ARIZONA HOUSE OF REPRESENTATIVES
Fifty-fourth Legislature - Second Regular Session

# COMMITTEE ON REGULATORY AFFAIRS

Report of Regular Meeting
Monday, March 9, 2020
House Hearing Room 5 -- 2:00 P.M.

**Convened** 2:59 P.M.
**Recessed**
**Reconvened**
**Adjourned** 4:06 P.M.

MINUTES RECEIVED
CHIEF CLERK'S OFFICE
3-10-20

**Members Present**
Mr. Blackman
Ms. Powers Hannley
Mr. Shah
Mrs. Terán
Mr. Toma
Mr. Roberts, Vice-Chairman
Mr. Grantham, 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 |
|---|---|---|---|
| SB1274 | DPA | 4-2-1-0 | 4, 5, 6 |
| SB1142 | DP | 4-3-0-0 | 7, 8 |
| SB1127 | DP | 6-0-0-1 | 9, 10 |
| SB1074 | DP | 7-0-0-0 | 11, 12 |

Susan Hite
Susan Hite, Committee Secretary
March 10, 2020

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

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-fourth Legislature - Second Regular Session

Conv. 2:59pm

REGULAR MEETING AGENDA

**COMMITTEE ON REGULATORY AFFAIRS**

Adj 4:06pm

DATE Monday, March 9, 2020 ROOM HHR 5 TIME 2:00 P.M.

Members:

Mr. Blackman
Ms. Powers Hannley
Mr. Shah
Mrs. Terán
Mr. Toma
Mr. Roberts, Vice-Chairman
Mr. Grantham, Chairman

| Bills | | Short Title | Strike Everything Title |
|---|---|---|---|
| ~~*SB1039~~ | | ~~home service warranty contracts~~ | |
| | | ~~(Livingston)~~ | |
| | | ~~RA held 0-0-0-0-0, RULES~~ | |
| 4 SB1074 | DP | occupational therapists; fingerprint clearance cards | |
| | | (Brophy McGee) | |
| | 7-0-0-0 | RA, RULES | |
| ~~**SB1079~~ | | ~~health care service corporations; scope(now: insurance; unfair settlement practices; rulemaking)~~ | |
| | | ~~(Farnsworth D)~~ | |
| | | ~~RA, RULES~~ | |
| 3 ***SB1127 | DP | athletic trainers; dry needling | |
| | | (Brophy McGee: Barto) | |
| | 6-0-0-1 | HHS dp 8-0-0-1-0, RA, RULES | |
| 2 **SB1142 | DP | nonhealth professions; occupations; regulations. | |
| | | (Pace: Kern) | |
| | 4-3-0-0 | RA, RULES | |
| 1 **SB1274 | DPA | professional regulatory boards; composition | |
| | | (Ugenti-Rita) | |
| | 4-2-1-0 | RA, RULES | |

* On previous agenda
** If first read and assigned
*** If out of primary committee

**ORDER OF BILLS TO BE SET BY THE CHAIRMAN**

Sh 03/05/2020

**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.**



Attachment 1

# Information Registered on the Request to Speak System

## *House Regulatory Affairs (3/9/2020)*

## SB1274, professional regulatory boards; composition

### Testified in support:

Paul Avelar, INSTITUTE FOR JUSTICE AZ CHAPTER; Emily Rajakovich, AZ GOVERNOR'S OFFICE

### Testified as opposed:

Melissa Cornelius, AZ STATE BOARD OF TECHNICAL REGISTRATION; Larry Hanson, representing self

### Support:

Boaz Witbeck, AMERICANS FOR PROSPERITY AZ; David Kahn, REPUBLICAN LIBERTY CAUCUS OF ARIZONA; Gretchen Jacobs, ARIZONA COSMETOLOGY SCHOOLS COALITION; cathy koluch, representing self; Kelsey Lundy, ARIZONA COSMETOLOGY SCHOOLS COALITION

### Neutral:

Tom Farley, American Council Of Engineering Companies Of Arizona

### Oppose:

Christine Westhoff, representing self; Gini McGirr, League of Women Voters of Arizona, Legislative Chair, representing self; kathleen mayer, representing self; Alison Porter, representing self; Rivko Knox, representing self; Judy Schwiebert, representing self; Steve Ramos, representing self; Judith Simons, representing self; Alicia Klassen, representing self; Mary Pradelt, representing self; Oris Friesen, representing self; howard johnson, representing self; Rebecca Smith Gross, representing self; Geneva Haber, representing self; Maria Salvucci, representing self; Kevin Brown, representing self; John Glenn, representing self; Eve Shapiro, representing self; Bonnie Barker, representing self; Doug Arnold , representing self; Dianne Post, representing self; margaret gallagher, representing self; Brian Bickel, representing self; Susan Bickel, representing self; JoAnne Chaffeur, representing self; Sherrilynn James, representing self; Hope Busto-Keyes, representing self; Judy Whitehouse, representing self; Ken Chaney, representing self; Miryam Lerma, representing self; Bryna Koch, representing self; Mary Grier, representing self; Barbara Fraboni, representing self; Darrell Boomgaarden, representing self; Brenda White, representing self; Susan Arnold, representing self; Elizabeth Schauer, representing self; Elizabeth Goff, representing self; Charlie Silver, representing self; Ruth Lambert, representing self; Barbara Oliver, representing self; Tom McConnell, representing self; Barbara Hutchinson, representing self; Becky Sayler, representing self; Susan Morris, representing self; jill scherer, representing self; Judith Ellen Sirkis, representing self; Rebecca Olsen McHood, representing self; Julie Golding, representing self; Megan Astudillo, representing self; frank reed, representing self; Chris Senko, representing self; Lawrence Peters, representing self; Patricia O'Neil, representing self; Linda Reichert, representing self; Sarabeth Spencer, representing self; Marlene Verdery, representing self; Claire Ellington, representing self; Linda Edwards, representing self; Kathy Fraser, representing self; Kimberlee McClure, representing self; Murdock Holloway, representing self; Suellen LeMay, representing self; Truly Bone, representing self; Kimberlee Holaway, representing self; Ryan Anderson, representing self; Susan Anderson, representing self; Peggy Klemp, representing self; Janet Senf, representing self; Ruth Murphy, representing self; Marilyn Coyle, representing self; Beverly Berg, representing self; Laurie Nerat, representing self; Ellen Stoll, representing self;

Attachment 2

janice sandoz, representing self; Diane Lings, representing self; Thomas Sonandres, representing self; Kathleen O'Neill, representing self; Valerie Policastro Edie, representing self; Margaret Adams , representing self; Joan Mason, representing self; Jeffrey Fortney, representing self; Mary Fortney, representing self; Virginia Dotson, representing self; Greer Warren, representing self; Dorothy Schumacher, representing self; Lisa Wolfe, representing self; Lori Cinnamond, representing self; Frank Copple, representing self; Toni Therrien, representing self; Kathleen Dubbs, representing self; Nancy Santori, representing self; Sue Thorne, representing self; Bradly Duell, representing self; Katherine Warren, representing self; Mary-Jeanne Fincher, representing self; Faryl Palles, representing self; Roxanna Kearns, representing self; Stephen Coyle, representing self; Jo Ann Caruthers, representing self; Kelli Lang, representing self; John Babicz, representing self; Norman Fuchs, representing self; Linda Alley-Sarnack, representing self; Steve Gorman-Hackstadt, representing self; Mary Nelson, representing self; Teresa Neiberg, representing self; Jill Hamilton, representing self; Howard Neiberg, representing self; Irwin Sheer, representing self; Linda Ekstrum, representing self; Caroline Anderson, representing self; Margaret Nichols, representing self; Eileen Hollowell, representing self; Gary Rulapaugh, representing self; Linda Petersen-Vargas, representing self; Nancy Branham, representing self; Jo Brookshier, representing self; Abby Brill, representing self; Margaret Owen, representing self; Sharon Haynes, representing self; Janet Tatman, representing self; Jacolyn Marshall, representing self; William Yohey, representing self; Leslie Hunten, representing self; Helen Herziger, representing self; Mary Gaudio, representing self; Roy Verdery, representing self; Carol Garnett, representing self; Linda Guarino, representing self; Diana Alexander, representing self; Rita Day, representing self; James Molter, representing self; Danielle Pollett, representing self; Kate Van Roekel, representing self; Patricia Edelen, representing self; Margaret Lacey, representing self; James Stein, representing self; CA Sledge, representing self; Margaret Hendrickson, representing self; Jean Meconi, representing self; Erin McCamish, representing self; Dave Tanguay, representing self; Kathleen Bower, representing self; Ralph Marra, representing self; Teresa Kelleher, representing self; Sandra Adler, representing self; Claudia Oreck-Teplitsky, representing self; Marie Williams, representing self; Frederique Delhaye, representing self; Steve Marks, representing self; Susan Braverman, representing self; kathleen martin, representing self; Jisoo Kim, representing self; Joyce Bergen, representing self; Erin Turley, representing self; Melanie Kishi, representing self; Arthur Kilduff, representing self; Sally Dooley, representing self; Beverly Cameron, representing self; Jane Atkins, representing self; Janice Covert, representing self; Joseph Alexander, representing self; Darlene Sumners, representing self; Linda Meigs, representing self; J Nicholas Prestera, representing self; Rita Stahl, representing self; tracy dailey, representing self; Jeff Teplitsky, representing self; Miriam Black, representing self; Andrea Bernkrant, representing self; Mark Schneider, representing self; REBECCA CELAYA, representing self; Barbara Schneider, representing self; Phillip Riffle, representing self; Larry Johnson, representing self; Janet Stalcup, representing self; Tom Stalcup, representing self; Patrice Pritzl, representing self

