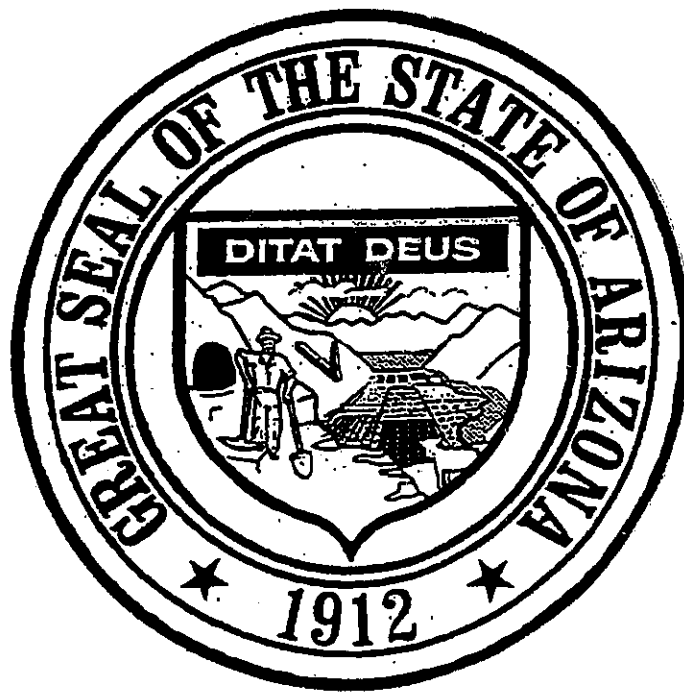


# 2023 BLENDS



Arizona Legislative Council



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August 3, 2023

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Pursuant to authority of section 41-1304.03, Arizona Revised Statutes, the attached sections are presented as blends of multiple amendment activity that occurred in the Fifty-sixth Legislature, First Regular Session.

For each blend, the publisher will be instructed to indicate in the source note each of the Laws 2023 chapter versions and to include a reviser's note to explain the blend.

Unless otherwise noted, the effective date of each of the following blends is October 30, 2023.

The following blend sections are included:

- |                                    |                     |
|------------------------------------|---------------------|
| 1. 4-241                           | Chs. 25 and 27      |
| 2. 8-821                           | Chs. 87 and 155     |
| 3. 11-483                          | Chs. 37 and 125     |
| 4. 11-484                          | Chs. 37 and 125     |
| 5. 11-1001                         | Chs. 115 and 132    |
| 6. 13-905                          | Chs. 3 and 70       |
| 7. 13-1204                         | Chs. 96 and 159     |
| 8. 13-2401                         | Chs. 37 and 125     |
| 9. 15-341                          | Chs. 120 and 170    |
| 10. 15-421                         | Chs. 15 and 108     |
| 11. 15-901                         | Chs. 131 and 142    |
| 12. 15-961 (L22, Ch. 317, sec. 12) | Chs. 130 and 142    |
| 13. 16-153                         | Chs. 37 and 125     |
| 14. 28-454                         | Chs. 37 and 125     |
| 15. 28-1106                        | Chs. 30 and 189     |
| 16. 32-506                         | Chs. 18, 22 and 194 |
| 17. 32-1301 (L22, Ch. 257, sec. 3) | Chs. 95 and 194     |
| 18. 32-1606                        | Chs. 42 and 200     |
| 19. 32-2211                        | Chs. 132 and 187    |

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|-----|--------------------------------|--|
| 20. | 32-2231                        | Chs. 132 and 164                             |
| 21. | 32-2532                        | Chs. 42 and 54 ( <i>Effective 1/1/24</i> )   |
| 22. | 33-1261                        | Chs. 13 and 61                               |
| 23. | 33-1808                        | Chs. 13 and 61                               |
| 24. | 36-501                         | Chs. 91 and 103                              |
| 25. | 36-2201 (L22, Ch. 381, sec. 1) | Chs. 165 and 187 ( <i>Effective 1/1/24</i> ) |
| 26. | 36-2202 (L22, Ch. 381, sec. 2) | Chs. 43 and 165 ( <i>Effective 1/1/24</i> )  |
| 27. | 38-842.01                      | Chs. 6 and 48                                |
| 28. | 38-881.01                      | Chs. 6 and 48                                |
| 29. | 39-123                         | Chs. 37 and 125                              |
| 30. | 39-124                         | Chs. 37 and 125                              |
| 31. | 42-5009                        | Chs. 11 and 14                               |
| 32. | 42-11111                       | Chs. 14 and 79                               |
| 33. | 43-1014                        | Chs. 11 and 147                              |

EXPLANATION OF BLEND  
SECTION 4-241

Laws 2023, Chapters 25 and 27

Laws 2023, Ch. 25, section 7

Effective October 30, 2023

Laws 2023, Ch. 27, section 1

Effective October 30, 2023

Explanation

Since these two enactments are compatible, the Laws 2023, Ch. 25 and Ch. 27 text changes to section 4-241 are blended in the form shown on the following pages.

BLEND OF SECTION 4-241  
Laws 2023, Chapters 25 and 27

4-241. Selling or giving liquor to underage person; illegally obtaining liquor by underage person; violation; classification

A. If a licensee, an employee of the licensee or any other person questions or has reason to question that the person ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure the serving or delivery of spirituous liquor or entering a portion of a licensed premises when the primary use is the sale or service of spirituous liquor is under the legal drinking age, the licensee, employee of the licensee or other person shall do all of the following:

1. Demand identification from the person.
2. Examine the identification to determine that the identification reasonably appears to be a valid, unaltered identification that has not been defaced.

3. Examine the photograph in the identification and determine that the person reasonably appears to be the same person in the identification.

4. Determine that the date of birth in the identification indicates the person is not under the legal drinking age.

B. A licensee or an employee of the licensee who follows the procedures prescribed in subsection A of this section and who records and retains a record of the person's identification on this particular visit, or a licensee or an employee of the licensee who uses a biometric identity verification device to verify a person is not under the legal drinking age as provided in subsection W of this section, is not in violation of subsection J of this section or section 4-244, paragraph 9 or 22. This defense applies to actions of the licensee and all employees of the licensee after the procedure prescribed in subsection A or W of this section has been employed during the particular visit to the licensed premises by the person. A licensee or an employee of the licensee is not required to demand and examine identification of a person pursuant to subsection A or W of this section if, during this visit to the licensed premises by the person, the licensee or any employee of the licensee has previously followed the procedure prescribed in subsection A or W of this section.

C. Proof that the licensee or employee followed the entire procedure prescribed in subsection A of this section but did not record and retain a record as prescribed in subsection B of this section is an affirmative defense to a criminal charge under subsection J of this section or under section 4-244, paragraph 9 or 22 or a disciplinary action under section 4-210 for a violation of subsection J of this section or section 4-244, paragraph 9 or 22. This defense applies to actions of the licensee and all employees of the licensee after the procedure has been employed during the particular visit to the licensed premises by the person.

D. A licensee or an employee who has not recorded and retained a record of the identification AS prescribed by subsection B of this section is presumed not to have followed any of the elements prescribed in subsection A of this section.

E. For the purposes of section 4-244, paragraph 22, a licensee or an employee who has not recorded and retained a record of the identification AS prescribed by subsection B of this section is presumed to know that the person entering or attempting to enter a portion of a licensed premises when the primary use is the sale or service of spirituous liquor is under the legal drinking age.

F. It is a defense to a violation of subsection A of this section if the person ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure the serving or delivery of spirituous liquor or to enter a portion of a licensed premises when the primary use is the sale or service of spirituous liquor is not under the legal drinking age.

G. A person penalized for a violation of subsection J of this section or section 4-244, paragraph 22 shall not be additionally penalized for a violation of subsection A or W of this section relating to the same event.

H. The defenses provided in this section do not apply to a licensee or an employee who has actual knowledge that the person exhibiting the identification is under the legal drinking age.

I. Any of the following types of records are acceptable forms for recording the person's identification:

1. A writing containing the type of identification, the date of issuance of the identification, the name on the identification, the date of birth on the identification and the signature of the person.

2. An electronic file or printed document produced by a device that reads the person's age from the identification.

3. A dated and signed photocopy of the identification.

4. A photograph of the identification.

5. A digital copy of the identification.

J. An off-sale retail licensee or employee of an off-sale retail licensee shall require an instrument of identification from any customer who appears to be under twenty-seven years of age and who is using a drive-through or other physical feature of the licensed premises that allows a customer to purchase spirituous liquor without leaving the customer's vehicle.

K. The following written instruments are the only types of identification that are acceptable under subsection A of this section:

1. An unexpired driver license issued by this state. A driver license issued to a person who is under twenty-one years of age is no longer an acceptable type of identification under this paragraph thirty days after the person turns twenty-one years of age.

2. An unexpired driver license issued by any other state, the District of Columbia, any territory of the United States or Canada if the license includes a picture of the person and the person's date of birth.

3. An unexpired nonoperating identification license issued pursuant to section 28-3165. An unexpired nonoperating license issued to a person who is under twenty-one years of age is no longer an acceptable type of

identification under this paragraph thirty days after the person turns twenty-one years of age.

4. A form of identification license issued by any other state, the District of Columbia, any territory of the United States or Canada if the license is substantially equivalent to a nonoperating identification license issued pursuant to section 28-3165 and includes a picture of the person and the person's date of birth.

5. An unexpired armed forces identification card that includes the person's picture and date of birth.

6. A valid unexpired passport or a valid unexpired resident alien card that contains a photograph of the person and the person's date of birth.

Ch. 25 — 7. A VALID UNEXPIRED CONSULAR IDENTIFICATION CARD THAT IS ISSUED BY A FOREIGN GOVERNMENT IF THE FOREIGN GOVERNMENT USES BIOMETRIC IDENTITY VERIFICATION TECHNIQUES IN ISSUING THE CONSULAR IDENTIFICATION CARD. FOR THE PURPOSES OF THIS PARAGRAPH, "BIOMETRIC IDENTITY VERIFICATION TECHNIQUES" HAS THE SAME MEANING PRESCRIBED IN SECTION 41-5001.

Ch. 27 — 8. A VALID UNEXPIRED BORDER CROSSING CARD ISSUED BY THE UNITED STATES GOVERNMENT THAT CONTAINS A PHOTOGRAPH OF THE PERSON AND THE PERSON'S DATE OF BIRTH.

L. A person who is under the legal drinking age and who misrepresents the person's age to any person by means of a written instrument of identification with the intent to induce a person to sell, serve, give or furnish spirituous liquor contrary to law is guilty of a class 1 misdemeanor.

M. A person who is under the legal drinking age and who solicits another person to purchase, sell, give, serve or furnish spirituous liquor contrary to law is guilty of a class 3 misdemeanor.

N. A person who is under the legal drinking age and who uses a fraudulent or false written instrument of identification or identification of another person or uses a valid license or identification of another person to gain access to a licensed establishment is guilty of a class 1 misdemeanor.

O. A person who uses a driver or nonoperating identification license in violation of subsection L or N of this section is subject to suspension of the driver or nonoperating identification license as provided in section 28-3309. A person who does not have a valid driver or nonoperating identification license and who uses a driver or nonoperating identification license of another in violation of subsection N of this section has the person's right to apply for a driver or nonoperating identification license suspended as provided by section 28-3309.

P. A person who knowingly influences the sale, giving or serving of spirituous liquor to a person under the legal drinking age by misrepresenting the age of such person or who orders, requests, receives or procures spirituous liquor from any licensee, employee or other person with the intent of selling, giving or serving it to a person under the legal drinking age is guilty of a class 1 misdemeanor. A licensee or employee of a licensee who has actual knowledge that a person is under the legal drinking age and who admits the person into any portion of the licensed premises in violation of section 4-244, paragraph 22 is in violation of this subsection. In addition to other penalties provided by law, a judge may suspend a driver

license issued to or the driving privilege of a person for not more than thirty days for a first conviction and not more than six months for a second or subsequent conviction under this subsection.

Q. A person who is at least eighteen years of age and who is an occupant of an unlicensed premises is guilty of a class 1 misdemeanor if the person knowingly hosts on the unlicensed premises a gathering of two or more persons who are under the legal drinking age and if the person knows that one or more of the persons under the legal drinking age are in possession of or consuming spirituous liquor on the unlicensed premises.

R. For the purposes of subsection Q of this section:

1. "Hosts" means allowing or promoting a party, gathering or event at a person's place of residence or other premises under the person's ownership or control where spirituous liquor is served to, in the possession of or consumed by an underage person.

2. "Occupant" means a person who has legal possession or the legal right to exclude others from the unlicensed premises.

S. A peace officer shall forward or electronically transfer to the director of the department of transportation the affidavit required by Ch. 27 [ section 28-3310 if the peace officer has arrested a person for ~~the commission of~~ COMMITTING an offense for which, on conviction, suspension of the license or privilege to operate a motor vehicle is required by section 28-3309, subsection A, B, C or D, or if the peace officer has confiscated a false identification document used by the person to gain access to licensed premises.

T. A person who acts under a program of testing compliance with this title that is approved by the director is not in violation of section 4-244.

U. Law enforcement agencies may use persons who are under the legal drinking age to test compliance with this section and section 4-244, paragraph 9 by a licensee if the law enforcement agency has reasonable suspicion that the licensee is violating this section or section 4-244, paragraph 9. A person who is under the legal drinking age and who purchases or attempts to purchase spirituous liquor under the direction of a law enforcement agency pursuant to this subsection is immune from prosecution for that purchase or attempted purchase. Law enforcement agencies may use a person under the legal drinking age pursuant to this subsection only if:

1. The person is at least fifteen but not more than nineteen years of age.

2. The person is not employed on an incentive or quota basis.

3. The person's appearance is that of a person who is under the legal drinking age.

Chs. 25  
and 27 — 4. A photograph of the person is taken ~~no~~ NOT more than twelve hours before the purchase or attempted purchase. The photograph shall accurately depict the person's appearance and attire. A licensee or an employee of a licensee who is cited for selling spirituous liquor to a person under the legal drinking age pursuant to this subsection is allowed to inspect the photograph immediately after the citation is issued. The person's appearance at any trial or administrative hearing that results from a citation shall not be substantially different from the person's appearance at the time the citation was issued.



5. The person places, receives and pays for the person's order of spirituous liquor. An adult shall not accompany the person onto the premises of the licensee.

6. The person does not consume any spirituous liquor.

V. The department may adopt rules to carry out the purposes of this section.

W. In lieu of or in addition to the procedures prescribed in subsection A of this section, a licensee, an employee of the licensee or any other person who questions or has reason to question ~~that~~ WHETHER the person ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure the serving or delivery of spirituous liquor or entering a portion of a licensed premises when the primary use is the sale or service of spirituous liquor is under the legal drinking age, the licensee, employee of the licensee or other person may use a biometric identity verification device to determine the person's age. In any instance where the device indicates the person is under the legal drinking age, the attempted purchase, procurement or entry shall be denied.

