



ARIZONA DENTAL HYGIENISTS' ASSOCIATION FINAL REPORT 54th Legislature, 2nd Regular Session (2020)

ADJOURNED SINE DIE MAY 26TH, 2020
TOTAL DAYS OF SESSION: 135
GENERAL EFFECTIVE DATE: AUGUST 25TH, 2020

BILLS INTRODUCED:	1,607
BILLS PASSED:	89
BILLS VETOED:	0
BILLS SIGNED:	58
BALLOT MEASURES REFERRED:	0

2020 SESSION AT A GLANCE

The 2nd Regular Session of the 54th Arizona Legislature convened on Monday, January 13th and lasted for 135 days. While the session began with a flurry of activity and saw more bills introduced than any session in the last 20 years, the COVID-19 pandemic brought legislative work to a standstill in late March. Both chambers adjourned for an extended recess on March 23rd after passing a “skinny budget” for FY 2020-2021 that includes only baseline spending and a few targeted initiatives as well as legislation to address school closures and rising unemployment due to COVID-19.

During the legislature’s recess, divisions emerged within the Republican caucuses on how and when to conclude the legislative session. House Speaker Rusty Bowers and Senate President Karen Fann made plans to return to officially adjourn the session *sine die*, but a vocal group of conservative Republicans revolted – particularly in the House Republican caucus. These members sought to resume the session and regular legislative business and even threatened to replace Speaker Bowers over the disagreement.

The Senate reconvened on May 8th and approved a motion to notify the House that it is prepared to adjourn *sine die* before recessing. The House reconvened on May 18th and held a week of committees and floor votes before approving a motion to adjourn *sine die* on May 21st. The Senate subsequently returned to the floor on May 26th and officially adjourned, concluding the legislative session.

COVID-19 concerns dominated the final weeks of session. In particular, lawmakers and the business community began work on legislation to mitigate liability concerns of businesses and other entities as the state begins to reopen. Some conservative Republicans led by Senator Eddie Farnsworth sought to combine liability protections with additional protections for individuals and businesses that flouted Governor Doug Ducey’s stay-at-home executive order. Representative Kavanagh introduced HB 2912 (COVID-19; civil liability; evidence; penalties) during the House’s final week of session; the bill, which reduced the penalty for violating the stay-at-home executive order from a criminal misdemeanor to a civil penalty of not more than \$100, passed the House on a party-line vote but was not taken up by the Senate.

Although the regular session is over, the legislature will likely return during the summer in special session to address several outstanding issues. Among these are likely to be a revised liability protection bill (omitting the protections for violating executive orders), legislation appropriating \$88 million in federal childcare dollars, legislation making necessary COVID-related statutory adjustments prior to the 2020-2021 school year, and potentially an economic development package. Depending on how the state's revenue collections go in May and June, it is also possible the legislature will return to make further budget adjustments.

AzDHA ISSUES

SB 1227: dental hygienists; affiliated practice – Brophy McGee

AzDHA's priority legislation made changes to dental hygiene state to clarify current law and move certain restrictions on affiliated practice dental hygiene practice from statute to the affiliated practice agreements. Among these, the bill:

- Removes confusing language in statute referencing BODEX's ability to prescribe rules for applying preventative and therapeutic agents,
- Deletes a problematic requirement regarding "substantially equivalent" standards of certification for local and nitrous oxide analgesia certificates,
- Defines "interim therapeutic restoration,"
- Clarifies language requiring affiliated practice agreements to include conditions under which the dental hygienist may administer local anesthesia and provide root planing,
- Moves the determination of whether a patient who has not been seen by a dentist within 12 months of an initial affiliate practice dental hygiene treatment into the affiliate practice agreement, and
- Removes the restriction on the number of affiliated practice dental hygienists that may practice pursuant to affiliated practice agreements with the same dentist at one time.

AzDHA worked with both the Arizona Dental Association and the Board of Dental Examiners to ensure the bill would have broad support and no opposition. Senate Health and Human Services Chair Kate Brophy McGee agreed to sponsor the bill and it passed both the Senate committee unanimously with a technical amendment to add a section of law that had been inadvertently omitted from the original draft. SB 1227 passed the Senate unanimously on February 13th. In the House, the bill was heard in the House Health and Human Services Committee on March 5th, where it also received unanimous approval. Shortly thereafter, the COVID-19 pandemic upended the legislative session and stalled work on bills. At the time the legislature adjourned for its extended recess at the end of March, SB 1227 had not yet gone through the Rules Committee and, despite its uncontroversial nature, it was not included on the limited Rules agenda when the House returned for its final week of work in May. The legislature adjourned before SB 1227 could receive final approval from the House.

HB 2727/SB 1170: AHCCCS; pregnant women; dental care – Osborne/Carter

Representative Joanne Osborne and Senator Heather Carter introduced mirror bills adding a comprehensive dental benefit for pregnant women on AHCCCS at the request of a large coalition of oral and public health entities, including AzDHA. As this was the fourth year such legislation has been introduced, legislators are well-educated and largely supportive of the issue and the bills moved smoothly

through their respective chambers – SB 1170 passed the Senate 27-2 on February 26th and HB 2727 passed the House 52-8 on March 5th. Because the new benefit requires and appropriation, the bills were included on the “money bill” list – the list of bills that would be considered as part of budget discussions rather than individually. Indications from budget discussions early in session suggested that there was broad support for the benefit’s inclusion, and it was on track to be included in the final budget. However, the COVID-19 pandemic eliminated the possibility of new spending and the legislature adopted a “skinny budget” of baseline spending. Arizona’s economic recovery over the next several months will determine whether new spending such as this might be possible in the next fiscal year.

FY 2020-2021 BUDGET

At the outset of the 2020 legislative session, the Joint Legislative Budget Committee (JLBC) estimated that the state had an available \$300 million for new ongoing spending and \$685 million for new one-time spending in FY 2021. The governor’s executive budget proposal outlined \$226.6 million in new ongoing spending and \$692.1 million in new one-time spending, and legislators and lobbying groups enthusiastically lined up their new spending priorities too. Nearly all these new initiatives fell by the wayside with the onset of the COVID-19 pandemic. On March 23rd, the legislature approved an \$11.8 billion “skinny budget” for FY 2021 as well as \$80.6 million in supplemental spending for FY 2020. Most notably, the budget appropriates \$50 million in supplemental funding in FY 2020 for economic assistance during the COVID-19 state of emergency. Changes to the baseline are below.

