

The legislature wrapped up its 2017 regular legislative session last week, adjourning work on May 10 – the 122<sup>nd</sup> day of the session. A total of 1,180 bills, ballot referrals, memorials, and resolutions were introduced; more than 300 have been enacted.



Among the bills signed into law in the last week of session were a protection for those who break into cars to [rescue kids or dogs](#), a change to [fuel standards](#) for vehicles, and a requirement that the state reduce its vehicles and instead use [private transportation companies](#).

In the final days of the session, legislators processed a variety of proposals, including some that had been dormant in committees for weeks. Among the approved bills were an authorization for [hemp farming](#) in Arizona, a protection for the [free speech of student journalists](#), an expansion of public benefit funding for [those who care for foster children](#), and a requirement that the Governor's appointees to law enforcement or public safety oversight positions [undergo background checks](#). Legislators also approved the continuation of [tax incentives](#) for [research and development](#) and [job creation](#) activities, and created a new tax break for airplane owners and a \$10 million increase in tax credits for some [investments in small businesses](#).

Education debates dominated the entire session, and legislators ended their work with two additional education policy changes. One allows general education teachers and other certificated personnel to deliver special education services to [students with special needs](#) in collaboration with special education professionals. Another adjusts how high schools [calculate student attendance](#) for purposes of state funding formulas.

[An amendment](#) would have directed schools to use [at least half](#) of their annual inflation increases under the state's education funding formula to increase teacher salaries. The proposal was not put to a vote, however. Neither was [a measure](#) that would have required schools to report on how they spent funding from the voter-approved Proposition 123.

After months of debate, the legislature approved the Governor's proposal to reinstate the two-year Temporary Assistance for Needy Families (TANF) benefit that was cut to one year in a previous budget. Though members of both parties supported the extension, they disagreed on additional reporting, fraud prevention, and penalties that were also included in the bill. In the final act of the session, the Senate narrowly approved [the measure](#), along with a bill to [remove finger imaging requirements](#) for TANF applications.

Not all bills considered in the final days of the session were successful. Among the proposals that failed to advance were the creation of a memorial to the [Assyrian Christian Genocide](#), altered tax benefits for donations to [funds that aid veterans](#), and a change to the process a landlord may go through to [remove a renter's guest](#).

Despite intense disagreements and passionate debates in the House and Senate throughout the year, the legislative session ended quietly in a collegial atmosphere. The session held political victories for Governor Doug Ducey, who achieved many of the fiscal and policy priorities outlined in his State of the State speech in January. And legislators of both parties hailed their House and Senate leaders who, despite disagreements behind the scenes, governed a session that was widely viewed as a smooth, respectful process.

### Legislative Session Addressed Wide Range of Health-Related Statutes

The legislature and Governor agreed on a variety of changes to healthcare policies this year, including:

#### Addiction and Prescription Monitoring

- [HB 2033](#) (**controlled substances; definition**) adds schedule I drugs to the statutory definition of dangerous drugs and narcotic drugs (**Chapter 53**).
- [HB 2307](#) (**controlled substances prescription monitoring program**) modifies access to and requirements of the Controlled Substances Prescription Monitoring Program, and allows the database to be used to inform drug utilization reviews. The bill also grants additional funding to the Program (**Chapter 61**).
- [SB 1023](#) (**dispensars; prescription drug monitoring**) expands the Controlled Substances Prescription Monitoring Program to include schedule V substances, and authorizes the Department of Health Services to access the Program database in order to implement a public health response to address opioid overdose or abuse (**Chapter 283**).

#### Oversight and Regulatory Changes

- [HB 2043](#) (**state hospital; property leases**) allows the Director of the Department of Health Services to enter into lease agreements for operation of the Arizona State Hospital. Funds from any lease would be dedicated to the benefit of persons with mental illness in Arizona (**Chapter 288**).
- [HB 2076](#) (**advanced directives registry; provider access**) grants health care providers access to the health care advanced directives registry maintained by the Secretary of State (**Chapter 154**).
- [HB 2195](#) (**medical board; licensure; disciplinary action**) alters processes and requirements for licensure to practice medicine in Arizona and expands “unprofessional conduct” to include a pattern of practicing medicine while under the influence of drugs or alcohol (**Chapter 92**).

- [HB 2205](#) (DHS; commission; task force; repeal) repeals the Advisory Health Council, the Prostate Cancer Task Force, and the Biomedical Research Commission. Some of these entities' responsibilities are transferred to the Arizona Department of Health Services (**Chapter 136**).
- [HB 2493](#) (drug overdose; review team; confidentiality) establishes a Drug Overdose Review Team at the Department of Health Services, and modifies requirements for distributing opioid antagonists for emergency treatment (**Chapter 234**).
- [SB 1367](#) (abortion; live delivery; report; definition) requires a physician performing an abortion to document and report the measures performed to maintain the life of the fetus or embryo if it was delivered alive (**Chapter 133**).
- [SB 1440](#) (AHCCCS; clinical oversight committee) requires AHCCCS to establish an internal oversight review committee to review clinical data on agency initiatives and populations (**Chapter 207**).
- [SB 1441](#) (insurers; health providers; claims arbitration) allows a health plan enrollee who receives a surprise out-of-network bill to seek dispute resolution of the bill under certain conditions (**Chapter 190**).