Chs. 25  
and 27

EXPLANATION OF BLEND  
SECTION 8-821

Laws 2023, Chapters 87 and 155

Laws 2023, Ch. 87, section 2

Effective October 30, 2023

Laws 2023, Ch. 155, section 1

Effective October 30, 2023

Explanation

Since these two enactments are compatible, the Laws 2023, Ch. 87 and Ch. 155 text changes to section 8-821 are blended in the form shown on the following pages.

BLEND OF SECTION 8-821  
Laws 2023, Chapters 87 and 155

8-821. Taking into temporary custody; medical examination;  
forensic interview; placement; interference;  
violation; classification; definition

A. A child shall be taken into temporary custody only pursuant to one of the following:

- 1. An order of the superior court.
- Ch. 87 — 2. Subsection ~~D~~ E of this section.
- 3. The consent of the child's parent or guardian.

B. The superior court, on a dependency petition filed by an interested person, a peace officer, a child welfare investigator or a child safety worker under oath or on a sworn statement or testimony by a peace officer, a child welfare investigator or a child safety worker, may issue an order authorizing the department to take temporary custody of a child on finding that probable cause exists to believe that temporary custody is clearly necessary to protect the child from suffering abuse or neglect and it is contrary to the child's welfare to remain in the home.

C. If a child is taken into temporary custody pursuant to this section, the child's sibling shall also be taken into temporary custody only if independent probable cause exists to believe that temporary custody is clearly necessary to protect the child from suffering abuse or neglect.

Ch. 87 { D. IF A CHILD IS TAKEN INTO TEMPORARY CUSTODY PURSUANT TO THIS SECTION, THE COURT SHALL ORDER THE DEPARTMENT TO INITIATE A DUE DILIGENCE SEARCH PURSUANT TO SECTION 8-514.07.

~~D~~. E. A child may be taken into temporary custody without a court order by a peace officer, a child welfare investigator or a child safety worker if temporary custody is clearly necessary to protect the child because exigent circumstances exist.

~~E~~. F. In determining if a child should be taken into temporary custody, the court, peace officer, child welfare investigator or child safety worker shall take into consideration as a paramount concern the child's health and safety.

Ch. 87 — ~~F~~. G. A person who takes a child into custody because an exigent circumstance described in subsection ~~K~~ L, paragraph 2 of this section exists shall immediately HAVE THE CHILD FORENSICALLY INTERVIEWED BY A PERSON WHO IS TRAINED IN FORENSIC INTERVIEWING PURSUANT TO A PROTOCOL ESTABLISHED PURSUANT TO SECTION 8-817 AND MAY have the child examined by a physician who is licensed pursuant to title 32, chapter 13 or 17 or a health care provider who is licensed pursuant to title 32 and who has specific training in evaluations of child abuse. After the INTERVIEW OR examination, OR BOTH, the person shall release the child to the custody of the parent or guardian of the child unless the INTERVIEW OR examination reveals abuse. Temporary custody of a child taken into custody because an exigent circumstance

Ch. 87 — described in subsection ~~K~~ L, paragraph 2 of this section exists shall not exceed twelve hours.

~~G.~~ H. A child who is taken into temporary custody pursuant to this article shall not be held in a police station, jail or lockup where adults or juveniles who are charged with or convicted of a crime are detained.

~~H.~~ I. A child shall not remain in temporary custody for more than seventy-two hours excluding Saturdays, Sundays and holidays unless a dependency petition is filed.

~~I.~~ J. To execute an order authorizing temporary custody, a peace officer may use reasonable force to enter any building in which the person named in the removal authorization is or is reasonably believed to be.

~~J.~~ K. A person who knowingly interferes with the taking of a child into temporary custody under this section is guilty of a class 2 misdemeanor.

~~K.~~ L. For the purposes of this section, "exigent circumstances" means there is probable cause to believe that the child is likely to suffer serious harm in the time it would take to obtain a court order for removal and either of the following is true:

1. There is no less intrusive alternative to taking temporary custody of the child that would reasonably and sufficiently protect the child's health or safety.

2. Probable cause exists to believe that the child is a victim of sexual abuse or abuse involving serious physical injury that can be diagnosed only by a physician who is licensed pursuant to title 32, chapter 13 or 17 or a health care provider who is licensed pursuant to title 32 and who has specific training in evaluations of child abuse.

EXPLANATION OF BLEND  
SECTION 11-483

Laws 2023, Chapters 37 and 125

Laws 2023, Ch. 37, section 1

Effective October 30, 2023

Laws 2023, Ch. 125, section 1

Effective October 30, 2023

Explanation

Since these two enactments are compatible, the Laws 2023, Ch. 37 and Ch. 125 text changes to section 11-483 are blended in the form shown on the following pages.

The Laws 2023, Ch. 125 version of section 11-483, subsection O, paragraph 5 struck "a" and added "an". The Ch. 37 version did not strike "a". Since this would not produce a substantive change, the blend version reflects the Ch. 37 version.

BLEND OF SECTION 11-483  
Laws 2023, Chapters 37 and 125

11-483. Records maintained by county recorder;  
confidentiality; definitions

A. Notwithstanding any other provision of this article, in any county an eligible person may request that the general public be prohibited from accessing the unique identifier and the recording date contained in indexes of recorded instruments maintained by the county recorder and may request the county recorder to prohibit access to that person's identifying information, including any of THE FOLLOWING:

Ch. 125

1. That person's documents, instruments or writings recorded by the county recorder.

2. IF THE PERSON IS A PUBLIC OFFICIAL, THE ADDRESS OF A PROPERTY HELD IN TRUST BY THE PUBLIC OFFICIAL.

B. An eligible person may request this action by filing an affidavit that states all of the following on an application form developed by the administrative office of the courts in agreement with an association of counties, an organization of peace officers and the motor vehicle division of the department of transportation:

1. The person's full legal name and residential address.

2. The full legal description and parcel number of the person's property.

3. Unless the person is the spouse of a peace officer or the spouse or minor child of a deceased peace officer or the person is a former public official or former judge, the position the person currently holds and a description of the person's duties, except that an eligible person who is protected under an order of protection or injunction against harassment shall instead attach a copy of the order of protection or injunction against harassment or an eligible person who is a participant in the address confidentiality program shall instead attach a copy of the participant's current and valid address confidentiality program authorization card issued pursuant to section 41-163 and a statement of certification provided by the secretary of state's office.

4. The reasons the person reasonably believes that the person's life or safety or that of another person is in danger and that restricting access pursuant to this section will serve to reduce the danger.

5. The document locator number and recording date of each instrument for which the person requests access restriction pursuant to this section.

6. A copy of pages from each instrument that includes the document locator number and the person's identifying information, including the person's full legal name and residential address or full legal name and telephone number.

C. If an eligible person is also requesting pursuant to section 11-484 that the general public be prohibited from accessing records

maintained by the county assessor and county treasurer, the eligible person may combine the request pursuant to subsection B of this section with the request pursuant to section 11-484 by filing one affidavit. The affidavit and subsequent action by the appropriate authorities shall meet all of the requirements of this section and section 11-484.

D. The affidavit shall be filed with the presiding judge of the superior court in the county in which the affiant resides. To prevent multiple filings, an eligible person who is a peace officer, spouse of a peace officer, spouse or minor child of a deceased peace officer, public defender, prosecutor, code enforcement officer, corrections or detention officer, corrections support staff member or law enforcement support staff member shall deliver the affidavit to the peace officer's commanding officer, or to the head of the prosecuting, public defender, code enforcement, law enforcement, corrections or detention agency, as applicable, or that person's designee, who shall file the affidavits at one time. In the absence of an affidavit that contains a request for immediate action and that is supported by facts justifying an earlier presentation, the commanding officer, or the head of the prosecuting, public defender, code enforcement, law enforcement, corrections or detention agency, as applicable, or that person's designee, shall not file affidavits more often than quarterly.

E. On receipt of an affidavit or affidavits, the presiding judge of the superior court shall file with the clerk of the superior court a petition on behalf of all requesting affiants. Each affidavit presented shall be attached to the petition. In the absence of an affidavit that contains a request for immediate action and that is supported by facts justifying an earlier consideration, the presiding judge may accumulate affidavits and file a petition at the end of each quarter.

F. The presiding judge of the superior court shall review the petition and each attached affidavit to determine whether the action requested by each affiant should be granted. If the presiding judge of the superior court concludes that the action requested by the affiant will reduce a danger to the life or safety of the affiant or another person, the presiding judge of the superior court shall order that the county recorder prohibit access for five years to the affiant's identifying information, including any of that person's documents, instruments or writings recorded by the county recorder and made available on the internet. If the presiding judge of the superior court concludes that the affiant or another person is in actual danger of physical harm from a person or persons with whom the affiant has had official dealings and that action pursuant to this section will reduce a danger to the life or safety of the affiant or another person, the presiding judge of the superior court shall order that the general public be prohibited for five years from accessing the unique identifier and the recording date contained in indexes of recorded instruments maintained by the county recorder and identified pursuant to subsection B of this section.

G. On motion to the court, if the presiding judge of the superior court concludes that an instrument or writing recorded by the county recorder has been redacted or sealed in error, that the original affiant no longer lives at the address listed in the original affidavit, that the cause for

the original affidavit no longer exists or that temporary access to the instrument or writing is needed, the presiding judge may temporarily stay or permanently vacate all or part of the court order prohibiting public access to the recorded instrument or writing.

H. On entry of the court order, the clerk of the superior court shall file the court order and a copy of the affidavit required by subsection B of this section with the county recorder. Not more than ten days after the date on which the county recorder receives the court order, the county recorder shall restrict access to the information as required by subsection F of this section.

I. If the court denies an affiant's request pursuant to this section, the affiant may request a court hearing. The hearing shall be conducted by the court in the county where the petition was filed.

Ch. 37 — J. The county recorder shall remove the restrictions on all records restricted pursuant to this section by January 5 in the year after the court order expires. The county recorder shall send by mail one notice to either the HEALTH PROFESSIONAL, [ELECTION OFFICER, PUBLIC OFFICIAL,] former public official, peace officer, spouse of a peace officer, spouse or minor child of a deceased peace officer, public defender, prosecutor, code enforcement officer, corrections or detention officer, corrections support staff member, law enforcement support staff member, employee of the department of child safety or employee of adult protective services who has direct contact with Ch. 125  
Ch. 37 — families in the course of employment or the employing agency of a THE peace officer, public defender, prosecutor, code enforcement officer, corrections or detention officer, corrections support staff member, law enforcement support staff member or employee of adult protective services who was granted an order pursuant to this section of the order's expiration date at least six months before the expiration date. If the notice is sent to the employing agency, the employing agency shall immediately notify the person who was granted the order of the upcoming expiration date. The county recorder may coordinate with the county assessor and county treasurer to prevent multiple notices from being sent to the same person.

K. To include subsequent recordings in the court order, the eligible person shall present to the county recorder at the time of recordation a certified copy of the court order or shall provide to the county recorder the recording number of the court order. The county recorder shall ensure that public access is restricted pursuant to subsection A of this section.

L. This section does not restrict access to public records for the purposes of perfecting a lien pursuant to title 12, chapter 9, article 2.

M. This section does not prohibit access to the records of the county recorder by parties to the instrument, a law enforcement officer performing the officer's official duties pursuant to subsection N of this section, a title insurer, a title insurance agent or an escrow agent licensed by the department of insurance and financial institutions.

N. A law enforcement officer is deemed to be performing the officer's official duties if the officer provides a subpoena, court order or search warrant for the records.

O. For the purposes of this section:

1. "Code enforcement officer" means a person who is employed by a state or local government and whose duties include performing field



inspections of buildings, structures or property to ensure compliance with and enforce national, state and local laws, ordinances and codes.

2. "Commissioner" means a commissioner of the superior court or municipal court.

3. "Corrections support staff member" means an adult or juvenile corrections employee who has direct contact with inmates.

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4. "ELECTION OFFICER" MEANS A STATE, COUNTY OR MUNICIPAL EMPLOYEE WHO HOLDS AN ELECTION OFFICER'S CERTIFICATE ISSUED PURSUANT TO SECTION 16-407.

Ch. 37

~~4.~~ 5. "Eligible person" means a [HEALTH PROFESSIONAL,] ELECTION OFFICER, PUBLIC OFFICIAL, former public official, peace officer, spouse of a peace officer, spouse or minor child of a deceased peace officer, justice, judge, commissioner, hearing officer, public defender, prosecutor, code enforcement officer, adult or juvenile corrections officer, corrections support staff member, probation officer, member of the commission on appellate court appointments, member of the board of executive clemency, law enforcement support staff member, employee of the department of child safety or employee of adult protective services who has direct contact with families in the course of employment, national guard member who is acting in support of a law enforcement agency, person who is protected under an order of protection or injunction against harassment, person who is a participant in the address confidentiality program pursuant to title 41, chapter 1, article 3 or firefighter who is assigned to the Arizona counter terrorism information center in the department of public safety.

~~5.~~ 6. "Former public official" means a person who was duly elected or appointed to Congress, the legislature or a statewide office, who ceased serving in that capacity and who was the victim of a dangerous offense as defined in section 13-105 while in office.

Ch. 37

7. "HEALTH PROFESSIONAL" MEANS AN INDIVIDUAL WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13, 15, 17, 19.1, 25 OR 33.

~~6.~~ 8. "Hearing officer" means a hearing officer who is appointed pursuant to section 28-1553.

~~7.~~ 9. "Indexes" means only those indexes that are maintained by and located in the office of the county recorder, that are accessed electronically and that contain information beginning from and after January 1, 1987.

~~8.~~ 10. "Judge" means a judge or former judge of the United States district court, the United States court of appeals, the United States magistrate court, the United States bankruptcy court, the United States immigration court, the Arizona court of appeals, the superior court or a municipal court.

~~9.~~ 11. "Justice" means a justice of the United States or Arizona supreme court or a justice of the peace.

~~10.~~ 12. "Law enforcement support staff member" means a person who serves in the role of an investigator or prosecutorial assistant in an agency that investigates or prosecutes crimes, who is integral to the investigation or prosecution of crimes and whose name or identity will be revealed in the course of public proceedings.

~~11.~~ 13. "Peace officer":

(a) Means any person vested by law, or formerly vested by law, with a duty to maintain public order and make arrests.

(b) Includes a federal law enforcement officer or agent who resides in this state and who has the power to make arrests pursuant to federal law.

