and that transports ~~school children~~
41 SCHOOLCHILDREN unless the person possesses the appropriate license class
42 for the size of school bus being operated that is issued by the department
43 of transportation, a bus endorsement that is issued by the department of
44 transportation and a school bus certificate that is issued by the
45 department of public safety. A person shall not operate a MOTOR vehicle

1 described in section 15-925 to transport schoolchildren unless the person
2 possesses the appropriate license class for the size of the MOTOR vehicle
3 being operated, a school bus driver certificate that is issued by the
4 department of public safety and a valid fingerprint clearance card as
5 required by subsection D of this section.

6 B. To be certified as a school bus driver for a vehicle that is
7 designed for sixteen or more passengers, a person shall do both of the
8 following:

9 1. Meet and maintain the minimum standards prescribed by this
10 section and rules adopted by the department of public safety ~~in~~
11 ~~consultation with the student transportation advisory council established~~
12 ~~by section 28-3053.~~

13 2. Complete an initial instructional course on school bus driver
14 safety and training, including behind the wheel training.

15 C. The department of public safety ~~in consultation with the student~~
16 ~~transportation advisory council established by section 28-3053~~ shall adopt
17 rules that establish minimum standards for the certification of school bus
18 drivers and drivers of other MOTOR vehicles described in section 15-925.
19 In cooperation with local school districts and charter schools, the
20 department of public safety shall provide for school transportation safety
21 and training courses. The standards established shall:

22 1. Include requirements concerning knowledge of operating a school
23 bus or a MOTOR vehicle described in section 15-925, pupil and motor
24 vehicle safety, physical impairments that might affect the applicant's
25 ability to safely operate a school bus or MOTOR vehicle described in
26 section 15-925 or that might endanger the health or safety of passengers,
27 knowledge of first aid, establishment of school bus and other vehicle
28 safety and training courses, a refresher course to be completed on at
29 least a biennial basis and other matters as the department of public
30 safety ~~and the student transportation advisory council established by~~
31 ~~section 28-3053 prescribe~~ PRESCRIBES for the protection of the public.

32 2. Require tests to detect the presence of alcohol or the use of a
33 drug in violation of title 13, chapter 34 that may adversely affect the
34 ability of the applicant to safely operate a school bus or MOTOR vehicle
35 described in section 15-925.

36 3. Authorize the performance of hearing tests with or without the
37 use of a hearing aid as provided in 49 Code of Federal Regulations section
38 391.41.

39 4. Require the applicant to possess a commercial driver license
40 issued by the department, except that:

41 (a) Notwithstanding subsection A of this section the applicant may
42 possess a commercial driver license issued by another state if the
43 applicant will be driving a school bus for a school district that is
44 adjacent to that state.

1 (b) An applicant to drive a **MOTOR** vehicle described in section
2 15-925 does not need to possess or obtain a commercial driver license.
3 This subdivision applies only if a commercial driver license is not
4 required by state or federal law to operate the vehicle based on the
5 vehicle's gross vehicle weight rating or occupancy.

6 D. Each person who applies for a school bus driver certificate
7 shall have a valid fingerprint clearance card that is issued pursuant to
8 title 41, chapter 12, article 3.1 and shall submit an identity verified
9 fingerprint card as described in section 15-106 that the department of
10 public safety shall use to process the fingerprint clearance card as
11 outlined in section 15-106.

12 E. A person who is issued a school bus driver certificate shall
13 maintain a valid identity verified fingerprint clearance card for the
14 duration of any school bus driver certification period.

15 F. The department of public safety shall suspend a school bus
16 driver certificate if the fingerprint clearance card is invalid,
17 suspended, canceled or revoked.

18 G. The department of public safety shall issue a school bus driver
19 certificate to an applicant who meets the requirements of this section.
20 The certificate is valid if the applicant maintains the minimum standards
21 established by this section.

22 H. The department of public safety may cancel the certificate if
23 the person's license to drive is suspended, canceled, revoked or
24 disqualified. The department of public safety shall cancel the
25 certificate if the person fails to maintain the minimum standards
26 established pursuant to this section. A person whose application for a
27 certificate is refused or whose certificate is canceled for failure to
28 meet or maintain the minimum standards may request and receive a hearing
29 from the department of public safety.

30 I. The department of public safety shall enforce the rules adopted
31 pursuant to this section.

32 Sec. 11. Repeal

33 Title 32, chapter 5, Arizona Revised Statutes, is repealed.

34 Sec. 12. Section 32-2231, Arizona Revised Statutes, is amended to
35 read:

36 32-2231. Acts constituting the practice of veterinary
37 medicine; exceptions; definitions

38 A. A person shall be regarded as practicing veterinary medicine,
39 surgery and dentistry within the meaning of this chapter who, within this
40 state:

41 1. By advertisement, or by any notice, sign or other indication, or
42 by a statement written, printed or oral, in public or in private, made,
43 done or procured by the person or any other at the person's request
44 claims, announces, makes known or pretends ability or willingness to

1 diagnose any animal condition, disease, deformity, defect, wound or injury
2 or to perform any type of surgical procedure on animals.

3 2. Advertises or makes known or claims ability and willingness to
4 perform the following for hire, fee, compensation or reward that is
5 directly or indirectly promised, offered, expected, received or accepted:

6 (a) Prescribe or administer any drug, medicine, treatment, method
7 or practice for any animal.

8 (b) Perform any operation or manipulation on or apply any apparatus
9 or appliance to any animal.

10 (c) Give any instruction or demonstration for the cure,
11 amelioration, correction or reduction or modification of any animal
12 condition, disease, deformity, defect, wound or injury.

13 3. Diagnoses or prognosticates any animal condition, disease,
14 deformity, defect, wound or injury for hire, fee, reward or compensation
15 that is directly or indirectly promised, offered, expected, received or
16 accepted.

17 4. Prescribes or administers any drug, medicine, treatment, method
18 or practice, performs any operation or manipulation, or applies any
19 apparatus or appliance for the cure, amelioration, correction or
20 modification of any animal condition, disease, deformity, defect, wound or
21 injury for hire, fee, compensation or reward that is directly or
22 indirectly promised, offered, expected, received or accepted.

23 B. This section does not apply to:

24 1. Duly authorized representatives of the United States department
25 of agriculture in the discharge of any duty authorized by the director in
26 charge of the animal disease eradication division.

27 2. A certified veterinary technician performing a task or function
28 authorized by the rules of the board in the employ of and under the
29 direction, supervision and control of a licensed veterinarian or a
30 licensed veterinary faculty member.

31 3. An equine dental practitioner if all of the following apply:

32 (a) The equine dental practitioner is certified by the
33 international association of equine dentistry or the academy of equine
34 dentistry.

35 (b) The equine dental practitioner performs any of the following
36 procedures under the general supervision of a licensed veterinarian:

37 (i) The application of any apparatus used to work on the oral
38 cavity.

39 (ii) The examination of dental conditions.

40 (iii) The removal of overgrowth from the teeth of horses and the
41 removal of sharp enamel points from the teeth of horses, excluding any
42 extractions unless the certified equine dental practitioner is under the
43 direct supervision of a licensed veterinarian.

1 (iv) Any treatment of the oral cavity as authorized by the animal's
2 owner, excluding any extractions unless the certified equine dental
3 practitioner is under the direct supervision of a licensed veterinarian.

4 (c) The equine dental practitioner provides both of the following
5 to the board:

6 (i) Proof of current certification from the international
7 association of equine dentistry or the academy of equine dentistry.

8 (ii) A written statement signed by the supervising veterinarian
9 that the certified equine dental practitioner will be under the general or
10 direct supervision of the licensed veterinarian when performing the
11 procedures prescribed by this paragraph.