Spending Increases	GF \$ in millions	
	Ongoing	One-Time
ADC – Lewis/Yuma locks, fire, HVAC (plus \$19 million other funds)		11.0
AHCCCS/DIFI – children’s behavioral health/mental health parity		8.3
ADE – additional assistance acceleration		67.8
DEQ – WQARF funding	10.0	
DEQ – WQARF funding		5.0
Governor – crisis contingency and safety net fund deposit		50.0
Retirement rate increase	18.8	
SFB – building renewal funding (including FY 2020 supplemental)		118.8
Sec of State – presidential preference election (FY 2020 supplemental)		2.6
State employee health insurance funding		22.0
Spending Decreases	GF \$ in millions	
	Ongoing	One-time
ADE – truth in taxation adjustment	(6.6)	

In addition to the budget package, the legislature also attached a \$55 million appropriation to the Department of Health Services’ continuation bill (SB 1051). Passed on March 12th, SB 1051 appropriates the dollars from the Budget Stabilization Fund to the Public Health Emergencies Fund to pay expenses of public health emergency responses related to COVID-19.

Since passage of the budget, the Finance Advisory Committee (FAC) and Joint Legislative Budget Committee (JLBC) have issued subsequent updates on the economic outlook for the state. At the FAC meeting in April, staff projected that the state could see a \$1.1 billion deficit by the end of FY 2021 with a margin of error of \$500 million. While the most recent JLBC analysis reports that April collections actually came in \$269 million over the April FAC meeting's forecast, April revenues were still down by 32.7% compared to April 2019 and JLBC cautions that it remains too early to accurately predict the impact of the COVID-19 pandemic on the state's budget.

MAJOR LEGISLATION

Taxation

Bills passed:

HB 2771: tax credits; qualified facilities extension – Toma

SIGNED

Representative Ben Toma worked with the Arizona Commerce Authority and the manufacturing community to extend critical programs for the industry in HB 2771. The bill extends and makes changes to existing tax credit programs such as research and development, qualified facilities, and international operations centers. Two of the programs were expected to sunset in 2022 and have since been extended to 2028. The initial bill received consternation from some members, which led to the manufacturing community making substantive changes in a Democratic floor amendment to ensure bipartisan support. The amendments reduced the carry forward for tax credits from 15 years to 10 for all new credits, extended income credits for qualifying investments from 2029 to 2031, and modified the eligibility for the international operations center credits. The bill received bipartisan support in the House and was sent to the Senate, where it was substituted on the Senate floor for mirror bill SB 1245 and passed with a bipartisan 20-9 vote. Governor Ducey signed it into law on March 13th.

Bills that failed to pass:

SB 1398: tax omnibus – Mesnard

Senator JD Mesnard introduced a rather hefty taxation omnibus, which attempted to repeal the state highway safety fund, make several changes to property taxes, corporate income taxes, and taxes on hybrid and electric vehicles, and modify the Arizona job training fund. The legislation would have repealed the state's \$32 highway safety fee by January 2021, six months before the existing repeal date of July 1, 2021. The largest portion of the tax plan was the cuts to property taxes by lowering the state's commercial assessment ratio from 18% to 17% in increments. By lowering the commercial assessment ratio, Senator Mesnard sought to ensure homeowners would not see a shift in costs and education funding would not be impacted; to do so, he attempted to alter the state equalization assistance property tax rate so taxpayers would see lower costs for their county property taxes. The plan increased taxes for electric and hybrid vehicles by creating a new fee for all-electric vehicles of \$110 per year and \$44 per year for hybrid or combination fuel vehicles. Senator Mesnard also wanted to increase the child tax credit from \$30 for each dependent under 17 years old to \$120. In addition, SB 1398 would have doubled the state capital gains subtraction on individual income tax to 50% from 25%. The Joint Legislative Budget Committee estimated the bill to have a total cost to the General Fund of \$355.5

million by FY 2023. It received support from various business entities across the state such as the Arizona Chamber of Commerce and other local chambers, but was opposed by schools, unions, and the Arizona Department of Education. SB 1398 passed the Senate on a party-line vote but never received a committee hearing in the House. Given JLBC's revenue estimates following the onset of the COVID-19 pandemic, such an expensive tax overhaul is unlikely to pass the legislature in the near future.

SCR 1002: education; TPT; use tax – Brophy McGee

Senators Sylvia Allen and Kate Brophy McGee revived their education funding package this year (see SB 1059 in the K-12 and Higher Education section). Brophy McGee's SCR 1002 would have required the 2020 ballot to carry the question of whether to amend the State Constitution to levy a 1% sales tax to fund education (currently, the state levies a 0.6% tax for this purpose). The Senate Education Committee amended the bill to earmark 13.75% of the revenues to maintain in-state tuition levels, 4.25% of revenues to community colleges workforce development programs, and the remaining 82% would have gone to K-12 education. The Joint Legislative Budget Committee estimated the measure would generate an additional \$580 million for education in FY 2022. SCR 1002 received support from all three state universities, school districts, and education reform groups but was met with opposition from Arizona Center for Economic Progress, Arizona Tax Research Association, and the Arizona Free Enterprise Club. It passed committee with a party-line vote and failed to receive a floor vote in the Senate.

K-12 and Higher Education

Bills passed:

HB 2910: public school closures; coronavirus disease – Udall

SIGNED

On March 15th, Governor Ducey and Superintendent Kathy Hoffman ordered the closure of all public schools until March 29th. The closure was extended until April 10th and then eventually through the end of the school year. HB 2910 was an emergency measure to clarify the responsibilities and funding of public schools during the school closure. Approved unanimously by the legislature, HB 2910 ensures that school employees who make themselves available to work during the closure will continue to get paid, holds school letter grades harmless, waives the instructional hours requirement for the school year, requires schools to offer general educational opportunities during the closure, and releases schools of specified statutory requirements. It was signed into law on March 27th.

SB 1224: empowerment scholarships; qualifications; administration; appropriations – S. Allen **SIGNED**

Last year, the legislature approved HB 2758 to hold harmless eight families from the Window Rock area on the Navajo Nation who used their empowerment scholarship account (ESA) dollars to pay for a private school just across the New Mexico border. That bill ensured the families would not have to refund the state for dollars spent and allowed the students to remain in the New Mexico school through July 1, 2020, but they would not be allowed to continue to spend ESA dollars across state lines after that date. This year's SB 1224 further addresses this issue by expanding the definition of "qualified school" where ESA dollars may be spent for students who reside within the boundaries of an Indian reservation in Arizona to include a school in a neighboring state within two miles of the reservation. Additionally, SB 1224 transfers responsibility for developing ESA participant handbooks and the ability to refer cases of ESA misuse to the attorney general from the Department of Education to the State Board of Education.