~~12.~~ 14. "Prosecutor" means a current or former county attorney, municipal prosecutor, attorney general or United States attorney and includes a current or former assistant or deputy United States attorney, county attorney, municipal prosecutor or attorney general.

~~13.~~ 15. "Public defender" means a federal public defender, county public defender, county legal defender or county contract indigent defense counsel and includes an assistant or deputy federal public defender, county public defender or county legal defender.

Ch. 125 { 16. "PUBLIC OFFICIAL" MEANS A PERSON WHO IS DULY ELECTED OR APPOINTED TO CONGRESS, THE LEGISLATURE, A STATEWIDE OFFICE OR A COUNTY, CITY OR TOWN OFFICE.

EXPLANATION OF BLEND  
SECTION 11-484

Laws 2023, Chapters 37 and 125

Laws 2023, Ch. 37, section 2

Effective October 30, 2023

Laws 2023, Ch. 125, section 2

Effective October 30, 2023

Explanation

Since these two enactments are compatible, the Laws 2023, Ch. 37 and Ch. 125 text changes to section 11-484 are blended in the form shown on the following pages.

The Laws 2023, Ch. 125 version of section 11-484, subsection K, paragraph 5 struck "a" and added "an". The Ch. 37 version did not strike "a". Since this would not produce a substantive change, the blend version reflects the Ch. 37 version.

BLEND OF SECTION 11-484  
Laws 2023, Chapters 37 and 125

11-484. Records maintained by county assessor and county treasurer; redaction; definitions

A. Notwithstanding any other provision of this article, in any county an eligible person may request that the general public be prohibited from accessing that person's identifying information, including any of THE FOLLOWING:

Ch. 125

1. That person's documents, instruments, writings and information maintained by the county assessor and the county treasurer.

2. IF THE PERSON IS A PUBLIC OFFICIAL, THE ADDRESS OF A PROPERTY HELD IN TRUST BY THE PUBLIC OFFICIAL.

B. An eligible person may request this action by filing an affidavit that states all of the following on an application form developed by the administrative office of the courts in agreement with an association of counties, an organization of peace officers and the motor vehicle division of the department of transportation:

1. The person's full legal name and residential address.

2. The full legal description and parcel number of the person's property.

3. Unless the person is the spouse of a peace officer or the spouse or minor child of a deceased peace officer or the person is a former public official or former judge, the position the person currently holds and a description of the person's duties, except that an eligible person who is protected under an order of protection or injunction against harassment shall attach a copy of the order of protection or injunction against harassment or an eligible person who is a participant in the address confidentiality program shall instead attach a copy of the participant's current and valid address confidentiality program authorization card issued pursuant to section 41-163 and a statement of certification provided by the secretary of state's office.

4. The reasons the person reasonably believes that the person's life or safety or that of another person is in danger and that redacting the person's identifying information, including the residential address and telephone number, will serve to reduce the danger.

C. If an eligible person is also requesting pursuant to section 11-483 that the general public be prohibited from accessing records maintained by the county recorder, the eligible person may combine the request pursuant to subsection B of this section with the request pursuant to section 11-483 by filing one affidavit. The affidavit and subsequent action by the appropriate authorities shall meet all of the requirements of this section and section 11-483.

D. The affidavit shall be filed with the presiding judge of the superior court in the county in which the affiant resides. To prevent

multiple filings, an eligible person who is a peace officer, spouse of a peace officer, spouse or minor child of a deceased peace officer, public defender, prosecutor, code enforcement officer, corrections or detention officer, corrections support staff member or law enforcement support staff member shall deliver the affidavit to the peace officer's commanding officer, or to the head of the prosecuting, public defender, code enforcement, law enforcement, corrections or detention agency, as applicable, or that person's designee, who shall file the affidavits at one time. In the absence of an affidavit that contains a request for immediate action and that is supported by facts justifying an earlier presentation, the commanding officer, or the head of the prosecuting, public defender, code enforcement, law enforcement, corrections or detention agency, as applicable, or that person's designee, shall not file affidavits more often than quarterly.

E. On receipt of an affidavit or affidavits, the presiding judge of the superior court shall file with the clerk of the superior court a petition on behalf of all requesting affiants. Each affidavit presented shall be attached to the petition. In the absence of an affidavit that contains a request for immediate action and that is supported by facts justifying an earlier consideration, the presiding judge may accumulate affidavits and file a petition at the end of each quarter.

F. The presiding judge of the superior court shall review the petition and each attached affidavit to determine whether the action requested by each affiant should be granted. If the presiding judge of the superior court concludes that the action requested by the affiant will reduce a danger to the life or safety of the affiant or another person, the presiding judge of the superior court shall order the redaction of the affiant's identifying information, including any of that person's documents, instruments, writings and information maintained by the county assessor and the county treasurer. The redaction shall be in effect for five years.

G. On motion to the court, if the presiding judge of the superior court concludes that an instrument or writing maintained by the county assessor or the county treasurer has been redacted or sealed in error, that the original affiant no longer lives at the address listed in the original affidavit, that the cause for the original affidavit no longer exists or that temporary access to the instrument or writing is needed, the presiding judge may temporarily stay or permanently vacate all or part of the court order prohibiting public access to the instrument or writing.

H. On entry of the court order, the clerk of the superior court shall file the court order and a copy of the affidavit required by subsection B of this section with the county assessor and the county treasurer. Not more than ten days after the date on which the county assessor and the county treasurer receive the court order, the county assessor and the county treasurer shall restrict access to the information as required by subsection F of this section.

I. If the court denies an affiant's request pursuant to this section, the affiant may request a court hearing. The hearing shall be conducted by the court in the county where the petition was filed.

J. The county assessor and the county treasurer shall remove the restrictions on all records that are redacted pursuant to this section by January 5 in the year after the court order expires. The county assessor or the county treasurer shall send by mail one notice to either the

Ch. 37 — HEALTH PROFESSIONAL, [ELECTION OFFICER, PUBLIC OFFICIAL,] former public official, peace officer, spouse of a peace officer, spouse or minor child of a deceased peace officer, public defender, prosecutor, code enforcement officer, corrections or detention officer, corrections support staff member, law enforcement support staff member, employee of the department of child safety or employee of adult protective services who has direct contact with families in the course of employment or the employing agency of a THE peace officer, public defender, prosecutor, code enforcement officer, corrections or detention officer, corrections support staff member, law enforcement support staff member or employee of adult protective services who was granted an order pursuant to this section of the order's expiration date at least six months before the expiration date. If the notice is sent to the employing agency, the employing agency shall immediately notify the person who was granted the order of the upcoming expiration date. The county assessor or county treasurer may coordinate with the county recorder to prevent multiple notices from being sent to the same person.

Ch. 125

K. For the purposes of this section:

1. "Code enforcement officer" means a person who is employed by a state or local government and whose duties include performing field inspections of buildings, structures or property to ensure compliance with and enforce national, state and local laws, ordinances and codes.

2. "Commissioner" means a commissioner of the superior court or municipal court.

3. "Corrections support staff member" means an adult or juvenile corrections employee who has direct contact with inmates.

4. "ELECTION OFFICER" MEANS A STATE, COUNTY OR MUNICIPAL EMPLOYEE WHO HOLDS AN ELECTION OFFICER'S CERTIFICATE ISSUED PURSUANT TO SECTION 16-407.

Ch. 125

Ch. 37 — ~~4.~~ 5. "Eligible person" means a [HEALTH PROFESSIONAL,] ELECTION OFFICER, PUBLIC OFFICIAL, former public official, peace officer, spouse of a peace officer, spouse or minor child of a deceased peace officer, justice, judge, commissioner, hearing officer, public defender, prosecutor, code enforcement officer, adult or juvenile corrections officer, corrections support staff member, probation officer, member of the commission on appellate court appointments, member of the board of executive clemency, law enforcement support staff member, employee of the department of child safety or employee of adult protective services who has direct contact with families in the course of employment, national guard member who is acting in support of a law enforcement agency, person who is protected under an order of protection or injunction against harassment, person who is a participant in the address confidentiality program pursuant to title 41, chapter 1, article 3, or firefighter who is assigned to the Arizona counter terrorism information center in the department of public safety.

Ch. 37

~~5.~~ 6. "Former public official" means a person who was duly elected or appointed to Congress, the legislature or a statewide office, who ceased

serving in that capacity and who was the victim of a dangerous offense as defined in section 13-105 while in office.

Ch. 37

7. "HEALTH PROFESSIONAL" MEANS AN INDIVIDUAL WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13, 15, 17, 19.1, 25 OR 33.

~~6.~~ 8. "Hearing officer" means a hearing officer who is appointed pursuant to section 28-1553.

~~7.~~ 9. "Judge" means a judge or former judge of the United States district court, the United States court of appeals, the United States magistrate court, the United States bankruptcy court, the United States immigration court, the Arizona court of appeals, the superior court or a municipal court.

~~8.~~ 10. "Justice" means a justice of the United States or Arizona supreme court or a justice of the peace.

~~9.~~ 11. "Law enforcement support staff member" means a person who serves in the role of an investigator or prosecutorial assistant in an agency that investigates or prosecutes crimes, who is integral to the investigation or prosecution of crimes and whose name or identity will be revealed in the course of public proceedings.

~~10.~~ 12. "Peace officer":

(a) Means any person vested by law, or formerly vested by law, with a duty to maintain public order and make arrests.

(b) Includes a federal law enforcement officer or agent who resides in this state and who has the power to make arrests pursuant to federal law.

~~11.~~ 13. "Prosecutor" means a current or former county attorney, municipal prosecutor, attorney general or United States attorney and includes a current or former assistant or deputy United States attorney, county attorney, municipal prosecutor or attorney general.

~~12.~~ 14. "Public defender" means a federal public defender, county public defender, county legal defender or county contract indigent defense counsel and includes an assistant or deputy federal public defender, county public defender or county legal defender.

Ch. 125

15. "PUBLIC OFFICIAL" MEANS A PERSON WHO IS DULY ELECTED OR APPOINTED TO CONGRESS, THE LEGISLATURE, A STATEWIDE OFFICE OR A COUNTY, CITY OR TOWN OFFICE.

EXPLANATION OF BLEND  
SECTION 11-1001

Laws 2023, Chapters 115 and 132

Laws 2023, Ch. 115, section 1

Effective October 30, 2023

Laws 2023, Ch. 132, section 1

Effective October 30, 2023

Explanation

Since these two enactments are compatible, the Laws 2023, Ch. 115 and Ch. 132 text changes to section 11-1001 are blended in the form shown on the following pages.



BLEND OF SECTION 11-1001  
Laws 2023, Chapters 115 and 132

11-1001. Definitions

In section 13-1208 and in this article, unless the context otherwise requires:

1. "Animal" means any animal of a species that is susceptible to rabies, except man.
2. "At large" means being neither confined by an enclosure nor physically restrained by a leash.
3. "County board of health" means the duly constituted board of health of each county.
4. "County enforcement agent" means that person in each county who is responsible for the enforcement of ENFORCING this article and the rules adopted under this article.  
Ch. 132
5. "County pound" means any establishment THAT IS authorized by the county board of supervisors for the confinement, maintenance, safekeeping TO CONFINE, MAINTAIN, SAFEKEEP and control of dogs and other animals that come into the custody of the county enforcement agent in the performance of his THE COUNTY ENFORCEMENT AGENT'S official duties.  
Chs. 115 and 132  
Ch. 132
6. "Department" means the department of health services.  
Chs. 115 and 132
7. "Impound" means the act of taking or receiving into custody by the county enforcement agent any dog or other animal for the purpose of confinement in a county pound in accordance with the provisions of this article.  
Chs. 115 and 132
8. "Kennel" means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five or more dogs under controlled conditions.
9. "Livestock" means neat animals, horses, sheep, goats, swine, mules and asses.
10. "Owner":  
(a) Means any person [keeping WHO KEEPS] an animal other than livestock for more than six consecutive days.  
(b) DOES NOT INCLUDE A PERSON WHO KEEPS AN ANIMAL AT THE REQUEST OF AN ANIMAL SHELTER AS DEFINED IN SECTION 11-1022.  
Ch. 115
11. "Rabies quarantine area" means any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.
12. "Stray dog" means any dog three months of age or older running at large that is not wearing a valid license tag OR MICROCHIPPED.  
Ch. 115
13. "Vaccination" means the administration of an anti-rabies ANTIRABIES vaccine to animals by a veterinarian OR BY A RABIES VACCINATOR WHO IS CERTIFIED PURSUANT TO SECTION 32-2240.02.  
Chs. 115 and 132  
Ch. 132

Chs. 115  
and 132

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and 132

14. "Veterinarian", unless otherwise indicated, means any veterinarian WHO IS licensed to practice in this state or any veterinarian WHO IS employed in this state by a governmental agency.

15. "Veterinary hospital" means any establishment THAT IS operated by a veterinarian licensed to practice in this state AND that provides clinical facilities and houses animals or birds for dental, medical or surgical treatment. A veterinary hospital may have adjacent to it or in conjunction with it or as an integral part of it pens, stalls, cages or kennels for quarantine, observation or boarding.

Chs. 115  
and 132

16. "Vicious animal" means any animal of the order carnivora that has a propensity to attack, to cause injury to or to otherwise endanger the safety of human beings without provocation, or that has been so declared after a hearing before a justice of the peace or a city magistrate.

EXPLANATION OF BLEND  
SECTION 13-905

Laws 2023, Chapters 3 and 70

Laws 2023, Ch. 3, section 1

Effective October 30, 2023

Laws 2023, Ch. 70, section 2

Effective October 30, 2023

Explanation

Since these two enactments are compatible, the Laws 2023, Ch. 3 and Ch. 70 text changes to section 13-905 are blended in the form shown on the following pages.

BLEND OF SECTION 13-905  
Laws 2023, Chapters 3 and 70

13-905. Setting aside judgment of convicted person on discharge; application; release from disabilities; certificate of second chance; firearm possession; exceptions

Ch. 3

A. Except as provided in subsection ~~N~~ P of this section, every person convicted of a criminal offense, on fulfillment of the conditions of probation or sentence and discharge by the court, may apply to the court to have the judgment of guilt set aside. The convicted person shall be informed of this right at the time of sentencing. The court may issue an order that includes a certificate of second chance to a person whose judgment of guilt is set aside pursuant to subsection K or ~~T~~ N of this section.

B. The person or the person's attorney or probation officer may apply to set aside the judgment. The clerk of the court may not charge a filing fee for an application to have a judgment of guilt set aside.

C. The court shall consider the following factors when determining whether to set aside the conviction:

1. The nature and circumstances of the offense that the conviction is based on.

2. The applicant's compliance with the conditions of probation, the sentence imposed and any state department of corrections' rules or regulations, if applicable.

