ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - First Regular Session

COMMITTEE ON REGULATORY AFFAIRS

Report of Regular Meeting
Wednesday, February 15, 2023
House Hearing Room 5 -- 2:00 P.M.

Convened 2:06 P.M.
Recessed 3:53 P.M.
Reconvened 4:00 P.M.
Adjourned 4:49 P.M.

MINUTES RECEIVED
CHIEF CLERK'S OFFICE
2-17-23

Members Present
Representative Bravo
Representative Gutierrez
Representative Hernandez
Representative Payne
Representative Peña
Representative McGarr, Vice-Chairman
Representative Hendrix, Chairman

Members Absent

Agenda
Original Agenda – Attachment 1

Request to Speak
Report – Attachment 2

Committee Attendance
Report – Attachment 3

Committee Action

Bill	Action	Vote	Attachments
HB2625	DP	6-0-0-1	4, 5, 6
HB2622	DP	4-3-0-0	7, 8
HB2630	FAILED	3-3-1-0	9, 10
HB2166	DP	7-0-0-0	11, 12
HB2094	DPA/SE	5-2-0-0	13, 14, 15
HB2558	DP	6-0-0-1	16, 17, 18

Julie Ryberg, Committee Secretary
February 17, 2023

(Original attachments on file in the Office of the Chief Clerk; video archives available at http://www.azleg.gov)

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Fifty-sixth Legislature - First Regular Session

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REGULAR MEETING AGENDA

COMMITTEE ON REGULATORY AFFAIRS

DATE Wednesday, February 15, 2023 ROOM HHR 5 TIME 2:00 P.M.

Members of the public may access a livestream of the meeting here:
https://www.azleg.gov/videoplayer/?clientID=6361162879&eventID=2023021073

Members:

Representative Bravo	Representative Payne	Representative McGarr, Vice-Chairman
Representative Gutierrez	Representative Peña	Representative Hendrix, Chairman
Representative Hernandez A		

	Bills		Short Title	Strike Everything Title
(5)	HB2094	DPA/SE	technical correction; tax debt; enforcement (Payne)	**S/E: mobile food vendor; operation; rules**
		5-2-0-0	RA, RULES	
(4)	**HB2166	DP	DHS; licensure; group homes (Dunn: Fernandez)	
		7-0-0-0	HHS, RA, RULES	
→	~~*HB2542~~		~~cosmetology licensure interstate compact (Dunn)~~	
			~~RA, RULES~~	
(6)	HB2558	DP	dietitian nutritionists; licensure. (Hernandez A: Shah)	
		6-0-0-1	RA, HHS, RULES	
→	~~HB2607~~		~~meetings; homeowners' associations (Parker B)~~	
			~~RA, RULES~~	

Attachment 1

	Bills		Short Title	Strike Everything Title
(2)	HB2622	DP	cost sharing; health coverage; report	
			(Hendrix)	
		4-3-0-0	RA, RULES	
(1)	HB2625	DP	residential care institutions; inspections	
			(Carter)	
		6-0-0-1	RA, RULES	
(3)	HB2630	Failed	tobacco; alternative nicotine; vapor products	
			(Payne)	
		3-3-1-0	RA, RULES	
	~~HB2727~~		~~contractor licensure; handyman exemption.~~	
			~~(Diaz: Biasiucci, Carter, et al)~~	
			~~RA, RULES~~	

** If out of primary committee
* On previous agenda

ORDER OF BILLS TO BE SET BY THE CHAIRMAN

JY
~~02/09/2023~~
02/13/2023

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032 or through Arizona Relay Service 7-1-1.

Information Registered on the Request to Speak System

House Regulatory Affairs (2/15/2023)

HB2094, technical correction; tax debt; enforcement

Testified as neutral:

Robin Hillyard, COUNTY SUPERVISORS ASSN OF AZ

Testified as opposed:

Tom Dorn, City Of Phoenix; Mark Barnes, PINAL COUNTY; Salvador Reza, representing self; Marshall Pimentel, LEAGUE OF ARIZONA CITIES & TOWNS

Support:

Diane Ortiz-Parsons, representing self; Patty Munozcano, representing self

Oppose:

Steve Ramos, representing self; Judith Robbins, representing self; Mariana Spier, representing self; Mary Ann Graffagnino, representing self; Karen Syversen, representing self; Wes Oswald, representing self; Margaret Baca, representing self; Tom Savage, LEAGUE OF ARIZONA CITIES & TOWNS; SUSAN ARNOLD, representing self; Karen VanAllen, representing self; Janet Senf, representing self; Penny Boone, representing self; Margaret Winchell, representing self; Francesca Pardes, representing self; William S. James, representing self; Kathleen Collins, representing self; Steve Gorman-Hackstadt, representing self; Dorothy Reed-Inman, representing self; Eileen Hollowell, representing self; Melinda Iyer, representing self; Kathryn Anderson, representing self; Charlotte Lis, representing self; Bruce Flocken, representing self; Elizabeth Lyons, representing self; Loretta O'Connor, representing self; Mary Lisa, representing self; Joseph Alexander, representing self; Ginna Carico, GOODYEAR, CITY OF; Roger Blain, representing self; Gary Townsend, representing self; Karina Sampson, representing self; Carmen Terrell, representing self; Micheal Slattery, representing self; Jerrold Borchardt, representing self; Nancy Lecrone Nonini, representing self; Nora Welsh, representing self; RITA DEPUYDT, representing self; Dale Wiebusch, "SCOTTSDALE, CITY OF "; Nora Plonsky, representing self; Lisa Koenig, representing self; Lora Lida Walradt, representing self; John Walradt, representing self; Srinivas Manne, representing self; HELI NIELSON, representing self

All Comments:

Salvador Reza, Self: Takes away protection from neighborhoods. Endangers public health by taking away commissary health regulations; Steve Ramos, Self: oppose striker if any; Judith Robbins, Self: This bill is a clear violation of ethics when the sponsor directly benefits from the legislation devised. This is why government is seen as corrupt. Vote no on 2094 to say NO to corruption. Kevin Payne should clearly be censured for this violation.; Mariana Spier, Self: NO for the striker; Mary Ann Graffagnino, Self: We need strong regulations on food trucks to protect the health of all.; Janet Senf, Self: I oppose the striker.; Penny Boone, Self: Food truck regulations should NOT be relaxed as this bill would do. I oppose.; Margaret Winchell, Self: conflict of interest; Eileen Hollowell, Self: I oppose the striker which would greatly benefit the sponsor but is bad for the public; Melinda Iyer, Self: I oppose the striker. This could create neighborhood issues, and is also a textbook example of self-dealing; Charlotte Lis, Self: Regulations are important for our safety. Lenders show not be allowed to put forth bills that affect them.;

Attachment 2

Loretta O'Connor, Self: The annual request from Rep Ptomaine. NO.; Ginna Carico, GOODYEAR, CITY OF: Concerns with the strike-everything amendment.; Gary Townsend, Self: Payne, who owns a food truck, sponsored the same bill in 2019, which did not pass.; RITA DEPUYDT, Self: I oppose the Kevin Payne striker regarding food truck regulations.; Lisa Koenig, Self: The ammendments to this bill are self serving to its sponsor, who owns a food truck. Vote no.; Lora Lida Walradt, Self: Unethical bill put up by food truck owner who would benefit from it. Will damage public health & safety by relaxing regulations.; John Walradt, Self: LD-8. This is simple. I don't want a food vendor operating on my neighbor's property next to mine.

HB2166, DHS; licensure; group homes

Support:

Brandy Petrone, AZ ASSN OF PROVIDERS FOR PEOPLE WITH DISABILITIES; LISA FARR LD4 - STATE Committeeman, representing self; Emily Raymond, AZ ASSN OF PROVIDERS FOR PEOPLE WITH DISABILITIES

All Comments:

Brandy Petrone, AZ ASSN OF PROVIDERS FOR PEOPLE WITH DISABILITIES: AAPPD supports HB 2166 with the strike everything amendment. AAPPD is opposed to the bill as introduced.; Emily Raymond, AZ ASSN OF PROVIDERS FOR PEOPLE WITH DISABILITIES: We were opposed to the underlying bill, but are supportive of the Strike Everything amendment

HB2558, dietitian nutritionists; licensure.

Testified in support:

Erika Barrera, representing self; Glenna Renee McCollum-Cloud, representing self

Support:

Gibson McKay, representing self; Briauna Ramirez, representing self; kathyrn busby, Arizona Nurses Association; Michelle Berman, representing self; Paul Berman, representing self; Richard Berman, representing self; Kala Narramore, representing self; Roger Blain, representing self; Maya Schmitt, representing self; Donna Shannon, representing self; Caleb Rosales, representing self; Nicole Reeder, representing self; Raquel Cidone, representing self; Logan Whitfill, representing self; Jay Tomkus, AZ Academy Of Nutrition And Dietetics; kathy Dixon, representing self; Jennifer Doley, representing self

Oppose:

John Matthews, representing self; Jeff Mulder, representing self; Daniel Salerno, representing self; Eugene Slutskiy, representing self; Geline Coulbourne, representing self; Stephen Harris, representing self; Basil Fernimos, representing self; Bill Brown, representing self; Kim Miller, representing self; Lori Huff, representing self; Laurie Foster, representing self; Sandy Williams, representing self; Mary Ann Johnston, representing self; Mary Kay Ruwette, representing self; bruce emmons, representing self; Cheryl Rosado, representing self; Peter Anello, representing self; Raymond Darragh, representing self; Denny Thomason, representing self; Crystal O, representing self; Lady Surprise, representing self; Brent Meadows, representing self; Jeff Specter, representing self; Maria Lopez, representing self; Carol Stines, representing self; Elouise Flagg, representing self; Eric Lovelis, representing self; Wendy Jonessee, representing self; Amanda Monize, representing self; Jennifer Waller, representing self; Terry Stines, representing self; Catherine Day, representing self; Vivian Figueroa, representing self; Barb

Hinderland, representing self; john shepard, representing self; Pam Gravely, representing self; Danielle Earl, representing self; Joelene Williamson, representing self; Wayne Sapp, representing self; Donna Malik, representing self; Sheilia Stoddard, representing self; J M, representing self; Andrea Wolverton, representing self; Bonnie Lund, representing self

All Comments:

Glenna Renee McCollum-Cloud, Self: This Bill protects those who are vulnerable when sick. Medical Nutrition Therapy is not just "diet counseling" but rather a assuring critical care for those who need nutritional therapy when burned severely, post-surgery, & critical care to survive!; Briauna Ramirez, Self: Licensure is important for the safety of the public and consumer.; Kala Narramore, Self: Licensure protects the public from unknowingly receiving nutrition counseling from unqualified people and prevents dietitians from being confused with these unqualified people.; Roger Blain, Self: This bill would even the playing field and allow AZ dietitians and nutritionists to compete with out of state providers. Without licensure, Arizona's practitioners are at a considerable financial disadvantage to those in other states.; Donna Shannon, Self: Licensure helps consumers identify nutrition professionals qualified to provide Medical Nutrition Therapy. Regulation increases the safety of Arizonans by mitigating unethical and unsafe practices.; Jennifer Doley, Self: Licensure for Registered Dietitian Nutritionists is necessary to protest the public from fraudulent and dangerous practices form unqualified nutrition professionals. There are currently NO protections in place; licensure is therefore needed.; John Matthews, Self: adding more restrictions will make it harder to comply; Daniel Salerno, Self: no!; Stephen Harris, Self: Do we really need 9 pages of additional regulations over nutritionist licensing?; Bill Brown, Self: These licensing requirements are needlessly burdensome and infringe on our freedoms.; Sandy Williams, Self: Absolute NO. We shouldn't be restricted from utilizing the services we need from who we prefer.; Maria Lopez, Self: As a State Committeeman and Precinct Committeeman, I am opposed to this bill due it its excessive government encroachment.; Terry Stines, Self: This is restricting our freedoms even more; Catherine Day, Self: PC letting you know how I the people feel; john shepard, Self: I'm a PC and oppose this bill. We need more freedom in healthcare.; Danielle Earl, Self: Navajo County PC; Bonnie Lund, Self: Stop strangling American freedom!

HB2622, cost sharing; health coverage; report

Testified in support:

Marc Osborn, AMERICA'S HEALTH INSURANCE PLANS (AHIP), Blue Cross Blue Shield Of Arizona

Support:

Wendy Briggs, CIGNA CORPORATE SERVICES LLC; Jay Kaprosy, CIGNA CORPORATE SERVICES LLC; Chad Heinrich, Arizonans For Affordable Health Coverage; Jaime Molera, Aetna Inc. A Subsidiary Of CVS Pharmacy Inc.; Stan Barnes, UNITED HEALTHCARE SERVICES, INC.; Chuck Bassett, Blue Cross Blue Shield Of AZ

Oppose:

Stuart Goodman, Susan G. Komen Center For Public Policy; Amanda Rusing, AZ MEDICAL ASSN; Julie Hoffman , representing self

All Comments:

Julie Hoffman , Self: Patient advocacy orgs will not support a scarlet letter list of diagnoses that plans allege burden all other members. An ER trauma admit could cost more than the lifetime $ of a person w well controlled diabetes. Cost sharing shaming is a new low bar

HB2625, residential care institutions; inspections

Testified in support:

will humble, AZ PUBLIC HEALTH ASSOCIATION

Oppose:

Don Isaacson, LEADINGAGE ARIZONA; Karen Barno , representing self; Marie Isaacson, ARIZONA LEADINGAGE; Jaime Roberts, representing self; JD Butler, ARIZONA LEADINGAGE; Dan Selby, representing self

All Comments:

will humble, AZ PUBLIC HEALTH ASSOCIATION: In my professional experience running ADHS during the Brewer Administration leads me to believe the health and safety risks in some residential facilities warrant an annual inspection by state staff and that deemed status licensing is inappropriate.

HB2630, tobacco; alternative nicotine; vapor products

Testified in support:

Gibson McKay, ARIZONA SMOKE FREE BUSINESS ALLIANCE; Amanda Gray, Arizona Petroleum Marketers Association; Jobe Dickinson, Other

Testified as opposed:

Nicole Olmstead, American Heart Association; JoAnna Strother, AMERICAN LUNG ASSOCIATION IN ARIZONA

Support:

Mark Miller, representing self; rani sweis, representing self; Sufian Awawdeh, representing self; Bashar Dababneh, representing self; Rani Sweis, representing self; Trish Hart, AZ FOOD MARKETING ALLIANCE; kathyrn busby, Arizona Nurses Association; Andrew Williams, representing self; Domitila Mendez, representing self; Kyle Geiken, representing self; Duncan Earle, representing self; Demetrius Bonds, representing self; Chris Bean, representing self; Laura Rodriguez, representing self; Emilio Amezquita, representing self; Albert Lopez, representing self; Eryka Lee, representing self; Summer McClelland, representing self; Xavier Moreno, representing self; Alex Dunham, representing self; Terryl Moe, representing self; Christopher Speers, representing self; Isaac Sapien, representing self; Christopher Johnson, representing self; Isaiah Arias, representing self; Anthony Walkenbach, representing self; Markie Peterson, representing self; Stacie DeWeese, representing self; Amadeo Lopez, representing self; Julia Rogge, representing self; Robert Olander, representing self; Dylan Walters, representing self; Michael Cunningham, representing self; David Kopilovitch, representing self; Brad Falaschi, representing self; Ryan Roberts, representing self; Brandon Dominguez, representing self; Joshua Barnard, representing self; Michael Damiano, representing self; David Morganflash, representing self; Patrick Shore, representing self; Seth Raymer, representing self; Tyler Gilchrist, representing self; Christopher Nunez, representing self; Devin Gusich, representing self; Travis Crouch, representing self; Brian Mayse, representing self; Sean O'Meara, representing self; James Smaltz, representing self; Sylvester Jones, representing self; Brandon Bittner, representing self; Cristobal Roman, representing self; Xavier Arias, representing self; Leticia Ramirez, representing self; Matt Montgomery, representing self; Rebecca Basinski, representing self; Geoff Habicht, representing self; Amir Hakak, representing self

Neutral:

Guy Bentley, representing self; Lora Lida Walradt, representing self

Oppose:

Brian Hummell, American Cancer Society Cancer Action Network; Peggy Glenn, representing self; kathleen mayer, representing self; Dave Long, representing self; Susan Cannata, AMERICAN ACADEMY OF PEDIATRICS - AZ CHAPTER; Pat VanMaanen, representing self; Steve Ramos, representing self; Karen McClelland, representing self; Mary Pradelt, representing self; Laura Dearing, The Arizona Academy Of Family Physicians; Janet Larkin, representing self; Rebecca Smith Gross, representing self; Judith Robbins, representing self; Peggie Jo Vincent, representing self; marilyn duerbeck, representing self; Maria Salvucci, representing self; Kevin Brown, representing self; Kelley Murphy, CHILDREN'S ACTION ALLIANCE; Beatriz Urrea, representing self; Amy Arnold, representing self; Lisa Olson, representing self; Karen Syversen, representing self; Wes Oswald, representing self; Sallie Kladnik, representing self; Christina Mollica, representing self; Dianne Post, Self, STATE CONFERENCE NAACP; Elizabeth Putnam-Hidalgo, representing self; Elizabeth Goodman, American Heart Association; Ginna Carico, GOODYEAR, CITY OF; Robert Larson, representing self; Robert Fisher, representing self; Brent Gibbs, representing self; Elizabeth Schauer, representing self; Sharon Ehrlich, representing self; Gail Kamaras, representing self; Kimberlee McClure, representing self; Edna Weigel, representing self; George Ehrlich, representing self; Athol Sutton, representing self; Sherrilynn James, representing self; Jane Atkins, representing self; Francis Copple, representing self; Frederick James, representing self; Rebecca Shook, representing self; Christopher Cerrato, representing self; Lisa Maczura, representing self; Cynthia Couture, representing self; ALICE BUCK, representing self; Kathleen Dubbs, representing self; Susan Collins, representing self; DEBRA GORDON, representing self; Denise Hudson, representing self; Allison Jackson, representing self; Angela Buer, representing self; Carol Maas, representing self; Mariette Francis, representing self; GARY LEW OLIVER, representing self; Jacqueline deSa, representing self; Nancy Santori, representing self; Eric Harris, representing self; Kathleen Pettycrew, representing self; Barbara Larson, representing self; Margaret Adams , representing self; Jerrold Borchardt, representing self; Jeffrey Fortney, representing self; Mary Fortney, representing self; Vickey Finger, representing self; Marilyn Coyle, representing self; Suzanne Mead, representing self; Julie Golding, representing self; Crystal Bazarnic, representing self; Linda Paul, representing self; Stephen Coyle, representing self; Emily Norton, representing self; Brenda White, representing self; Kathleen Butler, representing self; Margaret Lacey, representing self; Debbie Odle, representing self; Jean Meconi, representing self; Sheila Green, representing self; Jennifer Hanley, representing self; Paula Van Derven, representing self; Kathleen Woessner, representing self; Kathleen Sauer, representing self; Kathy Fraser, representing self; Marcia Tingley, representing self; Diane Lings, representing self; Barbara Hutchinson, representing self; Charles Turner, representing self; Jo Ann Caruthers, representing self; Bryna Koch, representing self; Marie Thearle, representing self; Rebecca Haynes, representing self; Stephanie Romero, representing self; Teresa Akrish, representing self; Sharon Lee, representing self; Joan Murphy, representing self; Michelle Helmken, representing self; Kathleen Schanus-Gohl, representing self; Carolyn Lowther, representing self; Sandra Rizzo, representing self; Diane Klock, representing self; Elizabeth Kelchner, representing self; Donita Ramos, representing self; Mary Grove, representing self; Jackie Rich, representing self; Becky Sayler, representing self; Irene Arango, representing self; Christine McLachlan-Comer, representing self; jeff green, representing self; Christine Keitges, representing self; Jennifer Jones, representing self; Sharon Regen, representing self; Jeri Dow, representing self; Nelson Morgan, representing self; Lori Taniguchi, representing self; Marilyn Murov, representing self; Christine Whitley, representing self; Ilene Riffle, representing self; Jennifer Turrell, representing self; Jacolyn B Marshall, representing self; Cynthia Wagner, representing self; Robin LaVoie, representing self; Phillip Riffle, representing self; Barbara Lynn Carpenter, representing self; Penny Boone, representing self; Dan Schwartzstein, representing self; David Myers, representing self; Roy Verdery, representing self; Susan Morris, representing self; Jennifer Dawson, representing self; Kathy Pyner, representing self; Katherine Doman Sheydayi, representing self; Alexei Sheydayl, representing self; Donna Corbin, representing self; Nancy Hancock, representing self; Sarah Harris, representing self; Linda Block, representing self; Kathy Boelte, representing self; Linda Edwards, representing self; Ariana Flores, representing self; Michael Pyska, representing self; Jill Anderson, representing self; Gary Rulapaugh,