12 (d) Both the supervising veterinarian and the certified equine
13 dental practitioner maintain dental charts for procedures done pursuant to
14 this paragraph.

15 4. A veterinary student who performs acts of health care or
16 prescribed veterinary procedures as a part of the student's educational
17 experience if both of the following apply:

18 (a) The acts are assigned by a licensed veterinarian or a licensed
19 veterinary faculty member who is responsible for the animal's care.

20 (b) The student works under the direct supervision of a licensed
21 veterinarian or a licensed veterinary faculty member.

22 5. An acupuncturist who is treating an animal ~~pursuant to section~~
23 ~~32-3928~~ and who is in compliance with all of the following:

24 (a) Is nationally certified by the American board of animal
25 acupuncture or the national certification commission for acupuncture and
26 oriental medicine to treat animals.

27 ~~(b) Provides proof of current certification in animal acupuncture~~
28 ~~to the acupuncture board of examiners.~~

29 ~~(c)~~ (b) Has received a referral for acupuncture treatment from a
30 licensed veterinarian who has diagnosed the animal.

31 ~~(d)~~ (c) Maintains records on every animal and provides the records
32 to the treating veterinarian on request.

33 ~~(e)~~ (d) Maintains adequate insurance to specifically cover any
34 injuries to the animal, the animal's owner or staff members working on the
35 animal.

36 ~~(f)~~ (e) If the acupuncturist is not providing the treatment in a
37 licensed veterinary premises that is operated by a licensed veterinarian,
38 complies with all of the following:

39 (i) The animal is not treated in the same area as human patients.

40 (ii) The premises has secured areas to contain animals safely
41 during any treatment.

42 (iii) The staff is trained to properly hold any animal being
43 treated.

44 (iv) Protocols are in place to handle emergency situations that may
45 arise with the animal that is being treated.

1 (v) Sanitation protocols are in place to ensure human and animal
2 safety.

3 ~~(vi) Any rules adopted by the acupuncture board of examiners.~~

4 ~~(g)~~ (f) Assesses and treats the animal consistent with the
5 licensed acupuncturist's training and, on request, communicates the
6 findings, treatment and results to the treating licensed veterinarian in a
7 timely manner. On request, the treating licensed veterinarian shall
8 provide the treating acupuncturist with all medical information that may
9 assist in the treatment of the animal.

10 ~~(f)~~ (g) Is solely liable for the acupuncture treatment provided to
11 the animal that is also under the care of a licensed veterinarian.

12 6. A rabies vaccinator who is certified pursuant to section
13 32-2240.02.

14 C. Notwithstanding subsection B, paragraph 3 of this section, only
15 a licensed veterinarian and not an equine dental practitioner may
16 prescribe or administer, or both prescribe and administer, any drug or
17 medicine.

18 D. For the purposes of this section:

19 1. "Direct supervision" means a licensed veterinarian must
20 authorize and be physically present for the procedure.

21 2. "General supervision" means a licensed veterinarian must be
22 available for consultation by telephone or other form of immediate
23 communication.

24 Sec. 13. Section 32-2901, Arizona Revised Statutes, is amended to
25 read:

26 32-2901. Definitions

27 In this chapter, unless the context otherwise requires:

28 1. "Acupuncture" means a medical therapy in which ailments are
29 diagnosed and treated by the specific application of needles, heat or
30 physical and electromagnetic impulses or currents to specific anatomic
31 points on the body through any of the following:

32 (a) Diagnosing and treating ailments according to the systematic
33 principles of traditional Asian medicine.

34 (b) Diagnosing and treating pain, neuromuscular disorders and other
35 ailments based on the body's biophysics and neuroanatomic structure.

36 (c) Using devices to determine the biologic electrical response
37 pattern of acupuncture points as a guide to diagnose bodily ailments and
38 to guide the prescription of homeopathic substances, orthomolecular
39 therapy or pharmaceutical medicine.

40 2. "Adequate records" means legible medical records that contain at
41 a minimum sufficient information to identify the patient, support the
42 diagnosis, document the treatment, accurately describe the results,
43 indicate advice, cautionary warnings and informed consent discussions with
44 the patient and provide sufficient information for another licensed health

1 care practitioner to assume continuity of the patient's care and to
2 continue or modify the treatment plan.

3 3. "Approved internship" means that the applicant has completed
4 training in a hospital that was approved for internship, fellowship or
5 residency training by the council on medical education in hospitals of the
6 American medical association, the association of American medical
7 colleges, the royal college of physicians and surgeons of Canada, the
8 American osteopathic association or any board-approved similar body in the
9 United States or Canada that approves hospitals for internship, fellowship
10 or residency training.

11 4. "Approved school of medicine":

12 (a) As it relates to a person who is seeking licensure pursuant to
13 section 32-2912, subsection A, means a school or college that offers a
14 course of study that on successful conclusion results in a degree of
15 doctor of medicine or doctor of osteopathic medicine and that offers a
16 course of study that is approved or accredited by the association of
17 American medical colleges, the association of Canadian medical colleges,
18 the American medical association, the American osteopathic association or
19 any board-approved similar body in the United States or Canada that
20 accredits this course of study.

21 (b) As it relates to a person who is seeking licensure pursuant to
22 section 32-2912, subsection B, means a school or college that on
23 successful completion results in a degree of doctor of homeopathy and that
24 is approved or accredited by the accreditation commission for homeopathic
25 education in North America or any board-approved similar body that
26 accredits this course of study.

27 5. "Approved training program", for a person who is seeking
28 licensure pursuant to section 32-2912, subsection B, means a program that
29 requires the person to both:

30 (a) Successfully complete one of the following:

31 (i) A program that would qualify an applicant to become certified
32 or licensed to practice pursuant to chapter 8, 14, ~~OR~~ 19 ~~or 39~~ of this
33 title.

34 (ii) Training and testing by the United States armed forces at a
35 level comparable to the national standards for emergency medical care
36 technicians.

37 (iii) A program that is approved or accredited by the accreditation
38 commission for homeopathic education in North America, or its successor
39 organization, or any similar board-approved body that accredits this
40 course of study.

41 (b) Meet one of the following:

42 (i) Hold, or pass the examination to hold, a certification from the
43 council for homeopathic certification or its successor as designated by
44 the board.

- 1 (ii) Complete a program that is approved by the board and that is
2 designed to prepare the person for the practice of homeopathic medicine.
- 3 6. "Board" means the board of homeopathic and integrated medicine
4 examiners.
- 5 7. "Chelation therapy" means an experimental medical therapy to
6 restore cellular homeostasis through the use of intravenous, metal-binding
7 and bioinorganic agents such as ethylene diamine tetraacetic acid.
8 Chelation therapy is not an experimental therapy if it is used to treat
9 heavy metal poisoning.
- 10 8. "Controlled substance" means a drug or substance or a drug's or
11 substance's immediate precursor that is defined or listed in title 36,
12 chapter 27, article 2 or the rules adopted pursuant to title 36, chapter
13 27, article 2.
- 14 9. "Drug" means a medication or substance that is any of the
15 following:
- 16 (a) Recognized in the official compendia or for which standards or
17 specifications are prescribed in the official compendia.
- 18 (b) Intended for use in diagnosing, curing, mitigating, treating or
19 preventing human diseases.
- 20 (c) Articles other than food that are intended to affect the
21 structure or function of the human body.
- 22 10. "Homeopathic medication" means a substance of animal, vegetable
23 or mineral origin that is prepared according to homeopathic pharmacology
24 and that is given usually in a homeopathic microdosage.
- 25 11. "Homeopathic microdosage" means a substance prepared so that it
26 is diluted from ten to the minus one to ten to the minus ten-thousandth or
27 higher of its original concentration.
- 28 12. "Homeopathy" means a system of medicine that employs
29 homeopathic medication in accordance with the principle that a substance
30 that produces symptoms in a healthy person can cure those symptoms in an
31 ill person.
- 32 13. "Immediate family" means a person's spouse, natural or adopted
33 children, parents and siblings and the natural or adopted children,
34 parents and siblings of the person's spouse.
- 35 14. "Letter of concern" means an advisory letter to notify a
36 licensee that, while there is insufficient evidence to support
37 disciplinary action, the board believes the licensee should modify or
38 eliminate certain practices.
- 39 15. "Licensee" means a person who is licensed pursuant to this
40 chapter.
- 41 16. "Medical assistant" means an unlicensed person who has
42 completed an educational program approved by the board, who assists in a
43 homeopathic practice under the supervision of a doctor of homeopathy or
44 homeopathic physician and who performs delegated procedures commensurate
45 with the assistant's education and training but who does not diagnose,