ESA expansion tends to be a lightning-rod issue in the legislature, as Democrats and most of the public education community believe public schools continue to be underfunded and protest the allocation of state dollars to private schools. While HB 2758 passed the legislature unanimously last year, the expansion included in SB 1224 aroused the ire of ESA opponents and the bill narrowly passed the legislature on a near party-line vote. Governor Ducey signed it into law on March 20th.

SB 1492: Arizona teachers academy; program pathways – Boyer

SENT TO GOVERNOR

Senator Boyer introduced SB 1492 on behalf of the governor’s office, which seeks to expand the Arizona Teachers Academy. SB 1492 expands eligible students to include those who commit to working for private schools that primarily serve public school students with disabilities and expands the list of accelerated models to include models for teachers currently teaching dual enrollment courses to satisfy new requirements adopted by the higher learning commission and students in non-education programs preparing to receive a teaching certification following graduation. The Arizona Teachers Academy is one of Governor Ducey’s responses to Arizona’s continuing dearth of teachers and offers scholarships to students who commit to teaching in qualified schools in this state. SB 1492 was transmitted to the governor on March 26th and, as the governor’s office was the main proponent of the bill, Governor Ducey is likely to sign it.

Bills that failed to pass:

HB 2706: interscholastic athletics; biological sex – Barto

Representative Nancy Barto’s HB 2706 was among the most controversial bills of the legislative session and sparked hours of bitter debate both in the House Health and Human Services Committee and on the House floor. The bill requires interscholastic and intramural athletic teams to be designated by biological sex and prohibits students who are biologically male from participating in girls’ or women’s athletics. In Connecticut, three girls filed suit earlier this year over a policy allowing transgender athletes to participate in sports based on their gender identity, which the suit claims violates the Title IX act. Barto echoed these claims in her defense of the bill, repeatedly stating that she sought only to protect female athletes’ ability to compete. However, Democrats and the LGBTQ community loudly opposed the bill as an attack on transgender students and were joined by a variety of healthcare and community groups. HB 2706 passed out of the House on a party-line vote in early March but died without a first read and committee assignment in the Senate.

HB 2762: Project Rocket pilot program; appropriations – Udall

Governor Ducey announced his “Project Rocket” initiative during this year’s State of the State Address and Representative Michelle Udall introduced HB 2762 on his behalf. HB 2762 appropriates \$42.6 million each fiscal year for the next three years to the Project Rocket Fund and directs the dollars to be distributed in amounts of \$150 per student to districts and charters receiving a letter grade of D or F or districts and charters receiving a letter grade of C in which at least 60 percent of students participate in the free or reduced-price lunch program. Project Rocket met a lukewarm reception from the education community; while most stakeholders supported the allocation of additional dollars to struggling schools, many questioned the temporary nature of the funding. Some conservative legislators also expressed reservations and were reluctant to appropriate more money to schools with less than desirable

outcomes. Ultimately, though, the bill went the way of all new funding initiatives in the wake of the COVID-19 pandemic and was abandoned by its proponents. It died without a floor vote in the House.

[HB 2790: baccalaureate degrees; community colleges](#) – Nutt

Representative Becky Nutt’s HB 2790 would have authorized community college districts to offer four-year baccalaureate degrees – a major change for Arizona’s community college programs. HB 2790 passed the House with a bipartisan 42-18 vote. Supported by House Republican leadership as well as several of the community college districts, HB 2790 drew fire from the state’s three public universities upon its arrival in the Senate. While the bill’s proponents stressed the affordability and accessibility of community college programs to students in all parts of the state, the universities raised concerns over potential increases in community college tuition and property taxes as well as “mission creep.” The bill was voted down by the Senate Education Committee on March 10th, but the bill’s proponents quickly went to work on an amendment to make it more palatable to committee members and intended to revive it at a subsequent committee meeting. However, the March 10th committee meeting turned out to be the last one of the year – all Senate committees were canceled after March 12th due to the COVID-19 pandemic and all bills that had not yet passed their committees died.

[SB 1059: TPT; use tax; education](#) – S. Allen

For the second year in a row, Senators Sylvia Allen and Kate Brophy McGee attempted to increase the 0.6 percent sales tax for education to a full penny (see SCR 1002 in the Taxation section) and revise the distribution of the sales tax. Though it became apparent early in session that a sales tax increase was unlikely to pass – Governor Ducey reiterated his commitment to fight tax increases at the legislature or at the ballot in his State of the State Address – Allen hoped to move her redistribution bill forward on its own. SB 1059 allocates \$86.3 million of the collected sales tax to basic state aid to pay for additional school days and \$7.8 million for school safety. Of the remaining monies, it allocates 82% to the classroom site fund, 13.75% to the Arizona Board of Regents with \$86.5 million of that going to the Technology and Research Initiative Fund, and 4.25% to community college and provisional community college districts. The bill received a mixed reception from the education community – while several school districts quietly supported the effort, liberal-leaning groups like the Arizona Education Association and the Arizona Center for Economic Progress opposed. SB 1059 passed the Senate 18-12 but died without a committee hearing in the House.

[SB 1082: sex education; schools](#) – S. Allen

Sex education in public schools was the hot-button issue of the 2019 interim and looked as though it might dominate the attention of the legislature during the 2020 session. Following a meeting of the State Board of Education to revise the sex education rules in the wake of the “no promo homo” repeal last year, an angry parent group sounded the alarm about suspected inappropriate content and Senator Allen set out to rectify the problem with SB 1082. This bill would have made numerous changes to statutes related to sex education, particularly concerning parental consent and governing board development and approval of content. Although the bill introduced did not include some of the more controversial provisions supported by the concerned parent group, it was still opposed by the Department of Education and a variety of public health and left-leaning groups. To avoid an ugly “social issues” fight, Senate President Karen Fann opted against first reading and assigning the bill to committee, effectively killing it for the year.