representing self; Charlie Silver, representing self; Paula Feely, representing self; Margaret Owen, representing self; Nancy Lecrone Nonini, representing self; Carolyn Blackmore, representing self; Dwight Moore, representing self; Karen Harris, representing self; Shelley Stephenson, representing self; Steve Gorman-Hackstadt, representing self; Melinda Iyer, representing self; Robert Stansfield, representing self; Marilyn Childs, representing self; Eileen Hollowell, representing self; Bruce Flocken, representing self; Karina Sampson, representing self; Carol Garnett, representing self; Howard Neiberg, representing self; Micheal Slattery, representing self; Barbara Hollway, representing self; Mary Lisa, representing self; Claire Bickel, representing self; Claudia Oreck-Teplitsky, representing self; Norman Fuchs, representing self; Barbara Oliver, representing self; Nora Welsh, representing self; Anne Leota Hart, representing self; Linda Reichert, representing self; Joseph Alexander, representing self; RITA DEPUYDT, representing self; Loretta O'Connor, representing self; Margaret Tinsley, representing self; Kathleen Collins, representing self; Virginia Dotson, representing self; Mary-Jeanne Fincher, representing self; Peggy Yeargain-Williams, representing self; Erin Edwards, representing self; Gary Townsend, representing self; Ralph Meredith, representing self; Hope Busto-Keyes, representing self; Dorothy Reed-Inman, representing self; Gayle Meredith, representing self; John Neville, representing self; Carmen Terrell, representing self; Suzette Taillac-Streit, representing self; Charlotte Lis, representing self; Alice Patricia Price, representing self; Teresa Neiberg, representing self; Tom Savage, LEAGUE OF ARIZONA CITIES & TOWNS; Margaret Cordovano, representing self; Margaret Baca, representing self; Janet Senf, representing self; Jennifer Carusetta, PHOENIX CHILDREN'S HOSPITAL; Roger Blain, representing self; Margaret Winchell, representing self; Lawrence Peters, representing self; Kathryn Anderson, representing self; Elizabeth Lyons, representing self; Karen VanAllen, representing self; Robert England, representing self; William S. James, representing self; SUSAN ARNOLD, representing self; Joseph Myers, representing self; Karen Robbins, representing self; Nataly Reed, representing self; Donna Sullivan, representing self; Nicole Fordey, representing self; Jessica Ebel, representing self; Laura Pearl, representing self; Dana Jolly, representing self; Kristin Sellers, representing self; Jerry Wegenast, representing self; Dieter Knecht, representing self; Laura Libman, representing self; Lisa Koenig, representing self; Carol Campbell, representing self; Eric Kadel, representing self; Judy Wegenast, representing self; Rivko Knox, representing self; Leslie Hanson, representing self; Janie Smieszek, representing self; Barbara Jones, representing self; Gabe Leadley, representing self; Leslie Hirsch, representing self; Brianna Miller, ARIZONA ORAL HEALTH COALITION; Sally Caruso, representing self; Lois Hansen, representing self; Sundrop Carter, representing self; Dawn Norton LD29, representing self; Melissa Westbrook, representing self; Nora Plonsky, representing self; Susan Heck, representing self; Thomas Dunning, representing self; JOHN FIENE, representing self; Devon Sloan, representing self; John MacDonald, TOBACCO-FREE KIDS ACTION FUND; Srinivas Manne, representing self; Beth Ballmann, representing self; Kathryn Dorn, representing self; Cynthia Paster, representing self; Amanda Rusing, AZ MEDICAL ASSN; HELI NIELSON, representing self; Mark Barnes, TOBACCO TO 21; Jacob Raiford, representing self; John Fetherston, American Heart Association

All Comments:

kathleen mayer, Self: meddling in local affairs again. do something important - like dealing with our water crisis!; Pat VanMaanen, Self: This is bad for AZ. We need comprehensive TRL program that will help reduce youth access to deadly tobacco products not this bill supported by Big Tobacco.; Karen McClelland, Self: Cities and towns must have the right to impose stricter laws on tobacco etc. Yes should be statewide prohibition on younger than 21- but local laws must be allowed.; Mary Pradelt, Self: These products have been proven to be carcinogenic and addictive. What are you doing this?; Kevin Brown, Self: Now you are supporting smoking?; Beatriz Urrea, Self: The health of the AZ population is at stake with this bill. Eliminate it!; Lisa Olson, Self: I oppose this bill.; Karen Syversen, Self: Please tell me why schools, for example, need tobacco supplies close to them?; Christina Mollica, Self: This obstructs local control. Cities should be able to regulate tobacco themselves.; Elizabeth Putnam-Hidalgo, Self: NO on HB2630--do NOT deregulate the tobacco industry. Isn't it enough that their products killed off an entire generation?; Edna Weigel, Self: don't micromanage; allow local regulation of tobacco.; Lisa Maczura, Self: Anti-

tobacco is pro-life.; Cynthia Couture, Self: Has someone been given a tobacco industry payoff? This banning of regulations makes no sense.; Kathleen Dubbs, Self: LOCAL CONTROL! How often do we have to cite this?; Marilyn Coyle, Self: Outlaw tobacco products; Crystal Bazarnic, Self: Why are we suddenly pro-tobacco? Vote no!; Rebecca Haynes, Self: This is legislation pushed by the tobacco industry that would block cities, towns and counties from regulating the sale of their products. This would override virtually every local regulation now in existence.; Joan Murphy, Self: reinventing the wheel are we??; Sandra Rizzo, Self: No. This negates so many things on the books, and takes away this authority from cities and communities.; Jackie Rich, Self: Allow local governments to do their job. This would be state government over-reach.; Jennifer Jones, Self: This would override virtually every local regulation now in existence, ranging from how far tobacco shops have to be from schools to enhanced penalties for retailers who sell to anyone who is underage.; Nelson Morgan, Self: This is state government overreach on matters best handled locally. But even statewide, I don't see the public benefit to facilitating tobacco further, given the public health risks.; Marilyn Murov, Self: This sounds like pork for the tobacco industry. Tobacco is addictive and a known carcinogen. Regulation of this product is part of public health.; Ilene Riffle, Self: This would override virtually every local regulation now in existence, ranging from how far tobacco shops have to be from schools to enhanced penalties for retailers who sell to anyone who is underage; Jennifer Turrell, Self: This bill would override virtually every local regulation now in existence, ranging from how far tobacco shops have to be from schools to enhanced penalties for retailers who sell to anyone who is underage. Strongly oppose.; Cynthia Wagner, Self: This would override virtually every local regulation now in existence, ranging from how far tobacco shops have to be from schools to enhanced penalties for retailers who sell to anyone who is underage; Penny Boone, Self: Tobacco sales MUST be heavily regulated. This bill is the opposite of what is supported by public health experts. I oppose!; Roy Verdery, Self: As a physician I know that tobacco and other nicotine products are addictive and increase the risk of many diseases and cause death. They should be vigorously regulated. Besides, kissing a smoker is like licking an ashtray!; Susan Morris, Self: You don't get to decide what local governments do. They have powers, too, whether you like it or not.; Jennifer Dawson, Self: This appears to be legislation pushed by the tobacco industry that would block cities, towns and counties from regulating the sale of their products. This would override virtually every local regulation now in existence. Unacceptable!; Kathy Pyner, Self: I'd rather see all tobacco products banned from the entire state. Having had four family members that died from lung cancer gives me a very strong opinion.; Donna Corbin, Self: I guess Republicans haven't heard that smoking is bad for people. They should be protecting citizens from the dangerous tobacco lobby.; Margaret Owen, Self: Cities, towns & counties already have their own local regulations in place. This legislation would override local communities' wishes. That's a problem. AZ is all about LOCAL management of our communities as our members see fit.; Melinda Iyer, Self: This would override local regulations ranging from how far tobacco shops have to be from schools to enhanced penalties for retailers who sell to anyone who is underage. That weakens public health.; Carol Garnett, Self: This is the tobacco industry wanting more addicts. The local regulations help to curb the use of this dangerous drug.; Barbara Oliver, Self: Smoking kills!; Loretta O'Connor, Self: What a maverick! -cough, cough-; Margaret Tinsley, Self: Please vote no on this one.; Virginia Dotson, Self: Let's not start promoting the tobacco industry again. Our regulations are in place to protect young people.; Mary-Jeanne Fincher, Self: Local control puts decision-making in the hands of those closest to the voters.; Gary Townsend, Self: This would override virtually every local regulation now in existence, ranging from how far tobacco shops have to be from schools to enhanced penalties for retailers who sell to anyone who is underage.; John Neville, Self: Bad bill intended to hurt kids and profit bad companies.; Margaret Winchell, Self: Bad policy!; Lawrence Peters, Self: KP is doing the bidding of special interest tobacco industry. Republican Big Brother government at its worst. Interferes with the right of municipalities to govern themselves. Abuse of legislative power.; Robert England, Self: This bill is slight of hand, benefitting the tobacco industry. It preempts local decisions. It poorly defines tobacco products. It does not create a license, and has no means to enforce registering. Please don't aid Big Tobacco.; Joseph Myers, Self: Would likely create a black market for these products; Jerry Wegenast, Self: local regulation is best; Laura Libman, Self: Is Payne getting $$$ from the tobacco

lobby?; Eric Kadel, Self: Tobacco companies are not able to regulate themselves. Their only though is how to make more money.; Rivko Knox, Self: A classic example of 'special interest' legislation -- in this instance for the tobacco industry that would override local ordinances re selling to underage people etc.; Janie Smieszek, Self: Would override current local regulations. Wasn't it decided smoking tobacco is dangerous for health.; Lois Hansen, Self: this must be sponsored by the tobacco industry. these city, municipal and county regulations should be allowed to stand. stop attempting to control everything with state statutes which are unnecessary or contrary to the public good; Dawn Norton LD29, Self: This bill, backed by tobacco industry, would block local regulations on sale of tobacco products, overruling current regulations such as distance from schools & penalties for underage sales. Vote no.; Guy Bentley, Self: Unavailable to present in person testimony.; Melissa Westbrook, Self: These products are bad for everyone and we should not be promoting this.; Susan Heck, Self: Oppose; Thomas Dunning, Self: Are you for lung cancer? This bill is. You can feel the heavy hand of tobacco companies pushing this bill. Gut protections against tobacco sales. Sell more tobacco to kids. Spread as much lung cancer as you can. The word for this bill is: disgusting.; JOHN FIENE, Self: I thought this issue was dead in 2019. Why not tell kids that strawberry flavored rat poison is the in-thing? Tobacco products are life threatening, and getting kids addicted is homicidal.; Lora Lida Walradt, Self: Bill, section 21, is unclear in meaning of pre-empting additional regulation & whether if it would result in cities being unable to regulate further. Should be re-written to clarify Sec. 21, however rest of the bill, increasing fines, etc is good.; Srinivas Manne, Self: Let cities set their own guidelines about tobacco and vape sales.; Beth Ballmann, Self: The state needs to stop micro-managing cities, towns and counties. Regulating the sale of tobacco products is a good thing.; Kathryn Dorn, Self: Tobacco is deadly. Let cities protect their people from premature tobacco-product-induced death!