## All Comments:

Paul Avelar, INSTITUTE FOR JUSTICE AZ CHAPTER: Boards under the control of industry threaten economic liberty and antitrust violations.; Melissa Cornelius, AZ STATE BOARD OF TECHNICAL REGISTRATION: Please allow the Board's Deputy Director, Patrice Pritzl, the opportunity to speak and answer questions in my absence.; Gini McGirr, Self: I oppose this bill.; kathleen mayer, Self: ridiculous; Rivko Knox, Self: We need balanced state boards that include professionals (who understand the details) along with public members.; Judy Schwiebert, Self: This bill is dangerous to Arizona consumers and disrespectful to professionals across many industries. I respect the standards established by these professions to regulate their industries.; Bonnie Barker, Self: I use these types of professions in my life and I want people with a clue about their industry on their state boards. Otherwise we could give out licenses at Walmart without any state registrations. There must be some oversight for public safety.; Susan Bickel, Self: Stripping the professionals from the boards they regulate will not protect consumers.; JoAnne Chaffeur, Self: So why are we dumbing down the process for professionals? I see lawsuits right and left.; Hope Busto-Keyes, Self: I

oppose SB1274 Professions that require training, also need regulation. Professionals across the spectrum agree that regulation is needed. Deregulation of boards will harm their ability to protect consumers. Consumers need protection.; Mary Grier, Self: These boards serve a legitimate consumer protection function. If there are some regulations that overreach, deal with them specifically.; Elizabeth Goff, Self: These boards protect consumers. Doing away with these boards ability to regulate their industries puts consumers at risk.; Barbara Oliver, Self: This bill would harm consumers. These boards need regulation!; Tom McConnell, Self: Let's keep professional oversight in place.; Susan Morris, Self: I'll say it again. Just because Sen. Ugenti-Rita's fine with no standards for professional care from cosmetologists, massage therapists, etc. doesn't mean that MOST AZ citizens care that little about hygiene, sterility, etc. RIDICULOUS!; Lawrence Peters, Self: Poorly crafted bills have severe consequences. Last year's universal licensing recognition bill has allowed a human trafficking and prostitution epidemic within AZ's massage therapy industry. Professionals call for sane regulations.; Marlene Verdery, Self: When professionals agree that regulation of their profession is necessary WHY would legislators disagree? Personal stake????; Linda Edwards, Self: Prefer more consumer protection than less; Susan Anderson, Self: Strong Oppose. No reason for us to self demote to the lowest common denominator for professional recognition by boards.; Thomas Sonandres, Self: It establishes outsider majorities with less knowledge/experience replacing professionals on state technical registration boards, 2) decreases board ability to protect consumers, 3) professionals agree current regs are needed, 4) this is not needed.; Valerie Policastro Edie, Self: Consumers need protection and standards- who are you working for?; Virginia Dotson, Self: We must keep professionals on state regulatory boards. They know what the risks are.; Greer Warren, Self: It is good public policy to KEEP subject area professionals on technical boards.; Dorothy Schumacher, Self: Haven't we had enough problems when professionals have been eliminated from state boards of technical registration. Shouldn't the AZ Legislature be protecting citizens (a look at past debacles should be enough evidence to vote this down).; Lisa Wolfe, Self: Regulation is necessary for public safety. You will wish you only had Red tape to worry about if regulation is cut.; Lori Cinnamond, Self: this is irresponsible and can potential harm people. awful, awful, awful and dangerous.; Toni Therrien, Self: It is a public safety concern to have non-credentialed persons on a professional board and making technical decisions without understanding the profession.; Sue Thorne, Self: We need professionals on our state boards to regulate and ensure safety. AZ has had a major scandal over human trafficking in past few years. Let's not make it easier for unscrupulous rakes and greedmonsters!!; Mary-Jeanne Fincher, Self: Professional expertise and experience should be valued on these boards, not eliminated!; Roxanna Kearns, Self: Preserve consumer protections and oppose this bill.; Jo Ann Caruthers, Self: What happened to consumer protection. Let's keep these regulations, please.; Jill Hamilton, Self: I want my cosemtologist , massage therapist and especially funeral director to have professionals represented on their state board.; Irwin Sheer, Self: Regulation is in place to protect people. "Cutting red tape" will undoubtably lead to abuse.; Caroline Anderson, Self: Having people on a professional board without professional credentials themselves is ludicrous.; Margaret Nichols, Self: last year's universal licensing recognition bill has allowed Arizona to "unwittingly" inherit a human trafficking and prostitution epidemic within our massage therapy industry. All professions recognize that competent regulation is necessary.; Eileen Hollowell, Self: Sacrificing consumer's safety in the name of "deregulation" is dangerous; Janet Tatman, Self: Responsible professionals, i.e., those w/ integrity, are the best experts on proper conduct in their profession. They can be broadly assisted, even challenged, but certainly not replaced, by qualified laypersons.; Jacolyn Marshall, Self: Regulations are needed to protect consumers, like you.; William Yohey, Self: Another terrible bill. The facility of calling this bill to "alleviate red tape" is wrong an every level. Professionals deem this bill to negate the proper control of protection for the public's welfare. I agree.; Mary Gaudio, Self: Regulations are needed. Remember Theranos?; Roy Verdery, Self: As a physician I know that technical regulation and professional involvement is essential to protecting all Arizonans.; Carol Garnett, Self: Professionals should be on state boards. Why would others want to be or be on these boards. We want them to protect consumers.; Linda Guarino, Self: I would not patronize an unlicensed professional; Patricia Edelen, Self: A lack of regulation leads to lack of consumer protection and proliferation of abuse.; James

Stein, Self: Regulation is needed.; Margaret Hendrickson, Self: Consumers must be protected by professionals; Jean Meconi, Self: Remember the friend whose hair was chemically fried off by an unlicensed hairdresser. Lucky she didn't suffer scalp burns in the process which would have impeded any hair regrowth.; Steve Marks, Self: regulatory boards are NEEDED for public SAFETY; Jisoo Kim, Self: "Cutting red tape" has exposed Arizona to a variety of debacles, including the Theranos, Hacienda, and self-driving Uber scandals. And now, last year's universal licensing recognition bill "unwittingly" gave us a human trafficking epidemic.; Erin Turley, Self: Professionals on regulatory boards keep the public safe. And reduce fraud and abuse which ultimately lead to higher costs of prosecution and litigation.; Sally Dooley, Self: Keep the regulations for the safety of the residents of AZ; Beverly Cameron, Self: This bill would strip professionals from State regulation boards. To remove people who know what their talking about from regulatory boards is very short sighted and dangerous.; Joseph Alexander, Self: This bill would perpetuate the problems Arizona already has with unregulated professionals. It is a very dangerous idea that will weaken protections for Arizonans.; Linda Meigs, Self: Vote NO; professionals are much needed on these state boards!; Andrea Bernkrant, Self: Regulations serve the purpose of protecting the public. They were enacted in the first place for good reasons.; Mark Schneider, Self: Strongly opposed to removing professionals from the boards that regulate their specialties; Patrice Pritzl, Self: The Board of Technical Registration welcomes additional public members. However, the Board cannot support the bill in its current form due to the lack of subject matter members needed to adjudicate complaints for engineers and architects . P. Pritzl

## SB1142, nonhealth professions; occupations; regulations.

### Testified in support:

Boaz Witbeck, AMERICANS FOR PROSPERITY AZ; Paul Avelar, INSTITUTE FOR JUSTICE AZ CHAPTER

### Support:

David Kahn, REPUBLICAN LIBERTY CAUCUS OF ARIZONA

### Neutral:

Tom Farley, American Council Of Engineering Companies Of Arizona, Arizona Association Of Realtors, Arizona Mortgage Lenders Association

### All Comments:

Boaz Witbeck, AMERICANS FOR PROSPERITY AZ: Americans for Prosperity Arizona supports this bill in the legislature's discussion of alternatives to occupational licensing for non-health professions.; Paul Avelar, INSTITUTE FOR JUSTICE AZ CHAPTER: This bill implements bipartisan best recommended practices for sunrise and sunset review.

## SB1127, athletic trainers; dry needling

### Testified in support:

Laurie White, representing self; Barton Anderson, representing self

### Support:

Susan Falsone, representing self; Chasen Webb, representing self; Lindsey Loughran, representing self; Josh Beaumont, representing self; Kellie Huxel Bliven, representing self; Alicia Pike, representing self; Alison Snyder,

Athletic Training Educator, representing self; Susan Cannata, Arizona Athletic Trainers Association; David Mesman, representing self; Genaro Garcia, representing self; Ryan DiPanfilo, representing self

### Neutral:

Catherine Niemiec, President PIHMA Acupuncture College, representing self; Jonathan Lindsey, Phoenix Institute Of Herbal Medicine & Acupuncture (College); Karen Whiteford, AZ STATE BOARD OF ATHLETIC TRAINING

### All Comments:

Laurie White, Self: Representing AZ Athletic Trainers' Association; Barton Anderson, Self: Dr. Barton Anderson - Associate Professor of Athletic Training, AT Still University, Mesa; Education and Training for Dry Needling; Susan Falsone, Self: Assistant Professor, Athletic Trainer, Physical Therapist; Chasen Webb, Self: Certified to Dry Needle but not allowed.; Josh Beaumont, Self: I am currently trained in dry needling but am unable to use on patients, This limits my ability to practice to the full extent of my training.; Alicia Pike, Self: Athletic Trainer; Alison Snyder, Self: Athletic Training, Professor of Athletic Training Post-Professional Program; David Mesman, Self: Athletic Training Professor in an Athletic Training Educational program.; Genaro Garcia, Self: Genaro Gerry Garcia - Director of Football Athletic Training; Catherine Niemiec, President PIHMA Acupuncture College, Self: We would support an amendment to add training standards for public safety. Many states (see IL, UT, KS, DE) have raised the dry needling standards from 15-40 hours to 300 hours to be commensurate with other healthcare providers using this technique.; Jonathan Lindsey, Phoenix Institute Of Herbal Medicine & Acupuncture (College): Support if amended to include defined standards of training or competence in line with national trends for training for Dry Needling Acupuncture; Karen Whiteford, AZ STATE BOARD OF ATHLETIC TRAINING: I am available to answer questions regarding Board implementation, if necessary.