Legal and Regulatory Reform

Bills passed:

SB 1274: professional regulatory boards; composition – Ugenti-Rita **AWAITING GOVERNOR ACTION**
Governor Ducey and legislative Republicans made another push this year to reform occupational licensing and make government less bureaucratic, and SB 1274 restructures occupational licensing boards to include more public members. The bill targets the Board of Technical Registration, the Board of Barbers, the Board of Cosmetology, the Board of Funeral Directors and Embalmers, and the Board of Massage Therapy. While the bill drew strong opposition from the regulated industries, who argued that boards need more professionals who understand the industry as opposed to public members who have no prior knowledge, advocates for the legislation maintained that the bill would eliminate unnecessary barriers and increase accountability. SB 1274 passed on party lines in both the Senate and the House and, as Governor Ducey announced his support for the legislation in his State of the State Address, he and is likely to sign it.

Bills that failed to pass:

HB 2808: prisoners; release credits – Blackman
Representative Blackman introduced HB 2808 after working with stakeholders on sentencing reform in the last session and over the interim. The legislation would have made nonviolent offenders eligible for reduced sentences if they participated in a rehabilitative program. The bill also mandated that the Department of Corrections work to study the recidivism rates of those released early through the program. HB 2808 received overwhelming support from the criminal justice advocates and conservative think tanks. Had the bill made it past the finish line, it would have been the most significant change in sentencing reform in Arizona since 1994. Although the bill passed through the House unanimously, it failed to receive a hearing in the Senate before the extended recess and end of session.

HB 2817: airport fees prohibited; ride sharing – Grantham
HB 2817 would have prevented local governments from establishing taxes, fees, or assessments of any kind on rideshare companies that use the airport. Representative Travis Grantham introduced the legislation after the City of Phoenix passed an ordinance in December to increase the fees for rideshare companies at Phoenix Sky Harbor. Uber and Lyft argued that the fees are unconstitutional and threatened to leave the airport if the fees were imposed. Since the passage of the fees, Attorney General Mark Brnovich asked the Arizona Supreme Court to review the constitutionality of the ordinance and Grantham hoped that his legislation would prevent the fees if the courts failed to act. HB 2817 passed committee in the House but never received a floor vote. In April, the Arizona Supreme Court ruled unanimously that the ridesharing fees are constitutional and Uber and Lyft have continued operating at Sky Harbor despite their threats.

HB 2875: regulations; short-term rentals – Kavanagh
Representative John Kavanagh introduced HB 2875 to help cities regain local control while regulating short-term rentals such as Airbnbs. City and neighborhood advocates decry the increase of vacation rentals in their towns, which they argue drive out long-term residents, create a lack of affordable housing, and lead to neighborhood motels with no oversight. HB2875 aimed to allow local government to limit the number of people allowed in the facilities to no more than two, permit cities to require the

installation of noise monitoring equipment, restrict where people could smoke, and require owners or managers to meet the people to whom they are renting. The legislation drew vacation rental owners to the Capitol in opposition of the legislation who claimed the bill would limit their ability to earn revenue on their properties. Some Republicans (including Governor Ducey) opposed the legislation as an infringement on property rights, while the bill's supporters argued that the legislators should allow local communities regulate their jurisdiction. The bill passed out of committee with bipartisan support but failed on the House floor by a 25-35 vote.

HB 2876: farm wineries; production – Weninger

Arizona, like most states, grants privileges to small spiritous liquor producers that are not available to large producers. These privileges include the ability to retail one's own product and distribute product to other retailers without utilizing a licensed wholesaler, among others. To access these privileges, a spiritous liquor producer must produce less than a "cap" amount annually – in the case of wine producers, they must produce no more than 40,000 gallons of wine in a calendar year in order to qualify for the "farm winery" license. Representative Jeff Weninger's HB 2876 would have eliminated the cap on production for wineries in Arizona, effectively deeming all wineries "farm wineries" and eliminating the three-tier regulatory structure that applies to all spiritous liquor for wine alone. While the bill was backed by a few well-funded winery operations, many of the state's smaller wineries objected and were joined by liquor industry stakeholders including the wholesalers, retail groups, and the Teamsters union, which depends on the stability of the wholesale sector for hundreds of jobs. Despite the sponsor's best efforts, HB 2876 was not able to garner enough support from lawmakers to pass the House and died without a floor vote.

HB 2912: COVID-19; civil liability; evidence; penalties – Kavanagh

The COVID-19 pandemic dominated the final weeks of the legislative session and the issue of how to protect businesses and other entities that reopen from frivolous lawsuits due to COVID-19 as they reopen was at the forefront. Additionally, many Republican lawmakers grew increasingly frustrated with Governor Ducey's stay-at-home executive order and defended individuals and businesses choosing to flout the order before its May 15th expiration. Led by Senator Eddie Farnsworth, a group of lawmakers drafted HB 2912, which was introduced by Representative John Kavanagh. HB 2912 combines both of these issues – it reduces the penalty for violating an executive order of the governor from a criminal misdemeanor to a civil penalty of not more than \$100 and it states that a business, school, church, or nonprofit cannot be held liable for a person contracting COVID-19 unless that business or entity acted with gross negligence (rather than regular negligence) and raises the burden of proof to clear and convincing evidence (rather than a preponderance of the evidence). The bill, which was retroactive to March 11, 2020, was introduced with an emergency clause but House Republicans were unable to garner the support of any Democrats and so could not achieve the three-fourths vote required for the emergency. It passed out of the House on a 31-29 party-line vote during the final week of House action. In the Senate Republican caucus, several members objected to the apparent insult to the governor inherent in reducing the penalties for violating his executive orders. The bill died without the necessary support in the Senate for a floor vote. Concerns about liability protections for businesses continue and lawmakers and stakeholders continue to work on revised legislation for a special session this summer.

SB 1160: firefighters; cancers; presumption; workers' compensation – Carter

Senator Heather Carter and Senator Paul Boyer led the charge to ensure firefighters' healthcare costs are covered if they developed cancer. Carter introduced SB 1160 following multiple cities rejecting claims from firefighters unable to prove which fire or chemical caused their cancer, and the bill sought to close a loophole in state law that says a firefighter's cancer claim may be "rebutted by a preponderance of evidence" and rather make such claims irrebuttable. Many insurance companies who specialize in workers' compensation fought the bill, stating it would cause insurance rates to rise and cost the state millions. The bill passed out of the Senate with a 25-4 vote but failed to receive a committee hearing in the House.