ARIZONA STATE LEGISLATURE

Fifty-sixth Legislature - First Regular Session

COMMITTEE ATTENDANCE RECORD

COMMITTEE ON **REGULATORY AFFAIRS**

CHAIRMAN: Laurin Hendrix VICE-CHAIRMAN: Cory McGarr

	DATE	01/25/23	2/1 /23	2/8 /23	2/15/23	
	CONVENED	2:00 pm	2:03pm	2:00 pm	2:06 pm	
	RECESSED	2:19 pm			3:53 pm	
	RECONVENED	2:21 pm			4:00 pm	
	ADJOURNED	2:23 pm	3:03pm	3:46 pm	4:49 pm	
MEMBERS						
Bravo		✓	✓	✓	✓	
Gutierrez		✓	✓	✓	✓	
Hernandez A		✓	✓	✓	✓	
Payne		✓	✓	✓	✓	
Peña		✓	✓	✓	✓	
McGarr, Vice-Chairman		✓	✓	✓	✓	
Hendrix, Chairman		✓	✓	✓	✓	

√ Present --- Absent exc Excused

Attachment 3

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

HB 2625: residential care institutions; inspections
Sponsor: Representative Carter, LD 15
Committee on Regulatory Affairs

Overview

Adds a *residential care institution* to the list of entities from which the Director of the Department of Health Services (DHS) cannot accept an accreditation report instead of a compliance inspection.

History

Current law defines *Residential Care Institution* as a health care institution that provides resident beds and supervisory or personal care services, behavioral health, directed care or health-related services for persons not needing continuous nursing services. *Residential Care Institution* does not include a hospital or a nursing care institution (A.R.S. § 36-424).

The Director of DHS must inspect the premises of each health care institution and investigate the applicant's character and qualifications to ensure compliance with DHS statutes and administrative rules. The Director may in certain circumstances accept an accreditation report in lieu of a compliance inspection upon receiving a report for the licensure period and the health care institution accreditation by an independent, nonprofit organization approved by the secretary of the U.S. Department of Health and Human Services (A.R.S. § 36-424).

Statute prohibits the Director from accepting an accreditation report instead of a compliance inspection from an intermediate care facility for people with intellectual disabilities; or a health care institution that was under enforcement action in the preceding year (A.R.S. § 36-424).

Provisions

1. Stipulates that the Director of DHS cannot accept an accreditation report instead of a compliance inspection for a *residential care institution.* (Sec. 1)
2. Clarifies *institution* as a health care institution. (Sec. 1)

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

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - First Regular Session

ROLL CALL VOTE

COMMITTEE ON Regulatory Affairs BILL NO. HB 2625

DATE February 15, 2023 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Bravo		✓			
Gutierrez		✓			
Hernandez A					✓
Payne		✓			
Peña		✓			
McGarr, Vice-Chairman		✓			
Hendrix, Chairman		✓			
		6	0	0	1

Julie Ryle
COMMITTEE SECRETARY

APPROVED:

LAURIN HENDRIX, Chairman
CORY MCGARR, Vice-Chairman

ATTACHMENT 5

HB 2625 – inspections for group homes not waivable

What this bill does:

This bill specifies that group homes (i.e. private residences located in neighborhoods around the state, typically privately owned and operated) that accept residents from the State of Arizona (people adjudicated guilty but insane, under psychological treatment as wards of the state, etc.) are not able to get out of the regular yearly inspections by producing an accreditation report from a non-profit.

Why is this bill necessary?

Two years ago a man was adjudicated guilty but insane for the murder of his grandparents. He was in the state psychological hospital until they released him to a group home in Gilbert. He murdered his roommate there. Because of this scandal, it became known that this particular group home was not inspected by the state for years because they the state can waive the inspection if they receive an accreditation report. After this scandal the state inspected the home and found over 17 violations and evidence that the murder may have been avoided had these violations been discovered at the home. They were not discovered because the home was never inspected thanks to this accreditation waiver.

What this bill does not

This bill does not create any new regulation or expand any regulatory scheme. This bill does not cost more because the inspections are funded by the group homes. This bill has no effect on whether these homes exist or how or why the State can assign people to them. It only specifies that they can't get out of inspections by providing an accreditation report.

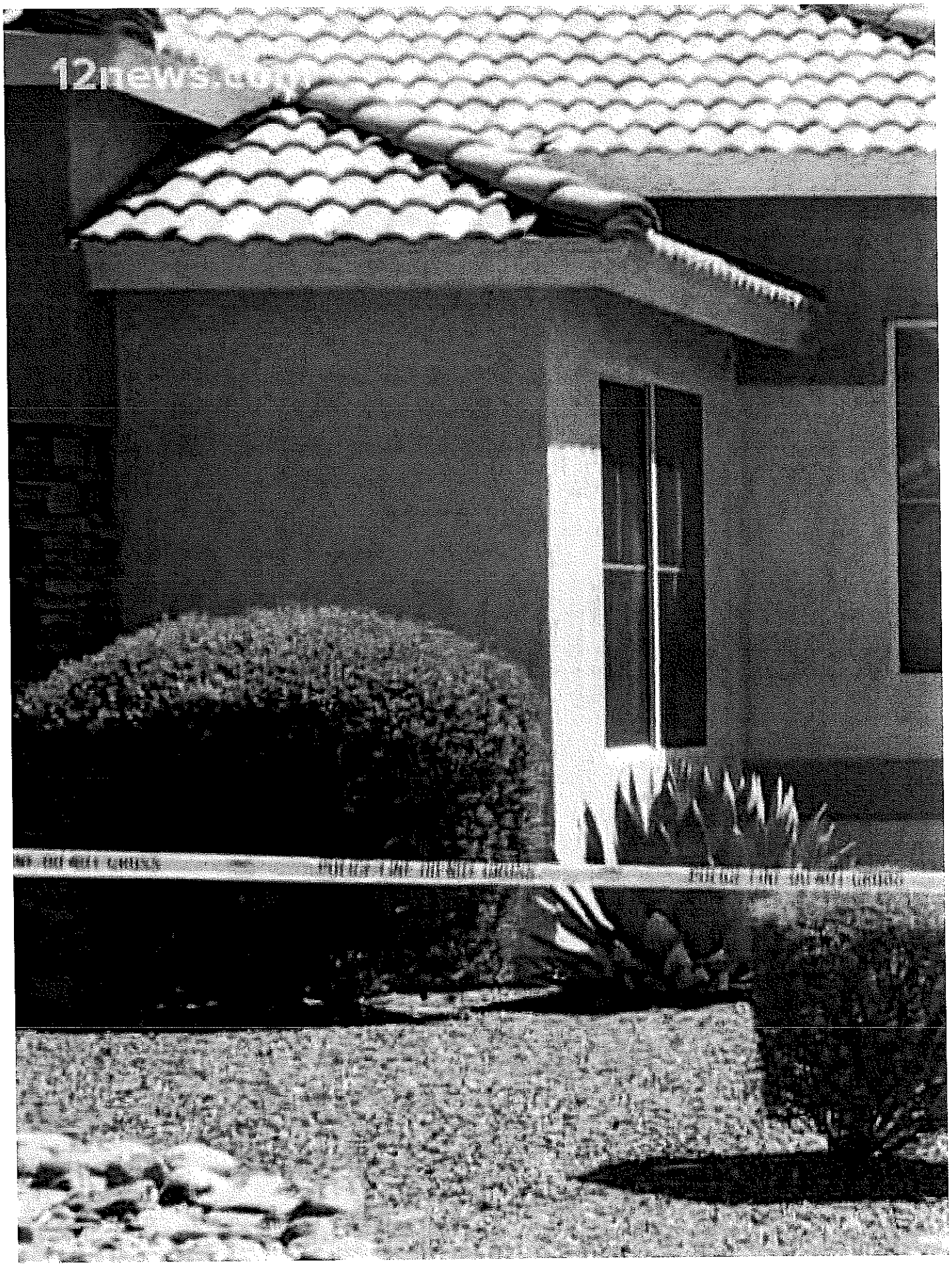
Reasons this is a good bill:

1.) This bill is just one step in making sure that a murder in a group home doesn't happen again.
2.) This bill does not expand any program or create any new regulatory structure
3.) This bill has minimal cost impact since the inspections are funded by fees paid from the group homes themselves anyway.

Attachment 6

Gilbert group home murder isn't first resident death at Tilda Manor

Gilbert police tell us they've had 52 calls for service at the Tilda Manor group home address since January 2019.


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NEXT UP IN 5

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Author: Erica Stapleton
Published: 5:37 PM MST April 15, 2021
Updated: 6:00 PM MST April 15, 2021

PHOENIX — A 12 News I-Team investigation reveals that the parent company of the group home at the center of a murder earlier this week has a long history with police.

On Monday, Gilbert police arrested Christopher Lambeth for allegedly murdering Steven Howells, another resident at the group home.

Lambeth had previously been convicted of a double murder more than a decade ago and was ruled "guilty except insane."

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He was sentenced to 25 years to life at Arizona State Hospital, which is designed to treat people suffering from mental illnesses. But Lambeth was released early and eventually placed at the group home run by Tilda Manor in Gilbert.