## SB1074, occupational therapists; fingerprint clearance cards

### Support:

Karen Whiteford, AZ STATE BOARD OF OCCUPATIONAL THERAPY; Lauren King, THE ARIZONA OCCUPATIONAL THERAPY ASSOCIATION

# PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD

## HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on Regulatory Affairs Bill Number _____

Date 3-9-2020 ☐ Support ☐ Oppose ☐ Neutral

Name Patrice Pitts Need to Speak? ☐ Yes ☐ No

Representing Bailey Technical Inc. Are you a registered lobbyist? ____

Complete Address 1110 W Washington

E-mail Address patrice.pitts@azbar.gov Phone Number 602 364 4755

Comments: _____

***FIVE-MINUTE SPEAKING LIMIT***

# ARIZONA STATE LEGISLATURE

Fifty-fourth Legislature - Second Regular Session

## COMMITTEE ATTENDANCE RECORD

COMMITTEE ON REGULATORY AFFAIRS

CHAIRMAN: Travis W. Grantham VICE-CHAIRMAN: Bret Roberts

| DATE | 3/9 /20 | /20 | /20 | /20 | /20 |
|---|---|---|---|---|---|
| CONVENED | 2:5[illegible] pm | m | m | m | m |
| RECESSED | | | | | |
| RECONVENED | | | | | |
| ADJOURNED | 4:06 pm | | | | |
| MEMBERS | | | | | |
| Blackman | ✓ | | | | |
| Powers Hannley | ✓ | | | | |
| Shah | ✓ | | | | |
| Terán | ✓ | | | | |
| Toma | ✓ | | | | |
| Roberts, Vice-Chairman | ✓ | | | | |
| Grantham, Chairman | ✓ | | | | |

√ Present — Absent exc Excused

Attachment 3

# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

**Senate:** COM DPA 5-2-1-0 | 3rd Read 17-13-0-0

## SB 1274: professional regulatory boards; composition
## Sponsor: Senator Ugenti-Rita, LD 23
## Committee on Regulatory Affairs

**Overview**

Restructures the statutory membership of the Arizona Board of Technical Registration (BTR), the Board of Barbers (BB), the Board of Cosmetology (BC), the State Board of Funeral Directors and Embalmers (BFDE) and the Board of Massage Therapy (BMT).

**History**

The BTR regulates architects, engineers, geologists, home inspectors, landscape architects and surveyors (A.R.S Title 32, Chapter 1).

The BB licenses barbers, barber instructors, barber schools, barber shops and salons (A.R.S. § Title 32, Chapter 3).

The BC establishes standards for the practice of cosmetology, aesthetics, nail technology, hairstyling and salons and schools that engage in or teach practices (A.R.S. Title 32, Chapter 5).

BFDE licenses and registers funeral directors, embalmers, interns, embalmer's assistants, cremationists, funeral establishments and crematories (A.R.S. Title 32, Chapter 12).

The BMT evaluates applicant qualifications for massage therapist licenses and issues licenses to qualified applicants (A.R.S. Title 32, Chapter 42).

**Provisions**

***Board of Technical Registration (Sec. 1)***

1. Modifies the membership of the BTR to include the following:
   a) One architect rather than two;
   b) One professional engineer rather than three professional engineers; and
   c) Six public members rather than one.
2. Requires at least one public member to have legal, construction or design product background.

***Board of Barbers (Sec. 2)***

3. States that two members of the BB must include a maximum of one member of each of the following qualifications:
   a) An active barber who has been practicing for at least five years;
   b) A holder of a barber school license who is a barber; or
   c) A holder of a barber shop or salon license who is a barber.
4. Increases the number of public members in the BB to three rather than two.
5. Removes the following members from the BB:
   a) One active barber who has been practicing for at least five years;
   b) A holder of a barber school license who is a barber; or

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

c) A holder of a barber shop or salon license who is a barber.

***Board of Cosmetology (Sec. 3)***

6. States that three members of the BC must include a maximum of one member from each of the following occupations who has been actively practicing for at least three years immediately preceding the appointment:
   a) cosmetologists;
   b) nail technicians;
   c) instructors; or
   d) school owners.
7. Increases the number of public members in the BC to four rather than two.
8. Removes the following members from the BC:
   a) Two cosmetologists who have been practicing in this state for at least three years preceding appointment;
   b) One nail technician who has been practicing in this state for at least three years preceding appointment;
   c) One instructor who has been practicing in this state for at least three years preceding appointment; and
   d) A school owner.

***Board of Funeral Directors and Embalmers (Sec. 4)***

9. Decreases the number of the BFDE to three rather than four.
10. Increases the number of public members in the BFDE to four rather than three.

***Board of Massage Therapy (Sec. 5)***

11. Decreases the number of massage therapists from the BMT to two rather than three.
12. Increases the number of public members in the BMT to three rather than two.
    a) Requires at least one public member to be actively involved in programs or services that help to reduce or prevent human trafficking.

***Miscellaneous***

13. Retains the members of the BTR, BB, BC, BFDE and the BMT on the effective date of this act, until the expiration of their normal terms. (Sec. 6)
14. Requires the Governor to make all subsequent appointments of the BTR, BB, BC, BFDE and the BMT. (sec. 6)
15. Makes technical and conforming changes. (Sec. 1, 2, 3, 5)

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1274

(Reference to Senate engrossed bill)

Page 1, between lines 1 and 2, insert:

"Section 1. Section 15-1851, Arizona Revised Statutes, is amended to read:

15-1851. Commission for postsecondary education; purpose; report; members; terms; powers and duties; compensation; quorum; immunity; definition

A. The commission for postsecondary education is established and shall administer the applicable programs identified under section 1203 of the higher education act amendments of 1998 (P.L. 105-244), including the leveraging educational assistance partnership program, the federal family education loan program and the Paul Douglas teacher scholarships program, and shall supervise the state guarantee agency under the higher education act amendments of 1998.

B. In addition to the responsibilities prescribed in subsection A of this section, the commission shall:

1. Provide a forum to public and private postsecondary education institutions for discussion of issues of mutual interest, including the following:

(a) The postsecondary needs of unserved and underserved individuals in this state.

(b) The resources of public and private institutions, organizations and agencies that are located in this state and that are capable of providing postsecondary education opportunities.

Attachment 5

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

(c) Enrollment demand and public policy options to meet statewide needs for postsecondary education services.

(d) Cooperative comprehensive instructional and capital planning.

2. Provide reports pursuant to this subsection on discussions of issues of mutual interest.

3. Coordinate and promote collaborative studies on issues of mutual interest to public and private postsecondary education institutions.

4. Compile and disseminate information to the public regarding postsecondary education opportunities in this state.

5. Prepare an annual report that summarizes the results of the commission's activities prescribed in this section and section 15-1852. The annual report shall be submitted to the speaker of the house of representatives, the president of the senate, the governor and the ~~Arizona state library, archives and public records by~~ SECRETARY OF STATE ON OR BEFORE December 28.

6. Administer the Arizona teacher student loan program established by chapter 13, article 11 of this title.

C. The commission consists of the executive director of the Arizona board of regents, the executive director of the state board for private postsecondary education and the following additional members who are appointed by the governor pursuant to section 38-211:

1. Two members who hold senior executive or managerial positions in a university under the jurisdiction of the Arizona board of regents.

2. Two members who hold senior executive or managerial positions in a community college district, one representing a community college district in a county with a population of five hundred thousand persons or more and one representing a community college district in a county with a population of less than five hundred thousand persons.

3. Two members who hold senior executive or managerial positions in private postsecondary institutions of higher education that are licensed under title 32, chapter 30, that are located in this state, that offer

bachelor's or higher degrees and that are accredited by a regional accreditation agency approved by the United States department of education.

4. Two members who hold senior executive or managerial positions in private postsecondary institutions of higher education that are licensed under title 32, chapter 30, that are located in this state, that offer vocational education programs and that are accredited by a national accreditation agency approved by the United States department of education.

5. One member who holds a senior executive or managerial position in a private cosmetology school that is licensed under title 32, chapter 5, that is located in this state, that offers cosmetology programs approved by the ~~board of~~ BARBERING AND cosmetology BOARD and that is accredited by a national accreditation agency approved by the United States department of education.

6. One member who holds a senior executive or managerial position in an institution that is licensed under title 32, chapter 23 or under 14 Code of Federal Regulations part 147, that offers vocational education programs at the postsecondary level, that is located in this state and that is not an institution that is qualified under any other category.

7. One member who has held a senior executive or managerial level position in commerce or industry in this state for at least three years before the member's appointment and who is not qualified to serve under any other category.

8. Two members who hold senior executive or managerial positions in the high school education system in this state.

9. One member who is an owner, operator or administrator of a charter school in this state.

D. Members of the commission appointed pursuant to subsection C, paragraphs 1 through 9 of this section shall serve four-year terms. Appointed members of the commission shall be residents of this state. Appointed members of the commission at all times during their terms shall continue to be eligible for appointment under the category that they were appointed to represent. Terms of appointed members of the commission begin

on the third Monday in January. No appointed member of the commission may serve more than two consecutive terms.

E. The executive director of the Arizona board of regents and the executive director of the state board for private postsecondary education serve as members of the commission during their respective terms of office and are not eligible to vote with respect to the commission's review of any postsecondary institution.

F. Members appointed pursuant to subsection C, paragraphs 1 through 9 of this section are eligible to receive compensation pursuant to section 38-611 for each day spent in the performance of commission duties and may be reimbursed for expenses properly incurred in connection with the attendance at meetings or hearings of the commission.

G. The governor shall appoint a chairman from among the members of the commission who shall serve a one-year term that begins on the third Monday in January.

H. A majority of the members of the commission constitute a quorum for the transaction of commission business. The vote of a majority of the quorum constitutes authority for the commission to act.

I. Members of the commission are immune from personal liability with respect to all actions that are taken in good faith and within the scope of the commission's authority.

J. For the purposes of this section, "community college district" means a community college district that is established pursuant to sections 15-1402 and 15-1403 or section 15-1402.01 and that is a political subdivision of this state.

Sec. 2. Heading change

The article heading of title 32, chapter 3, article 1, Arizona Revised Statutes, is changed from "BOARD OF BARBERS" to "BARBERING"."

Renumber to conform

Strike lines 25 through 43

Strike page 2, insert:

"Sec. 4. Section 32-301, Arizona Revised Statutes, is amended to read:

32-301. Definitions

In this chapter, unless the context otherwise requires:

1. "Barber" means a person who is licensed to practice barbering ~~pursuant to this chapter~~ BY THE BOARD.

2. "Barbering" means any one or a combination of the following practices if they are performed on a person's head, face, neck or shoulders for cosmetic purposes:

(a) Cutting, clipping or trimming hair.