3. Any prior or subsequent convictions.

4. The victim's input and the status of victim restitution, if any.

5. The length of time that has elapsed since the completion of the applicant's sentence.

6. The applicant's age at the time of the conviction.

7. Any other factor that is relevant to the application.

D. If the application is granted, the court shall set aside the judgment of guilt, dismiss the complaint, information or indictment and order that the person be released from all penalties and disabilities resulting from the conviction except those imposed by:

1. The department of transportation pursuant to section 28-3304, 28-3305, 28-3306, 28-3307, 28-3308, 28-3312 or 28-3319.

2. The game and fish commission pursuant to section 17-314 or 17-340.

Ch. 70

3. A LIFETIME INJUNCTION THAT IS ISSUED PURSUANT TO SECTION 13-719.

E. A conviction that is set aside may be:

1. Used as a conviction if the conviction would be admissible had it not been set aside.

2. Alleged as an element of an offense.

3. Used as a prior conviction.

4. Plead and proved in any subsequent prosecution of the person by this state or any political subdivision of this state for any offense.

5. Used by the department of transportation in enforcing section 28-3304, 28-3305, 28-3306, 28-3307, 28-3308, 28-3312 or 28-3319 as if the judgment of guilt had not been set aside.

Ch. 70

6. USED AS THE BASIS TO ISSUE A LIFETIME INJUNCTION PURSUANT TO SECTION 13-719.

F. The clerk of the court must notify the department of public safety if a conviction is set aside. The department of public safety must update the person's criminal history with an annotation that the conviction has been set aside and, if applicable, a certificate of second chance has been issued but may not redact or remove any part of the person's record.

G. This section does not:

1. Require a law enforcement agency to redact or remove a record or information from the record of a person whose conviction is set aside.

2. Preclude the department of public safety or the board of fingerprinting from considering a conviction that has been set aside when evaluating an application for a fingerprint clearance card pursuant to section 41-1758.03 or 41-1758.07.

H. If the state or the victim objects to an application to have a judgment of guilt set aside, an objection to the application must be filed within thirty days after the application is filed with the court. If an objection is filed, the court may set a hearing.

I. If the court denies an application to have a judgment of guilt set aside, the court shall state its reasons for the denial in writing and on the record.

J. A victim has the right to be present and be heard at any proceeding in which the defendant has filed an application to have a judgment of guilt set aside pursuant to this section. If the victim has made a request for postconviction notice, the attorney for the state shall provide the victim with notice of the defendant's application, OF whether the person is eligible for a certificate of second chance and of the rights provided to the victim in this section.

Chs. 3 and 70

K. If the court grants the application to set aside the judgment of guilt, the court's order must include a certificate of second chance if the person ~~has not previously received a certificate of second chance and the person~~ was convicted of ANY OF THE FOLLOWING:

1. A misdemeanor, ~~if the person was convicted of~~

2. A class 4, 5 or 6 felony and at least two years have elapsed since the person fulfilled the conditions of probation or sentence. ~~or if the person was convicted of~~

3. A class 2 or 3 felony and at least five years have elapsed since the person fulfilled the conditions of probation or sentence.

Ch. 3

L. NOTWITHSTANDING SUBSECTION K OF THIS SECTION, A PERSON IS NOT ELIGIBLE FOR A CERTIFICATE OF SECOND CHANCE IF THE PERSON HAS PREVIOUSLY RECEIVED A CERTIFICATE OF SECOND CHANCE ON THE SET ASIDE OF A FELONY CONVICTION. FOR THE PURPOSES OF THIS SUBSECTION, "FELONY CONVICTION" INCLUDES MULTIPLE FELONY CONVICTIONS RESULTING FROM THE SAME ACT OR COURSE OF CONDUCT.

M. The certificate of second chance:

1. Unless specifically excluded by this section, releases the person from all barriers and disabilities in obtaining an occupational license

issued under title 32 that resulted from the conviction if the person is otherwise qualified.

2. Provides an employer of the person with all of the protections that are provided pursuant to section 12-558.03.

3. Provides another person or an entity that provides housing to the person with all of the protections limiting the introduction of evidence that are provided to an employer pursuant to section 12-558.03, subsection B.

4. Is not a recommendation or sponsorship for or a promotion of the person who possesses the certificate of second chance when applying for an occupational license, employment or housing.

Ch.3 — ~~t.~~ N. If the court does not issue an order that includes a certificate of second chance when the person's conviction is set aside, the person, UNLESS OTHERWISE PRECLUDED BY THIS SECTION, may apply to the court for a certificate of second chance after meeting the requirements prescribed in subsection K of this section. If a victim has made a request for postconviction notice, the attorney for the state shall provide the victim with notice of the person's application for a certificate of second chance and the victim's rights under this section.

~~M.~~ O. Notwithstanding section 13-910, if a conviction is set aside, the person's right to possess a firearm is restored. This subsection does not apply to a person who was convicted of a serious offense as defined in section 13-706.

~~N.~~ P. This section does not apply to a person who was convicted of any of the following:

1. A dangerous offense.
2. An offense for which the person is required or ordered by the court to register pursuant to section 13-3821.
3. An offense for which there has been a finding of sexual motivation pursuant to section 13-118.
4. A felony offense in which the victim is a minor under fifteen years of age.

EXPLANATION OF BLEND  
SECTION 13-1204

Laws 2023, Chapters 96 and 159

Laws 2023, Ch. 96, section 1

Effective October 30, 2023

Laws 2023, Ch. 159, section 1

Effective October 30, 2023

Explanation

Since these two enactments are compatible, the Laws 2023, Ch. 96 and Ch. 159 text changes to section 13-1204 are blended in the form shown on the following pages.

BLEND OF SECTION 13-1204  
Laws 2023, Chapters 96 and 159

13-1204. Aggravated assault; classification; definitions

A. A person commits aggravated assault if the person commits assault as prescribed by section 13-1203 under any of the following circumstances:

1. If the person causes serious physical injury to another.
2. If the person uses a deadly weapon or dangerous instrument.
3. If the person commits the assault by any means of force that causes temporary but substantial disfigurement, temporary but substantial loss or impairment of any body organ or part or a fracture of any body part.
4. If the person commits the assault while the victim is bound or otherwise physically restrained or while the victim's capacity to resist is substantially impaired.
5. If the person commits the assault after entering the private home of another with the intent to commit the assault.
6. If the person is eighteen years of age or older and commits the assault on a minor under fifteen years of age.
7. If the person commits assault as prescribed by section 13-1203, subsection A, paragraph 1 or 3 and the person is in violation of an order of protection issued against the person pursuant to section 13-3602 or 13-3624.
8. If the person commits the assault knowing or having reason to know that the victim is any of the following:
  - (a) A peace officer or a person summoned and directed by the officer.
  - (b) A constable or a person summoned and directed by the constable while engaged in the execution of any official duties or if the assault results from the execution of the constable's official duties.
  - (c) A firefighter, fire investigator, fire inspector, emergency medical technician or paramedic engaged in the execution of any official duties or a person summoned and directed by such individual while engaged in the execution of any official duties or if the assault results from the execution of the official duties of the firefighter, fire investigator, fire inspector, emergency medical technician or paramedic.
  - (d) A teacher or other person employed by any school and the teacher or other employee is on the grounds of a school or grounds adjacent to the school or is in any part of a building or vehicle used for school purposes, any teacher or school nurse visiting a private home in the course of the teacher's or nurse's professional duties or any teacher engaged in any authorized and organized classroom activity held on other than school grounds.
  - (e) A health care worker while engaged in the health care worker's work duties or a health care practitioner who is certified or licensed pursuant to title 32, chapter 13, 14, 15, 17 or 25, or a person summoned and directed by the licensed health care practitioner while engaged in the



person's professional duties. This subdivision does not apply if the person who commits the assault does not have the ability to form the culpable mental state because of a mental disability or because the person is seriously mentally ill, as defined in section 36-550.

(f) A prosecutor while engaged in the execution of any official duties or if the assault results from the execution of the prosecutor's official duties.

(g) A code enforcement officer as defined in section 39-123 while engaged in the execution of any official duties or if the assault results from the execution of the code enforcement officer's official duties.

(h) A state or municipal park ranger while engaged in the execution of any official duties or if the assault results from the execution of the park ranger's official duties.

(i) A public defender while engaged in the execution of any official duties or if the assault results from the execution of the public defender's official duties.

(j) A judicial officer while engaged in the execution of any official duties or if the assault results from the execution of the judicial officer's official duties.

Ch. 159 { (k) AN EMPLOYEE OF A LAW ENFORCEMENT AGENCY, OTHER THAN A PEACE OFFICER, WHILE ENGAGED IN THE EXECUTION OF ANY OFFICIAL DUTIES.

9. If the person knowingly takes or attempts to exercise control over any of the following:

(a) A peace officer's or other officer's firearm and the person knows or has reason to know that the victim is a peace officer or other officer employed by one of the agencies listed in paragraph 10, subdivision (a), item (i), (ii), (iii), (iv) or (v) of this subsection.

(b) Any weapon other than a firearm that is being used by a peace officer or other officer or that the officer is attempting to use, and the person knows or has reason to know that the victim is a peace officer or other officer employed by one of the agencies listed in paragraph 10, subdivision (a), item (i), (ii), (iii), (iv) or (v) of this subsection.

(c) Any implement that is being used by a peace officer or other officer or that the officer is attempting to use, and the person knows or has reason to know that the victim is a peace officer or other officer employed by one of the agencies listed in paragraph 10, subdivision (a), item (i), (ii), (iii), (iv) or (v) of this subsection. For the purposes of this subdivision, "implement" means an object that is designed for or that is capable of restraining or injuring an individual. Implement does not include handcuffs.

10. If the person meets both of the following conditions:

(a) Is imprisoned or otherwise subject to the custody of any of the following:

(i) The state department of corrections.

(ii) The department of juvenile corrections.

(iii) A law enforcement agency.

(iv) A county or city jail or an adult or juvenile detention facility of a city or county.

(v) Any other entity that is contracting with the state department of corrections, the department of juvenile corrections, a law enforcement

agency, another state, any private correctional facility, a county, a city or the federal bureau of prisons or other federal agency that has responsibility for sentenced or unsentenced prisoners.

(b) Commits an assault knowing or having reason to know that the victim is acting in an official capacity as an employee of any of the entities listed in subdivision (a) of this paragraph.

11. If the person uses a simulated deadly weapon.

B. A person commits aggravated assault if the person commits assault by either intentionally, knowingly or recklessly causing any physical injury to another person, intentionally placing another person in reasonable apprehension of imminent physical injury or knowingly touching another person with the intent to injure the person, and both of the following occur:

1. The person intentionally or knowingly impedes the normal breathing or circulation of blood of another person by applying pressure to the throat or neck or by obstructing the nose and mouth either manually or through the use of an instrument.

2. Any of the circumstances exists that are set forth in section 13-3601, subsection A, paragraph 1, 2, 3, 4, 5 or 6.

C. A person who is convicted of intentionally or knowingly committing aggravated assault on a peace officer pursuant to subsection A, paragraph 1 or 2 of this section shall be sentenced to imprisonment for not less than the presumptive sentence authorized under chapter 7 of this title and is not eligible for suspension of sentence, commutation or release on any basis until the sentence imposed is served.

D. IF A PERSON IS CONVICTED OF COMMITTING AGGRAVATED ASSAULT ON A PEACE OFFICER PURSUANT TO THIS SECTION AND THE TRIER OF FACT DETERMINES THAT SECTION 13-701, SUBSECTION D, PARAGRAPH 17 APPLIES, THE PERSON SHALL BE SENTENCED TO TWO YEARS MORE THAN WOULD OTHERWISE BE IMPOSED FOR THE OFFENSE. THE ADDITIONAL SENTENCE IMPOSED UNDER THIS SUBSECTION IS IN ADDITION TO ANY ENHANCED PUNISHMENT THAT MAY BE APPLICABLE UNDER THIS SECTION OR CHAPTER 7 OF THIS TITLE AND IS NOT ELIGIBLE FOR SUSPENSION OF SENTENCE, COMMUTATION OR RELEASE FROM CONFINEMENT ON ANY BASIS, EXCEPT AS SPECIFICALLY AUTHORIZED BY SECTION 31-233, SUBSECTION A OR B, UNTIL THE SENTENCE IMPOSED IS SERVED THE PERSON IS ELIGIBLE FOR RELEASE PURSUANT TO SECTION 41-1604.07 OR THE SENTENCE IS COMMUTED.

~~D.~~ E. It is not a defense to a prosecution for assaulting a peace officer or a mitigating circumstance that the peace officer was not on duty or engaged in the execution of any official duties.

~~E.~~ F. Except pursuant to subsections ~~F~~ G and ~~G~~ H of this section, aggravated assault pursuant to subsection A, paragraph 1 or 2, paragraph 9, subdivision (a) or paragraph 11 of this section is a class 3 felony except if the aggravated assault is a violation of subsection A, paragraph 1 or 2 of this section and the victim is under fifteen years of age it is a class 2 felony punishable pursuant to section 13-705. Aggravated assault pursuant to subsection A, paragraph 3 or subsection B of this section is a class 4 felony. Aggravated assault pursuant to subsection A, paragraph 9, subdivision (b) or paragraph 10 of this section is a class 5 felony. Aggravated assault pursuant to subsection A, paragraph 4, 5, 6, 7 or 8 or paragraph 9, subdivision (c) of this section is a class 6 felony.

Ch. 96

~~F.~~ G. Aggravated assault pursuant to subsection A, paragraph 1 or 2 of this section committed on a peace officer OR AN EMPLOYEE OF A LAW ENFORCEMENT AGENCY is a class 2 felony. Aggravated assault pursuant to subsection A, paragraph 3 of this section committed on a peace officer OR AN EMPLOYEE OF A LAW ENFORCEMENT AGENCY is a class 3 felony. Aggravated assault pursuant to subsection A, paragraph 8, subdivision (a) OR (k) of this section committed on a peace officer OR AN EMPLOYEE OF A LAW ENFORCEMENT AGENCY is a class 5 felony unless the assault results in any physical injury to the peace officer OR EMPLOYEE, in which case it is a class 4 felony.

~~G.~~ H. Aggravated assault pursuant to:

1. Subsection A, paragraph 1 or 2 of this section is a class 2 felony if committed on a prosecutor.
2. Subsection A, paragraph 3 of this section is a class 3 felony if committed on a prosecutor.
3. Subsection A, paragraph 8, subdivision (f) of this section is a class 5 felony if the assault results in physical injury to a prosecutor.