12 News left several messages for Tilda Manor but haven't heard back. When we tried to connect with the owners Thursday afternoon, they did not directly answer questions.

Court and business records say that Samuel and Grace Ashu run Tilda Manor, Inc., which, according to their website, oversees five group homes in the East Valley.

The company hasn't publicly said anything about the murder at their facility. Neighbors say they've seen police before at the group home on Wildhorse Drive. Gilbert police say they've had 52 calls for service at that address since January 2019.

And Howells' death wasn't the first for Tilda Manor as a nonprofit company. In 2009, court records showed that a resident at another location in Gilbert died by suicide. His family sued Tilda Manor and the Ashus, claiming the facility was understaffed and that the resident should have had more supervision at the time he died.

The Ashus denied the claims and the lawsuit was eventually dismissed.

In Monday's murder investigation, records show Lambeth told police he was the only other person in the house aside from the victim.

Documents from the state's Psychiatric Security Review Board show that Lambeth's should have been in a flex-care facility, which might mean some unsupervised hours.

It's not clear if staff members were inside the Tilda Manor group home at the time he's accused of killing Howells or if they were supposed to be.

In December 2020, the same Tilda Manor location was also cited by the state for leaving a resident alone when they shouldn't have been.

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

HB 2622: cost sharing; health coverage; report
Sponsor: Representative Hendrix, LD 14
Committee on Regulatory Affairs

Overview

Includes in the report to the Joint Legislative Audit Committee (JLAC), any restrictions on the form or amount of cost sharing related to a health plan benefit issued by an insurer, hospital, medical, dental, optometric or other health care services organization.

History

Statute currently requires the submission of a report to JLAC when an individual or organization advocates for any legislative proposal to mandate certain health coverage by an insurer, hospital, medical, dental, optometric or health care service corporation, organization, or any component of individual or group policies (Insurer). The person or legislator must submit the written report that explains the statutory factors (A.R.S. 20-182), including the social and financial impact and the effectiveness of the treatment or service. Currently, the person or legislator must submit the report by September 1 prior to the legislative session for which the legislation is proposed.

JLAC then assigns the written report to the pertinent legislative committee of reference (COR). The COR will hold at least one public hearing, take public testimony and make final recommendations, which are included in the final report to JLAC, the governor, leadership of the State Senate and House of Representatives, and the director of the Department of Insurance and Financial Institutions by December 1 of the year of the report.

Provisions

1. Requires the written report to JLAC to also include any restrictions on the form or amount of the cost sharing applied to a health plan benefit issued by an Insurer. (Sec. 1)
2. Stipulates that the report must assess the social and financial impacts of the coverage or cost sharing restrictions. (Sec. 1)
3. Modifies the report factors to include the cost sharing restrictions for both the social and financial impacts. (Sec. 2)
4. Adds factors to the financial impact that must be included in the report as follows:
   a) the impact on other policyholders that do not use the treatment or service subject to the mandated coverage or cost sharing restriction; and
   b) an analysis of whether the state will be required to defray the costs that a treatment or service may add to the federal marketplace subsidies. (Sec. 2)
5. Makes technical and conforming changes. (Sec. 2)

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

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - First Regular Session

ROLL CALL VOTE

COMMITTEE ON Regulatory Affairs BILL NO. HB 2622

DATE February 15, 2023 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Bravo			✓		
Gutierrez			✓		
Hernandez A			✓		
Payne		✓			
Peña		✓			
McGarr, Vice-Chairman		✓			
Hendrix, Chairman		✓			
		4	3	0	0

Julia Ryle
COMMITTEE SECRETARY

APPROVED:

LAURIN HENDRIX, Chairman
CORY MCGARR, Vice-Chairman

ATTACHMENT 8

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

HB 2630: tobacco; alternative nicotine; vapor products
Sponsor: Representative Payne, LD 27
Committee on Regulatory Affairs

Overview

Increases, from 18 to 21 years, the age for purchasing, using or possessing tobacco, requires tobacco retailers to register with the Arizona Department of Revenue (DOR) and establishes related requirements.

History

It is a petty offense, with a maximum fine of $300, to knowingly sell, give or furnish a tobacco product or vapor product or any related instrument or paraphernalia solely designed for smoking or ingesting tobacco or shisha to a minor. Arizona law also prohibits selling tobacco-related products to minors, such as beedies or bidis, which are products that contain tobacco and which are wrapped in teburni or tendu leaves (A.R.S. § 36-798.01). A minor who buys, possesses or knowingly accepts a tobacco product or vapor product, or who misrepresents the minor's age to do so, is also guilty of a petty offense (A.R.S. §13-3622). Tobacco products include cigars, cigarettes, cigarette papers and smoking and chewing tobacco. Statute also outlines other requirements related to the sale of these products. Tobacco products cannot be sold through a vending machine except in bars and employee lounge areas not open to the public in businesses that do not employ minors (A.R.S. § 36-798.02), and are prohibited on school grounds except for use in a school-sanctioned tobacco-prevention program (A.R.S. § 36-798.03).

On December 20, 2019, the federal government enacted legislation that raised the minimum age for the sale of any tobacco product, including cigarettes, smokeless tobacco, cigars, hookah tobacco and e-cigarettes, from 18 to 21 years of age nationwide. The law applies to all retail establishments in all states and on tribal lands.

Provisions

Products

1. Increases the age, from 18 to 21, for a person to purchase, use or possess tobacco products, alternative products and vapor products (products). (Sec. 1)
2. Adds alternative nicotine products to the prohibitions on the following:
   a) Selling, giving or furnishing the product to a person under 21 years of age;
   b) A person under 21 buying, possessing or accepting the product;
   c) Misrepresenting the person's age by means of a written instrument of identification with the intent to induce a person to sell, give or furnish the product. (Sec. 1)
3. Removes *knowingly* as the state of mind for a person selling, giving or furnishing products or related paraphernalia to a person under 21 years of age. (Sec. 1)

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

4. Prohibits retail tobacco vendors from selling products by any means other than assisted sales in which the customer has no direct access to a product except through the assistance of the retail tobacco vendor. (Sec. 5)

5. Adds alternative nicotine products and vapor products, in addition to tobacco products, to the prohibitions as follows:
   a) the use and possession on school grounds;
   b) selling through vending machines except in specified areas;
   c) unsolicited delivery to any Arizona residence. (Sec. 1, 5)

6. Increases the fee from $300 to $1,000 for a first offense and a range of $1,000 to $2,500 for a subsequent offense as follows:
   a) selling, giving or furnishing products or related paraphernalia;
   b) selling products through a vending machine except in specified areas. (Sec. 5)

7. Removes tobacco-prevention programs as an exception for having tobacco products on school grounds. (Sec. 6)

8. Increases the maximum fee, from $300 to $500, for using or possessing products on school grounds. (Sec. 7)

9. Increases the fine for a retail tobacco vendor to sell, furnish, give or provide beedies or bidis to a person under 21 years of age, from a maximum $500 to $1,000 for the first offense and a range of $1,000 to $2,500 for a subsequent offense. (Sec. 4)

Sales

10. Prohibits a retail tobacco vendor from selling, offering to sell, furnishing or giving products:
    a) to a person who reasonably appears to be under 30 years of age without first examining the person's government-issued photo identification to establish that the person is at least 21 years of age; or
    b) except in the manufacturer's original packaging. (Sec. 8)

11. Prohibits the retail tobacco vendor from opening packaging and selling a portion of products contained in such packaging. (Sec. 8)

12. Classifies the above offenses as petty offenses and establishes fines of $500 for a first offense and a range of $1,000 to $2,500 for a subsequent offense. (Sec. 8)

Retailers

13. Requires every retailer that sells or offers to sell tobacco products, alternative nicotine products or vapor products to consumers in Arizona to register each retail location with the Department of Revenue (DOR) on a form and in a manner prescribed by DOR. (Sec. 10)

14. Requires the Director of DOR to determine and charge an annual registration fee. (Sec. 10)

15. Requires DOR to adopt rules to carry out these requirements. (Sec. 10)

16. Prohibits retailers from selling products unless in compliance with these requirements and all applicable rules adopted by DOR, beginning January 1, 2024. (Sec. 10)

17. Requires DOR to do both of the following:
    a) publish on its website the name of every registered retailer; and
    b) update the list as needed and at least once each month. (Sec. 10)

18. Classifies a violation of these requirements as a petty offense and establishes fines of $1,000 for a first offense and $1,000 to $2,500 for a subsequent offense. (Sec. 10)

19. Requires DOR to use the fees and penalties:

a) to administer and enforce registration and related requirements; and
b) to share any remaining monies with local law enforcement agencies to conduct retailer compliance inspections, undercover investigations of retailers and activities to identify and intercept contraband or illicit products. (Sec. 10)

Miscellaneous

20. Delineates a sign that retail tobacco vendors must display, which states:
    a) it is illegal for someone under 21 to purchase cigarettes or products; and
    b) on conviction, a $300 fine may be imposed. (Sec. 8)
21. Preempts the following:
    a) further regulation of the sale and marketing of products by a county, city, town or other political subdivision of this state; and
    b) all inconsistent laws, rules, regulations, codes, ordinances or policies adopted by a county, city, town or other political subdivision. (Sec. 8)
22. Specifies that the preemption does not limit a political subdivision's authority pursuant to the *SmokeFree Arizona Act*. (Sec. 8)
23. Defines *alternative nicotine product* as any non-combustible product that contains nicotine from any source and that is intended for human consumption, whether chewed, absorbed, dissolved, ingested or consumed by any other means. (Sec. 1)
24. Specifies that alternative nicotine products do not include:
    a) any tobacco product, vapor product or shisha; or
    b) any product regulated as a drug or device by the U.S. Food and Drug Administration under Chapter V of the federal Food, Drug, and Cosmetic Act. (Sec. 1)
25. Removes the requirement that a *vapor product* must be tobacco-derived to meet the definition. (Sec.1)
26. Makes technical and conforming changes. (Sec. 1, 3, 4, 5, 6, 7, 9)
27. Contains a severability clause. (Sec. 11)
28. Becomes effective on January 1, 2024. (Sec. 12)

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - First Regular Session

ROLL CALL VOTE

COMMITTEE ON Regulatory Affairs BILL NO. HB 2630

DATE February 15, 2023 MOTION: Failed

	PASS	AYE	NAY	PRESENT	ABSENT
Bravo		✓			
Gutierrez			✓		
Hernandez A				✓	
Payne	✓	✓			
Peña			✓		
McGarr, Vice-Chairman			✓		
Hendrix, Chairman		✓			
		3	3	1	0

Julie Ryle
COMMITTEE SECRETARY

APPROVED:

LAURIN HENDRIX, Chairman
CORY MCGARR, Vice-Chairman

ATTACHMENT 10

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

House: HHS DP

HB 2166: DHS; licensure; group homes
Sponsor: Representative Dunn, LD 25
Committee on Regulatory Affairs

Overview

Requires, beginning July 1, 2024, behavioral-supported group homes and group homes operated in Arizona by a service provider and under contract with the Arizona Department of Economic Security (DES) to be licensed and regulated through the Arizona Department of Health Services (DHS).