(b) Massaging, cleansing, stimulating, manipulating, exercising, beautifying or applying oils, creams, antiseptics, clays, lotions or other preparations, either by hand or by mechanical or electrical appliances.

(c) Styling, arranging, dressing, curling, waving, permanent waving, straightening, cleansing, singeing, bleaching, dyeing, tinting, coloring or similarly treating hair.

(d) Providing hair attachments, extensions, hairpieces and wigs when performed by a barber.

(e) Shaving or trimming a beard.

(f) Providing skin care.

3. "Board" means the BARBERING AND COSMETOLOGY board ~~of barbers~~.

4. "Instructor" means a person who is licensed to teach barbering pursuant to this chapter.

5. "Mentor" means a barber who is approved by the board to train a person in a department of economic security-approved apprenticeship program in barbering in an establishment that is licensed by the board.

6. "School" means an establishment that is operated for the purpose of teaching barbering OR COSMETOLOGY.

7. "Shop" or "salon" means an establishment that is operated for the purpose of engaging in the practice of barbering.

Sec. 5. Delayed repeal

Sections 32-302 and 32-303, Arizona Revised Statutes, are repealed from and after December 31, 2020.

Sec. 6. 32-304, Arizona Revised Statutes, is amended to read:

32-304. Powers and duties

A. The board shall:

1. Make and adopt rules that are necessary or proper ~~for the administration of~~ TO ADMINISTER this chapter, including sanitary and safety requirements for schools and shops or salons, sanitary and safety standards for the practice of barbering and mobile unit requirements.

2. Administer and enforce this chapter and rules adopted pursuant to this chapter.

3. Maintain a record of its acts and proceedings, including issuance, refusal, renewal, suspension and revocation of licenses, and a record of the name, address and license date of each licensee.

4. Keep the records of the board open to public inspection at all reasonable times.

5. Furnish a copy of its rules to a barber or to the owner or manager of each shop or salon on request.

6. Have a seal, the imprint of which shall be used to evidence its official acts.

7. Prescribe minimum school curriculum requirements.

8. Approve a barber as a mentor based on the barber's record of compliance with this chapter. The board may not condition the approval on the barber's payment of an additional fee or completion of an additional requirement.

B. The board may~~:~~

~~1. Subject to title 41, chapter 4, article 4, employ an executive director who has been a licensed barber for at least five years preceding employment and other personnel it deems necessary. The board shall compensate its executive director and other personnel as determined pursuant to section 38-611.~~

~~2.~~ inspect the premises of any school, shop or salon during business hours.

Sec. 7. Delayed repeal; transfer of monies

A. Section 32-305, Arizona Revised Statutes, is repealed from and after December 31, 2020.

B. All unexpended and unencumbered monies remaining in the board of barbers fund established by section 32-305, Arizona Revised Statutes, as repealed by subsection A of this section, are transferred to the barbering and cosmetology fund established by section 32-505, Arizona Revised Statutes, as amended by this act, on January 1, 2021.

Sec. 8. Section 32-321, Arizona Revised Statutes, is amended to read:

32-321. Nonapplicability of chapter

This chapter does not apply to the following persons while in the proper discharge of their professional duties:

1. Medical practitioners licensed pursuant to this title who treat physical or mental ailments or disease.

2. Persons who perform services without compensation in case of emergency or in domestic administration.

3. Commissioned physicians and surgeons serving in the armed forces of the United States or other federal agencies.

4. Students attending schools licensed pursuant to this chapter OR CHAPTER 5 OF THIS TITLE while they are on school premises during school hours.

5. Persons licensed pursuant to chapter 5 or 12 of this title.

6. Shampoo assistants who shampoo hair under the direction of a barber licensed pursuant to this chapter.

7. Persons who are in the custody of the state department of corrections and who perform services for persons in the custody of the state department of corrections.

8. Persons who are participating in a department of economic security-approved apprenticeship program in barbering as described in

section 32-322 while working with a mentor in an establishment that is licensed by the board.

9. PERSONS WHO ARE LICENSED IN ANOTHER STATE, WHO ARE IN THIS STATE FOR NOT MORE THAN TWO WEEKS AND WHO PROVIDE SERVICES FOR PERSONS WHO ARE ATTENDING AN ATHLETIC, CHARITABLE, ARTISTIC OR SOCIAL EVENT IN THIS STATE.

Sec. 9. Section 32-322, Arizona Revised Statutes, is amended to read:

32-322. Barber license; application; qualifications

A. An applicant for a barber license shall file the following with the board:

1. A written application on a form prescribed by the board.

2. Evidence satisfactory to the board that the applicant possesses the necessary qualifications.

3. One signed photograph.

B. Each applicant shall:

1. Be at least sixteen years of age.

2. Complete and receive appropriate credits for at least two years of high school education or its equivalent as prescribed by the board in its rules and submit satisfactory evidence that the person is at least sixteen years of age.

3. Pass an examination given under the direction of the board.

4. Pay the prescribed fees.

5. Either:

(a) Be a graduate of a school that is licensed pursuant to this chapter or a graduate of a school or program in another state that at the time of the applicant's graduation met the barber licensing requirements of that state.

(b) Complete a United States department of labor-approved or a department of economic security-approved apprenticeship program in barbering that includes at least two hundred fifty hours of instruction as described in section 32-325, subsection B, paragraph 1. The instruction prescribed by this subdivision shall be completed through either:

(i) A school that is licensed pursuant to this chapter or a school or program in another state that has, in the board's opinion, licensure requirements that are substantially equivalent to the requirements of this state.

(ii) A department of economic security-approved apprenticeship program.

C. An applicant who holds a valid license to practice barbering issued by another state is exempt from subsection B, paragraph 3 of this section if the applicant submits both of the following to the board:

1. Proof that the applicant has one year of experience as a barber.

2. A document signed by the applicant stating that the applicant has read and understands the laws prescribed by this chapter.

D. An applicant who holds a valid license or authorizing document to practice barbering issued by another country and whose presence in the United States is authorized under federal law is exempt from subsection B, paragraph 5 of this section if all of the following apply:

1. The board determines that the applicant is proficient in barbering.

2. The applicant completes at least three hundred fifty hours of education at a school or program that is licensed pursuant to this chapter.

3. The applicant signs a document stating that the applicant has read and understands the requirements of this chapter.

E. Notwithstanding subsection B, paragraph 5 of this section, an applicant for a barber license who holds a cosmetologist license or a hairstylist license issued pursuant to chapter 5 of this title shall complete a ~~three hundred fifty-hour~~ TWO HUNDRED-HOUR course ~~of study~~ consisting of barbering techniques in a ~~barbering~~ school licensed ~~pursuant to this chapter~~ BY THE BOARD.

Sec. 10. Delayed repeal

Section 32-324, Arizona Revised Statutes, is repealed from and after December 31, 2020.

Sec. 11. Title 32, chapter 3, article 2, Arizona Revised Statutes, is amended by adding a new section 32-324, to read:

32-324. Examinations

A. THE BOARD OR A NATIONAL PROFESSIONAL ORGANIZATION FOR BARBERING SELECTED BY THE BOARD SHALL ADMINISTER WRITTEN AND PRACTICAL EXAMINATIONS FOR A BARBER OR INSTRUCTOR LICENSE. THE EXAMINATIONS SHALL TEST FOR REQUISITE KNOWLEDGE AND SKILLS IN THE TECHNICAL APPLICATION OF BARBERING SERVICES. AN APPLICANT MAY TAKE AN EXAMINATION BEFORE THE APPLICANT HAS COMPLETED THE REQUIRED HOURS OF COURSE INSTRUCTION PRESCRIBED BY THIS ARTICLE, BUT THE APPLICANT MUST COMPLETE THE REQUIRED HOURS OF COURSE INSTRUCTION BEFORE LICENSURE.

B. THE BOARD OR A NATIONAL PROFESSIONAL ORGANIZATION FOR BARBERING SELECTED BY THE BOARD SHALL INFORM EACH APPLICANT OF THE EXAMINATION RESULTS.

C. THE BOARD SHALL MAKE AN ACCURATE RECORD OF EACH EXAMINATION.

Sec. 12. Section 32-325, Arizona Revised Statutes, is amended to read:

32-325. School license; application; qualifications

A. An applicant for a license to operate a school shall file a written application on a form prescribed by the board. The application shall be under oath and accompanied by the prescribed fee.

B. A course of instruction in a licensed school ~~which~~ THAT teaches barbering shall consist of at least one thousand ~~five~~ TWO hundred hours of instruction of not more than eight hours in any one working day. The course of instruction shall include:

1. At least two hundred fifty hours devoted to the study of the fundamentals of barbering, hygiene, bacteriology, histology of the hair, skin, muscles and nerves, structure of the head, face and neck, elementary chemistry relating to sterilization and antiseptics and diseases of the skin, hair and glands.

2. At least ~~one thousand two~~ NINE hundred fifty hours devoted to the practice and study of massaging and manipulating muscles of the scalp, face

and neck, hair cutting, shaving and chemical work relating to permanent waves and hair straightening, coloring and bleaching.

C. A licensed school shall:

1. Be operated under the general supervision of a licensed instructor.

2. Have and maintain sufficient equipment to properly train all its students in the use, function and operation of equipment ~~which~~ THAT is at the time in use in barbering.

3. Provide:

(a) Separate lecture rooms or classrooms.

(b) Locker spaces for students.

(c) An area appropriate in size for ~~the placement of~~ PLACING the training equipment.

4. Require that a student pass examinations in all phases of barbering before ~~he graduates~~ GRADUATING.

5. Pass an inspection by the board before a school license is issued.

6. Furnish to the board and maintain in force a bond in the sum of ~~twenty-five thousand dollars~~ $25,000 approved by the board and executed by a corporate bonding company authorized to do business in this state. The bond shall be for the benefit of and subject to the claims of ~~the~~ THIS state for failure to comply with the requirements of this chapter and conditioned that the school licensed pursuant to this chapter shall afford to its students the full course of instruction required pursuant to this chapter, in default of which the full amount of the tuition paid by the student shall be refunded.

D. The student to instructor ratio in a school shall be not more than twenty to one.

E. Instructors shall not apply their time to private practice with or without compensation in a school or during school hours.