1 interpret, design or modify established treatment programs or violate any
2 statute.

3 17. "Medical incompetence" means the lack of sufficient medical
4 knowledge or skill by a licensee to a degree that is likely to endanger a
5 patient's health. Medical incompetence includes the range of knowledge
6 expected for basic licensure pursuant to this chapter or as a medical or
7 osteopathic physician in any professional regulatory jurisdiction of the
8 United States and additional knowledge of homeopathic treatments and
9 modalities expected of persons who are licensed pursuant to this chapter.

10 18. "Minor surgery":

11 (a) Means surgical procedures that are conducted by a licensee who
12 is licensed pursuant to section 32-2912, subsection A in an outpatient
13 setting and that involve the removal or repair of lesions or injuries to
14 the skin, mucous membranes and subcutaneous tissues, the use of topical,
15 local or regional anesthetic agents, the treatment by stabilizing or
16 casting nondisplaced and uncomplicated fractures of the extremities and
17 diagnostic endoscopies of the intestinal tract, nasopharynx and vagina.

18 (b) Includes diagnostic aspiration of joints and subcutaneous
19 cysts, therapeutic injections of muscular trigger points, tendons,
20 ligaments and scars and the subcutaneous implantation of medical
21 therapeutic agents.

22 (c) Does not include the use of general, spinal or epidural
23 anesthesia, the opening of body cavities, the repair of blood vessels and
24 nerves or the biopsy by incision, excision or needle aspiration of
25 internal organs, the breast or the prostate.

26 19. "Neuromuscular integration" means musculoskeletal therapy that
27 uses any combination of manual methods, physical agents and physical
28 medicine procedures and devices to improve physiological function by
29 normalizing body structure.

30 20. "Nutrition" means the recommendation by a licensee of
31 therapeutic or preventative dietary measures, food factor concentrates,
32 fasting and cleansing regimens and the rebalancing by a licensee of
33 digestive system function to correct diseases of malnutrition, to resolve
34 conditions of metabolic imbalance and to support optimal vitality.

35 21. "Orthomolecular therapy" means therapy to provide the optimum
36 concentration of substances normally present in the human body such as
37 vitamins, minerals, amino acids and enzymes. Orthomolecular therapy
38 includes the diagnosis of ailments or physiologic stresses that occur as a
39 result of genetic or environmental influences as well as acquired or
40 inherited allergy and hypersensitivity responses.

41 22. "Pharmaceutical medicine" means a drug therapy that uses
42 prescription-only and nonprescription pharmaceutical agents as well as
43 medicinal agents of botanical, biological or mineral origin and that is
44 based on current scientific indications or traditional or historical usage
45 indications.

1 23. "Practice of homeopathic medicine",

2 (a) For the purposes of a person who is licensed pursuant to
3 section 32-2912, subsection A, means the practice of medicine in which the
4 person purports to diagnose, treat or correct actual or imagined human
5 diseases, injuries, ailments, infirmities and deformities of a physical or
6 mental origin using treatment modalities that include acupuncture,
7 chelation therapy, homeopathy, minor surgery, neuromuscular integration,
8 nutrition, orthomolecular therapy and pharmaceutical medicine.

9 (b) For the purposes of a person who is licensed pursuant to
10 section 32-2912, subsection B, means the practice of medicine in which the
11 person purports to diagnose, treat or correct actual or imagined human
12 diseases, injuries, ailments, infirmities and deformities of a physical or
13 mental origin by means of homeopathy or nutrition.

14 24. "Preceptorship" means an extended period of individual study
15 with one or more experienced homeopathic physicians or institutions.

16 25. "Prescription-only drug" does not include a controlled
17 substance but does include:

18 (a) A drug that is generally regarded by medical experts to be
19 unsafe if its use and dosage are not supervised by a medical practitioner.

20 (b) A drug that is approved for use under the supervision of a
21 medical practitioner pursuant to the federal new drug application law or
22 section 32-1962.

23 (c) A potentially harmful drug if its labeling does not contain
24 full directions for its use by the patient.

25 (d) A drug that is required by federal law to bear on its label the
26 following words: "Caution: Federal law prohibits dispensing without
27 prescription."

28 26. "Professional negligence" means any of the following:

29 (a) That a licensee administers treatment to a patient in a manner
30 that is contrary to accepted practices and that harms the patient if it
31 can be shown to the board's satisfaction that accepted practices are
32 inherently less hazardous.

33 (b) That a licensee commits an act of unprofessional conduct or
34 displays an unreasonable lack of professional skill or fidelity.

35 (c) That a licensee's negligence, carelessness or disregard of
36 established principles or practice results in a patient's injury,
37 unnecessary suffering or death.

38 27. "Special purpose licensing examination" means an examination
39 developed by the national board of medical examiners on behalf of the
40 federation of state medical boards for use by state licensing boards to
41 test the basic medical competence of physicians who are applying for
42 licensure and who have been in practice in another jurisdiction of the
43 United States and to determine the competence of a physician under
44 investigation by a state licensing board.

1 Sec. 14. Section 32-2904, Arizona Revised Statutes, is amended to
2 read:

3 32-2904. Powers and duties

4 A. The board shall:

5 1. Conduct all examinations for applicants for a license under this
6 chapter, issue licenses, conduct hearings, regulate the conduct of
7 licensees and administer and enforce this chapter.

8 2. Enforce the standards of practice prescribed by this chapter and
9 board rules.

10 3. Collect and account for all fees under this chapter and deposit,
11 pursuant to sections 35-146 and 35-147, the monies in the appropriate
12 fund.

13 4. Maintain a record of its acts and proceedings, including the
14 refusal to issue a license or the issuance, renewal, suspension or
15 revocation of licenses to practice according to this chapter.

16 5. Maintain a roster of all persons who are licensed pursuant to
17 this chapter that includes:

18 (a) The licensee's name.

19 (b) The current professional office address.

20 (c) The date and number of the license issued under this chapter.

21 (d) Whether the licensee is in good standing.

22 6. Adopt and use a seal, the imprint of which is evidence of the
23 board's official acts.

24 7. Contract with the department of administration for
25 administrative and recordkeeping services.

26 8. Charge additional fees that do not exceed the cost of the
27 services for services the board deems necessary to carry out its intent
28 and purposes.

29 9. Adopt rules regarding the regulation and the qualifications of
30 medical assistants.

31 10. Keep board records open to public inspection during normal
32 business hours.

33 ~~11. Meet each January with the acupuncture board of examiners to set~~
34 ~~financial compensation for staff and operating expense sharing.~~

35 B. The board may:

36 1. Adopt rules necessary or proper to administer this chapter.