SB 1556: civil asset forfeiture; conviction procedures – E. Farnsworth

SB 1556 would have reformed the state's asset forfeiture laws to require a conviction before prosecutors could begin forfeiture proceedings and would have increased protections for property owners involved in the forfeiture process. The legislation seemed to have the broad-based support of Democrats and Republicans and passed the Senate unanimously but did not receive a hearing in the House before the legislature's extended recess. SB 1556 was revived during the last week of House action in May, but support for the measure started to wane. The main proponents of the bill were justice advocates and Raquel Petersen, the ex-wife of former Maricopa County Assessor Paul Petersen who faces dozens of felony charges across three states related to an international adoption scam. Raquel Petersen testified to the hardships she has faced since the government seized her home for a crime she did not commit. Prosecutors and law enforcement entities testified in opposition to the legislation, stating that asset seizure is a necessary tool to prevent criminals from shielding properties or other wealth in shell companies. The Arizona Attorney General further asserted that the bill would make it easier for white-collar criminals to escape financial accountability. Despite its strong showing in the Senate, House members concluded that SB 1556 was not ready for prime time and the bill failed to pass the House by a 23-37 vote.

Health and Human Services

Bills passed:

HB 2668: hospitals; unreimbursed costs; assessment; fund – Cobb

SIGNED

Representative Regina Cobb introduced HB 2668 on behalf of the state's largest hospitals and with the support of the health and business communities to address the ongoing problem of low AHCCCS reimbursement levels. The bill authorizes AHCCCS to impose an assessment on hospitals that cannot be passed on to patients or third-party payers and to deposit assessment revenues into the new Health Care Investment Fund. These monies then draw a federal match and shall be used for direct payments to hospitals to supplement the base reimbursement level for hospital services to AHCCCS patients and to restore provider rates to levels in existence before FY 2008-2009. HB 2668 and its mirror bill, SB 1247, were rushed through the process with bipartisan support shortly before the legislature adjourned for its extended recess in March and HB 2668 was signed by the governor on March 25th.

SB 1051: DHS continuation; public health emergency – Brophy McGee

SIGNED

State boards and agencies must be reviewed and statutorily continued by the legislature every several years and the Department of Health Services' continuation was up this year. While continuation bills are

usually uncontroversial, DHS's continuation stalled after passing out of the Senate in January. It was assigned to the House Health and Human Services Committee but had still failed to receive a hearing by mid-March, likely due to unrelated disagreements between the committee chair and bill sponsor. However, as the threat of the COVID-19 pandemic became apparent, mounting pressure led to Health Chair Nancy Barto releasing SB 1051 from committee. The bill was brought directly to the floor where the House added an amendment appropriating \$55 million from the Budget Stabilization Fund in FY 2019-2020 to pay for public health emergency responses following the state of emergency declaration and an emergency clause was added. The amended bill passed both chambers unanimously and Governor Ducey signed it on March 12th.

SB 1397: insurance; preexisting condition exclusions; prohibition – Mesnard **SENT TO GOVERNOR**

The federal Affordable Care Act (ACA) prohibits health insurance companies from refusing or charging more for coverage to individuals with preexisting conditions. However, the Trump administration and 18 Republican state attorneys general (including Arizona's Mark Brnovich) are asking the courts to strike down the entire ACA as unconstitutional. The Supreme Court agreed to hear the case in March, oral arguments are expected to take place this fall, and a decision is likely next spring. Anticipating success for the Trump administration, Senator Mesnard introduced SB 1397 to prohibit insurance exclusions for individuals with preexisting conditions in state law to ensure these protections remain in place even if the ACA is overturned. This was among the final bills approved by the legislature in the last week of House activity. It passed the House by a 59-1 vote and currently awaits Governor Ducey's action.

SB 1523: mental health omnibus – Brophy McGee **SIGNED**

Governor Ducey announced that mental health parity would be among his top priorities for the session during his State of the State Address and Senator Kate Brophy McGee sponsored SB 1523 on his behalf. Dubbed "Jake's Law" after an Arizona teen who died by suicide after failing to receive adequate care because of lack of coverage, SB 1523 (and mirror bill HB 2764) requires insurance companies to cover mental health care in the same way they cover other medical care and brings the state into compliance with federal statute prohibiting limitations on care for mental health. It also appropriates \$8 million to the Department of Health Services for review teams to address youth suicide and study the efficacy of existing behavioral health services in schools. The bill passed both chambers unanimously and was signed into law on March 3rd.

Bills that failed to pass:

SB 1027/HB 2051: informed consent; pelvic examinations – Carter/Barto

Seatmates Nancy Barto and Heather Carter both introduced bills that would have made it an act of unprofessional conduct for a physician, nurse practitioner, or physician assistant to perform or supervise an individual who performs a pelvic examination on an unconscious patient without obtaining the patient's informed consent. While the bills had broad support, neither received a hearing in the opposite chamber before the legislature entered its extended recess in March. SB 1027 was heard in the House Health and Human Services Committee during the House's final week in May but was never put on a Rules Committee agenda.

SB 1334: pharmacists; vaccines – Pace

Under current Arizona law, a pharmacist can provide a CDC-recommended vaccine without a prescription to a patient 13 years of age or older and can provide a flu vaccine without a prescription to a patient three years of age or older. Over the last several years, Arizona has seen a dip in overall vaccination rates that threaten herd immunity from preventable illnesses like measles. Senator Pace introduced SB 1334 to lower the age of patients for whom pharmacists may provide CDC-recommended vaccines without a prescription to six in the hope of improving vaccine availability and heading off declining vaccination rates. However, vaccines have been a hot-button issue at the legislature over the past few years as “anti-vax” groups raise concerns about vaccine safety and seek to expand exemptions. Although the bill passed the Senate 26-4, House Health and Human Services Chair Nancy Barto declined to hear the bill in committee.

Public Safety and Transportation

Bills that passed:

SB 1305: personal delivery devices – Livingston

AWAITING GOVERNOR ACTION

Over the past few years, Arizona has become an innovation haven for personal delivery devices and self-driving vehicles. Last year the legislature legalized the use of personal delivery devices on sidewalks and within crosswalks at a low speed of seven miles per hour. Since the legalization, the City of Tempe has seen a surge in the use of the devices that can deliver groceries, pick up dry cleaning, or deliver and pick up packages. Senator Livingston’s SB 1305 seeks to increase the speed allowed, equip the devices with more technology, and allow for transportation in either the pedestrian area or highway areas. The bill had the support of Amazon, FedEx, and retailers but was strongly opposed by the cities, who wanted to see more work and amendments to deal with liability protections. SB 1305 passed the Senate unanimously in early March and passed the House by a party line vote without the cities’ requested changes during the final week of session.