F. Students shall not teach other students.

G. Students shall be under the constant supervision of an instructor.

H. A SCHOOL MAY OFFER COURSES ON BOTH COSMETOLOGY AND BARBERING IF AN INSTRUCTOR LICENSED PURSUANT TO CHAPTER 5 OF THIS TITLE TEACHES THE COSMETOLOGY COURSES AND AN INSTRUCTOR LICENSED PURSUANT TO THIS CHAPTER TEACHES THE BARBERING COURSES.

Sec. 13. Section 32-501, Arizona Revised Statutes, is amended to read:

32-501. Definitions

In this chapter, unless the context otherwise requires:

1. "Aesthetician" means a person who is licensed to practice skin care pursuant to this chapter.

2. "Aesthetics" means any one or a combination of the following practices if they are performed for cosmetic purposes:

(a) Massaging, cleansing, stimulating, manipulating, exercising, beautifying or applying oils, creams, antiseptics, clays, lotions or other preparations, either by hand or by mechanical or electrical appliances.

(b) Arching eyebrows or tinting eyebrows and eyelashes.

(c) Removing superfluous hair by means other than electrolysis or threading.

3. "BARBERING" HAS THE SAME MEANING PRESCRIBED IN SECTION 32-301.

~~3.~~ 4. "Board" means the ~~board of~~ BARBERING AND cosmetology BOARD.

~~4.~~ 5. "Cosmetic purposes" means for the purpose of beautifying, preserving or conferring comeliness, excluding therapeutic massage and manipulations.

~~5.~~ 6. "Cosmetologist" means a person who is licensed to practice cosmetology pursuant to this chapter.

~~6.~~ 7. "Cosmetology" means any one or a combination of the following practices if they are performed for cosmetic purposes:

(a) Massaging, cleansing, stimulating, manipulating, exercising, beautifying or applying oils, creams, antiseptics, clays, lotions or other preparations, either by hand or by mechanical or electrical appliances.

(b) Arching eyebrows or tinting eyebrows and eyelashes.

(c) Removing superfluous hair by means other than electrolysis or threading.

(d) Nail technology.

(e) Hairstyling.

~~7.~~ 8. "Electrical appliances" means devices that use electrical current and includes lasers and IPL devices as defined in section 32-516.

~~8.~~ 9. "Hairstyling" means ~~either~~ ANY of the following:

(a) Cutting, clipping or trimming hair.

(b) Styling, arranging, dressing, curling, waving, permanent waving, straightening, cleansing, singeing, bleaching, dyeing, tinting, coloring or similarly treating hair.

(c) REMOVING SUPERFLUOUS HAIR FROM THE NECK UP BY MEANS OTHER THAN ELECTROLYSIS OR THREADING.

~~9.~~ 10. "Hairstylist" means a person who is licensed to practice hairstyling pursuant to this chapter.

~~10.~~ 11. "Instructor" means a person who is licensed to teach cosmetology, aesthetics, nail technology or hairstyling, or any combination thereof, pursuant to this chapter.

~~11.~~ 12. "Mentor" means a cosmetologist who is approved by the board to train a person in a department of economic security-approved apprenticeship program in cosmetology in an establishment that is licensed by the board.

~~12.~~ 13. "Nail technician" means a person who is licensed to practice nail technology pursuant to this chapter.

~~13.~~ 14. "Nail technology" means any of the following:

(a) Cutting, trimming, polishing, coloring, tinting, cleansing or otherwise treating a person's nails.

(b) Applying artificial nails.

(c) Massaging and cleaning a person's hands, arms, legs and feet.

~~14.~~ 15. "Salon" means any of the following:

(a) An establishment that is operated for the purpose of engaging in the practice of cosmetology, aesthetics, nail technology or hairstyling, or any combination of the listed practices.

(b) An establishment together with a retrofitted motor vehicle for exclusive use as a mobile facility for the purpose of engaging in the practice of cosmetology, aesthetics, nail technology or hairstyling, or any combination of the listed practices, that is operated and dispatched through the establishment.

(c) A retrofitted motor vehicle THAT IS exclusively used as a mobile facility for the purpose of engaging in the practice of cosmetology, aesthetics, nail technology or hairstyling, or any combination of the listed practices, AND that is operated and dispatched from a business that has a physical street address ~~that is~~ on file with the board.

~~15.~~ 16. "School" means an establishment that is operated for the purpose of teaching BARBERING, cosmetology, aesthetics, nail technology or hairstyling, or any combination of the listed practices.

~~16.~~ 17. "Threading" means a service that results in the removal of hair from its follicle from around the eyebrows and from other parts of the face with the use of a single strand of cotton thread and an over-the-counter astringent, if the service does not use chemicals of any kind, wax or any implements, instruments or tools to remove hair.

Sec. 14. Section 32-502, Arizona Revised Statutes, is amended to read:

32-502. Barbering and cosmetology board; members; appointment; qualifications; terms

A. The BARBERING AND COSMETOLOGY board ~~of cosmetology~~ is established consisting of the following ~~seven~~ members who are appointed by the governor:

1. ~~Two cosmetologists~~ ONE COSMETOLOGIST who ~~have been~~ HAS actively ~~practicing~~ PRACTICED in this state for at least three years immediately preceding appointment.

~~2. One nail technician who has been actively practicing in this state for at least three years immediately preceding appointment.~~

~~3. One instructor who has been actively practicing in this state for at least three years immediately preceding appointment.~~

~~4.~~ 2. ~~One~~ TWO school ~~owner~~ OWNERS WHO DO NOT OWN THE SAME SCHOOL.

~~5.~~ 3. ~~Two~~ FIVE public members, PREFERABLY ONE OF WHOM IS AN EDUCATOR, who are not and have never been associated with the BARBERING, cosmetology or nail technology industry, licensed as a BARBER, cosmetologist or nail technician or involved in the manufacture of BARBERING, cosmetology or nail technology products.

4. ONE BARBER WHO HAS ACTIVELY PRACTICED BARBERING IN THIS STATE FOR AT LEAST THREE YEARS.

B. The term of office for members is three years beginning and ending June 22.

C. The governor may remove board members for neglect of duty, malfeasance or misfeasance.

Sec. 15. Section 32-503, Arizona Revised Statutes, is amended to read:

32-503. Officers; meetings; personnel; compensation

A. The board shall annually elect a chairman, ~~vice-chairman~~ VICE CHAIRMAN and secretary-treasurer from among its membership.

B. The board shall hold at least one regular meeting monthly and may hold other meetings at times and places it designates.

C. Subject to title 41, chapter 4, article 4, the board may employ the following personnel as it deems necessary to carry out the purposes of this chapter AND CHAPTER 3 OF THIS TITLE and designate their duties:

1. An executive director.

2. A supervisor of examinations who is an instructor licensed pursuant to this chapter OR CHAPTER 3 OF THIS TITLE and WHO has worked at least two of the five years immediately preceding employment as an instructor in a school licensed pursuant to this chapter.

3. Examiners who are not employed as instructors in any school licensed pursuant to this chapter OR CHAPTER 3 OF THIS TITLE.

4. Persons to provide investigative, professional and clerical assistance.

5. Consultants to assist the board in the performance of its duties.

6. Other personnel.

D. Members of the board are eligible to receive compensation as determined pursuant to section 38-611 for each day of actual service in the business of the board. The board shall compensate its executive director and other personnel as determined pursuant to section 38-611.

Sec. 16. Section 32-505, Arizona Revised Statutes, is amended to read:

32-505. Barbering and cosmetology fund

A. The ~~board of~~ BARBERING AND cosmetology fund is established. Except as provided in subsection C of this section, before the end of each calendar month THE BOARD SHALL DEPOSIT, pursuant to sections 35-146 and 35-147, ~~the board shall deposit~~ ten ~~per cent~~ PERCENT of all monies from whatever source ~~which~~ THAT come into the possession of the board in the state general fund and deposit the remaining ninety ~~per cent~~ PERCENT in the ~~board of~~ BARBERING AND cosmetology fund.

B. Except as provided in section 32-573, subsection G, monies deposited in the ~~board of~~ BARBERING AND cosmetology fund are subject to section 35-143.01.

C. Monies from civil penalties received pursuant to section 32-571 shall be deposited, pursuant to sections 35-146 and 35-147, in the state general fund.

Sec. 17. Section 32-506, Arizona Revised Statutes, is amended to read:

32-506. Nonapplicability of chapter

This chapter does not apply to the following persons while in the proper discharge of their professional duties:

1. Medical practitioners who are licensed pursuant to this title if the practices treat physical or mental ailments or disease.

2. Commissioned physicians and surgeons who are serving in the armed forces of the United States or other federal agencies.

3. Persons who are licensed pursuant to chapter 3 or 12 of this title.

4. Students who are attending schools licensed pursuant to this chapter while they are on school premises during school hours OR OFF CAMPUS AT A SCHOOL-SPONSORED EVENT.

5. Persons employed by theatrical groups who apply makeup, oils and cosmetics.

6. Persons who sell makeup, oils and cosmetics and who apply such products during the process of selling such products.

7. Shampoo assistants who shampoo hair under the direction of a cosmetologist or hairstylist licensed pursuant to this chapter.

8. Services performed by and for persons who are in the custody of the state department of corrections.

9. Persons who apply makeup, oils and cosmetics to patients in a hospital, nursing home or residential care institution with the consent of the patient and the hospital, nursing home or residential care institution.

10. Persons who provide a service that results in tension on hair strands or roots by twisting, wrapping, weaving, extending, locking or braiding if the service does not include the application of dyes, reactive chemicals or other preparations to alter the color of the hair or to straighten, curl or alter the structure of the hair.

11. Persons who provide threading.

12. Persons who provide tanning services by means of airbrushing, tanning beds or spray tanning.

13. Persons who apply makeup, including eyelash enhancements. This paragraph does not apply if a person is engaging in the practice of aesthetics or cosmetology. A person who is exempt pursuant to this paragraph shall post a sign in a conspicuous location in the person's place

of business notifying the public that the person's services are not regulated by the board.

14. Persons who dry, style, arrange, dress, curl, hot iron or shampoo and condition hair if the service does not include applying reactive chemicals to permanently straighten, curl or alter the structure of the hair and if the person takes and completes a class relating to sanitation, infection protection and law review that is provided by the board or its designee. This paragraph does not apply if a person is engaging in the practice of aesthetics or cosmetology. A person who is exempt pursuant to this paragraph shall post a sign in a conspicuous location in the person's place of business notifying the public that the person's services are not regulated by the board.