37 2. Subject to title 41, chapter 4, article 4, hire personnel to
38 carry out the purposes of this chapter.

39 3. Hire investigators subject to title 41, chapter 4, article 4 or
40 contract with investigators to assist in investigating violations of this
41 chapter and contract with other state agencies if required to carry out
42 this chapter.

43 4. Appoint one of its members to the jurisdiction arbitration panel
44 pursuant to section 32-2907, subsection B.

1 5. Subject to title 41, chapter 4, article 4, employ consultants to
2 perform duties the board determines are necessary to implement this
3 chapter.

4 6. Compile and publish an annual directory.

5 7. Adopt rules to establish competency or professional review
6 standards for any minor surgical procedure.

7 8. Appoint two or more board members to a subcommittee that reviews
8 and approves applications and issues permits pertaining to homeopathic
9 medical assistants and associated practical educational programs, pursuant
10 to board rules.

11 9. Appoint two or more board members to a subcommittee that reviews
12 and approves applications and issues permits pertaining to drugs and
13 device dispensing practices, pursuant to board rules.

14 Sec. 15. Section 32-2905, Arizona Revised Statutes, is amended to
15 read:

16 32-2905. Executive director; personnel; duties; compensation

17 ~~A. The executive director of the acupuncture board of examiners~~
18 ~~shall serve as the executive director of the board of homeopathic and~~
19 ~~integrated medicine examiners. The staff of the acupuncture board of~~
20 ~~examiners shall carry out the administrative responsibilities of the board~~
21 ~~of homeopathic and integrated medicine examiners.~~

22 A. SUBJECT TO TITLE 41, CHAPTER 4, ARTICLE 4, THE BOARD MAY APPOINT
23 AN EXECUTIVE DIRECTOR WHO SERVES AT THE PLEASURE OF THE BOARD. THE
24 EXECUTIVE DIRECTOR MAY NOT BE A BOARD MEMBER.

25 B. THE EXECUTIVE DIRECTOR IS ELIGIBLE TO RECEIVE COMPENSATION SET
26 BY THE BOARD WITHIN THE RANGE DETERMINED PURSUANT TO SECTION 38-611.

27 ~~B.~~ C. The executive director shall:

28 1. Collect all monies due and payable to the board.

29 2. Deposit, pursuant to sections 35-146 and 35-147, all monies
30 received by the board in the appropriate fund.

31 3. Prepare bills for authorized expenditures of the board and
32 obtain warrants from the department of administration.

33 4. Act as custodian of the seal, books, records, minutes and
34 proceedings of the board.

35 5. Perform all duties prescribed by the board.

36 6. Perform all administrative duties of the board.

37 7. Subject to title 41, chapter 4, article 4, employ personnel
38 necessary to carry out board functions.

39 Sec. 16. Section 32-2932, Arizona Revised Statutes, is amended to
40 read:

41 32-2932. Use of title or abbreviation by licensees

42 A. A person who is licensed pursuant to section 32-2912, subsection
43 A may use the designation and sign the licensee's name, wherever required,
44 in any capacity, as "homeopathic doctor", ~~OR~~ OR "homeopathic physician". If
45 the licensee is a graduate of a board-approved allopathic school of

1 medicine, the licensee may also use the designation "medical doctor
2 (homeopathic)". If the licensee is a graduate of a board-approved
3 osteopathic school of medicine, the licensee may also use the designation
4 "doctor of osteopathic medicine (homeopathic)".

5 B. A person who is licensed pursuant to section 32-2912, subsection
6 B may use the designation "homeopathic practitioner", "doctor of
7 homeopathy" or "homeopathic doctor". A person may use the designation
8 "homeopathic doctor" or "doctor of homeopathy" only if the person holds a
9 doctorate and is licensed pursuant to chapter 8, 14, ~~OR~~ 19 ~~or 39~~ of this
10 title.

11 C. The board may adopt in rule abbreviations for the titles listed
12 in subsections A and B of this section.

13 Sec. 17. Section 32-3021, Arizona Revised Statutes, is amended to
14 read:

15 32-3021. Private vocational program license; qualifications;
16 provision of information; exemptions

17 A. A person shall not operate a private vocational program unless
18 the person holds a private vocational program license issued pursuant to
19 this chapter. Each program offered by a private vocational program
20 licensee shall be authorized on a private vocational program license. The
21 board shall prescribe the manner in which the programs are identified on
22 the license.

23 B. An applicant for a private vocational program license shall meet
24 all of the following requirements:

25 1. Furnish a letter of credit, surety bond or cash deposit as
26 provided in section 32-3023.

27 2. Make specific information concerning educational programs,
28 including statements of purpose, objectives, course of study, policies,
29 fees and other pertinent information, available to prospective students
30 and the general public.

31 3. Be financially responsible and have management capability.

32 4. Maintain a qualified faculty.

33 5. Maintain facilities, equipment and materials that are
34 appropriate for the stated program. All facilities shall meet applicable
35 state and local health and safety laws.

36 6. Maintain appropriate records as the board prescribes that are
37 properly safeguarded and preserved.

38 7. Use only advertisements that are consistent with the information
39 made available as provided in paragraph 2 of this subsection.

40 8. Provide courses of instruction that meet stated objectives.

41 9. Provide a grievance procedure for students.

42 10. Comply with all federal and state laws relating to the
43 operation of a private postsecondary educational institution.

44 11. Other requirements the board deems necessary.

1 C. An applicant for a private vocational program license shall
2 submit evidence of meeting the requirements prescribed in subsection B of
3 this section to the board. The board shall verify the evidence submitted.
4 Verification shall include on-site verification.

5 D. The filing of an application grants the board the authority to
6 obtain information from any of the following:

7 1. A licensing board or agency in any state, district, territory or
8 county of the United States or any foreign country.

9 2. The Arizona criminal justice information system as defined in
10 section 41-1750.

11 3. The federal bureau of investigation.

12 E. The board, on application, may issue a private vocational
13 program license to a new educational institution as provided in this
14 section, except that the board shall establish separate minimum standards
15 for licensure requirements of new educational institutions. These minimum
16 standards may include the modification of licensure requirements as
17 provided in subsection B, paragraphs 3, 5, 6, 7 and 8 of this section to
18 meet the circumstances of new educational institutions. The board, on
19 application, may issue a private vocational program license to an
20 educational institution that is otherwise exempt under subsection F of
21 this section. The board shall monitor the new educational institution to
22 ensure compliance with the licensure requirements. The board shall issue
23 a private vocational program license as provided in this subsection one
24 time only to new educational institutions.

25 F. This section does not apply to any of the following:

26 ~~1. A school licensed pursuant to chapter 5 of this title.~~

27 ~~2.~~ 1. An instructional program or course sponsored by a bona fide
28 trade association solely for its members.

29 ~~3.~~ 2. Privately owned academic schools engaged in the process of
30 general education that is designed to produce a level of development
31 equivalent to that necessary to meet the requirements for entrance into a
32 public community college or public university in this state and that may
33 incidentally offer technical and vocational courses as part of the
34 curriculum.

35 ~~4.~~ 3. Schools or private instruction conducted by any person
36 engaged in training, tutoring or teaching individuals or groups, if the
37 instruction is related to hobbies, avocations, academic improvement or
38 recreation and may only incidentally lead to gainful employment.

39 ~~5.~~ 4. Schools conducted by any person solely for training the
40 person's own employees.

41 ~~6.~~ 5. An instructional program or course offered solely for
42 employees and for the purpose of improving the employees in their
43 employment if both of the following apply:

44 (a) The employee is not charged a fee.