History

Under current law, DHS is responsible for the licensure and regulation of Arizona health care institutions. These institutions are defined as every place, institution, building or agency, whether organized for profit or not, that provides facilities with medical, nursing, behavioral health, health screening, supervisory care, personal care, directed care or any other health-related services, including home health agencies, outdoor behavioral health care programs and hospice service agencies (A.R.S. § 36-401).

Group homes are community residential settings for not more than six individuals with developmental disabilities that are operated by service providers under contract with DES. These homes provide room and board, daily habilitation and other assessed medically necessary services and supports to meet the needs of each person. A group home does not include adult developmental homes, child developmental homes, nursing-supported group homes or intermediate care facilities for individuals with intellectual disabilities (A.R.S. § 36-551).

DHS is authorized to license and regulate the health and safety of group homes for persons with developmental disabilities. DHS must issue a license to an accredited facility for a 3-year accreditation period and conduct inspections to ensure that the facility meets health and safety licensure standards. Additionally, DHS establishes requirements for group homes through the Division of Developmental Disabilities (DDD) within DES (A.R.S. §§ 36-132 and 36-591).

Provisions

1. Specifies that group homes and behavioral-supported group homes are exempt from complying with zoning standards for health care institutions as prescribed by DHS. (Sec. 2)
2. Forbids the DHS Director from accepting an accreditation report in lieu of a compliance inspection of a behavioral-supported group home, group home or nursing-supported group home. (Sec. 3)
3. Requires, by July 1, 2024, behavioral-supported group homes and group homes operated in Arizona by a service provider and under contract with DES to be licensed through DHS. (Sec. 4)
4. Prescribes the types of rules that the DHS Director must adopt regarding behavioral-supported group homes, including:

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

a) ensuring that client's behavioral treatment plans are developed, integrated, coordinated and monitored by clinical professionals that meet specified training, experience and education requirements;
b) requiring direct care staff in a behavioral-supported group home to meet specified experience and training standards;
c) ensuring clients have an integrated treatment plan that is reviewed by the entire multidisciplinary team every 90 days to determine the effectiveness of the plan interventions; and
d) ensuring that clients have a functional behavioral assessment completed by a qualified clinical professional in consultation with a multidisciplinary team. (Sec. 4)

5. Specifies that the multidisciplinary team be composed of, if appropriate:
   a) psychiatric, medical, nursing and nutrition providers;
   b) physical, occupational and speech therapists;
   c) educational personnel;
   d) behavioral health providers;
   e) group home direct care staff;
   f) home health personnel;
   g) day program staff;
   h) client, their family or guardian; and
   i) DDD Representatives. (Sec. 4)

6. Defines the following terms:
   a) behavioral-supported group home;
   b) development disability;
   c) group home;
   d) habilitation;
   e) behavioral treatment plan;
   f) client; and
   g) integrated treatment plan. (Sec. 1, 4, 5)

7. Includes behavioral-supported group homes in the definition of *community residential setting.* (Sec. 5)

8. Modifies the definition of *group home* to specify that a behavioral-supported group home is not a group home. (Sec. 5)

9. Exempts behavioral-supported group homes that are licensed by DHS from the licensure requirement for a community residential setting regarding contracts for the purchase of residential care services. (Sec. 6)

10. Exempts DHS and DES from rulemaking requirements for 18 months. (Sec. 7)

11. Requires, beginning July 1, 2024, DHS to transfer all group home licenses to the appropriate subclass of health care institution licenses. (Sec. 8)

12. Clarifies that for the purposes of licensure, a group home for individuals with developmental disabilities is considered a group home as defined in statute, as amended by this legislation. (Sec. 8)

13. Specifies that a group home's initial licensure date or previous license expiration date that is before July 1, 2024, is to be considered their anniversary date for health care institution licensing purposes. (Sec. 8)

14. Repeals the group home licensing transfer requirements on July 1, 2026. (Sec. 8)

15. Makes technical and conforming changes. (Sec. 1-3, 5)

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - First Regular Session

ROLL CALL VOTE

COMMITTEE ON Regulatory Affairs BILL NO. HB 2166

DATE February 15, 2023 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Bravo		✓			
Gutierrez		✓			
Hernandez A		✓			
Payne		✓			
Peña		✓			
McGarr, Vice-Chairman		✓			
Hendrix, Chairman		✓			
		7	0	0	0

Julie Ryan
COMMITTEE SECRETARY

APPROVED:

LAURIN HENDRIX, Chairman
CORY MCGARR, Vice-Chairman

ATTACHMENT 12

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

HB 2094: technical correction; tax debt; enforcement
S/E: mobile food vendors; operation; rules
Sponsor: Representative Payne, LD 27
Committee on Regulatory Affairs

Summary of the Strike-Everything Amendment to HB2094

Overview
Enables mobile food vendors to operate on private property in a residential area with restrictions and details regulatory and licensing requirements for cities, towns and counties addressing mobile food units.

History
Currently, statute allows a city or town to be able to restrict mobile food vendors from operating in areas at public airports, public transit facilities, within 250 feet of or on properties zoned for residential use. In addition, cities and towns may continue to enforce regulations and zoning codes on mobile food units unless prevented in the law.

In contrast, cities and towns are prohibited from:

1) requiring a mobile food vendor to apply for a special permit that is not required for other temporary or mobile vending businesses in the same zoning district;
2) requiring mobile food vendors to operate a specific distance from commercial establishments or restaurants, unless where building, fire, street and sidewalk codes are applicable;
3) prohibiting a mobile food vendor from using a legal parking space, including metered parking, except to restrict the number of spaces, vehicle size, parking duration and occupying sites with insufficient parking capacity as set by local zoning ordinances or federal law; and
4) requiring a mobile food unit to be inspected by the fire department before operation if the unit passed another fire inspection in another city or town within the past 12 months. (A.R.S. 9-485.01)

A mobile food unit's state license is designated into one of three classifications depending on the food dispensed and the way it is handled. These classifications or categories are:

1) Type 1 mobile food units, which dispense commercially processed food, individually packaged and frozen that requires time and temperature control for safety;
2) Type 2 mobile food units, which dispense food that requires limited handling and preparation; and
3) Type 3 mobile food units, which prepare, cook, hold and serve food. (A.A.C. R9-8-110).

Adopted ✓ # of Verbals _____
Failed _____ Withdrawn _____
Not Offered ____ Analysts Initials ___

Attachment 13

Provisions

1. Allows mobile food vendors to operate on private property in a residential area if the mobile food vendor:
   a) receives written permission from the property owner;
   b) does not serve the general public;
   c) is not the property owner, spouse or trustee of the property owner. (Sec. 1)
2. Prevents a city or town from requiring a mobile food vendor:
   a) to pay more than one fee per year; and
   b) to be fingerprinted in order to operate. (Sec. 1)
3. Instructs the Director of the Department of Health Services (DHS) to include a fourth category of mobile food units that do not require access to commissary or servicing area agreements for licensing. (Sec. 2)
4. Enables DHS to designate licensing inspections for mobile food units without a commissary or servicing area agreement to the county health department where the mobile food vendor resides. (Sec. 2)
5. Clarifies that the bill does not preclude a city, town, or county from requiring licensure for mobile food vendors. (Sec. 2)

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

Adopted ✓ # of Verbals ____
Failed ____ Withdrawn ____
Not Offered ____ Analysts Initials ____

Fifty-sixth Legislature
First Regular Session

COMMITTEE ON REGULATORY AFFAIRS

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2094

(Reference to printed bill)

Strike everything after the enacting clause and insert:

"Section 1. Section 9-485.01, Arizona Revised Statutes, is amended to read:

9-485.01. Mobile food vendors; mobile food units; operation

A. In relation to a mobile food vendor or mobile food unit, a city or town by ordinance or resolution may:

1. EXCEPT AS OTHERWISE PROVIDED IN THIS PARAGRAPH, prohibit or restrict a mobile food vendor from operating at a public airport or public transit facility, in an area zoned for residential use or within two hundred fifty feet of an area zoned for residential use. A MOBILE FOOD VENDOR MAY OPERATE ON PRIVATE PROPERTY IN A RESIDENTIAL AREA IF ALL OF THE FOLLOWING APPLY:

(a) THE MOBILE FOOD VENDOR OBTAINS WRITTEN PERMISSION FROM THE PROPERTY OWNER.

(b) THE MOBILE FOOD VENDOR DOES NOT SERVE MEMBERS OF THE GENERAL PUBLIC.

(c) THE MOBILE FOOD VENDOR AND THE PROPERTY OWNER, THE SPOUSE OF THE PROPERTY OWNER OR, IN THE CASE OF A LIVING TRUST, THE TRUSTEE ARE NOT THE SAME PERSON.

2. Continue to enact and enforce regulations and zoning codes on mobile food units or mobile food vendors that are not otherwise prohibited by law.

B. In relation to a mobile food vendor or mobile food unit, a city or town may not:

1. Require a mobile food vendor, property owner or lessee of a property to apply for and receive any special permit that is not required

Attachment 14

for other temporary or mobile vending businesses in the same zoning district.

2. Require a mobile food vendor or mobile food unit to operate a specific distance from the perimeter of an existing commercial establishment or restaurant, except as required by applicable building, fire, street and sidewalk codes.

3. Prohibit or restrict a mobile food vendor or mobile food unit from using any legal parking space, including metered parking, except to restrict the number of spaces, vehicle size and parking duration and the ability to occupy sites with insufficient parking capacity as prescribed by a local zoning ordinance of the city or town or as otherwise prohibited by federal law.