15. Persons who are participating in a department of economic security-approved apprenticeship program in cosmetology as described in section 32-511 while working with a mentor in an establishment that is licensed by the board.

16. PERSONS WHO ARE LICENSED IN ANOTHER STATE AND WHO ARE WORKING IN THIS STATE AT A CHARITABLE EVENT THAT BENEFITS A NONPROFIT ORGANIZATION.

17. PERSONS WHO ARE LICENSED IN ANOTHER STATE, WHO ARE IN THIS STATE FOR NOT MORE THAN TWO WEEKS AND WHO PROVIDE SERVICES FOR PERSONS WHO ARE ATTENDING AN ATHLETIC, CHARITABLE, ARTISTIC OR SOCIAL EVENT IN THIS STATE.

18. PERSONS WHO ARE ENROLLED IN A SCHOOL THAT IS LICENSED BY THE BOARD AND WHO SHAMPOO, RINSE AND APPLY CREAM RINSE, CONDITIONERS AND RECONSTRUCTORS TO HAIR, INCLUDING HAIR THAT HAS BEEN TREATED WITH COLOR OR BLEACH.

Sec. 18. Section 32-511, Arizona Revised Statutes, is amended to read:

32-511. Cosmetologists; applications; qualifications

A person is entitled to receive a cosmetologist license if the person DOES ALL OF THE FOLLOWING:

1. Submits to the board an application for a cosmetologist license on a form supplied by the board.

2. Does either of the following:

(a) Completes and receives appropriate credits for at least two years of high school education or its equivalent as prescribed by the board in its rules and submits satisfactory evidence that the person is at least sixteen years of age.

(b) Submits to the board satisfactory evidence that the person is at least eighteen years of age.

3. Submits to the board satisfactory evidence of any of the following:

(a) That the person is a graduate of a cosmetology course consisting of at least ~~sixteen~~ ONE THOUSAND FIVE hundred hours of training in a school licensed ~~pursuant to this chapter~~ BY THE BOARD.

(b) That the person is a graduate of a cosmetology school in another state or country that had at the time of the person's graduation substantially the same requirements as this state for schools licensed pursuant to this chapter.

(c) That the person completed a United States department of labor-approved or a department of economic security-approved apprenticeship program in cosmetology that includes at least two hundred fifty hours of infection protection and law review instruction. The person shall complete the instruction prescribed by this subdivision through either:

(i) A school that is licensed pursuant to this chapter or a school or program in another state that has, in the board's opinion, licensure requirements that are substantially equivalent to the requirements of this state.

(ii) A department of economic security-approved apprenticeship program.

4. Passes the examination for a cosmetologist license.

5. Pays the prescribed fees.

Sec. 19. Section 32-512.01, Arizona Revised Statutes, is amended to read:

32-512.01. Hairstylists; applications; qualifications

A person is entitled to receive a license to practice hairstyling if the person does all of the following:

1. Submits to the board an application for a hairstylist license on a form supplied by the board.

2. Either:

(a) Completes and receives appropriate credits for at least two years of high school education or its equivalent as prescribed by the board in its rules and submits satisfactory evidence that the person is at least sixteen years of age.

(b) Submits to the board satisfactory evidence that the person is at least eighteen years of age.

3. Submits to the board satisfactory evidence that the person either:

(a) Graduated from a hairstyling school in another state or country that had at the time of the person's graduation substantially the same requirements as this state for schools licensed pursuant to this chapter.

(b) Completed EITHER:

(i) A hairstylist course consisting of at least one thousand hours of training in a school licensed ~~pursuant to this chapter~~ BY THE BOARD.

(ii) IF THE PERSON HOLDS A BARBER LICENSE ISSUED PURSUANT TO CHAPTER 3 OF THIS TITLE, A TWO HUNDRED-HOUR COURSE CONSISTING OF HAIRSTYLING TECHNIQUES IN A SCHOOL LICENSED BY THE BOARD.

4. Pays the prescribed fees for a hairstylist license.

5. Passes the examination for a hairstylist license.

Sec. 20. Section 32-514, Arizona Revised Statutes, is amended to read:

32-514. Examinations

A. The board or a national professional organization for cosmetology selected by the board shall administer written and practical examinations

for a cosmetologist, aesthetician, nail technician, hairstylist or instructor license. The examinations shall test for requisite knowledge and skills in the technical application of cosmetology services. AN APPLICANT MAY TAKE AN EXAMINATION BEFORE THE APPLICANT HAS COMPLETED THE REQUIRED HOURS OF COURSE INSTRUCTION PRESCRIBED BY THIS ARTICLE, BUT THE APPLICANT MUST COMPLETE THE REQUIRED HOURS OF COURSE INSTRUCTION BEFORE LICENSURE.

B. The board or a national professional organization for cosmetology selected by the board shall inform each applicant of the examination results.

C. The board shall make an accurate record of each examination.

Sec. 21. Section 32-556, Arizona Revised Statutes, is amended to read:

32-556. Schools; programs; sale of products

A school of any type, including a cosmetology school, ~~or otherwise, shall not be conducted with any other business, including~~ MAY INCLUDE PROGRAMS RELATED TO A SUBJECT THAT IS SIMILAR TO COSMETOLOGY BUT MAY NOT INCLUDE a salon. ~~A school of any type, including a cosmetology school or otherwise, and another business shall be separated by walls of permanent construction and not have doors or openings between them.~~ A cosmetology school may offer for sale cosmetology products and related articles.

Sec. 22. Section 32-573, Arizona Revised Statutes, is amended to read:

32-573. Procedure for disciplinary action; appeal

A. The board on its own motion may investigate any information that appears to show the existence of any of the causes set forth in section 32-572. The board shall investigate the report of any person that appears to show the existence of any of the causes set forth in section 32-572. A person who reports pursuant to this section and who provides the information in good faith is not subject to liability for civil damages as a result.

B. If, after completing its investigation, the board finds that the evidence is not of sufficient seriousness to merit direct action against a license, it may take either of the following actions:

1. Dismiss if, in the opinion of the board, the evidence is without merit.

2. File a letter of concern if, in the opinion of the board, while there is insufficient evidence to support direct action against the license there is sufficient evidence for the board to notify the licensee that continuation of the activities that led to the information or report being made to the board may result in action against the licensee's license.

C. If, in the opinion of the board, it appears the information or report is or may be true, the board shall request an informal interview with the licensee concerned. The interview shall be requested by the board in writing, stating the reasons for the interview and setting a date ~~not less than~~ AT LEAST ten days ~~from~~ AFTER the date of the notice for conducting the interview.

D. If, after an informal interview, the board finds that the evidence warrants suspension or revocation of a license issued pursuant to this chapter, imposition of a civil penalty or public reproof or if the licensee under investigation refuses to attend the informal interview, a complaint shall be issued and formal proceedings shall be initiated. All proceedings pursuant to this subsection shall be conducted in accordance with title 41, chapter 6, article 10.

E. A licensee who has been notified pursuant to subsection D of this section of charges pending against the licensee shall file with the board an answer in writing to the charges not more than thirty days after the licensee receives the complaint. If the licensee fails to answer in writing within this time, it is deemed an admission by the licensee of the acts charged in the complaint and the board may take disciplinary action allowed by this chapter without a hearing.

F. If the board finds that the evidence is not of sufficient seriousness to merit suspension or revocation of a license issued pursuant

to this chapter, imposition of a civil penalty or public reproof, ~~it~~ THE BOARD may take the following actions:

1. Dismiss if, in the opinion of the board, the evidence is without merit.

2. File a letter of concern if, in the opinion of the board, while there is insufficient evidence to support direct action against the license there is sufficient evidence for the board to notify the licensee that continuation of the activities which led to the information or report being made to the board may result in action against the licensee's license.

3. Impose probation requirements.

G. If a licensee violates this chapter or a rule adopted pursuant to this chapter, the board may assess the licensee with the board's reasonable costs and expenses, including attorney fees, incurred in conducting the investigation and administrative hearing. All monies collected pursuant to this subsection shall be deposited, pursuant to sections 35-146 and 35-147, in a separate account in the BARBERING AND COSMETOLOGY ~~board of cosmetology~~ fund established by section 32-505. The board may only use these monies to defray its expenses in connection with investigation related training and education, disciplinary investigations and all costs related to administrative hearings. Notwithstanding section 35-143.01, the separate account monies may be spent without legislative appropriation.

H. Except as provided in section 41-1092.08, subsection H, final decisions of the board are subject to judicial review pursuant to title 12, chapter 7, article 6.

Sec. 23. Section 32-574, Arizona Revised Statutes, is amended to read:

32-574. Unlawful acts; violation; classification

A. A person shall not:

1. Perform or attempt to perform cosmetology, aesthetics, nail technology or hairstyling without a license in that category issued pursuant to this chapter, or practice in a category in which the person does not hold a license.

2. Display a sign or in any way advertise or hold oneself out as a cosmetologist, aesthetician, nail technician or hairstylist or as being engaged in the practice or business of cosmetology, aesthetics, nail technology or hairstyling without being licensed pursuant to this chapter.

3. Knowingly make a false statement on an application for a license pursuant to this chapter.

4. ~~Permit~~ ALLOW an employee or another person under the person's supervision or control to perform cosmetology, aesthetics, nail technology or hairstyling without a license issued pursuant to this chapter.

5. Practice or attempt to practice cosmetology, aesthetics, nail technology or hairstyling in any place other than in a salon licensed ~~pursuant to this chapter~~ BY THE BOARD unless the person is requested by a customer to go to a place other than a salon licensed pursuant to this chapter and is sent to the customer from the salon, except that a person who is licensed pursuant to this chapter may practice, without the salon's request, cosmetology, aesthetics, nail technology or hairstyling in a health care facility, hospital, residential care institution, nursing home or residence of a person requiring home care because of an illness, infirmity or disability.

6. Obtain or attempt to obtain a license by the use of ~~money~~ MONIES other than the prescribed fees or any other thing of value or by fraudulent misrepresentation.