1 (b) The employer provides or funds the program or course pursuant
2 to a valid written contract between the employer and a program or course
3 provider.

4 ~~7.~~ 6. Training conducted pursuant to 14 Code of Federal
5 Regulations part 141.

6 ~~8.~~ 7. A school that solely provides an instructional program for
7 certified nursing assistants and licensed nursing assistants and that is
8 licensed by the nursing board pursuant to section 32-1606, subsection B,
9 paragraph 11.

10 ~~9.~~ 8. A professional driving training school licensed by the
11 department of transportation pursuant to chapter 23, articles 1, 2 and 3
12 of this title.

13 ~~10.~~ 9. A training program approved by the board of examiners of
14 nursing care institution administrators and assisted living facility
15 managers that solely provides training for managers and caregivers of
16 assisted living facilities.

17 ~~11.~~ 10. A yoga teacher training course or program or a yoga
18 instructional course or program.

19 ~~12.~~ 11. A private instructional program or course that is less
20 than forty contact hours in length and that charges a fee of less than
21 \$1,000. For the purposes of this paragraph, "contact hour" means a
22 fifty-minute session of scheduled in-class or online instruction.

23 Sec. 18. Section 32-3101, Arizona Revised Statutes, is amended to
24 read:

25 32-3101. Definitions

26 In this chapter, unless the context otherwise requires:

27 1. "Certification" means a voluntary process by which a regulatory
28 entity grants recognition to an individual who has met certain
29 prerequisite qualifications specified by that regulatory entity and who
30 may assume or use the word "certified" in a title or designation to
31 perform prescribed health professional tasks.

32 2. "Grandfather clause" means a provision that is applicable to
33 practitioners who are actively engaged in the regulated health profession
34 before the effective date of a law and that exempts the practitioners from
35 meeting the prerequisite qualifications set forth in the law to perform
36 prescribed occupational tasks.

37 3. "Health professional group" means any health professional group
38 or organization, any individual or any other interested party that
39 proposes that any health professional group that is not presently
40 regulated be regulated.

41 4. "Health professions" means professions that are regulated
42 pursuant to chapter 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19, 19.1, 21,
43 25, 28, 29, 33, 34, 35, ~~39~~ or 41 of this title, title 36, chapter 6,
44 article 7 or title 36, chapter 17.

1 5. "Inspection" means the periodic examination of practitioners by
2 a state agency in order to ascertain whether the practitioners' occupation
3 is being carried out in a fashion consistent with the public health,
4 safety and welfare.

5 6. "Licensure" or "license" means an individual, nontransferable
6 authorization to carry on a health activity that would otherwise be
7 unlawful in this state in the absence of the permission and that is based
8 on qualifications that include graduation from an accredited or approved
9 program and acceptable performance on a qualifying examination or a series
10 of examinations.

11 7. "Practitioner" means an individual who has achieved knowledge
12 and skill by practice and who is actively engaged in a specified health
13 profession.

14 8. "Public member" means an individual who is not and never has
15 been a member or the spouse of a member of the health profession being
16 regulated and who does not have and never has had a material financial
17 interest in either rendering the health professional service being
18 regulated or an activity directly related to the profession being
19 regulated.

20 9. "Registration" means the formal notification that, before
21 rendering services, a practitioner must submit to a state agency setting
22 forth the name and address of the practitioner, the location, nature and
23 operation of the health activity to be practiced and, if required by a
24 regulatory entity, a description of the service to be provided.

25 10. "Regulatory entity" means any board, commission, agency or
26 department of this state that regulates one or more health professions in
27 this state.

28 11. "State agency" means any department, board, commission or
29 agency of this state.

30 Sec. 19. Section 32-3201, Arizona Revised Statutes, is amended to
31 read:

32 32-3201. Definitions

33 In this chapter, unless the context otherwise requires:

34 ~~2-~~ 1. "Health professional" means a person who is certified or
35 licensed pursuant to chapter 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19,
36 19.1, 21, 25, 28, 29, 33, 34, 35, ~~39~~, 41 or 42 of this title, title 36,
37 chapter 4, article 6, title 36, chapter 6, article 7 or title 36, chapter
38 17.

39 ~~1-~~ 2. "Health profession regulatory board" means any board that
40 regulates one or more health professionals in this state.

41 3. "Medical ~~record~~ RECORDS" has the same meaning prescribed in
42 section 12-2291 but does not include prescription orders.

1 Sec. 20. Section 32-3218, Arizona Revised Statutes, is amended to
2 read:

3 32-3218. Health profession regulatory boards; members;
4 training; definitions

5 A. ~~Beginning January 1, 2015,~~ Each member of a health profession
6 regulatory board shall complete a twelve-hour training within one year
7 after the member's initial appointment to the board. ~~Any member of a~~
8 ~~health profession regulatory board whose initial appointment was before~~
9 ~~January 1, 2015 has until January 1, 2016 to complete the training~~
10 ~~required by this subsection.~~ The training must include the subjects of
11 governance and administrative management, disciplinary procedures, conduct
12 of quasi-judicial proceedings, administrative procedure and rule adoption
13 and licensure as they apply to the health profession regulatory board.
14 Any training completed by a current board member on and after January 1,
15 2014 on the topics specified in this subsection may count toward the
16 requirements of this subsection.

17 B. The training of board members required by this section may be
18 provided by the staff of any health profession regulatory board, the
19 office of the attorney general, the department of administration, the
20 auditor general or an outside educational institution or any other
21 provider that is approved by the health profession regulatory board on
22 which the member is serving.

23 C. Any board action taken by a health profession regulatory board
24 is not subject to challenge or invalidation because a board member has not
25 completed the training required by this section.

26 D. For the purposes of this section:

27 ~~2.~~ 1. "Health professional" means a person who is certified or
28 licensed pursuant to chapter 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19,
29 19.1, 21, 25, 28, 29, 34, 35, ~~39,~~ 41 or 42 of this title.

30 ~~1.~~ 2. "Health profession regulatory board" means any board that
31 regulates one or more health ~~professional~~ PROFESSIONALS in this state.

32 Sec. 21. Section 32-3231, Arizona Revised Statutes, is amended to
33 read:

34 32-3231. Definitions

35 In this article, unless the context otherwise requires:

36 1. "Administer" means the direct application of or dispensing or
37 furnishing a prescription medication or a prescription-only device,
38 whether by injection or any other means, to the body of a patient by a
39 health professional or by the health professional's authorized agent at
40 the direction of the health professional.

41 ~~2. "Aesthetician" has the same meaning prescribed in section~~
42 ~~32-501.~~

43 ~~3.~~ 2. "Cosmetic purpose" means for the purpose of beautifying,
44 preserving or conferring comeliness, excluding therapeutic massage and
45 manipulations.