~~H.~~ I. For the purposes of this section:

1. "Health care worker" means:
  - (a) A person who is employed by or contracted to work at a health care institution that is licensed pursuant to title 36.
  - (b) A person who is employed or contracted to provide health care or related services in a fieldwork setting, including:
    - (i) Home health care, home-based hospice and home-based social work, unless the worker is employed or contracted by an individual who privately employs, in the individual's residence, the worker to perform covered services for the individual or a family member of the individual.
    - (ii) Any emergency services and transport, including the services provided by firefighters and emergency responders.
2. "Judicial officer" means a justice of the supreme court, judge, justice of the peace or magistrate or a commissioner or hearing officer of a state, county or municipal court.
3. "Mental disability" means a disabling neurological condition, or brain injury, or involuntary impairment as a result of a medication that is administered by a health care provider or a medical procedure that is performed at a health care treatment site.
4. "Prosecutor" means a county attorney, a municipal prosecutor or the attorney general and includes an assistant or deputy county attorney, municipal prosecutor or attorney general.

EXPLANATION OF BLEND  
SECTION 13-2401

Laws 2023, Chapters 37 and 125

Laws 2023, Ch. 37, section 3

Effective October 30, 2023

Laws 2023, Ch. 125, section 3

Effective October 30, 2023

Explanation

Since these two enactments are compatible, the Laws 2023, Ch. 37 and Ch. 125 text changes to section 13-2401 are blended in the form shown on the following pages.

The Laws 2023, Ch. 125 version of section 13-2401, subsection D, paragraph 8, struck "a" and added "an". The Ch. 37 version did not strike "a". Since this would not produce a substantive change, the blend version reflects the Ch. 37 version.

BLEND OF SECTION 13-2401  
Laws 2023, Chapters 37 and 125

13-2401. Personal information on the internet; exception;  
classification; definitions

- Chs. 37 and 125 — Ch. 37  
Ch. 125 —
- A. It is unlawful for a person to knowingly make available on the ~~world wide web~~ INTERNET the personal information of a [HEALTH PROFESSIONAL,] — Ch. 37  
ELECTION OFFICER, PUBLIC OFFICIAL, peace officer, justice, judge, commissioner, hearing officer, public defender, member of the commission on appellate court appointments, employee of the department of child safety or employee of adult protective services who has direct contact with families in the course of employment or prosecutor if the dissemination of the personal information poses an imminent and serious threat to the — Ch. 125  
HEALTH PROFESSIONAL'S, [ELECTION OFFICER'S, PUBLIC OFFICIAL'S,] peace officer's, justice's, judge's, commissioner's, hearing officer's, public defender's, member's, department of child safety employee's, adult protective services employee's or prosecutor's safety or the safety of that person's immediate family and the threat is reasonably apparent to the person making the information available on the internet to be serious and imminent. FOR THE PURPOSES OF THIS SUBSECTION, "PERSONAL INFORMATION" INCLUDES THE ADDRESS OF A PROPERTY HELD IN TRUST BY A PUBLIC OFFICIAL. — Ch. 125
- B. It is not a violation of this section if an employee of a county recorder, county treasurer or county assessor publishes personal information, in good faith, on the website of the county recorder, county treasurer or county assessor in the ordinary course of carrying out public functions.
- C. A violation of subsection A of this section is a class 5 felony.
- D. For the purposes of this section:
1. "Commissioner" means a commissioner of the superior court or municipal court.
  2. "ELECTION OFFICER" MEANS A STATE, COUNTY OR MUNICIPAL EMPLOYEE WHO HOLDS AN ELECTION OFFICER'S CERTIFICATE ISSUED PURSUANT TO SECTION 16-407. — Ch. 125
  3. "HEALTH PROFESSIONAL" MEANS AN INDIVIDUAL WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13, 15, 17, 19.1, 25 OR 33. — Ch. 37
  - ~~2.~~ 4. "Hearing officer" means a hearing officer who is appointed pursuant to section 28-1553.
  - ~~3.~~ 5. "Immediate family" means a HEALTH PROFESSIONAL'S, peace officer's, justice's, judge's, commissioner's, public defender's or prosecutor's spouse, child or parent and any other adult who lives in the same residence as the person.
  - ~~4.~~ 6. "Judge" means a judge of the United States district court, the United States court of appeals, the United States magistrate court, the United States bankruptcy court, the Arizona court of appeals, the superior court or a municipal court.

~~5.~~ 7. "Justice" means a justice of the United States or Arizona supreme court or a justice of the peace.

Ch. 37 ——— ~~6.~~ 8. "Personal information" means a HEALTH PROFESSIONAL'S,  
Ch. 125 ——— ELECTION OFFICER'S, PUBLIC OFFICIAL'S, peace officer's, justice's, judge's,  
commissioner's, hearing officer's, public defender's, commission on  
Ch. 37 ——— appellate court appointments member's or prosecutor's home address, home  
telephone number, pager number, OR personal photograph, directions to the  
person's home or photographs of the person's home or vehicle.

~~7.~~ 9. "Prosecutor" means a current or former county attorney,  
municipal prosecutor, attorney general or United States attorney and  
includes a current or former assistant or deputy United States attorney,  
county attorney, municipal prosecutor or attorney general.

~~8.~~ 10. "Public defender" means a federal public defender, county  
public defender, county legal defender or county contract indigent defense  
counsel and includes an assistant or deputy federal public defender, county  
public defender or county legal defender.

Ch. 125 ——— 11. "PUBLIC OFFICIAL" MEANS A PERSON WHO IS DULY ELECTED OR APPOINTED  
TO CONGRESS, THE LEGISLATURE, A STATEWIDE OFFICE OR A COUNTY, CITY OR TOWN  
OFFICE.

EXPLANATION OF BLEND  
SECTION 15-341

Laws 2023, Chapters 120 and 170

Laws 2023, Ch. 120, section 1

Effective October 30, 2023

Laws 2023, Ch. 170, section 6

Effective October 30, 2023

Explanation

Since these two enactments are compatible, the Laws 2023, Ch. 120 and Ch. 170 text changes to section 15-341 are blended in the form shown on the following pages.

BLEND OF SECTION 15-341  
Laws 2023, Chapters 120 and 170

15-341. General powers and duties; immunity; delegation

A. The governing board shall:

1. Prescribe and enforce policies and procedures to govern the schools that are not inconsistent with the laws or rules prescribed by the state board of education.

2. Exclude from schools all books, publications, papers or audiovisual materials of a sectarian, partisan or denominational character. This paragraph does not prohibit the elective course allowed by section 15-717.01.

3. Manage and control the school property within its district, except that a district may enter into a partnership with an entity, including a charter school, another school district or a military base, to operate a school or offer educational services in a district building, including at a vacant or partially used building, or in any building on the entity's property pursuant to a written agreement between the parties.

4. Acquire school furniture, apparatus, equipment, library books and supplies for the schools to use.

5. Prescribe the curricula and criteria for the promotion and graduation of pupils as provided in sections 15-701 and 15-701.01.

6. Furnish, repair and insure, at full insurable value, the school property of the district.

7. Construct school buildings on approval by a vote of the district electors.

8. In the name of the district, convey property belonging to the district and sold by the board.

9. Purchase school sites when authorized by a vote of the district at an election conducted as nearly as practicable in the same manner as the election provided in section 15-481 and held on a date prescribed in section 15-491, subsection E, but such authorization shall not necessarily specify the site to be purchased and such authorization shall not be necessary to exchange unimproved property as provided in section 15-342, paragraph 23.

10. Construct, improve and furnish buildings used for school purposes when such buildings or premises are leased from the national park service.

11. Purchase school sites or construct, improve and furnish school buildings from the proceeds of the sale of school property only on approval by a vote of the district electors.

12. Hold pupils to strict account for disorderly conduct on school property.

13. Discipline students for disorderly conduct on the way to and from school.

14. Except as provided in section 15-1224, deposit all monies received by the district as gifts, grants and devises with the county



treasurer who shall credit the deposits as designated in the uniform system of financial records. If not inconsistent with the terms of the gifts, grants and devises given, any balance remaining after expenditures for the intended purpose of the monies have been made shall be used to reduce school district taxes for the budget year, except that in the case of accommodation schools the county treasurer shall carry the balance forward for use by the county school superintendent for accommodation schools for the budget year.

15. Provide that, if a parent or legal guardian chooses not to accept a decision of the teacher as provided in paragraph 42 of this subsection, the parent or legal guardian may request in writing that the governing board review the teacher's decision. This paragraph does not release school districts from any liability relating to a child's promotion or retention.

16. Provide for adequate supervision over pupils in instructional and noninstructional activities by certificated or noncertificated personnel.

17. Use school monies received from the state and county school apportionment exclusively to pay salaries of teachers and other employees and contingent expenses of the district.

18. Annually report to the county school superintendent on or before October 1 in the manner and form and on the blanks prescribed by the superintendent of public instruction or county school superintendent. The board shall also report directly to the county school superintendent or the superintendent of public instruction whenever required.

19. Deposit all monies received by school districts other than student activities monies or monies from auxiliary operations as provided in sections 15-1125 and 15-1126 with the county treasurer to the credit of the school district except as provided in paragraph 20 of this subsection and sections 15-1223 and 15-1224, and the board shall spend the monies as provided by law for other school funds.

20. Establish bank accounts in which the board during a month may deposit miscellaneous monies received directly by the district. The board shall remit monies deposited in the bank accounts at least monthly to the county treasurer for deposit as provided in paragraph 19 of this subsection and in accordance with the uniform system of financial records.

21. Prescribe and enforce policies and procedures for disciplinary action against a teacher who engages in conduct that is a violation of the policies of the governing board but that is not cause for dismissal of the teacher or for revocation of the certificate of the teacher. Disciplinary action may include suspension without pay for a period of time not to exceed ten school days. Disciplinary action shall not include suspension with pay or suspension without pay for a period of time longer than ten school days. The procedures shall include notice, hearing and appeal provisions for violations that are cause for disciplinary action. The governing board may designate a person or persons to act on behalf of the board on these matters.

22. Prescribe and enforce policies and procedures for disciplinary action against an administrator who engages in conduct that is a violation of the policies of the governing board regarding duties of administrators but that is not cause for dismissal of the administrator or for revocation of the certificate of the administrator. Disciplinary action may include

suspension without pay for a period of time not to exceed ten school days. Disciplinary action shall not include suspension with pay or suspension without pay for a period of time longer than ten school days. The procedures shall include notice, hearing and appeal provisions for violations that are cause for disciplinary action. The governing board may designate a person or persons to act on behalf of the board on these matters. For violations that are cause for dismissal, the provisions of notice, hearing and appeal in chapter 5, article 3 of this title apply. The filing of a timely request for a hearing suspends the imposition of a suspension without pay or a dismissal pending completion of the hearing.

23. Notwithstanding sections 13-3108 and 13-3120, prescribe and enforce policies and procedures that prohibit a person from carrying or possessing a weapon on school grounds unless the person is a peace officer or has obtained specific authorization from the school administrator.

24. Prescribe and enforce policies and procedures relating to the health and safety of all pupils participating in district-sponsored practice sessions or games or other interscholastic athletic activities, including:

(a) The provision of water.

(b) Guidelines, information and forms, developed in consultation with a statewide private entity that supervises interscholastic activities, to inform and educate coaches, pupils and parents of the dangers of concussions and head injuries and the risks of continued participation in athletic activity after a concussion. The policies and procedures shall require that, before a pupil participates in an athletic activity, the pupil and the pupil's parent sign an information form at least once each school year that states that the parent is aware of the nature and risk of concussion. The policies and procedures shall require that a pupil who is suspected of sustaining a concussion in a practice session, game or other interscholastic athletic activity be immediately removed from the athletic activity and that the pupil's parent or guardian be notified. A coach from the pupil's team or an official or a licensed health care provider may remove a pupil from play. A team parent may also remove the parent's own child from play. A pupil may return to play on the same day if a health care provider rules out a suspected concussion at the time the pupil is removed from play. On a subsequent day, the pupil may return to play if the pupil has been evaluated by and received written clearance to resume participation in athletic activity from a health care provider who has been trained in evaluating and managing concussions and head injuries. A health care provider who is a volunteer and who provides clearance to participate in athletic activity on the day of the suspected injury or on a subsequent day is immune from civil liability with respect to all decisions made and actions taken that are based on good faith implementation of the requirements of this subdivision, except in cases of gross negligence or wanton or wilful neglect. A school district, school district employee, team coach, official or team volunteer or a parent or guardian of a team member is not subject to civil liability for any act, omission or policy undertaken in good faith to comply with the requirements of this subdivision or for a decision made or an action taken by a health care provider. A group or organization that uses property or facilities owned or operated by a school district for athletic activities shall comply with the requirements of this subdivision.

A school district and its employees and volunteers are not subject to civil liability for any other person or organization's failure or alleged failure to comply with the requirements of this subdivision. This subdivision does not apply to teams that are based in another state and that participate in an athletic activity in this state. For the purposes of this subdivision, athletic activity does not include dance, rhythmic gymnastics, competitions or exhibitions of academic skills or knowledge or other similar forms of physical noncontact activities, civic activities or academic activities, whether engaged in for the purposes of competition or recreation. For the purposes of this subdivision, "health care provider" means a physician who is licensed pursuant to title 32, chapter 13, 14 or 17, an athletic trainer who is licensed pursuant to title 32, chapter 41, a nurse practitioner who is licensed pursuant to title 32, chapter 15, and a physician assistant who is licensed pursuant to title 32, chapter 25.

(c) Guidelines, information and forms that are developed in consultation with a statewide private entity that supervises interscholastic activities to inform and educate coaches, pupils and parents of the dangers of heat-related illnesses, sudden cardiac death and prescription opioid use. Before a pupil participates in any district-sponsored practice session or game or other interscholastic athletic activity, the pupil and the pupil's parent must be provided with information at least once each school year on the risks of heat-related illnesses, sudden cardiac death and prescription opioid addiction.

25. Establish an assessment, data gathering and reporting system as prescribed in chapter 7, article 3 of this title.

26. Provide special education programs and related services pursuant to section 15-764, subsection A to all children with disabilities as defined in section 15-761.

27. Administer competency tests prescribed by the state board of education for the graduation of pupils from high school.

28. Ensure that insurance coverage is secured for all construction projects for purposes of general liability, property damage and workers' compensation and secure performance and payment bonds for all construction projects.

29. ~~Keep in the personnel file of all current and former employees who provide instruction to pupils at a school information about the employee's educational and teaching background and experience in a particular academic content subject area. A school district shall inform parents and guardians of the availability of the information and shall~~ COLLECT AND MAINTAIN EACH CURRENT AND FORMER TEACHER'S educational and teaching background and experience in a particular academic content subject area. A school district shall inform parents and guardians EITHER POST THE INFORMATION ON THE SCHOOL DISTRICT'S WEBSITE OR make the information available for inspection on request of parents and guardians of pupils enrolled at a school. This paragraph does not require any school to release personally identifiable information in relation to any teacher or employee, including the teacher's or employee's address, salary, social security number or telephone number.