7. Provide any service to a person having a visible disease, pediculosis or open sores suggesting a communicable disease until the person furnishes a statement signed by a physician who is licensed pursuant to chapter 13 or 17 of this title stating that the disease or condition is not in an infectious, contagious or communicable stage.

8. Operate a salon or school without being licensed ~~pursuant to this chapter~~ BY THE BOARD.

9. Violate any provision of this chapter or any rule adopted pursuant to this chapter.

10. Ignore or fail to comply with a board subpoena.

11. Use the title of "aesthetician", "cosmetologist", "nail technician" or "hairstylist" or any other title or term likely to be confused with "aesthetician", "cosmetologist", "nail technician" or "hairstylist" in any advertisement, statement or publication unless that person is licensed ~~pursuant to this chapter~~ BY THE BOARD.

12. Teach cosmetology, aesthetics, nail technology or hairstyling in this state unless the person is licensed as an instructor pursuant to article 3 of this chapter.

B. An instructor shall not render cosmetology, aesthetics, nail technology or hairstyling services in a school unless the services are directly incidental to the instruction of students.

C. A person who violates this section is guilty of a class 1 misdemeanor."

Renumber to conform

Page 4, between lines 21 and 22, insert:

"Sec. 26. Section 41-1092, Arizona Revised Statutes, is amended to read:

41-1092. Definitions

In this article, unless the context otherwise requires:

1. "Administrative law judge" means an individual or an agency head, board or commission that sits as an administrative law judge, that conducts administrative hearings in a contested case or an appealable agency action and that makes decisions regarding the contested case or appealable agency action.

2. "Administrative law judge decision" means the findings of fact, conclusions of law and recommendations or decisions issued by an administrative law judge.

3. "Appealable agency action" means an action that determines the legal rights, duties or privileges of a party and that is not a contested case. Appealable agency actions do not include interim orders by self-supporting regulatory boards, rules, orders, standards or statements

of policy of general application issued by an administrative agency to implement, interpret or make specific the legislation enforced or administered by it or clarifications of interpretation, nor does it mean or include rules concerning the internal management of the agency that do not affect private rights or interests. For the purposes of this paragraph, administrative hearing does not include a public hearing held for the purpose of receiving public comment on a proposed agency action.

4. "Director" means the director of the office of administrative hearings.

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

6. "Office" means the office of administrative hearings.

7. "Self-supporting regulatory board" means any one of the following:

(a) The Arizona state board of accountancy.

(b) The BARBERING AND COSMETOLOGY board ~~of barbers~~.

(c) The board of behavioral health examiners.

(d) The Arizona state boxing and mixed martial arts commission.

(e) The state board of chiropractic examiners.

~~(f) The board of cosmetology.~~

~~(g)~~ (f) The state board of dental examiners.

~~(h)~~ (g) The state board of funeral directors and embalmers.

~~(i)~~ (h) The Arizona game and fish commission.

~~(j)~~ (i) The board of homeopathic and integrated medicine examiners.

~~(k)~~ (j) The Arizona medical board.

~~(l)~~ (k) The naturopathic physicians medical board.

~~(m)~~ (l) The ARIZONA state board of nursing.

~~(n)~~ (m) The board of examiners of nursing care institution administrators and ~~adult care home~~ ASSISTED LIVING FACILITY managers.

~~(o)~~ (n) The board of occupational therapy examiners.

~~(p)~~ (o) The state board of dispensing opticians.

~~(q)~~ (p) The state board of optometry.

~~(r)~~ (q) The Arizona board of osteopathic examiners in medicine and surgery.

~~(s)~~ (r) The Arizona peace officer standards and training board.

~~(t)~~ (s) The Arizona state board of pharmacy.

~~(u)~~ (t) The board of physical therapy.

~~(v)~~ (u) The state board of podiatry examiners.

~~(w)~~ (v) The state board for private postsecondary education.

~~(x)~~ (w) The state board of psychologist examiners.

~~(y)~~ (x) The board of respiratory care examiners.

~~(z)~~ (y) The state board of technical registration.

~~(aa)~~ (z) The Arizona state veterinary medical examining board.

~~(bb)~~ (aa) The acupuncture board of examiners.

~~(cc)~~ (bb) The Arizona regulatory board of physician assistants.

~~(dd)~~ (cc) The board of athletic training.

~~(ee)~~ (dd) The board of massage therapy.

Sec. 27. Delayed repeal

Section 41-3022.23, Arizona Revised Statutes, is repealed from and after December 31, 2020.

Sec. 28. Section 41-3024.05, Arizona Revised Statutes, is amended to read:

41-3024.05. Barbering and cosmetology board; termination

July 1, 2024

A. The BARBERING AND COSMETOLOGY board ~~of cosmetology~~ terminates on July 1, 2024.

B. Title 32, ~~chapter~~ CHAPTERS 3 AND 5 AND THIS SECTION ~~is~~ ARE repealed on January 1, 2025.

Sec. 29. Section 44-6852, Arizona Revised Statutes, is amended to read:

44-6852. Dishonored checks; service fee

Notwithstanding any other law AND EXCEPT AS PROVIDED IN SECTIONS 32-328 AND 32-507, the holder, payee or assignee of the holder or payee of a dishonored check, draft, order or note may charge and collect from the maker or drawer a service fee of not more than ~~twenty-five dollars~~ $25 plus any actual charges assessed by the financial institution of the holder, payee or assignee of the holder or payee as a result of the dishonored instrument.

Sec. 30. Transfer; effect; succession

A. As provided by this act, the barbering and cosmetology board succeeds to the authority, powers, duties and responsibilities of the board of barbers from and after December 31, 2020.

B. This act does not alter the effect of any actions that were taken or impair the valid obligations of the board of barbers in existence before January 1, 2021.

C. All administrative matters, contracts and judicial and quasi-judicial actions, whether completed, pending or in process, of the board of barbers on January 1, 2021 are transferred to and retain the same status with the barbering and cosmetology board.

D. All certificates, licenses, registrations, permits and other indicia of qualification and authority that were issued by the board of barbers retain their validity for the duration of their terms of validity as provided by law.

E. All equipment, records, furnishings and other property and all data and investigative findings of the board of barbers are transferred to the barbering and cosmetology board from and after December 31, 2020."

Renumber to conform

Page 4, line 23, before "Notwithstanding" insert "A."; strike "32-302, 32-502,"

Line 25, strike "the board"

Page 4, line 26, strike "of barbers, the board of cosmetology,"

After line 30, insert:

"B. All persons serving as members of the board of cosmetology on January 1, 2021 may continue to serve on the barbering and cosmetology board established by section 32-502, Arizona Revised Statutes, as amended by this act, until the expiration of their normal terms. The governor shall make all subsequent appointments as prescribed by statute.

Sec. 32. Barbering and cosmetology board; licensing and fees study; report; use of monies

A. Beginning January 1, 2021, the barbering and cosmetology board established by section 32-502, Arizona Revised Statutes, as amended by this act, shall study licenses and fees that are issued and imposed by the board under title 32, chapters 3 and 5, Arizona Revised Statutes. The barbering and cosmetology board shall:

1. Identify what is unique to each profession that the board regulates and determine whether any licenses should be consolidated.

2. Study the fee structure for each profession that the board regulates and determine whether changes are needed.

3. Determine whether a reduction of instruction hours that are required for current licenses is necessary and how a reduction of instruction hours might affect reciprocity with other states.

B. The barbering and cosmetology board shall submit a report of its findings and recommendations to the governor, the president of the senate and the speaker of the house of representatives on or before November 1, 2022 and shall provide a copy of this report to the secretary of state.

C. Notwithstanding any other law, the board may use up to $750,000 from the barbering and cosmetology fund established by section 32-505, Arizona Revised Statutes, as amended by this act, to assist in the study and report required by this section.

Sec. 33. Effective date

Sections 15-1851, 32-301, 32-304, 32-321, 32-322, 32-325, 32-501, 32-502, 32-503, 32-505, 32-506, 32-511, 32-512.01, 32-514, 32-556, 32-573, 32-574, 41-1092, 41-3024.05 and 44-6852, Arizona Revised Statutes, as amended by this act, section 32-324, Arizona Revised Statutes, as added by this act, and section 2 of this act are effective from and after December 31, 2020."

Amend title to conform

TRAVIS W. GRANTHAM

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03/05/2020
6:48 PM
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# ARIZONA HOUSE OF REPRESENTATIVES
## Fifty-fourth Legislature - Second Regular Session

## ROLL CALL VOTE

COMMITTEE ON Regulatory Affairs BILL NO. SB 1274

DATE March 09, 2020 MOTION: DPA

| | PASS | AYE | NAY | PRESENT | ABSENT |
|---|---|---|---|---|---|
| Blackman | | ✓ | | | |
| Powers Hannley | | | ✓ | | |
| Shah | | | | ✓ | |
| Terán | | | ✓ | | |
| Toma | | ✓ | | | |
| Roberts, Vice-Chairman | | ✓ | | | |
| Grantham, Chairman | | ✓ | | | |
| | | 4 | 2 | 1 | 0 |

Susan Hite
COMMITTEE SECRETARY

APPROVED:

TRAVIS W. GRANTHAM, Chairman
BRET ROBERTS, Vice-Chairman

ATTACHMENT 6

# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

Senate: COM DPA 5-3-0-0 | 3rd Read 18-11-1-0

## SB 1142: nonhealth professions; occupations; regulations.
## Sponsor: Senator Pace, LD 25
## Committee on Regulatory Affairs

**Overview**

Modifies the criteria and regulation of nonhealth professions and occupations (NPO).

**History**

Each standing committee of both legislative chambers makes up a Committee of Reference (COR) in their respective subject matter.

***Sunset Reviews***

When an agency goes through the sunset review process, the COR is required to hold a public hearing to consider multiple factors relating to the agency and receive public testimony. After the hearing, the COR must issue a final sunset review report containing recommendations of whether the agency should be continued, revised, consolidated or terminated (A.R.S. § 41-2954).

***Sunrise Reviews***

Applicants for regulation must submit a report to the Legislature explaining the sunrise factors by September 1. The report is assigned to the appropriate COR, which holds hearings as necessary, studies the report and develops recommendations for legislation (A.R.S. § 32-4402). The sunrise factors for nonhealth professions are outlined in statute (A.R.S. § 32-4403).