4. Require a mobile food unit to be inspected by a city or town fire department before operation if the mobile food vendor provides evidence that the mobile food unit passed a fire inspection by another city or town fire department in this state within the preceding twelve months.

5. REQUIRE A MOBILE FOOD VENDOR TO PAY MORE THAN ONE FEE PER YEAR TO OPERATE WITHIN THAT CITY OR TOWN.

6. REQUIRE A MOBILE FOOD VENDOR TO BE FINGERPRINTED.

C. A city or town with a population of more than fifty thousand persons shall make available all applicable license applications in an electronic format that is available online and may not require a mobile food vendor to apply in person.

Sec. 2. Section 36-1761, Arizona Revised Statutes, is amended to read:

36-1761. Mobile food vendors; mobile food units; rules; health and safety licensing standards

A. The director shall adopt rules that do all of the following:

1. Establish health and safety licensing standards for mobile food vendors and mobile food units that apply on a statewide basis. The licensing standards shall:

(a) Include three categories of mobile food units that are based on the type of food dispensed and the amount of handling and preparation required.

(b) Include general physical and operation requirements of a mobile food unit, including:

(i) Installation of compressors, generators and similar mechanical units that are not an integral part of the food preparation or storage equipment.

(ii) Necessary commissary or other servicing area agreements.

(iii) Vehicle and equipment cleaning requirements.

(iv) Waste disposal requirements during and after operation on public or private property, which may not include the size or dimensions of any required solid waste receptacle.

(c) INCLUDE A FOURTH CATEGORY OF MOBILE FOOD UNITS THAT DOES NOT REQUIRE ACCESS TO A COMMISSARY OR OTHER SERVICING AREA AGREEMENT.

2. Establish statewide inspection standards that are based on objective factors for use by the county health departments.

3. Establish a licensing process for mobile food units that does all of the following:

(a) Requires a separate license for each mobile food unit.

(b) Requires a license to be renewed annually.

(c) Delegates to the county health department EITHER in the county where the mobile food vendor's commissary is located OR, IF A COMMISSARY IS NOT REQUIRED, IN THE COUNTY IN WHICH THE MOBILE FOOD VENDOR RESIDES the licensing and health and safety inspection for state licensure using the statewide inspection standards adopted pursuant to this section. The licensing process shall require random inspections by county health departments at no additional cost except as provided in section 11-269.24. A mobile food unit license issued by a county health department pursuant to this section shall have reciprocity in each county of this state. A county health department may enforce the statewide inspection standards regardless of where the license was issued.

(d) Requires all employees of a mobile food vendor to have a valid food handler card or a certificate from an accredited food handler training class as specified in rule by the department.

(e) Requires that the license be displayed in the mobile food vendor's operating location in a conspicuous location for public view.

B. The rules adopted pursuant to this section may not do either of the following:

1. Require a mobile food vendor or mobile food unit to operate a specific distance from the perimeter of an existing commercial establishment or restaurant.

2. Address the operating hours of a mobile food unit.

C. Except as otherwise specified in this chapter, the director may adopt rules that are substantively the same as the regulations that are in place on August 3, 2018 in Maricopa county regarding mobile food establishments.

D. This section does not preclude a city, town or county from requiring a mobile food vendor to be licensed ~~if the licensing system includes a background check or identification and fingerprinting of the owner of the mobile food vending operation~~ CONSISTENT WITH SECTION 9-485.01 OR 11-269.24, AS APPLICABLE."

Amend title to conform

And, as so amended, it do pass

LAURIN HENDRIX
CHAIRMAN

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ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - First Regular Session

ROLL CALL VOTE

COMMITTEE ON Regulatory Affairs BILL NO. HB 2094

DATE February 15, 2023 MOTION: DPA/SE

	PASS	AYE	NAY	PRESENT	ABSENT
Bravo			✓		
Gutierrez			✓		
Hernandez A		✓			
Payne		✓			
Peña		✓			
McGarr, Vice-Chairman		✓			
Hendrix, Chairman		✓			
		5	2	0	0

Julia Ryle
COMMITTEE SECRETARY

APPROVED:

LAURIN HENDRIX, Chairman
CORY MCGARR, Vice-Chairman

ATTACHMENT 15

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

HB 2558: dietitian nutritionists; licensure.
Sponsor: Representative Hernandez A, LD 20
Committee on Regulatory Affairs

Overview

Allows the Director of the Department of Health Services (DHS Director) to create licensing for Licensed Dietitian Nutritionists (LDN) and implement an advisory committee to aid in administrative functions and duties related to licensing.

History

The Department of Health Services (DHS) is responsible for providing a majority of public health programs in the state addressing such topics as: 1) disease prevention and control; 2) health promotion; 3) community public health; 4) environmental health; 5) maternal and child health; 6) emergency preparedness; 7) and regulation of healthcare-related institutions.

The Academy of Nutrition and Dietetics (Academy) defines Registered Dietitian Nutritionists (RDN) as practicing food and nutrition experts with education in an accredited dietetics program who have completed supervised practice and the national exam. The Commission on Dietic Registration is a credentialing agency for the Academy and is responsible for providing and enforcing credentialing standards, requirements and the national exam for registered dieticians and RDNs.

Current Statute allows hospitals to grant registered dieticians or nutritional professionals ordering abilities for diets, enteral feeding, nutritional supplementation or parenteral nutrition if authorized by a member of medical staff (A.R.S. 36-416).

Provisions

Prescription Orders

1. Allows a licensed dietician nutritionist (LDN) in either a hospital, if authorized or granted standing ordering privileges by medical staff, or a nonhospital health care institution to make a prescription order consisting of:
   a) diets or a change in diet orders;
   b) enteral feeding;
   c) durable medical equipment related to nutrition;
   d) nutritional supplementation;
   e) parenteral nutrition;
   f) medical nutrition therapy; and
   g) laboratory tests to check and track nutrition status. (Sec. 3, 4)
2. Directs that a hospital or nonhospital health care institution to prescribe necessary qualifications for qualified nutrition professionals to issue orders. (Sec. 3, 4)
3. Requires nonhospital health care institutions to respond to adverse events that ensue from orders issued by an LDN or unlicensed dietician nutritionist. (Sec. 3)

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

Licensing and the Advisory Committee

4. Authorizes the DHS Director to license all applicants qualifying for the practice of dietetics and nutrition, authorize all disbursements, adopt qualifications and standards and scope of practice consistent with the Academy. (Sec. 5)

5. Grants the DHS Director the authority to appoint an advisory committee to offer recommendations and aid in the completion of duties including:
   a) addressing disciplinary actions;
   b) issuing and renewing licenses;
   c) denying, suspending, revoking or refusing to renew a license;
   d) developing and publishing rules; and
   e) requiring licensees to provide complaints to the department. (Sec. 5)

6. Includes the DHS Director, a licensed physician, three LDNs and one public member be appointed to the committee and outlines committee members qualifications. (Sec. 5)

7. Lists the licensure requirements for an LDN as:
   a) holding either a current registration as a registered dietitian or registered dietitian nutritionist;
   b) having a baccalaureate degree, master's degree or doctoral degree from a qualified university with a major in a nutrition and dietetics-related field;
   c) completing an accredited and approved planned clinical program consisting of at least 1;000 hours of supervised experience;
   d) passing the examination for registered dieticians from the Commission on Dietic Registration or another equally accredited exam approved by the DHS Director; and
   e) having good moral character and not having a license suspended or revoked in the past two years in any state. (Sec. 5)

8. Allows the DHS Director to waive educational requirements for applicants who have taken equivalent coursework in another country. (Sec. 5)

Assessment of Fees and Management of Monies

9. Permits the DHS Director to prescribe and collect fees for the following:
   a) an application for a license;
   b) the issuance of a license or duplicate license;
   c) the renewal of a license; and
   d) late fees. (Sec. 5)

10. Stipulates that all monies collected regarding licensure and duties of the advisory committee have 10% be put into the general fund including civil penalties and the remaining 90% into the health services licensing fund. (Sec. 5)

Issuance and Maintenance of License

11. Makes licenses valid for two years and requires renewal upon the expiration of the license. (Sec. 5)

12. Requires licensees to meet the qualifications and continuing education requirements set by the DHS Director. (Sec. 5)

13. Mandates a licensee to notify the DHS Director of their place of practice and whether they change the address of that location, the DHS Director must maintain a record of these locations to provide notice. (Sec. 5)

14. Ensures that individuals have appropriate licensing when practicing and use proper titles in the field of dietetics and nutrition and asserts that any violation of this would be considered consumer fraud. (Sec. 5)

Active-Duty Military Licensure Extension

15. Specifies that licenses for military or national guard members do not expire while on active duty and are extended 180 days after return or release from service. (Sec. 5)

Licensure Violations and Legal Actions

16. Specifies what constitutes a denial, revocation or suspension of a license as:
    a) being convicted of a felony or misdemeanor involving moral turpitude;
    b) securing a license through fraud or deceit;
    c) engaging in unprofessional conduct or incompetence; and
    d) using a false name in practice. (Sec. 5)
17. Allows DHS to deny a license without a hearing unless the denied applicant requests one. (Sec. 5)
18. Grants the DHS Director the authority to revoke or suspend a license either permanently or temporarily and requires a hearing before the official action. (Sec. 5)
19. Authorizes the DHS Director to file a letter of concern, issue a decree of censure, prescribe a period of probation, restrict or limit the practice of a licensee in place of denying, revoking or suspending a license. (Sec. 5)
20. Requires the DHS Director to notify a licensee's employer if disciplinary action has been initiated against that licensee. (Sec. 5)
21. Permits the DHS Director to enforce these provisions through injunction and prevents a prior or current proceeding from barring an enforcement proceeding. (Sec. 5)
22. Establishes that any violation of these provisions constitutes a class 3 misdemeanor. (Sec. 5)
23. Provides the DHS Director the ability to impose a civil penalty not exceeding $500 for violations of these provisions in addition to any other penalties. (Sec. 5)
24. Enables the Attorney General or the County Attorney to bring an action in the appropriate Superior Court to enforce the imposed civil penalties. (Sec. 5)

Miscellaneous

25. Exempts the DHS from rulemaking requirements for one year following the effective date. (Sec. 6)
26. Contains a legislative intent clause. (Sec. 7)
27. Defines terms. (Sec. 3, 4, 5)
28. Makes conforming changes. (Sec. 2, 3)

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - First Regular Session

ROLL CALL VOTE

COMMITTEE ON Regulatory Affairs BILL NO. HB 2558

DATE February 15, 2023 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Bravo		✓			
Gutierrez		✓			
Hernandez A		✓			
Payne					✓
Peña		✓			
McGarr, Vice-Chairman		✓			
Hendrix, Chairman		✓			
		6	0	0	1

Julie Ryan
COMMITTEE SECRETARY

APPROVED:

LAURIN HENDRIX, Chairman
CORY MCGARR, Vice-Chairman

ATTACHMENT 17

Access to MNT by RDNs is Good Policy

Better Patient Health, More Treatment Options and Lower Costs

IMPROVE
Health of the Nation

DECREASE
Costs

ACHIEVE
Improved Social Determinants of Health

INCREASE
Consumer Choice



Registered Dietitian Nutritionists Improve Health Outcomes

Results of studies of Registered Dietitian Nutritionists (RDNs) who use medical nutrition therapy (MNT) show improved patient outcomes in diabetes, hypertension, lipid metabolism disorders, HIV infection, pregnancy, chronic kidney disease, and unintended weight loss in older adults.[1] Additionally, RDNs have demonstrated improved outcomes related to weight management.[2]

RDNs = Positive ROI

MNT results in improved clinical outcomes and reduced costs for physician time, medication use, and hospital admissions for people with obesity, diabetes, and lipid metabolism disorders, as well as other chronic diseases.[3] By using their expertise and extensive training, RDNs deliver care that is coordinated, cost-effective, and supports higher performance in pay-for-value models of care. They help patients achieve significantly improved outcomes with lower total cost of care.