1 ~~4.~~ 3. "Department" means the department of health services.
2 ~~5.~~ 4. "Directly supervised" means a health professional who is
3 licensed in this state and whose scope of practice allows the supervision
4 supervises the use of a laser or IPL device for cosmetic purposes while
5 the health professional is present at the facility where and when the
6 device is being used.
7 ~~6.~~ 5. "Indirect supervision" means supervision by a health
8 professional who is licensed in this state, whose scope of practice allows
9 the supervision and who is readily accessible by telecommunication.
10 ~~7.~~ 6. "IPL device" ~~has the same meaning prescribed in section~~
11 ~~32-516~~ MEANS AN INTENSE PULSE LIGHT CLASS II SURGICAL DEVICE CERTIFIED IN
12 ACCORDANCE WITH THE STANDARDS OF THE DEPARTMENT FOR COSMETIC PROCEDURES.
13 ~~8.~~ 7. "Laser" ~~has the same meaning prescribed in section 32-516~~
14 MEANS ANY DEVICE THAT CAN PRODUCE OR AMPLIFY ELECTROMAGNETIC RADIATION
15 WITH WAVELENGTHS IN THE RANGE OF ONE HUNDRED EIGHTY NANOMETERS TO ONE
16 MILLIMETER PRIMARILY BY THE PROCESS OF CONTROLLED STIMULATED EMISSION AND
17 CERTIFIED IN ACCORDANCE WITH THE STANDARDS FOR THE DEPARTMENT FOR COSMETIC
18 PROCEDURES.
19 ~~9.~~ 8. "Laser technician" means a person who is or has been
20 certified by the department pursuant to its rules and this article.
21 ~~10.~~ 9. "Registrant" means a person or entity that owns or operates
22 a laser or IPL device for which the application for registration is on
23 file with the department and that is in compliance with department rules.
24 Sec. 22. Repeal
25 Title 32, chapter 39, Arizona Revised Statutes, is repealed.
26 Sec. 23. Section 36-3601, Arizona Revised Statutes, is amended to
27 read:
28 36-3601. Definitions
29 For the purposes of this chapter:
30 1. "Health care decision maker" has the same meaning prescribed in
31 section 12-2801.
32 2. "Health care provider":
33 (a) Means a person licensed pursuant to title 32, chapter 7, 8, 13,
34 14, 15, 15.1, 16, 17, 18, 19, 19.1, 25, 28, 29, 33, 34, 35, ~~39~~, 41 or 42,
35 or chapter 4, article 6 of this title, chapter 6, article 7 of this title
36 or chapter 17 of this title.
37 (b) Includes:
38 (i) A health care institution licensed pursuant to chapter 4 of
39 this title.
40 (ii) A person who holds a training permit pursuant to title 32,
41 chapter 13 or 17.
42 3. "Health care provider regulatory board or agency" means a board
43 or agency that regulates one or more health care provider professions in
44 this state.

1 4. "Telehealth" means:

2 (a) The interactive use of audio, video or other electronic media,
3 including asynchronous store-and-forward technologies and remote patient
4 monitoring technologies, for the practice of health care, assessment,
5 diagnosis, consultation or treatment and the transfer of medical data.

6 (b) Includes the use of an audio-only telephone encounter between
7 the patient or client and health care provider if an audio-visual
8 telehealth encounter is not reasonably available due to the patient's
9 functional status, the patient's lack of technology or telecommunications
10 infrastructure limits, as determined by the health care provider.

11 (c) Does not include the use of a fax machine, instant messages,
12 voice mail or email.

13 Sec. 24. Section 41-619.51, Arizona Revised Statutes, is amended to
14 read:

15 41-619.51. Definitions

16 In this article, unless the context otherwise requires:

17 1. "Agency" means the supreme court, the department of economic
18 security, the department of child safety, the department of education, the
19 department of health services, the department of juvenile corrections, the
20 department of emergency and military affairs, the department of public
21 safety, the department of transportation, the state real estate
22 department, the department of insurance and financial institutions, the
23 Arizona game and fish department, the Arizona department of agriculture,
24 the board of examiners of nursing care institution administrators and
25 assisted living facility managers, the state board of dental examiners,
26 the Arizona state board of pharmacy, the board of physical therapy, the
27 state board of psychologist examiners, the board of athletic training, the
28 board of occupational therapy examiners, the state board of podiatry
29 examiners, ~~the acupuncture board of examiners~~ the state board of technical
30 registration, ~~or~~ the board of massage therapy or the Arizona department of
31 housing.

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

33 3. "Central registry exception" means notification to the
34 department of economic security, the department of child safety or the
35 department of health services, as appropriate, pursuant to section
36 41-619.57 that the person is not disqualified because of a central
37 registry check conducted pursuant to section 8-804.

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

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

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

1	(a)	Section 3-314.
2	(b)	Section 8-105.
3	(c)	Section 8-322.
4	(d)	Section 8-463.
5	(e)	Section 8-509.
6	(f)	Section 8-802.
7	(g)	Section 8-804.
8	(h)	Section 15-183.
9	(i)	Section 15-503.
10	(j)	Section 15-512.
11	(k)	Section 15-534.
12	(l)	Section 15-763.01.
13	(m)	Section 15-782.02.
14	(n)	Section 15-1330.
15	(o)	Section 15-1881.
16	(p)	Section 17-215.
17	(q)	Section 28-3228.
18	(r)	Section 28-3413.
19	(s)	Section 32-122.02.
20	(t)	Section 32-122.05.
21	(u)	Section 32-122.06.
22	(v)	Section 32-823.
23	(w)	Section 32-1232.
24	(x)	Section 32-1276.01.
25	(y)	Section 32-1284.
26	(z)	Section 32-1297.01.
27	(aa)	Section 32-1904.
28	(bb)	Section 32-1941.
29	(cc)	Section 32-1982.
30	(dd)	Section 32-2022.
31	(ee)	Section 32-2063.
32	(ff)	Section 32-2108.01.
33	(gg)	Section 32-2123.
34	(hh)	Section 32-2371.
35	(ii)	Section 32-3430.
36	(jj)	Section 32-3620.
37	(kk)	Section 32-3668.
38	(ll)	Section 32-3669.
39	(mm)	Section 32-3922.
40	(nn)	Section 32-3924.
41	(oo) (mm)	Section 32-4222.
42	(pp) (nn)	Section 32-4128.
43	(qq) (oo)	Section 36-113.
44	(rr) (pp)	Section 36-207.
45	(ss) (qq)	Section 36-411.

1 ~~(tt)~~ (rr) Section 36-425.03.
2 ~~(uu)~~ (ss) Section 36-446.04.
3 ~~(vv)~~ (tt) Section 36-594.01.
4 ~~(ww)~~ (uu) Section 36-594.02.
5 ~~(xx)~~ (vv) Section 36-766.01.
6 ~~(yy)~~ (ww) Section 36-882.
7 ~~(zz)~~ (xx) Section 36-883.02.
8 ~~(aaa)~~ (yy) Section 36-897.01.
9 ~~(bbb)~~ (zz) Section 36-897.03.
10 ~~(ccc)~~ (aaa) Section 36-3008.
11 ~~(ddd)~~ (bbb) Section 41-619.53.
12 ~~(eee)~~ (ccc) Section 41-1964.
13 ~~(fff)~~ (ddd) Section 41-1967.01.
14 ~~(ggg)~~ (eee) Section 41-1968.
15 ~~(hhh)~~ (fff) Section 41-1969.
16 ~~(iii)~~ (ggg) Section 41-2814.
17 ~~(jjj)~~ (hhh) Section 41-4025.
18 ~~(kkk)~~ (iii) Section 46-141, subsection A or B.
19 ~~(jjj)~~ (jjj) Section 46-321.
20 Sec. 25. Repeal
21 Title 41, chapter 5, article 6, Arizona Revised Statutes, is
22 repealed.
23 Sec. 26. Section 41-1092, Arizona Revised Statutes, is amended to
24 read:
25 41-1092. Definitions
26 In this article, unless the context otherwise requires:
27 1. "Administrative law judge" means an individual or an agency
28 head, board or commission that sits as an administrative law judge, that
29 conducts administrative hearings in a contested case or an appealable
30 agency action and that makes decisions regarding the contested case or
31 appealable agency action.
32 2. "Administrative law judge decision" means the findings of fact,
33 conclusions of law and recommendations or decisions issued by an
34 administrative law judge.
35 3. "Adversely affected party" means:
36 (a) An individual who both:
37 (i) Provides evidence of an actual injury or economic damage that
38 the individual has suffered or will suffer as a direct result of the
39 action and not due to being a competitor or a general taxpayer.
40 (ii) Timely submits comments on the license application that
41 include, with sufficient specificity, the questions of law, if applicable,
42 that are the basis for the appeal.
43 (b) A group or association that identifies, by name and physical
44 address in the notice of appeal, a member of the group or association who
45 would be an adversely affected party in the individual's own right.