***Regulation Criteria***

A profession or occupation is prohibited from being regulated except for the purpose of protecting the public interest. All proposed legislation to regulate a profession or occupation for the first time must be reviewed according to certain criteria. A profession or occupation is required to be regulated if: 1) An unregulated practice can clearly harm or endanger public health, safety or welfare; 2) The public benefit of the regulation exceeds the cost imposed on consumers, businesses and individuals; 3) The public needs and can reasonably be expected to benefit from an assurance of initial and continuing professional ability; and 4) The public cannot be effectively protected by private certification or other alternatives.

After evaluating the criteria, a COR examines data and looks for evidence of actual harm to the public related to the industry under consideration. If a COR finds it necessary to regulate a profession or occupation, the regulation must be in the least restrictive manner and must not be imposed to protect a discrete interest group from economic competition. A COR may hold hearings to evaluate the criteria and examine the data (A.R.S. § 32-4401).

**Provisions**

***Committee of Reference (Sec. 1)***

1. Requires the COR to consider an agency's ability to timely investigate and resolve complaints within its jurisdiction.

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

2. Requires each COR that reviews an agency that administers an occupational regulation to consider the following factors in determining continuation or termination of an agency:
   a) The extent to which the occupational regulation meets the requirements for NPO's; and
   b) The extent to which failure to regulate an NPO will result in:
      i. The loss in insurance;
      ii. An impact to the ability to practice in other states or as required by federal law;
      iii. An impact to the required licensure or registration with the federal government; or
      iv. The loss of constitutionally afforded practices.
3. Requires a COR final sunset review report of recommendations relating to an agency that administers an occupational regulation to include a recommendation that the Legislature:
   a) Repeal the NPO license;
   b) Convert the NPO license to a less restrictive regulation; or
   c) Instruct the state agency to seek legislation or adopt rules to reflect the COR's recommendation to:
      i. Impose less restrictive regulations than NPO licenses;
      ii. Change the requisite personal qualifications of an NPO license; or
      iii. Redefine the scope of practice in an NPO license.

***Regulation Criteria for Nonhealth Professions and Occupations (Sec. 5)***

4. Modifies the criteria used when reviewing regulation of an NPO for the first time by:
   a) Requiring an NPO be regulated if all of the following apply:
      i. There is credible evidence of harm that the unregulated practice threatens public health, safety or welfare;
      ii. The public needs and can reasonably be expected to benefit from government regulation; and
      iii. The public cannot be effectively protected by less restrictive regulations.
5. Removes the requirement for a COR to examine data and look for evidence of actual harm to the public related to the industry being considered for regulation.
6. Allows a COR to request information from state agencies that contract with individuals in regulated occupations and others with knowledge of the occupation or labor-market economics.
7. Requires a COR to provide the findings and recommendations to the standing committee to which the proposed legislation regulating an NPO is assigned.
8. Requires the standing committee to address:
   a) The appropriate type of regulations;
   b) The scope of practice and requisite personal qualifications appropriate for a government certification or NPO license; and
   c) The extent to which failure to regulate an NPO will result in:
      i. The loss in insurance;
      ii. An impact to the ability to practice in other states or as required by federal law;
      iii. An impact to the required licensure or registration with the federal government; or
      iv. The loss of constitutionally afforded practices.
9. Specifies that the requirements regarding the regulation criteria do not preempt federal regulations or require a private certification organization to grant or deny certification to an individual.

***Miscellaneous***

10. Transfers the Regulation of Nonhealth Professions and Occupations statutes from Title 32 (Professions and Occupations) to Title 41 (State Government). (Sec. 3)

11. Makes technical and conforming changes. (Sec. 1, 2, 5, 6)
12. Defines pertinent terms. (Sec. 4)

# ARIZONA HOUSE OF REPRESENTATIVES
## Fifty-fourth Legislature - Second Regular Session

## ROLL CALL VOTE

COMMITTEE ON Regulatory Affairs BILL NO. SB 1142

DATE March 09, 2020 MOTION: DP

| | PASS | AYE | NAY | PRESENT | ABSENT |
|---|---|---|---|---|---|
| Blackman | | ✓ | | | |
| Powers Hannley | | | ✓ | | |
| Shah | | | ✓ | | |
| Terán | | | ✓ | | |
| Toma | | ✓ | | | |
| Roberts, Vice-Chairman | | ✓ | | | |
| Grantham, Chairman | | ✓ | | | |
| | | 4 | 3 | 0 | 0 |

Susan White
COMMITTEE SECRETARY

APPROVED:

TRAVIS W. GRANTHAM, Chairman
BRET ROBERTS, Vice-Chairman

ATTACHMENT 8

# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

**Senate:** HHS DP 7-0-1-0 | 3rd Read 30-0-0-0
**House:** HHS DP 8-0-1-0

## SB 1127: athletic trainers; dry needling
## Sponsor: Senator Brophy McGee, LD 28
## Committee on Regulatory Affairs

**Overview**

Requires the Arizona Board of Athletic Training (Board), by December 31, 2020, to adopt rules establishing the professional standards of care, training and education qualifications to perform dry needling for therapeutic purposes.

**History**

Laws 2000, Chapter 111 established the Board which regulates the practice of athletic training in the state by licensing athletic trainers, providing information about licensees to the public, and investigating and resolving complaints against licensees. Athletic trainers work in various settings, including public and private high schools, colleges and universities, clinics and hospitals and professional sports organizations.

Current law permits licensed physical therapists to perform dry needling with appropriate education and training as determined by the Board of Physical Therapy (Laws 2014, Chapter 220). *Dry needling* is defined in statute as a skilled intervention perform by a physical therapist that uses a thin filiform needle to penetrate the skin and stimulate underlying neural, muscular and connective tissues for the evaluation and management of neuromusculoskeletal conditions, pain and movement impairments. (A.R.S. § 32-2001)

A health professional group that is seeking an increased scope of practice must submit a Sunrise Report to the President of the Senate and the Speaker of the House of Representatives by November 1 explaining the factors prescribed in A.R.S. § 32-3106. The Athletic Trainers Association submitted the following report addressing those factors: (ATA Sunrise Report 2019).

**Provisions**

1. Defines *dry needling*. (Sec. 1)
2. Subject to disciplinary action, the failure to demonstrate professional standards of care, training and education qualifications to perform dry needling as a therapeutic modality. (Sec. 2)
3. Requires the Board, by December 31, 2020, to adopt rules establishing the professional standards of care, training and education qualifications for performing dry needling for therapeutic purposes. (Sec. 3)
4. Exempts the Board from rulemaking requirements through December 31, 2020 for the purpose of implementing the above-mentioned provisions. (Sec. 3)
5. Makes technical and conforming changes. (Sec. 1)

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

# ARIZONA HOUSE OF REPRESENTATIVES
## Fifty-fourth Legislature - Second Regular Session

## ROLL CALL VOTE

COMMITTEE ON Regulatory Affairs BILL NO. SB 1127

DATE March 09, 2020 MOTION: DP

| | PASS | AYE | NAY | PRESENT | ABSENT |
|---|---|---|---|---|---|
| Blackman | | ✓ | | | |
| Powers Hannley | | ✓ | | | |
| Shah | | ✓ | | | |
| Terán | | ✓ | | | |
| Toma | | | | | ✓ |
| Roberts, Vice-Chairman | | ✓ | | | |
| Grantham, Chairman | | ✓ | | | |
| | | 6 | 0 | 0 | 1 |

Susan Hite
COMMITTEE SECRETARY

APPROVED:

TRAVIS W. GRANTHAM, Chairman
BRET ROBERTS, Vice-Chairman

ATTACHMENT 10

# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

**Senate:** HHS DP 7-0-1-0 | 3rd Read 30-0-0-0

## SB 1074: occupational therapists; fingerprint clearance cards
## Sponsor: Senator Brophy McGee, LD 28
## Committee on Regulatory Affairs

**Overview**

Requires an applicant for an occupational therapy (OT) or occupational therapy assistant (OTA) license to possess a valid fingerprint clearance card (Card) beginning on January 1, 2021.

**History**

The Arizona Board of Occupational Therapy Examiners (Board) was established by the Arizona Legislature to regulate OT professions. The Board evaluates the qualifications of applicants and prescribes examination requirements for licensure. The Board issues and renews licenses, investigates complaints, takes appropriate disciplinary action, and responds to inquiries from consumers as to the license status of individual occupational therapy professionals (A.R.S. § 32-3404).

An applicant for an OT or OTA license must be of good moral character, successfully complete the academic and fieldwork requirements, pass the administered examination, and pay all required fees. Each applicant for original licensure, license renewal, license reinstatement or a limited license must submit a full set of fingerprints to the Board (A.R.S. §§ 32-3423; 32-3430).

Currently applicants for OT licensure must submit fingerprints to the Board to obtain a state and federal criminal records check (A.R.S. § 32-3430).

**Provisions**

1. Removes language requiring the OT applicant to submit a full set of fingerprints to the Board for the purpose of obtaining a state and federal criminal record check. (Sec. 1)
2. Requires an applicant for an OT or OTA license, license renewal, license reinstatement or a limited license to possess a valid Card beginning on January 1, 2021. (Sec. 1)
3. Removes the Board's ability to issue a license or limited license before it receives the results of a criminal background check. (Sec. 1)
4. Contains technical and conforming changes. (Sec. 1-4)

Attachment 11

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

# ARIZONA HOUSE OF REPRESENTATIVES
## Fifty-fourth Legislature - Second Regular Session

## ROLL CALL VOTE

COMMITTEE ON Regulatory Affairs BILL NO. SB 1074

DATE March 09, 2020 MOTION: DP

| | PASS | AYE | NAY | PRESENT | ABSENT |
|---|---|---|---|---|---|
| Blackman | | ✓ | | | |
| Powers Hannley | | ✓ | | | |
| Shah | | ✓ | | | |
| Terán | | ✓ | | | |
| Toma | | ✓ | | | |
| Roberts, Vice-Chairman | | ✓ | | | |
| Grantham, Chairman | | ✓ | | | |
| | | 7 | 0 | 0 | 0 |

Susan Hete
COMMITTEE SECRETARY

APPROVED:

TRAVIS W. GRANTHAM, Chairman
BRET ROBERTS, Vice-Chairman

ATTACHMENT 12