Ch. 170

30. Report to local law enforcement agencies any suspected crime against a person or property that is a serious offense as defined in section 13-706 or that involves a deadly weapon or dangerous instrument or serious physical injury and any conduct that poses a threat of death or serious

physical injury to employees, students or anyone on the property of the school. This paragraph does not limit or preclude the reporting by a school district or an employee of a school district of suspected crimes other than those required to be reported by this paragraph. For the purposes of this paragraph, "dangerous instrument", "deadly weapon" and "serious physical injury" have the same meanings prescribed in section 13-105.

31. In conjunction with local law enforcement agencies and emergency response agencies, develop an emergency response plan for each school in the school district in accordance with minimum standards developed jointly by the department of education and the division of emergency management within the department of emergency and military affairs. ANY EMERGENCY RESPONSE PLAN DEVELOPED PURSUANT TO THIS PARAGRAPH MUST ADDRESS HOW THE SCHOOL AND EMERGENCY RESPONDERS WILL COMMUNICATE WITH AND PROVIDE ASSISTANCE TO STUDENTS WITH DISABILITIES.

Ch. 120

32. Provide written notice to the parents or guardians of all students enrolled in the school district at least ten days before a public meeting to discuss closing a school within the school district. The notice shall include the reasons for the proposed closure and the time and place of the meeting. The governing board shall fix a time for a public meeting on the proposed closure not less than ten days before voting in a public meeting to close the school. The school district governing board shall give notice of the time and place of the meeting. At the time and place designated in the notice, the school district governing board shall hear reasons for or against closing the school. The school district governing board is exempt from this paragraph if the governing board determines that the school shall be closed because it poses a danger to the health or safety of the pupils or employees of the school. A governing board may consult with the division of school facilities within the department of administration for technical assistance and for information on the impact of closing a school. The information provided from the division of school facilities within the department of administration shall not require the governing board to take or not take any action.

33. Incorporate instruction on Native American history into appropriate existing curricula.

34. Prescribe and enforce policies and procedures:

(a) Allowing pupils who have been diagnosed with anaphylaxis by a health care provider licensed pursuant to title 32, chapter 13, 14, 17 or 25 or by a registered nurse practitioner licensed and certified pursuant to title 32, chapter 15 to carry and self-administer emergency medications, including epinephrine auto-injectors, while at school and at school-sponsored activities. The pupil's name on the prescription label on the medication container or on the medication device and annual written documentation from the pupil's parent or guardian to the school that authorizes possession and self-administration is sufficient proof that the pupil is entitled to possess and self-administer the medication. The policies shall require a pupil who uses an epinephrine auto-injector while at school and at school-sponsored activities to notify the nurse or the designated school staff person of the use of the medication as soon as practicable. A school district and its employees are immune from civil liability with respect to all decisions made and actions taken that are

based on good faith implementation of the requirements of this subdivision, except in cases of wanton or wilful neglect.

(b) For the emergency administration of epinephrine auto-injectors by a trained employee of a school district pursuant to section 15-157.

35. Allow the possession and self-administration of prescription medication for breathing disorders in handheld inhaler devices by pupils who have been prescribed that medication by a health care professional licensed pursuant to title 32. The pupil's name on the prescription label on the medication container or on the handheld inhaler device and annual written documentation from the pupil's parent or guardian to the school that authorizes possession and self-administration is sufficient proof that the pupil is entitled to possess and self-administer the medication. A school district and its employees are immune from civil liability with respect to all decisions made and actions taken that are based on a good faith implementation of the requirements of this paragraph.

36. Prescribe and enforce policies and procedures to prohibit pupils from harassing, intimidating and bullying other pupils on school grounds, on school property, on school buses, at school bus stops, at school-sponsored events and activities and through the use of electronic technology or electronic communication on school computers, networks, forums and mailing lists that include the following components:

(a) A procedure for pupils, parents and school district employees to confidentially report to school officials incidents of harassment, intimidation or bullying. The school shall make available written forms designed to provide a full and detailed description of the incident and any other relevant information about the incident.

(b) A requirement that school district employees report in writing suspected incidents of harassment, intimidation or bullying to the appropriate school official and a description of appropriate disciplinary procedures for employees who fail to report suspected incidents that are known to the employee.

(c) A requirement that, at the beginning of each school year, school officials provide all pupils with a written copy of the rights, protections and support services available to a pupil who is an alleged victim of an incident reported pursuant to this paragraph.

(d) If an incident is reported pursuant to this paragraph, a requirement that school officials provide a pupil who is an alleged victim of the incident with a written copy of the rights, protections and support services available to that pupil.

(e) A formal process for documenting reported incidents of harassment, intimidation or bullying and providing for the confidentiality, maintenance and disposition of this documentation. School districts shall maintain documentation of all incidents reported pursuant to this paragraph for at least six years. The school shall not use that documentation to impose disciplinary action unless the appropriate school official has investigated and determined that the reported incidents of harassment, intimidation or bullying occurred. If a school provides documentation of reported incidents to persons other than school officials or law enforcement, all individually identifiable information shall be redacted.

(f) A formal process for the appropriate school officials to investigate suspected incidents of harassment, intimidation or bullying, including procedures for notifying the alleged victim and the alleged victim's parent or guardian when a school official or employee becomes aware of the suspected incident of harassment, intimidation or bullying.

(g) Disciplinary procedures for pupils who have admitted or been found to have committed incidents of harassment, intimidation or bullying.

(h) A procedure that sets forth consequences for submitting false reports of incidents of harassment, intimidation or bullying.

(i) Procedures designed to protect the health and safety of pupils who are physically harmed as the result of incidents of harassment, intimidation and bullying, including, if appropriate, procedures to contact emergency medical services or law enforcement agencies, or both.

(j) Definitions of harassment, intimidation and bullying.

37. Prescribe and enforce policies and procedures regarding changing or adopting attendance boundaries that include the following components:

(a) A procedure for holding public meetings to discuss attendance boundary changes or adoptions that allows public comments.

(b) A procedure to notify the parents or guardians of the students affected, including assurance that, if that school remains open as part of the boundary change and capacity is available, students assigned to a new attendance area may stay enrolled in their current school.

(c) A procedure to notify the residents of the households affected by the attendance boundary changes.

(d) A process for placing public meeting notices and proposed maps on the school district's website for public review, if the school district maintains a website.

(e) A formal process for presenting the attendance boundaries of the affected area in public meetings that allows public comments.

(f) A formal process for notifying the residents and parents or guardians of the affected area as to the decision of the governing board on the school district's website, if the school district maintains a website.

(g) A formal process for updating attendance boundaries on the school district's website within ninety days after an adopted boundary change. The school district shall send a direct link to the school district's attendance boundaries website to the department of real estate.

38. If the state board of education determines that the school district has committed an overexpenditure as defined in section 15-107, provide a copy of the fiscal management report submitted pursuant to section 15-107, subsection H on its website and make copies available to the public on request. The school district shall comply with a request within five business days after receipt.

39. Ensure that the contract for the superintendent is structured in a manner in which up to twenty percent of the total annual salary included for the superintendent in the contract is classified as performance pay. This paragraph does not require school districts to increase total compensation for superintendents. Unless the school district governing board votes to implement an alternative procedure at a public meeting called for this purpose, the performance pay portion of the superintendent's total annual compensation shall be determined as follows:

(a) Twenty-five percent of the performance pay shall be determined based on the percentage of academic gain determined by the department of education of pupils who are enrolled in the school district compared to the academic gain achieved by the highest ranking of the fifty largest school districts in this state. For the purposes of this subdivision, the department of education shall determine academic gain by the academic growth achieved by each pupil who has been enrolled at the same school in a school district for at least five consecutive months measured against that pupil's academic results in the 2008-2009 school year. For the purposes of this subdivision, of the fifty largest school districts in this state, the school district with pupils who demonstrate the highest statewide percentage of overall academic gain measured against academic results for the 2008-2009 school year shall be assigned a score of 100 and the school district with pupils who demonstrate the lowest statewide percentage of overall academic gain measured against academic results for the 2008-2009 school year shall be assigned a score of 0.

(b) Twenty-five percent of the performance pay shall be determined by the percentage of parents of pupils who are enrolled at the school district who assign a letter grade of "A" to the school on a survey of parental satisfaction with the school district. The parental satisfaction survey shall be administered and scored by an independent entity that is selected by the governing board and that demonstrates sufficient expertise and experience to accurately measure the results of the survey. The parental satisfaction survey shall use standard random sampling procedures and provide anonymity and confidentiality to each parent who participates in the survey. The letter grade scale used on the parental satisfaction survey shall direct parents to assign one of the following letter grades:

- (i) A letter grade of "A" if the school district is excellent.
- (ii) A letter grade of "B" if the school district is above average.
- (iii) A letter grade of "C" if the school district is average.
- (iv) A letter grade of "D" if the school district is below average.
- (v) A letter grade of "F" if the school district is a failure.

(c) Twenty-five percent of the performance pay shall be determined by the percentage of teachers who are employed at the school district and who assign a letter grade of "A" to the school on a survey of teacher satisfaction with the school. The teacher satisfaction survey shall be administered and scored by an independent entity that is selected by the governing board and that demonstrates sufficient expertise and experience to accurately measure the results of the survey. The teacher satisfaction survey shall use standard random sampling procedures and provide anonymity and confidentiality to each teacher who participates in the survey. The letter grade scale used on the teacher satisfaction survey shall direct teachers to assign one of the following letter grades:

- (i) A letter grade of "A" if the school district is excellent.
- (ii) A letter grade of "B" if the school district is above average.
- (iii) A letter grade of "C" if the school district is average.
- (iv) A letter grade of "D" if the school district is below average.
- (v) A letter grade of "F" if the school district is a failure.

(d) Twenty-five percent of the performance pay shall be determined by other criteria selected by the governing board.

40. Maintain and store permanent public records of the school district as required by law. Notwithstanding section 39-101, the standards adopted by the Arizona state library, archives and public records for the maintenance and storage of school district public records shall allow school districts to elect to satisfy the requirements of this paragraph by maintaining and storing these records either on paper or in an electronic format, or a combination of a paper and electronic format.

41. Adopt in a public meeting and implement policies for principal evaluations. Before adopting principal evaluation policies, the school district governing board shall provide opportunities for public discussion on the proposed policies. The governing board shall adopt policies that:

(a) Are designed to improve principal performance and improve student achievement.

(b) Include the use of quantitative data on the academic progress for all students, which shall account for between twenty percent and thirty-three percent of the evaluation outcomes.

(c) Include four performance classifications, designated as highly effective, effective, developing and ineffective.

(d) Describe both of the following:

(i) The methods used to evaluate the performance of principals, including the data used to measure student performance and job effectiveness.

(ii) The formula used to determine evaluation outcomes.

42. Prescribe and enforce policies and procedures that define the duties of principals and teachers. These policies and procedures shall authorize teachers to take and maintain daily classroom attendance, make the decision to promote or retain a pupil in a grade in common school or to pass or fail a pupil in a course in high school, subject to review by the governing board in the manner provided in section 15-342, paragraph 11.

43. Prescribe and enforce policies and procedures for the emergency administration by an employee of a school district pursuant to section 36-2267 of naloxone hydrochloride or any other opioid antagonist approved by the United States food and drug administration.

44. In addition to the notification requirements prescribed in paragraph 36 of this subsection, prescribe and enforce reasonable and appropriate policies to notify a pupil's parent or guardian if any person engages in harassing, threatening or intimidating conduct against that pupil. A school district and its officials and employees are immune from civil liability with respect to all decisions made and actions taken that are based on good faith implementation of the requirements of this paragraph, except in cases of gross negligence or wanton or wilful neglect. A person engages in threatening or intimidating if the person threatens or intimidates by word or conduct to cause physical injury to another person or serious damage to the property of another on school grounds. A person engages in harassment if, with intent to harass or with knowledge that the person is harassing another person, the person anonymously or otherwise contacts, communicates or causes a communication with another person by verbal, electronic, mechanical, telephonic or written means in a manner that harasses on school grounds or substantially disrupts the school environment.



45. Each fiscal year, provide to each school district employee a total compensation statement that is broken down by category of benefit or payment and that includes, for that employee, at least all of the following:

- (a) Base salary and any additional pay.
- (b) Medical benefits and the value of any employer-paid portions of insurance plan premiums.
- (c) Retirement benefit plans, including social security.
- (d) Legally required benefits.
- (e) Any paid leave.
- (f) Any other payment made to or on behalf of the employee.
- (g) Any other benefit provided to the employee.

46. Develop and adopt in a public meeting policies to allow for visits, tours and observations of all classrooms by parents of enrolled pupils and parents who wish to enroll their children in the school district unless a visit, tour or observation threatens the health and safety of pupils and staff. These policies and procedures must be easily accessible from the home page on each school's website.

B. Notwithstanding subsection A, paragraphs 7, 9 and 11 of this section, the county school superintendent may construct, improve and furnish school buildings or purchase or sell school sites in the conduct of an accommodation school.

C. If any school district acquires real or personal property, whether by purchase, exchange, condemnation, gift or otherwise, the governing board shall pay to the county treasurer any taxes on the property that were unpaid as of the date of acquisition, including penalties and interest. The lien for unpaid delinquent taxes, penalties and interest on property acquired by a school district:

1. Is not abated, extinguished, discharged or merged in the title to the property.

2. Is enforceable in the same manner as other delinquent tax liens.

D. The governing board may not locate a school on property that is less than one-fourth mile from agricultural land regulated pursuant to section 3-365, except that the owner of the agricultural land may agree to comply with the buffer zone requirements of section 3-365. If the owner agrees in writing to comply with the buffer zone requirements and records the agreement in the office of the county recorder as a restrictive covenant running with the title to the land, the school district may locate a school within the affected buffer zone. The agreement may include any stipulations regarding the school, including conditions for future expansion of the school and changes in the operational status of the school that will result in a breach of the agreement.

E. A school district, its governing board members, its school council members and its employees are immune from civil liability for the consequences of adopting and implementing policies and procedures pursuant to subsection A of this section and section 15-342. This waiver does not apply if the school district, its governing board members, its school council members or its employees are guilty of gross negligence or intentional misconduct.

F. A governing board may delegate in writing to a superintendent, principal or head teacher the authority to prescribe procedures that are consistent with the governing board's policies.