1 4. "Appealable agency action" means an action that determines the
2 legal rights, duties or privileges of a party, including the
3 administrative completeness of an application other than an application
4 submitted to the department of water resources pursuant to title 45, and
5 that is not a contested case. Appealable agency actions do not include
6 interim orders by self-supporting regulatory boards, rules, orders,
7 standards or statements of policy of general application issued by an
8 administrative agency to implement, interpret or make specific the
9 legislation enforced or administered by it or clarifications of
10 interpretation, nor does it mean or include rules concerning the internal
11 management of the agency that do not affect private rights or interests.
12 For the purposes of this paragraph, administrative hearing does not
13 include a public hearing held for the purpose of receiving public comment
14 on a proposed agency action.

15 5. "Director" means the director of the office of administrative
16 hearings.

17 6. "Final administrative decision" means a decision by an agency
18 that is subject to judicial review pursuant to title 12, chapter 7,
19 article 6.

20 7. "Licensee":
21

22 (a) Means any individual or business entity that has been issued a
23 license by a state agency to engage in any business or activity in this
24 state and that is subject to a licensing decision.

25 (b) Includes any individual or business entity that has applied for
26 such a license and that appeals a licensing decision pursuant to section
27 41-1092.08 or 41-1092.12.

28 8. "Office" means the office of administrative hearings.

29 9. "Self-supporting regulatory board" means any of the following:

30 (a) The Arizona state board of accountancy.

31 ~~(b) The barbering and cosmetology board.~~

32 ~~(c)~~ (b) The board of behavioral health examiners.

33 ~~(d)~~ (c) The Arizona state boxing and mixed martial arts
34 commission.

35 ~~(e)~~ (d) The state board of chiropractic examiners.

36 ~~(f)~~ (e) The state board of dental examiners.

37 ~~(g)~~ (f) The Arizona game and fish commission.

38 ~~(h)~~ (g) The board of homeopathic and integrated medicine
39 examiners.

40 ~~(i)~~ (h) The Arizona medical board.

41 ~~(j)~~ (i) The naturopathic physicians medical board.

42 ~~(k)~~ (j) The Arizona state board of nursing.

43 ~~(l)~~ (k) The board of examiners of nursing care institution
44 administrators and assisted living facility managers.

45 ~~(m)~~ (l) The board of occupational therapy examiners.

~~(n)~~ (m) The state board of dispensing opticians.

1 ~~(n)~~ (n) The state board of optometry.
2 ~~(o)~~ (o) The Arizona board of osteopathic examiners in medicine and
3 surgery.
4 ~~(p)~~ (p) The Arizona peace officer standards and training board.
5 ~~(q)~~ (q) The Arizona state board of pharmacy.
6 ~~(r)~~ (r) The board of physical therapy.
7 ~~(s)~~ (s) The state board of podiatry examiners.
8 ~~(t)~~ (t) The state board for private postsecondary education.
9 ~~(u)~~ (u) The state board of psychologist examiners.
10 ~~(v)~~ (v) The board of respiratory care examiners.
11 ~~(w)~~ (w) The state board of technical registration.
12 ~~(x)~~ (x) The Arizona state veterinary medical examining board.
13 ~~(z) The acupuncture board of examiners.~~
14 ~~(aa)~~ (y) The Arizona regulatory board of physician assistants.
15 ~~(bb)~~ (z) The board of athletic training.
16 ~~(cc)~~ (aa) The board of massage therapy.
17 Sec. 27. Section 41-1234, Arizona Revised Statutes, is amended to
18 read:
19 41-1234. Publicly funded contract lobbyists; prohibition
20 A. Notwithstanding any other law, a state agency, office,
21 department, board or commission OR THE ARIZONA SUPREME COURT OR THE
22 ADMINISTRATIVE OFFICE OF THE COURTS and any person acting on behalf of a
23 state agency, office, department, board or commission OR THE ARIZONA
24 SUPREME COURT OR THE ADMINISTRATIVE OFFICE OF THE COURTS shall not:
25 1. Enter into a contract or other agreement with a person or entity
26 for lobbying services.
27 2. Spend monies for any person or entity to lobby on behalf of THE
28 ARIZONA SUPREME COURT OR THE ADMINISTRATIVE OFFICE OF THE COURTS OR that
29 agency, office, department, board or commission unless that person is a
30 state employee.
31 B. This section does not apply to any state agency, office,
32 department, board or commission that is either:
33 1. Headed by one or more elected officials.
34 2. Exempt from ~~title 41~~, chapter 23 OF THIS TITLE for the purposes
35 of contracts for professional lobbyists.
36 C. This section does not apply to the employment relationship of a
37 lobbyist who is a state employee directly employed by a state governmental
38 unit for whom the employee acts as a lobbyist or lobbying is part of the
39 employee's job description.
40 ~~D. For the purposes of this section, "state employee" has the same~~
41 ~~meaning prescribed in section 41-1231.~~
42 Sec. 28. Section 41-1758, Arizona Revised Statutes, is amended to
43 read:
44 41-1758. Definitions
45 In this article, unless the context otherwise requires:

1 1. "Agency" means the supreme court, the department of economic
2 security, the department of child safety, the department of education, the
3 department of health services, the department of juvenile corrections, the
4 department of emergency and military affairs, the department of public
5 safety, the department of transportation, the state real estate
6 department, the department of insurance and financial institutions, the
7 board of fingerprinting, the Arizona game and fish department, the Arizona
8 department of agriculture, the board of examiners of nursing care
9 institution administrators and assisted living facility managers, the
10 state board of dental examiners, the Arizona state board of pharmacy, the
11 board of physical therapy, the state board of psychologist examiners, the
12 board of athletic training, the board of occupational therapy examiners,
13 the state board of podiatry examiners, ~~the acupuncture board of examiners,~~
14 the state board of technical registration, the board of massage therapy or
15 the Arizona department of housing.

16 2. "Division" means the fingerprinting division in the department
17 of public safety.

18 3. "Electronic or internet-based fingerprinting services" means a
19 secure system for digitizing applicant fingerprints and transmitting the
20 applicant data and fingerprints of a person or entity submitting
21 fingerprints to the department of public safety for any authorized purpose
22 under this title. For the purposes of this paragraph, "secure system"
23 means a system that complies with the information technology security
24 policy approved by the department of public safety.

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

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

- 29 (a) Section 3-314.
- 30 (b) Section 8-105.
- 31 (c) Section 8-322.
- 32 (d) Section 8-463.
- 33 (e) Section 8-509.
- 34 (f) Section 8-802.
- 35 (g) Section 15-183.
- 36 (h) Section 15-503.
- 37 (i) Section 15-512.
- 38 (j) Section 15-534.
- 39 (k) Section 15-763.01.
- 40 (l) Section 15-782.02.
- 41 (m) Section 15-1330.
- 42 (n) Section 15-1881.
- 43 (o) Section 17-215.
- 44 (p) Section 28-3228.
- 45 (q) Section 28-3413.