Bills that failed to pass:

HB 2442: highway safety fee repeal – Biasiucci

The highway safety fee was approved by the legislature in 2018 as a mechanism to free up dollars for Governor Ducey’s 20x2020 teacher pay plan. Since the implementation of the \$32 fee on VLT in July of 2018, Republicans and Democrats alike have tried to find a compromise on repealing the fee. In 2019 at the urging of Senator Michelle Ugenti-Rita, the legislature and governor’s office agreed to repeal the fee starting July 1, 2021. However, many legislators continue to have concerns that the temporary fee is unfair to constituents who may have had to pay the fee multiple years in a row depending on when their vehicle registration renews. Representative Leo Biasiucci’s HB 2442 would have repealed the fee in 2020 – a year earlier than originally planned. The bill received bipartisan support in the House but never received a committee hearing in the Senate.

HB 2899: fuel; electric cars; hybrids; taxes – Campbell

In Representative Noel Campbell’s final attempt to secure proper funding for roads, he introduced HB 2899, which would have increased the gas tax from 18 cents to 36 cents per gallon over the next three years. The bill would also have imposed a new tax on electric vehicles and hybrid vehicles with

incremental increases until FY 2024. Representative Campbell wanted to ensure that hybrid and electric vehicle users paid their fair share for road usage. The bill garnered support from the business community, the Arizona Trucker's Association, and local municipalities. Although the legislation had bipartisan support, some members of Republican leadership object to tax increases of any kind and the bill was never brought to the House floor for a vote.

Environment

Bills passed:

[SB 1145: temporary irrigation efficiency projects fund](#)– Kerr

SIGNED

Senator Sine Kerr introduced SB 1145 to fix an original drafting error that accidentally prevented the San Carlos Irrigation and Drainage District from receiving funding from the Temporary Groundwater and Irrigation Efficiency Projects Fund established with the DCP. SB 1145 and mirror bill HB 2617 received strong bipartisan support. An emergency measure, it was immediately enacted into law when it was signed by the governor on February 18th.

Bills that failed to pass:

[HB 2456: environmental quality programs; terminations; repeal](#) – Griffin

Representative Gail Griffin sponsored HB 2456 on behalf of the Arizona Department of Environmental Quality; the bill repeals the July 1, 2020 termination date for the Voluntary Remediation Program, the restrictions on total maximum daily loads for navigable waters, and the Water Monitoring Assistance Program. ADEQ is very concerned that the bill did not receive a final vote in the Senate, as the EPA is highly critical of the Voluntary Remediation Program, and hopes the bill will be brought forth during a special session before the repeal date.

[HB 2455: air quality omnibus](#) – Griffin

HB 2455 would have made various changes to the air quality statute, extended the EPA modifications to the Vehicle Emissions Testing Program as part of the State implementation plan, and modified the requirements for the Voluntary Vehicle Repair and Retrofit Program and Vehicle Emissions Inspection Program. Representative Gail Griffin sponsored the bill on behalf of ADEQ. Although it was not controversial, the bill failed to receive a final vote in the Senate. ADEQ hopes to bring the bill back next session.

Elections

Bills that passed:

[SB 1135: elections; counting center; electronic adjudication](#) – E. Farnsworth

SIGNED

Senator Eddie Farnsworth's SB 1135 was the first bill passed and signed this legislative session. An emergency measure that establishes requirements for the use of ballot tabulation equipment that uses an electronic adjudication feature, SB 1135 passed the legislature with bipartisan support in advance of the March presidential preference election. It was signed into law on February 3rd.

Bills that failed to pass:

HB 2304 s/e: voter registration; verification; assistance; report – Townsend

One of several controversial elections bills sponsored by Representative Kelly Townsend, the strike-everything amendment to HB 2304 would have allowed federal immigration authorities to check the citizenship status of people on Arizona’s voter rolls and limited the ability of voters to bring translators with them into polling places. The bill sparked an angry discussion when it was heard in the House Elections Committee culminating in a heated argument between Representatives Warren Petersen and Townsend and activists from LUCHA during which Representative Diego Rodriguez stormed out of committee. The bill passed committee on a party-line vote but never received a vote on the House floor.

SCR 1018: independent redistricting commission; population standards – Mesnard

The 2020 election will be the final election before legislative and congressional district lines are redrawn, a process that occurs every ten years. In 2000, Arizona voters approved a ballot measure creating an independent redistricting commission (IRC) charged with drawing the lines based on a variety of factors including geography, communities of interest, population, competitiveness, and compliance with the voting rights act. Because the IRC provisions are in the Arizona Constitution, not statute, they can only be changed at the ballot. Senator JD Mesnard’s SCR 1018 would have required the 2020 general election ballot to carry the question of whether to amend the Constitution to prohibit the population of the largest legislative district from exceeding the population of the smallest legislative district by more than 5,000 people. This was widely seen by Democrats as an effort to dilute the voting power of the Navajo Nation and was vehemently opposed. SCR 1018 narrowly passed the Senate on a 16-14 vote and was referred to the House Elections Committee shortly before the legislature took its extended recess at the end of March. The Elections Committee did not meet again this session and SCR 1018 died without a hearing.

BILL TRACKING

BILL	SUMMARY	STATUS
<p>HB 2052: AHCCCS; chiropractic care; report</p> <p><i>Rep. Barto</i></p>	<p>Subject to approval by the federal Centers for Medicare and Medicaid Services, the list of medically necessary health and medical services that Arizona Health Care Cost Containment System (AHCCCS) contractors are required to provide is expanded to include chiropractic services that are performed by a licensed chiropractor and that are ordered by a primary care physician or primary care practitioner pursuant to rules adopted by the AHCCCS Administration. The primary care physician or practitioner is permitted to initially order up to 20 visits annually and to authorize additional medically necessary chiropractic services in that same year. Monies from the Hospital Assessment Fund are prohibited from being used to provide chiropractic services. The AHCCCS Administration is required to prescribe qualifying conditions for chiropractic services and require contractors to report on the use of chiropractic services. The AHCCCS Administration is required to submit a report of chiropractic care cost savings determinations to the Governor and the Legislature by January 21, 2023. AS PASSED HOUSE.</p>	<p>FAILED TO PASS</p>
<p>HB 2133: dental board;</p>	<p>Licenses issued by the State Board of Dental Examiners expire 30 days after</p>	<p>FAILED TO PASS</p>