G. Notwithstanding any other provision of this title, a school district governing board shall not take any action that would result in a reduction of pupil square footage unless the governing board notifies the school facilities oversight board established by section 41-5701.02 of the proposed action and receives written approval from the school facilities oversight board to take the action. A reduction includes an increase in administrative space that results in a reduction of pupil square footage or sale of school sites or buildings, or both. A reduction includes a reconfiguration of grades that results in a reduction of pupil square footage of any grade level. This subsection does not apply to temporary reconfiguration of grades to accommodate new school construction if the temporary reconfiguration does not exceed one year. The sale of equipment that results in a reduction that falls below the equipment requirements prescribed in section 41-5711, subsection B is subject to commensurate withholding of school district additional assistance monies pursuant to the direction of the school facilities oversight board. Except as provided in section 15-342, paragraph 10, proceeds from the sale of school sites, buildings or other equipment shall be deposited in the school plant fund as provided in section 15-1102.

H. Subsections C through G of this section apply to a county board of supervisors and a county school superintendent when operating and administering an accommodation school.

I. A school district governing board may delegate authority in writing to the superintendent of the school district to submit plans for new school facilities to the school facilities oversight board for the purpose of certifying that the plans meet the minimum school facility adequacy guidelines prescribed in section 41-5711.

J. For the purposes of subsection A, paragraph 37 of this section, attendance boundaries may not be used to require students to attend certain schools based on the student's place of residence.

EXPLANATION OF BLEND  
SECTION 15-421

Laws 2023, Chapters 15 and 108

Laws 2023, Ch. 15, section 1

Effective October 30, 2023

Laws 2023, Ch. 108, section 1

Effective October 30, 2023

Explanation

Since these two enactments are compatible, the Laws 2023, Ch. 15 and Ch. 108 text changes to section 15-421 are blended in the form shown on the following pages.

BLEND OF SECTION 15-421  
Laws 2023, Chapters 15 and 108

15-421. Governing boards; members; qualifications;  
prohibitions; candidate statements; definitions

A. The governing body of a school district shall be a governing board. There shall be three governing board members, except as otherwise provided by this section and section 15-425, subsection A.

B. The governing body of a high school district shall be a governing board composed of:

1. In a single district, the governing board members of the common school district.

2. In a union high school district, five members.

C. A person who is a registered voter of this state and WHO has been a resident of the school district for at least one year immediately preceding the day of election is eligible for election to the office of governing board member.

D. ~~No~~ AN employee of a school district, including a person who directly provides certified or classified services to the school district as an employee of a third-party contractor, or the spouse of such an employee may NOT hold membership on ~~a~~ THE governing board of a school district by which the employee is employed.

E. NOTWITHSTANDING SUBSECTION D OF THIS SECTION AND TITLE 38, CHAPTER 3, ARTICLE 8, A SMALL SCHOOL DISTRICT MAY EMPLOY, INCLUDING EMPLOYMENT THROUGH A THIRD-PARTY CONTRACTOR THAT PROVIDES SERVICES TO THE SMALL SCHOOL DISTRICT, A SUBSTITUTE TEACHER WHO IS RELATED TO A MEMBER OF THE GOVERNING BOARD AS THE MEMBER'S SPOUSE OR IMMEDIATE FAMILY AND WHO HAS HAD THE SAME HOUSEHOLD OF RESIDENCE WITHIN THE PRECEDING FOUR YEARS. IF A SMALL SCHOOL DISTRICT EMPLOYS A SUBSTITUTE TEACHER PURSUANT TO THIS SUBSECTION, THE MEMBER OF THE GOVERNING BOARD WHO IS RELATED TO THE SUBSTITUTE TEACHER SHALL BE RECUSED FROM VOTING ON ANY MATTER RELATING TO SUBSTITUTE TEACHERS.

F. A SCHOOL DISTRICT MAY EMPLOY, INCLUDING EMPLOYMENT THROUGH A THIRD-PARTY CONTRACTOR THAT PROVIDES SERVICES TO THE SCHOOL DISTRICT, A PERSON WHO SERVED AS A MEMBER OF THE SCHOOL DISTRICT'S GOVERNING BOARD DURING THE PRECEDING TWO YEARS ONLY IN A POSITION IN WHICH THE PERSON WILL PROVIDE SERVICES DIRECTLY TO STUDENTS, INCLUDING AS A CERTIFICATED TEACHER, A SUBSTITUTE TEACHER AND AN EMPLOYEE OR CONTRACTOR WHO PROVIDES TRANSPORTATION, INSTRUCTIONAL SUPPORT OR STUDENT SUPPORT SERVICES. A SCHOOL DISTRICT MAY INCREASE THE TIME PERIOD PRESCRIBED IN THIS SUBSECTION TO BE MORE THAN TWO YEARS.

~~E.~~ G. A member of one governing board is ineligible to be a candidate for nomination or election to or serve simultaneously as a member of any other governing board, except that a member of a governing board may be a candidate for nomination or election for any other governing board if the member is serving in the last year of a term of office. A member of a

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governing board shall resign the member's seat on the governing board before becoming a candidate for nomination or election to the governing board of any other school district, unless the member of the governing board is serving in the last year of a term of office.

~~F.~~ H. Notwithstanding section 15-511, each county school superintendent shall publish on the superintendent's website the statement of each certified candidate for membership on a school district governing board located in the county. The county school superintendent shall list each school district on the superintendent's website from which a link shall be established to the candidate's name, which shall link to the candidate's statement and photograph. The candidate shall submit the statement to the person at the county school superintendent's office assigned to manage candidate statements, after notice of certification from the county school superintendent's office but not later than twenty-one days before the date that general election early ballots are allowed to be mailed. The person shall post each candidate's statement on the county school superintendent's website not later than fourteen days before the date that general election early ballots are allowed to be mailed. If a candidate does not submit a statement, the county school superintendent's website shall state "no response submitted" for the candidate. The candidate statements shall be posted on the website alphabetically by each school district and by candidate. The candidate statement shall be typewritten or electronically submitted. The county school superintendent shall post the statements verbatim as they are received unless a candidate requests in writing that typographical errors be corrected. The candidate statement shall contain the following items in the same size and format for each candidate:

1. A recent photograph of the candidate.
2. A statement not to exceed five hundred words.
3. A disclosure of any relationships by affinity, by consanguinity or by law to the third degree that exist between the candidate and any current governing board members or other candidates for election to the same governing board.

~~G.~~ I. Persons related as immediate family who have the same household of residence within four years prior shall not serve simultaneously on the governing board of the same school district if the governing board is composed of five members. For a school district with a student count of at least two hundred fifty and that is located in a county with a population of more than five hundred thousand persons, not more than two persons related by affinity, by consanguinity or by law to the third degree shall serve simultaneously on the governing board of the same school district if the governing board is composed of five members. A qualified elector who resides in the school district may bring an action in superior court to enforce this subsection.

~~H.~~ J. A person related as immediate family who has the same household of residence within four years prior to a member of the governing board of the same school district is ineligible to be a candidate for nomination or election to that governing board if the governing board is composed of five members, except that a person related as immediate family who has the same household of residence within four years prior to a member of a governing board may be a candidate for nomination or election to the

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governing board of the same school district if the member is serving in the last year of a term of office. For a school district with a student count of at least two hundred fifty and that is located in a county with a population of more than five hundred thousand persons, not more than two persons related by affinity, by consanguinity or by law to the third degree shall be eligible to be a candidate for nomination or election to a governing board that is composed of five members. A qualified elector who resides in the school district may bring an action in superior court to enforce this subsection.

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~~†~~ K. Persons related as immediate family who have the same household of residence within four years prior are ineligible to be simultaneous candidates for nomination or election to the governing board of the same school district if the governing board is composed of five members. For a school district with a student count of at least two hundred fifty and that is located in a county with a population of more than five hundred thousand persons, not more than two persons related by affinity, by consanguinity or by law to the third degree shall be simultaneous candidates for nomination or election to a governing board that is composed of five members. A qualified elector who resides in the school district may bring an action in superior court to enforce this subsection.

~~‡~~ L. For the purposes of this section:

- 1. "Household of residence" means the place of abode during applicable time periods or the residence address used by an individual for voter registration or property tax purposes.
- 2. "Immediate family" means individuals who are married to each other and any children of those individuals.

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3. "SMALL SCHOOL DISTRICT" HAS THE SAME MEANING PRESCRIBED IN SECTION 15-901.

EXPLANATION OF BLEND  
SECTION 15-901

Laws 2023, Chapters 131 and 142

Laws 2023, Ch. 131, section 1

Effective October 30, 2023

Laws 2023, Ch. 142, section 3

Effective October 30, 2023

Explanation

Since these two enactments are compatible, the Laws 2023, Ch. 131 and Ch. 142 text changes to section 15-901 are blended in the form shown on the following pages.

BLEND OF SECTION 15-901  
Laws 2023, Chapters 131 and 142

15-901. Definitions

A. In this title, unless the context otherwise requires:

1. "Average daily membership" means the total enrollment of fractional students and full-time students, minus withdrawals, of each school day through the first one hundred days or two hundred days in session, as applicable, for the current year. FOR THE PURPOSES OF THIS PARAGRAPH, "withdrawals" ~~include~~ MEANS students who are formally withdrawn from schools ~~and~~ OR students who are absent for ten consecutive school days, except for excused absences identified by the department of education. FOR COMPUTATION PURPOSES, A STUDENT WHO IS ABSENT FOR NINE OR FEWER CONSECUTIVE SCHOOL DAYS, INCLUDING THE LAST DAY OF THE SCHOOL YEAR, IS NOT A WITHDRAWAL AND MAY NOT BE SUBTRACTED FROM THE TOTAL ENROLLMENT OF FRACTIONAL STUDENTS AND FULL-TIME STUDENTS. For the purposes of this section, school districts and charter schools shall report student absence data to the department of education at least once every sixty days in session. For computation purposes, the effective date of withdrawal shall be retroactive to the last day of actual attendance of the student or excused absence. A school district or charter school may satisfy any of the time and hours requirements prescribed in this subsection in any manner prescribed in the school district's or charter school's instructional time model adopted under section 15-901.08.

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(a) "Fractional student" means:

(i) For common schools, a preschool child who is enrolled in a program for preschool children with disabilities of at least three hundred sixty minutes each week that meets at least two hundred sixteen hours over the minimum number of days or a kindergarten student who is at least five years of age before January 1 of the school year and enrolled in a school kindergarten program that meets at least three hundred fifty-six hours for a one hundred eighty-day school year, or the instructional hours prescribed in this section. In computing the average daily membership, preschool children with disabilities and kindergarten students shall be counted as one-half of a full-time student. For common schools, a part-time student is a student enrolled for less than the total time for a full-time student as defined in this section. A part-time common school student shall be counted as one-fourth, one-half or three-fourths of a full-time student if the student is enrolled in an instructional program that is at least one-fourth, one-half or three-fourths of the time a full-time student is enrolled as defined in subdivision (b) of this paragraph. The hours in which a student is scheduled to attend a common school during the regular school day shall be included in the calculation of the average daily membership for that student.

(ii) For high schools, a part-time student who is enrolled in less than four subjects that count toward graduation as defined by the state



board of education, each of which, if taught each school day for the minimum number of days required in a school year, would meet a minimum of one hundred twenty-three hours a year, or the equivalent, in a recognized high school. The average daily membership of a part-time high school student shall be 0.75 if the student is enrolled in an instructional program of three subjects that meet at least five hundred forty hours for a one hundred eighty-day school year, or the instructional hours prescribed in this section. The average daily membership of a part-time high school student shall be 0.5 if the student is enrolled in an instructional program of two subjects that meet at least three hundred sixty hours for a one hundred eighty-day school year, or the instructional hours prescribed in this section. The average daily membership of a part-time high school student shall be 0.25 if the student is enrolled in an instructional program of one subject that meets at least one hundred eighty hours for a one hundred eighty-day school year, or the instructional hours prescribed in this section. The hours in which a student is scheduled to attend a high school during the regular school day shall be included in the calculation of the average daily membership for that student.

(b) "Full-time student" means:

(i) For common schools, a student who is at least six years of age before January 1 of a school year, who has not graduated from the highest grade taught in the school district and who is regularly enrolled in a course of study required by the state board of education. First, second and third grade students or ungraded group B children with disabilities who are at least five, but under six, years of age by September 1 must be enrolled in an instructional program that meets for a total of at least seven hundred twelve hours for a one hundred eighty-day school year, or the instructional hours prescribed in this section. Fourth, fifth, sixth, seventh and eighth grade students must be enrolled in an instructional program that meets for a total of at least eight hundred ninety hours for a one hundred eighty-day school year, or the instructional hours prescribed in this section, including the equivalent number of instructional hours for schools that operate on a one hundred forty-four-day school year. The hours in which a student is scheduled to attend a common school during the regular school day shall be included in the calculation of the average daily membership for that student.

(ii) For high schools, a student who has not graduated from the highest grade taught in the school district and who is enrolled in at least an instructional program of four or more subjects that count toward graduation as defined by the state board of education, each of which, if taught each school day for the minimum number of days required in a school year, would meet a minimum of one hundred twenty-three hours a year, or the equivalent, that meets for a total of at least seven hundred twenty hours for a one hundred eighty-day school year, or the instructional hours prescribed in this section in a recognized high school. A full-time student shall not be counted more than once for computation of average daily membership. The average daily membership of a full-time high school student shall be 1.0 if the student is enrolled in at least four subjects that meet at least seven hundred twenty hours for a one hundred eighty-day school year, or the equivalent instructional hours prescribed in this section. The

hours in which a student is scheduled to attend a high school during the regular school day shall be included in the calculation of the average daily membership for that student.

(iii) If a child who has not reached five years of age before September 1 of the current school year is admitted to kindergarten and repeats kindergarten in the following school year, a school district or charter school is not eligible to receive basic state aid on behalf of that child during the child's second year of kindergarten. If a child who has not reached five years of age before September 1 of the current school year is admitted to kindergarten but does not remain enrolled, a school district or charter school may receive a portion of basic state aid on behalf of that child in the subsequent year. A school district or charter school may charge tuition for any child who is ineligible for basic state aid pursuant to this item.

(iv) Except as otherwise provided by law, for a full-time high school student who is concurrently enrolled in two school districts or two charter schools, the average daily membership shall not exceed 1.0.

(v) Except as otherwise provided by law, for any student who is concurrently enrolled in a school district and a charter school, the average daily membership shall be apportioned between the school district and the charter school and shall not exceed 1.0. The apportionment shall be based on the percentage of total time that the student is enrolled in or in attendance at the school district and the charter school.