### Public Benefits

- [HB 2091](#) (TANF; SNAP; finger imaging; repeal) repeals the finger imaging programs for the Temporary Assistance for Needy Families program (TANF) and Supplemental Nutrition Assistance Program (SNAP) (**The Governor is expected to sign the bill**).
- [HB 2372](#) (public benefits; fee waivers; requirements) extends TANF benefits from 12 to 24 months under expanded requirements and restrictions (**The Governor is expected to sign the bill**).

[SB 1030](#) (AHCCCS; covered services; occupational therapy), which expanded AHCCCS coverage to include occupational therapy, did not make it through the process as separate legislation, but the expansion of AHCCCS services to include occupational therapy was included in the approved budget ([SB 1527](#), **Chapter 309**).

### Scope of Practice

- [SB 1133](#) (certified nurse midwives; nurse practitioners) allows the Board of Nursing to adopt rules for the certification of a certified nurse midwife (**Chapter 80**).
- [SB 1269](#) (pharmacists; scope of practice) expands pharmacists' authority to dispense a one-time emergency refill of a noncontrolled medication under specific conditions (**Chapter 117**).
- [SB 1336](#) (nurse anesthetists; prescribing authority; limitation) expands certified registered nurse anesthetists' scope of practice to include medication orders for controlled substances (**Chapter 182**).

### Schools and Children

- [HB 2134](#) (schools; children's camps; sunscreen use) authorizes children's use and possession of FDA-approved sunscreen, putting Arizona ahead of most states in protecting access to sunscreen (Chapter 193).
- [HB 2208](#) (inhalers; administration; schools; authorized entities) increases authorities for schools to offer inhalers to students when permitted to do so by a physician (Chapter 58).
- [HB 2494](#) (civil liability; minors; animals; vehicle) extends Good Samaritan civil liability protection to a person who uses reasonable force to enter a motor vehicle to remove a minor or pet that is in imminent danger inside the vehicle, under certain conditions (Chapter 301).
- [SB 1080](#) (teenage drivers; communication devices prohibited) prohibits a minor from using a wireless communication device while driving, except for emergencies (Chapter 209).
- [SB 1368](#) (newborn screening; fees) expands the fee for newborn screening tests from \$30 to \$36 – an increase that will allow the state to include testing for SCID (The Governor is expected to sign the bill).

[HB 2335](#) (tobacco possession; sale; age; signage), which would have prevented access to tobacco and vaping products before the age of 21), **did not advance** in the House. [HB 2510](#) (schools; immunization records; retention) would have required schools to maintain a student's immunization for six years, instead of making it a permanent part of the student's school record; the bill **did not advance** in the Senate.

Though [HB 2194](#) (indoor tanning; minors; restricted use) **did not advance** through the legislative process, it was approved by the House Committee on Health. The committee hearing provided a forum to highlight the dangers of underage tanning and outline the arguments for future legislative action.

### Workforce

[HB 2135](#) (health care workforce; data), which would have created a Task Force on Health Care Professional Workforce Data to create a resource center on data from health care professionals, **was never heard** in a committee. An ad hoc committee on this issue is expected to be appointed over the interim.

[HB 2137](#) (medical preceptors; income tax credit), which would have created an income tax credit for medical preceptors, **did not advance** in the House.

**What's Next?**

There is no foreseeable special legislative session, though ongoing litigation and political dynamics could require the Governor to seek legislative action. Unlike the last few sessions, the legislature created very few statutory study committees or interim panels to add new legislative responsibilities, although we expect ad hoc committees to be appointed by House and Senate leadership to examine issues for future sessions. Work will certainly continue as state government moves on after the legislature's adjournment.

Oversight committees will review the progress and actions of the Department of Child Services, as well as large expenses and capital projects approved in the state budget. State agencies will complete reports mandated by budget and legislative changes. The Governor's Regulatory Review Council will regularly convene to consider and approve proposed changes to state rules, which govern the details of how new laws are implemented. Legislative health policy committees will meet this fall to consider sunrise proposals that seek to alter scope of practice statutes for health care professionals. And state leaders will closely follow Congressional debates on federal health care changes, which could dramatically impact state funding and Medicaid programs.

Though the 2018 election may seem far away, the campaigning will continue throughout this year as candidates and citizen initiative advocates seek to win voters.