BILL	SUMMARY	STATUS
licenses; certificates; renewals <i>Rep. Barto</i>	the licensee's birthday every third year, instead of on June 30 of every third year. Effective January 1, 2021.	
HB 2184: occupational and professional licensure; notice <i>Rep. Petersen</i>	A regulating entity under Title 32 (Professions and Occupations) is required to prominently print a specified notice regarding reciprocity on all license and certificate applications and regulating entity websites. AS PASSED HOUSE.	FAILED TO PASS
HB 2244: AHCCCS; dental services; native Americans <i>Rep. Shope</i>	Subject to approval by the Centers for Medicare and Medicaid Services, for persons treated at an Indian Health Service or Tribal facility, adult dental services that are eligible for a federal medical assistance percentage of 100 percent and that are in excess of the \$1,000 annual limit are added to the list of covered services under the Arizona Health Care Cost Containment System (AHCCCS) and the Arizona Long-Term Care System. The AHCCCS Administration is required to seek federal authorization to reimburse the Indian Health Services and Tribal Facilities to cover the cost of adult dental services that are eligible for a federal medical assistance percentage of 100 percent, that are in excess of statutory limits, and that are received through these entities. AS SIGNED BY GOVERNOR.	3/23 signed by governor; Chapter 17, Laws 2020
HB 2246: AHCCCS services; diabetes management <i>Rep. Allen</i>	The list of medically necessary health and medical services that Arizona Health Care Cost Containment System (AHCCCS) contractors are required to provide is expanded to include up to 10 program hours annually of diabetes outpatient self-management training services if prescribed by a primary care practitioner in specified circumstances. Monies from the Hospital Assessment Fund cannot be used to provide diabetes outpatient self-management training services.	FAILED TO PASS
HB 2288: state licensing; fee waiver <i>Rep. Barto</i>	The list of persons that state agencies are required to waive any initial license fee charged for, with some exceptions, is expanded to include any active duty military service member and the member's spouse and any veteran.	FAILED TO PASS
HB 2296: Arizona health education centers; increase <i>Rep. Shope</i>	The Arizona Area Health Education System in the College of Medicine of the University of Arizona is expanded to six area health education centers, from five centers, and one center is required to focus on the Indian health care delivery system.	FAILED TO PASS
HB 2359: license denial prohibited; drug convictions <i>Rep. Toma</i>	State agencies are prohibited from denying a regular or provisional "occupational license" (defined) to an otherwise qualified applicant who has been convicted of a drug offense. Does not apply to teacher certification, health profession regulatory boards, the Department of Health Services for the purposes of the Arizona Medical Marijuana Act, law enforcement agencies, and the Arizona Peace Officer Standards and Training Board. AS PASSED HOUSE.	FAILED TO PASS
HB 2408: health professionals; voluntary care; immunity <i>Rep. Cobb</i>	For the purpose of qualified immunity for a health professional providing services without compensation at a nonprofit clinic, the definition of "nonprofit clinic" is expanded to include a private medical office maintained by a health professional where treatment, care or screening is provided at no cost to the patient. A "health care provider" (defined) may receive one hour of continuing education credit for each hour of free medical services the health care provider provides to "eligible patients" (defined), up to a maximum of eight continuing education credits per licensure period. AS	FAILED TO PASS

BILL	SUMMARY	STATUS
	PASSED HOUSE.	
<p>HB 2668: hospitals; unreimbursed costs; assessment; fund</p> <p><i>Rep. Cobb</i></p>	<p>Beginning October 1, 2020, the Director of the Arizona Health Care Cost Containment System Administration is required to establish, administer and collect an assessment on hospital revenues, discharges or bed days with respect to inpatient and/or outpatient services. The Director is authorized to adopt rules regarding the method for determining the assessment, the amount or rate of the assessment and modifications to or exemptions from the assessment. The assessment is subject to approval by the Centers for Medicare and Medicaid Services. Hospitals are prohibited from passing the cost of the assessment on to patients or third-party payors. Monies collected from the assessment are deposited in the newly established Health Care Investment Fund and used as necessary only for the purpose of funding the nonfederal share of the cost for directed payments to hospitals under federal law the supplement the "base reimbursement level" for hospital services to eligible persons, and for payments to physicians and dentists to restore provider rates to the rate levels in existence before FY2008-09, subject to specified limits. The Director may use up to 1 percent of the assessment monies to pay for the nonfederal share of the costs for administrative expenses. Conditionally repealed on the Centers for Medicare and Medicaid Services notifying the AHCCCS Administration of a final determination that the hospital assessment is not eligible for federal financial participation. AS PASSED HOUSE.</p>	<p>3/25 signed by governor; Chapter 46, Laws 2020</p>
<p>HB 2727: AHCCCS; pregnant women; dental care</p> <p><i>Rep. Osborne</i></p>	<p>The list of covered services under the Arizona Health Care Cost Containment System (AHCCCS) is expanded to include comprehensive dental care during a pregnancy for women who are at least 21 years of age and in any stage of pregnancy. Appropriates \$468,000 from the general fund in FY2020-21 to the AHCCCS Administration for dental services to pregnant women. Appropriates \$3.63 million from the general fund in FY2020-21 to the AHCCCS Administration to cover costs incurred due to eligibility changes directly related to the introduction of a dental benefit for pregnant women. By October 1, 2021, the AHCCCS Administration is required to report to the Governor and the Legislature the actual costs incurred to provide dental services to pregnant women and the actual costs incurred due to eligibility changes directly related to the introduction of a dental benefit for pregnant women during FY2020-21. AS PASSED HOUSE.</p>	<p>FAILED TO PASS</p>
<p>HB 2809: professional licensure fees; waiver; reduction</p> <p><i>Rep. Grantham</i></p>	<p>By September 1 of each year, each regulatory board and agency is required to review the costs it incurs, the monies it has in its funds and the fee revenues it collects to determine whether the regulatory board or agency expects ending balances in its licensing fund to exceed 50 percent of the appropriations from that fund in the current fiscal year. If so, the regulatory board or agency is required to provide a onetime waiver or reduction from licensure or certification renewal fees to reduce the balance in its licensing fund to below 50 percent of its appropriation from that fund in the upcoming fiscal year, or within the board's or agency's normal schedule for renewing licenses or certificates if longer than one year.</p>	<p>FAILED TO PASS</p>
<p>SB 1025: AHCCCS; chiropractic care; report</p> <p><i>Sen. Brophy McGee</i></p>	<p>Subject to approval by the federal Centers for Medicare and Medicaid Services, the list of medically necessary health and medical services that Arizona Health Care Cost Containment System (AHCCCS) contractors are required to provide is expanded to include medically necessary chiropractic services that are performed by a licensed chiropractor and that are ordered by a primary care physician or primary care practitioner pursuant to rules</p>	<p>FAILED TO PASS</p>