1	(r)	Section 32-122.02.
2	(s)	Section 32-122.05.
3	(t)	Section 32-122.06.
4	(u)	Section 32-823.
5	(v)	Section 32-1232.
6	(w)	Section 32-1276.01.
7	(x)	Section 32-1284.
8	(y)	Section 32-1297.01.
9	(z)	Section 32-1904.
10	(aa)	Section 32-1941.
11	(bb)	Section 32-1982.
12	(cc)	Section 32-2022.
13	(dd)	Section 32-2063.
14	(ee)	Section 32-2108.01.
15	(ff)	Section 32-2123.
16	(gg)	Section 32-2371.
17	(hh)	Section 32-3430.
18	(ii)	Section 32-3620.
19	(jj)	Section 32-3668.
20	(kk)	Section 32-3669.
21	(ll)	Section 32-3922.
22	(mm)	Section 32-3924.
23	(nn)	(ll) Section 32-4128.
24	(oo)	(mm) Section 32-4222.
25	(pp)	(nn) Section 36-113.
26	(qq)	(oo) Section 36-207.
27	(rr)	(pp) Section 36-411.
28	(ss)	(qq) Section 36-425.03.
29	(tt)	(rr) Section 36-446.04.
30	(uu)	(ss) Section 36-594.01.
31	(vv)	(tt) Section 36-594.02.
32	(ww)	(uu) Section 36-766.01.
33	(xx)	(vv) Section 36-882.
34	(yy)	(ww) Section 36-883.02.
35	(zz)	(xx) Section 36-897.01.
36	(aaa)	(yy) Section 36-897.03.
37	(bbb)	(zz) Section 36-3008.
38	(ccc)	(aaa) Section 41-619.52.
39	(ddd)	(bbb) Section 41-619.53.
40	(eee)	(ccc) Section 41-1964.
41	(fff)	(ddd) Section 41-1967.01.
42	(ggg)	(eee) Section 41-1968.
43	(hhh)	(fff) Section 41-1969.
44	(iii)	(ggg) Section 41-2814.
45	(jjj)	(hhh) Section 41-4025.

1 ~~(kkk)~~ (iii) Section 46-141, subsection A or B.

2 ~~(jjj)~~ (jjj) Section 46-321.

3 6. "Rap back services" has the same meaning prescribed in section
4 41-1750.

5 7. "Vulnerable adult" has the same meaning prescribed in section
6 13-3623.

7 Sec. 29. Section 41-1758.01, Arizona Revised Statutes, is amended
8 to read:

9 41-1758.01. Fingerprinting division; powers and duties

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

12 1. Conduct fingerprint background checks for persons and applicants
13 who are seeking licenses from state agencies, employment with licensees,
14 contract providers and state agencies or employment or educational
15 opportunities with agencies that require fingerprint background checks
16 pursuant to sections 3-314, 8-105, 8-322, 8-463, 8-509, 8-802, 15-183,
17 15-503, 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 17-215,
18 28-3228, 28-3413, 32-122.02, 32-122.05, 32-122.06, 32-823, 32-1232,
19 32-1276.01, 32-1284, 32-1297.01, 32-1904, 32-1941, 32-1982, 32-2022,
20 32-2063, 32-2108.01, 32-2123, 32-2371, 32-3430, 32-3620, 32-3668, 32-3669,
21 ~~32-3922, 32-3924,~~ 32-4128, 32-4222, 36-113, 36-207, 36-411, 36-425.03,
22 36-446.04, 36-594.01, 36-594.02, 36-766.01, 36-882, 36-883.02, 36-897.01,
23 36-897.03, 36-3008, 41-619.52, 41-619.53, 41-1964, 41-1967.01, 41-1968,
24 41-1969, 41-2814, ~~AND~~ 41-4025, section 46-141, subsection A or B and
25 section 46-321.

26 2. Issue fingerprint clearance cards. On issuance, a fingerprint
27 clearance card becomes the personal property of the cardholder and the
28 cardholder shall retain possession of the fingerprint clearance card.

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

33 4. Inform in writing each person who submits fingerprints for a
34 fingerprint background check of the right to petition the board of
35 fingerprinting for a good cause exception pursuant to section 41-1758.03,
36 41-1758.04 or 41-1758.07.

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

44 6. Notify the person in writing if the division suspends, revokes
45 or places a driving restriction notation on a fingerprint clearance card

1 pursuant to section 41-1758.04. The notice shall include the criminal
2 history information on which the suspension, revocation or placement of
3 the driving restriction notation was based. This criminal history
4 information is subject to dissemination restrictions pursuant to section
5 41-1750 and Public Law 92-544.

6 7. Administer and enforce this article.

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

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

17 2. The information technology security policy approved by the
18 department of public safety.

19 Sec. 30. Repeal

20 Section 41-2304, Arizona Revised Statutes, is repealed.

21 Sec. 31. Section 41-2706, Arizona Revised Statutes, is amended to
22 read:

23 41-2706. Applicability of chapter

24 A. This chapter applies to the solicitation of grants initiated
25 after August 6, 1999.

26 B. This chapter does not apply to:

27 1. Any grant program that was exempt from chapter 23, article 3 of
28 this title and for which administrative rules establishing grant
29 solicitation procedures were adopted pursuant to chapter 6 of this title
30 before August 6, 1999.

31 2. The Arizona board of regents and schools, colleges, institutions
32 and universities under its control if the Arizona board of regents adopts
33 rules or policies governing the award of grants that encourage as much
34 competition as practicable.

35 3. Grants made by the cotton research and protection council for
36 research programs related to cotton production or protection.

37 ~~4. Grants made by the Arizona iceberg lettuce research council for~~
38 ~~research programs under section 3-526.02, subsection C, paragraph 3 or 5.~~

39 ~~5.~~ 4. Grants made by the Arizona citrus research council for
40 research programs under section 3-468.02, subsection C, paragraph 3 or 5.

41 ~~6.~~ 5. Grants made by the Arizona grain research and promotion
42 council for research projects and programs under section 3-584, subsection
43 C, paragraph 5.

44 ~~7.~~ 6. Grants made under section 3-268, subsection C.

1 ~~8-~~ 7. Grants made by the Arizona commerce authority from the
2 Arizona competes fund pursuant to chapter 10, article 5 of this title.
3 With respect to other grants, the authority shall adopt policies,
4 procedures and practices, in consultation with the department of
5 administration, that are similar to and based on the policies and
6 procedures prescribed by this chapter for the purpose of increased public
7 confidence, fair and equitable treatment of all persons engaged in the
8 process and fostering broad competition while accomplishing flexibility to
9 achieve the authority's statutory requirements. The authority shall make
10 its policies, procedures and practices available to the public.

11 ~~9-~~ 8. Grants of less than ~~five thousand dollars~~ \$5,000 from the
12 veterans' donations fund if the department of veterans' services adopts
13 rules or policies governing these grants that encourage as much
14 competition as practicable.

15 Sec. 32. Repeal

16 Sections 41-3026.06, 41-3030.10, 41-3030.25 and 43-619, Arizona
17 Revised Statutes, are repealed.

18 Sec. 33. Section 44-6852, Arizona Revised Statutes, is amended to
19 read:

20 ~~44-6852.~~ Dishonored checks; service fee

21 Notwithstanding any other law ~~and except as provided in section~~
22 ~~32-507~~, the holder, payee or assignee of the holder or payee of a
23 dishonored check, draft, order or note may charge and collect from the
24 maker or drawer a service fee of not more than \$25 plus any actual charges
25 assessed by the financial institution of the holder, payee or assignee of
26 the holder or payee as a result of the dishonored instrument.

27 Sec. 34. Short title

28 This act may be cited as the "Abolition of Functionally Unnecessary
29 Excessive Regulators Act".