Find an RDN by visiting www.eatright.org.

Attachment 18

[1] Academy of Nutrition and Dietetics Evidence Analysis Library. *Medical Nutrition Therapy Effectiveness Systematic Review 2009, 2013-2015*. http://www.andeal.org/mnt.
[2] Academy of Nutrition and Dietetics. MNT: Weight Management. https://www.andeal.org/topic.cfm?menu=5284&cat=5230. 2015. Accessed December 3, 2019.
[3] Wolf, AM; Siadaty, MS; Crowther, JQ; et al. Impact of lifestyle intervention on lost productivity and disability: Improving control with activity and nutrition. *J Occup Environ Med*. 2009;51(2):139-145. doi:10.1097/jom.0b013e3181965db5.

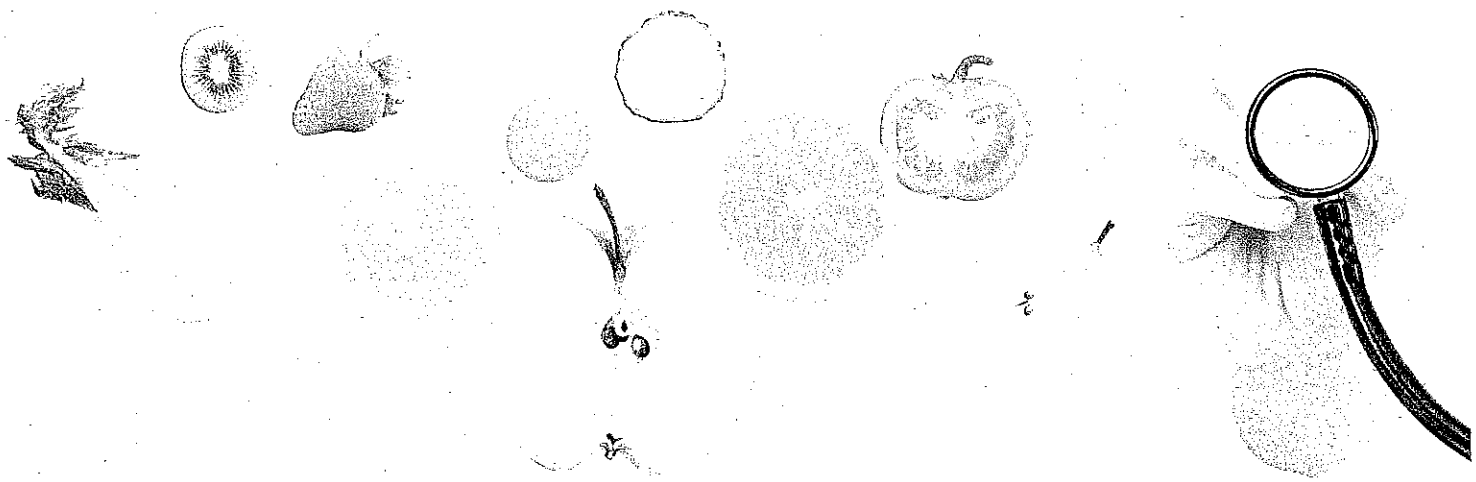
Academy of Nutrition and Dietetics

Registered Dietitian Nutritionists

Optimizing Health through Food and Nutrition

Registered dietitian nutritionists, or RDNs, are the food and nutrition experts, translating the science of nutrition into practical solutions for healthy living. Working in a number of practice settings, RDNs advance the nutritional status of their patients and clients.

RDNs are recognized as the most qualified food and nutrition experts by the National Academy of Medicine (formerly IOM).[1]



EXPERTISE

RDNs receive extensive training that combines academic preparation with hands-on, practical client and patient experience.

- Minimum of a Bachelor's degree
- Participate in an accredited practice program
- Pass a national registration
- Maintain their credential through continuous education
- Over half of RDNs hold a graduate degree

TRUST

Physicians, clients, patients, industry and government agencies value and trust the contributions of RDNs.

Primary care physicians identified dietitians as the most qualified provider to care for patients with obesity.[2]

70%
indicated that RDNs are the most trusted source for information about what types of food to eat.

IMPACT

Registered dietitian nutritionists are everywhere and touch the lives of many.

1.5 BILLION
estimated number of clients/ patients counseled by RDNs yearly.

Numerous clinical guidelines and the United States Preventive Services Task Force (USPSTF) highlight that RDNs provide nutrition care more effectively at a lower cost than physicians, nurse practitioners, and physician assistants.

Sources: Academy RDN Reach and Influencer Survey 2018 and Compensation and Benefits Survey of the Dietetics Profession, 2019.

[1]Committee on Nutrition Services for Medicare Beneficiaries. "The Role of Nutrition in Maintaining Health in the Nation's Elderly: Evaluating Coverage of Nutrition Services for the Medicare Population." Washington, DC: Food and Nutrition Board, Institute of Medicine; January 1, 2000 (published).

[2]Bleich SN, Bennet WL, Gudzuna KA, et.al *BMJ Open* 2012;2:e001871. doi: 10.1136/bmjopen-2012-001871.

Academy of Nutrition and Dietetics

www.eatright.org

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800.877.1600

1150 Connecticut Avenue NW
Suite 615
Washington, D.C. 20036
800.877.0877

February 13, 2023

RE: HB2558 dietitian nutritionists; licensure

Dear Chairman Laurin Hendrix and Members of the Regulatory Affairs Committee:

On behalf of the Academy of Nutrition and Dietetics (the Academy) and the over 108,000 registered dietitian nutritionists (RDNs) we represent, including 982 living in Arizona, I urge you to support HB2558, knowing this bill protects the public by identifying qualified providers and establishing a scope of practice for such providers that will help ensure access to timely, qualified nutrition services, and HB2558 does not limit opportunities for personal trainers, health coaches, and other unlicensed practitioners.

Regulation of the nutrition and dietetics profession increases public safety by reducing the prevalence of unethical and unsafe practices. At present, 47 states, Puerto Rico and the District of Columbia have statutory provisions regulating the practice of nutrition and dietetics and/or associated titles used by such practitioners, such as "dietitian" and "nutritionist." The Academy's dedication to protecting consumers is reflected in our advocacy to enact, maintain, or strengthen states' dietetics licensure laws that hold these health care practitioners to high standards, and thus we support HB2558.

In 2014, recognizing the competency of qualified dietitians and potential for cost savings and improved timely care, Federal regulations provided authority for qualified dietitians to conduct independent order writing in the hospital setting; similar authority was granted to long-term care facilities in 2016.[1] HB2558 identifies qualified dietitians and grants state authority for such providers, through obtaining privileges or through policies, consistent with Federal Regulations,[2] to write orders for: therapeutic diets, including enteral and parenteral nutrition; modifications to such diets; durable medical equipment related to nutrition; and laboratory tests to check nutrition status. HB2558 allows licensed dietitian nutritionists to practice at the height of their scope and in turn, consistent with the aims of the referenced Federal changes, will expand access to timely, qualified care.

Per section 36-4207 of HB2558, this bill is a title protection only bill. Although we believe it is in the best interest of the public to regulate the practice of medical nutrition therapy, which is nutrition care services provided to treat or manage a disease or medical condition, HB2558 does not create restrictions on the ability of CrossFit trainers or holistic health coaches to provide nutrition services. Fitness professionals play an integral role in helping individuals achieve a

[1] 42 CFR § 482.28(b); 42 CFR § 483.60(e)(2). For discussion of reasoning behind this change, see: *Medicare and Medicaid Programs; Regulatory Provisions to Promote Program Efficiency, Transparency, and Burden Reduction; Part II*, Federal Register, available at: https://www.federalregister.gov/documents/2014/05/12/2014-10687/medicare-and-medicaid-programs-regulatory-provisions-to-promote-program-efficiency-transparency-and (last accessed February 10, 2023).
[2] *See id.*

healthier lifestyle by assisting their clients in increasing regular physical activity and understanding nutrition information. However, as recognized by the American Council on Exercise, fitness professionals who have not obtained additional requisites qualifying them to lawfully practice medical nutrition therapy should only "share general nonmedical nutrition information with their clients.[3] Thus, because HB2558 only addresses title protection and because fitness professionals, without additional qualifications, should not provide medical nutrition therapy, concerns raised by such persons and groups are misplaced.

We believe HB2558 serves the citizens of Arizona and urge you to support its passage.

Sincerely,



Charla M. Burill, JD, RDN
Senior Director
State Government & Legislative Affairs

Cc: Flavio Bravo
Nancy Gutierrez
Alma Hernandez
Cory McGarr
Kevin Payne
Michele Peña

[3] *ACE Position Statement on Nutrition Scope of Practice for Fitness Professionals*, available at: https://acewebcontent.azureedge.net/certifiednews/images/article/pdfs/NutritionScopeOfPractice.pdf (last accessed February 7, 2023).