BILL	SUMMARY	STATUS
	<p>adopted by the AHCCCS Administration. The primary care physician or practitioner is permitted to initially order up to 20 visits annually and to request authorization for additional medically necessary chiropractic services in that same year. Monies from the Hospital Assessment Fund are prohibited from being used to provide chiropractic services. The AHCCCS Administration is required to prescribe qualifying conditions for chiropractic services and require contractors to report on the use of chiropractic services. The AHCCCS Administration is required to submit a report of chiropractic service utilization and any identified cost savings to the Governor and the Legislature by January 21, 2023. AS PASSED SENATE.</p>	
<p>SB 1079: unfair claims settlement; rulemaking</p> <p><i>Sen. D. Farnsworth</i></p>	<p>The list of statutes that apply to all hospital service corporations, medical service corporations, dental service corporations, optometric service corporations and hospital, medical, dental and optometric service corporations is expanded to include statute allowing the application of deductibles, coinsurance, preferred provider organization requirements, cost containment measures or quality assurance measures if they are equally applied to all types of physicians, and if any limitation or condition placed on payment to or on services, diagnosis or treatment by those physicians is equally applied without discrimination to the usual and customary procedures of any type of physician.</p>	<p>FAILED TO PASS</p>
<p>SB 1151: AHCCCS services; diabetes management</p> <p><i>Sen. Carter</i></p>	<p>The list of medically necessary health and medical services that Arizona Health Care Cost Containment System (AHCCCS) contractors are required to provide is expanded to include up to 10 program hours annually of diabetes outpatient self-management training services if prescribed by a primary care practitioner in specified circumstances. Monies from the Hospital Assessment Fund cannot be used to provide diabetes outpatient self-management training services. Also, each retail pharmacy in Arizona is required to annually compile the names of the 25 most frequently prescribed drugs to patients, including insulin and epinephrine auto-injectors, and the cash-pay price of each drug at that pharmacy, and post this information at that pharmacy location and online, if applicable. The Arizona State Board of Pharmacy is required to conduct a survey of all retail pharmacies in Arizona regarding the cash-pay price for patients to purchase insulin or epinephrine auto-injectors. By December 1, 2020, the Board is required to compile the results and provide a report to the Governor and the Legislature. AS PASSED SENATE.</p>	<p>FAILED TO PASS</p>
<p>SB 1170: AHCCCS; pregnant women; dental care</p> <p><i>Sen. Carter</i></p>	<p>The list of covered services under the Arizona Health Care Cost Containment System (AHCCCS) is expanded to include comprehensive dental care for women who are at least 21 years of age and in any stage of pregnancy. Appropriates \$468,100 from the general fund in FY2020-21 to the AHCCCS Administration for dental services to pregnant women. Appropriates \$3.63 million in one time funding from the general fund in FY2020-21 to the AHCCCS Administration to cover costs incurred due to eligibility changes directly related to introducing a dental benefit for pregnant women. By October 1, 2021, the AHCCCS Administration is required to report to the Governor and the Legislature the actual costs incurred to provide dental services to pregnant women and the actual costs incurred to provide dental services to pregnant women and the actual costs incurred due to eligibility changes directly related to introducing a dental benefit for pregnant women during FY2020-21. AS PASSED SENATE.</p>	<p>FAILED TO PASS</p>
<p>SB 1211: administrative</p>	<p>All "rules" (defined as a rule published in the Administrative Code) that</p>	<p>FAILED TO PASS</p>

BILL	SUMMARY	STATUS
<p>rules; expiration; legislative extension</p> <p><i>Sen. Leach</i></p>	<p>were adopted before the effective date of this legislation expire on July 1, 2022. If an agency wishes to extend a rule that was adopted before the effective date of this legislation before the expiration of that rule, the agency is required to comply with the rulemaking procedures of the Administrative Procedures Act. Beginning July 1, 2023, the Administrative Code expires on July 1 of each year unless the Code is approved by the Legislature for a period of up to one year.</p>	
<p>SB 1212: board licensure; certification; residents</p> <p><i>Sen. Fann</i></p>	<p>Modifies the requirements for a person who is married to an active duty member of the U.S. armed forces who is accompanying the member to an official permanent change of station to a military installation in Arizona to be granted a reciprocal license to state that the person's licensure or certification by another state is proof that the person met the applicable requirements in that state, and to require the person to be a "resident" (defined) of Arizona instead of to "establish residence in Arizona." The requirement to be a resident applies without a minimum time required that the person must be present in Arizona, and applies even if the person is a resident before August 27, 2019. Retroactive to August 27, 2019.</p>	<p>FAILED TO PASS</p>
<p>SB 1227: dental hygienists; affiliated practice</p> <p><i>Sen. Brophy McGee</i></p>	<p>An affiliated practice agreement between a dental hygienist and a dentist is required to include the conditions under which the affiliated practice dental hygienist may administer local anesthesia and provide root planing, and is permitted to include the circumstances under which the affiliated practice dental hygienist must consult with the affiliated practice dentist before initiating further treatment on patients who have not been seen by a dentist within 12 months after the initial treatment by the dental hygienist. Dentists in an affiliated practice relationship are no longer prohibited from allowing the provision of dental hygiene services by more than three affiliated practice dental hygienists at any one time. A dental hygienist is prohibited from administering nitrous oxide. AS PASSED SENATE.</p>	<p>FAILED TO PASS</p>
<p>SB 1397: insurance; preexisting condition exclusions; prohibition</p> <p><i>Sen. Mesnard</i></p>	<p>Every "health care insurer" that offers an "individual health plan" (both defined) in Arizona is required to provide guaranteed availability of coverage to an eligible individual who desires to enroll in health insurance coverage and is prohibited from declining to offer that coverage to, or denying enrollment of, that individual. Every health care insurer that offers an individual health plan in Arizona is prohibited from imposing any "preexisting condition exclusion" (defined) with respect to the issuance, renewal or scope of benefits provided in such coverage. A health care insurer is permitted to restrict enrollment in individual health plans to open enrollment periods and special enrollment periods to the extent the periods are not inconsistent with applicable federal law. Some exceptions. Conditionally enacted on a court of competent jurisdiction ruling that the federal Patient Protection and Affordable Care Act is unconstitutional and the judgment of that court becoming final and definitive on or before June 30, 2023.</p>	<p>Passed House 59-1, awaits governor action</p>