(vi) Except as otherwise provided by law, for any student who is concurrently enrolled, pursuant to section 15-808, in a school district and Arizona online instruction or a charter school and Arizona online instruction, the average daily membership shall be apportioned between the school district and Arizona online instruction or the charter school and Arizona online instruction and shall not exceed 1.0. The apportionment shall be based on the percentage of total time that the student is enrolled in or in attendance at the school district and Arizona online instruction or the charter school and Arizona online instruction.

(vii) For homebound or hospitalized, a student receiving at least four hours of instruction per week.

(c) "Regular school day" means the regularly scheduled class periods intended for instructional purposes. Instructional purposes may include core subjects, elective subjects, lunch, study halls, music instruction and other classes that advance the academic instruction of pupils. Instructional purposes do not include athletic practices or extracurricular clubs and activities.

2. "Budget year" means the fiscal year for which the school district is budgeting and that immediately follows the current year.

3. "Common school district" means a political subdivision of this state offering instruction to students in programs for preschool children with disabilities and kindergarten programs and either:

(a) Grades one through eight.

(b) Grades one through nine pursuant to section 15-447.01.

4. "Current year" means the fiscal year in which a school district is operating.

5. "Daily attendance" means:

(a) For common schools, days in which a pupil:

(i) Of a kindergarten program or ungraded, but not group B children with disabilities, who is at least five, but under six, years of age by September 1 attends at least three-quarters of the instructional time scheduled for the day. If the total instruction time scheduled for the year is at least three hundred fifty-six hours but is less than seven hundred twelve hours, such attendance shall be counted as one-half day of attendance. If the instructional time scheduled for the year is at least six hundred ninety-two hours, "daily attendance" means days in which a pupil attends at least one-half of the instructional time scheduled for the day. Such attendance shall be counted as one-half day of attendance. A school district or charter school may satisfy any of the time and hours requirements prescribed in this item in any manner prescribed in the school district's or charter school's instructional time model adopted under section 15-901.08.

(ii) Of the first, second or third grades attends more than three-quarters of the instructional time scheduled for the day. A school district or charter school may satisfy any of the time and hours requirements prescribed in this item in any manner prescribed in the school district's or charter school's instructional time model adopted under section 15-901.08.

(iii) Of the fourth, fifth or sixth grades attends more than three-quarters of the instructional time scheduled for the day, except as provided in section 15-797. A school district or charter school may satisfy any of the time and hours requirements prescribed in this item in any manner prescribed in the school district's or charter school's instructional time model adopted under section 15-901.08.

(iv) Of the seventh or eighth grades attends more than three-quarters of the instructional time scheduled for the day, except as provided in section 15-797. A school district or charter school may satisfy any of the time and hours requirements prescribed in this item in any manner prescribed in the school district's or charter school's instructional time model adopted under section 15-901.08.

(b) For common schools, the attendance of a pupil at three-quarters or less of the instructional time scheduled for the day shall be counted as follows, except as provided in section 15-797 and except that attendance for a fractional student shall not exceed the pupil's fractional membership:

(i) If attendance for all pupils in the school is based on quarter days, the attendance of a pupil shall be counted as one-fourth of a day's attendance for each one-fourth of full-time instructional time attended. A school district or charter school may satisfy any of the time and hours requirements prescribed in this item in any manner prescribed in the school district's or charter school's instructional time model adopted under section 15-901.08.

(ii) If attendance for all pupils in the school is based on half days, the attendance of at least three-quarters of the instructional time scheduled for the day shall be counted as a full day's attendance and attendance at a minimum of one-half but less than three-quarters of the instructional time scheduled for the day equals one-half day of attendance.

A school district or charter school may satisfy any of the time and hours requirements prescribed in this item in any manner prescribed in the school district's or charter school's instructional time model adopted under section 15-901.08.

(c) For common schools, the attendance of a preschool child with disabilities shall be counted as one-fourth day's attendance for each thirty-six minutes of attendance, except as provided in paragraph 1, subdivision (a), item (i) of this subsection for children with disabilities up to a maximum of three hundred sixty minutes each week. A school district or charter school may satisfy any of the time and hours requirements prescribed in this subdivision in any manner prescribed in the school district's or charter school's instructional time model adopted under section 15-901.08.

(d) For high schools, the attendance of a pupil shall not be counted as a full day unless the pupil is actually and physically in attendance and enrolled in and carrying four subjects, each of which, if taught each school day for the minimum number of days required in a school year, would meet a minimum of one hundred twenty-three hours a year, or the equivalent, that count toward graduation in a recognized high school except as provided in section 15-797 and subdivision (e) of this paragraph. Attendance of a pupil carrying less than the load prescribed shall be prorated. A school district or charter school may satisfy any of the time and hours requirements prescribed in this subdivision in any manner prescribed in the school district's or charter school's instructional time model adopted under section 15-901.08.

(e) For high schools, the attendance of a pupil may be counted as one-fourth of a day's attendance for each sixty minutes of instructional time in a subject that counts toward graduation, except that attendance for a pupil shall not exceed the pupil's full or fractional membership. A school district or charter school may satisfy any of the time and hours requirements prescribed in this subdivision in any manner prescribed in the school district's or charter school's instructional time model adopted under section 15-901.08.

(f) For homebound or hospitalized, a full day of attendance may be counted for each day during a week in which the student receives at least four hours of instruction. A school district or charter school may satisfy any of the time and hours requirements prescribed in this subdivision in any manner prescribed in the school district's or charter school's instructional time model adopted under section 15-901.08.

(g) For school districts that maintain school for an approved year-round school year operation, attendance shall be based on a computation, as prescribed by the superintendent of public instruction, of the one hundred eighty days' equivalency or two hundred days' equivalency, as applicable, of instructional time as approved by the superintendent of public instruction during which each pupil is enrolled. A school district or charter school may satisfy any of the time and hours requirements prescribed in this subdivision in any manner prescribed in the school district's or charter school's instructional time model adopted under section 15-901.08.

6. "Daily route mileage" means the sum of:

(a) The total number of miles driven daily by all buses of a school district while transporting eligible students from their residence to the school of attendance and from the school of attendance to their residence on scheduled routes approved by the superintendent of public instruction.

(b) The total number of miles driven daily on routes approved by the superintendent of public instruction for which a private party, a political subdivision or a common or a contract carrier is reimbursed for bringing an eligible student from the place of the student's residence to a school transportation pickup point or to the school of attendance and from the school transportation scheduled return point or from the school of attendance to the student's residence. Daily route mileage includes the total number of miles necessary to drive to transport eligible students from and to their residence as provided in this paragraph.

7. "District support level" means the base support level plus the transportation support level.

8. "Eligible students" means:

(a) Students who are transported by or for a school district and who qualify as full-time students or fractional students, except students for whom transportation is paid by another school district or a county school superintendent, and:

(i) For common school students, whose place of actual residence within the school district is more than one mile from the school facility of attendance or students who are admitted pursuant to section 15-816.01 and who meet the economic eligibility requirements established under the national school lunch and child nutrition acts (42 United States Code sections 1751 through 1793) for free or reduced-price lunches and whose actual place of residence outside the school district boundaries is more than one mile from the school facility of attendance.

(ii) For high school students, whose place of actual residence within the school district is more than one and one-half miles from the school facility of attendance or students who are admitted pursuant to section 15-816.01 and who meet the economic eligibility requirements established under the national school lunch and child nutrition acts (42 United States Code sections 1751 through 1793) for free or reduced-price lunches and whose actual place of residence outside the school district boundaries is more than one and one-half miles from the school facility of attendance.

(b) Kindergarten students, for purposes of computing the number of eligible students under subdivision (a), item (i) of this paragraph, shall be counted as full-time students, notwithstanding any other provision of law.

(c) Children with disabilities, as defined by section 15-761, who are transported by or for the school district or who are admitted pursuant to chapter 8, article 1.1 of this title and who qualify as full-time students or fractional students regardless of location or residence within the school district or children with disabilities whose transportation is required by the pupil's individualized education program.

(d) Students whose residence is outside the school district and who are transported within the school district on the same basis as students who reside in the school district.

9. "Enrolled" or "enrollment" means that a pupil is currently registered in the school district.

10. "GDP price deflator" means the average of the four implicit price deflators for the gross domestic product reported by the United States department of commerce for the four quarters of the calendar year.

11. "High school district" means a political subdivision of this state offering instruction to students for grades nine through twelve or that portion of the budget of a common school district that is allocated to teaching high school subjects with permission of the state board of education.

12. "Instructional hours" or "instructional time" means hours or time spent pursuant to an instructional time model adopted under section 15-901.08.

13. "Revenue control limit" means the base revenue control limit plus the transportation revenue control limit.

14. "Student count" means average daily membership as prescribed in this subsection for the fiscal year before the current year, except that for the purpose of budget preparation student count means average daily membership as prescribed in this subsection for the current year.

15. "Submit electronically" means submitted in a format and in a manner prescribed by the department of education.

16. "Total bus mileage" means the total number of miles driven by all buses of a school district during the school year.

17. "Total students transported" means all eligible students transported from their place of residence to a school transportation pickup point or to the school of attendance and from the school of attendance or from the school transportation scheduled return point to their place of residence.

18. "Unified school district" means a political subdivision of this state offering instruction to students in programs for preschool children with disabilities and kindergarten programs and grades one through twelve.

B. In this title, unless the context otherwise requires:

1. "Base" means the revenue level per student count specified by the legislature.

2. "Base level" means the following amounts plus the percentage increase to the base level as provided in section 15-902.04:

~~(a) For fiscal year 2020-2021, \$4,305.73.~~

(b) (a) For fiscal year 2021-2022, \$4,390.65.

~~(c) (b) For fiscal year 2022-2023, \$4,775.27.~~

(c) FOR FISCAL YEAR 2023-2024, \$4,914.71.

3. "Base revenue control limit" means the base revenue control limit computed as provided in section 15-944.

4. "Base support level" means the base support level as provided in section 15-943.

5. "Certified teacher" means a person who is certified as a teacher pursuant to the rules adopted by the state board of education, who renders direct and personal services to schoolchildren in the form of instruction related to the school district's educational course of study and who is paid from the maintenance and operation section of the budget.

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6. "DD" means programs for children with developmental delays who are at least three years of age but under ten years of age. A preschool child who is categorized under this paragraph is not eligible to receive funding pursuant to section 15-943, paragraph 2, subdivision (b).

7. "ED, MIID, SLD, SLI and OHI" means programs for children with emotional disabilities, mild intellectual disabilities, a specific learning disability, a speech/language impairment and other health impairments. A preschool child who is categorized as SLI under this paragraph is not eligible to receive funding pursuant to section 15-943, paragraph 2, subdivision (b).

8. "ED-P" means programs for children with emotional disabilities who are enrolled in private special education programs as prescribed in section 15-765, subsection D, paragraph 1 or in an intensive school district program as provided in section 15-765, subsection D, paragraph 2.

9. "ELL" means English learners who do not speak English or whose native language is not English, who are not currently able to perform ordinary classroom work in English and who are enrolled in an English language education program pursuant to sections 15-751, 15-752 and 15-753.

10. "FRPL" means students who meet the eligibility requirements established under the national school lunch and child nutrition acts (42 United States Code sections 1751 through 1793) for free or reduced-price lunches, or an equivalent measure recognized for participating in the federal free and reduced-price lunch program and other school programs dependent on a poverty measure, including the community eligibility provision for which free and reduced-price lunch data is not available.

11. "Full-time equivalent certified teacher" or "FTE certified teacher" means for a certified teacher the following:

(a) If employed full time as defined in section 15-501, 1.00.

(b) If employed less than full time, multiply 1.00 by the percentage of a full school day, or its equivalent, or a full class load, or its equivalent, for which the teacher is employed as determined by the governing board.

12. "G" means educational programs for gifted pupils who score at or above the ninety-seventh percentile, based on national norms, on a test adopted by the state board of education.

13. "Group A" means educational programs for career exploration, a specific learning disability, an emotional disability, a mild intellectual disability, remedial education, a speech/language impairment, developmental delay, homebound pupils, bilingual pupils and pupils with other health impairments.

14. "Group B" means educational improvements for pupils in kindergarten programs and grades one through three, educational programs for autism, a hearing impairment, a moderate intellectual disability, multiple disabilities, multiple disabilities with severe sensory impairment, orthopedic impairments, preschool severe delay, a severe intellectual disability and emotional disabilities for school age pupils enrolled in private special education programs or in school district programs for children with severe disabilities or visual impairment, English learners enrolled in a program to promote English language proficiency pursuant to section 15-752 and students who meet the eligibility requirements

established under the national school lunch and child nutrition acts (42 United States Code sections 1751 through 1793) for free or reduced-price lunches, or an equivalent measure recognized for participating in the federal free and reduced-price lunch program and other school programs dependent on a poverty measure, including the community eligibility provision for which free and reduced-price lunch data is not available.

15. "HI" means programs for pupils with hearing impairment.

16. "Homebound" or "hospitalized" means a pupil who is capable of profiting from academic instruction but is unable to attend school due to illness, disease, accident or other health conditions, who has been examined by a competent medical doctor and who is certified by that doctor as being unable to attend regular classes for a period of not less than three school months or a pupil who is capable of profiting from academic instruction but is unable to attend school regularly due to chronic or acute health problems, who has been examined by a competent medical doctor and who is certified by that doctor as being unable to attend regular classes for intermittent periods of time totaling three school months during a school year. The medical certification shall state the general medical condition, such as illness, disease or chronic health condition, that is the reason that the pupil is unable to attend school. Homebound or hospitalized includes a student who is unable to attend school for a period of less than three months due to a pregnancy if a competent medical doctor, after an examination, certifies that the student is unable to attend regular classes due to risk to the pregnancy or to the student's health.

17. "K-3" means kindergarten programs and grades one through three.

18. "K-3 reading" means reading programs for pupils in kindergarten programs and grades one, two and three.

19. "MD-R, A-R and SID-R" means resource programs for pupils with multiple disabilities, autism and severe intellectual disability.

20. "MD-SC, A-SC and SID-SC" means self-contained programs for pupils with multiple disabilities, autism and severe intellectual disability.

21. "MD-SSI" means a program for pupils with multiple disabilities with severe sensory impairment.

22. "MOID" means programs for pupils with moderate intellectual disability.

23. "OI-R" means a resource program for pupils with orthopedic impairments.

24. "OI-SC" means a self-contained program for pupils with orthopedic impairments.

25. "PSD" means preschool programs for children with disabilities as provided in section 15-771.

26. "P-SD" means programs for children who meet the definition of preschool severe delay as provided in section 15-771.

27. "Qualifying tax rate" means the qualifying tax rate specified in section 15-971 applied to the assessed valuation used for primary property taxes.

28. "Small isolated school district" means a school district that meets all of the following:

(a) Has a student count of fewer than six hundred in kindergarten programs and grades one through eight or grades nine through twelve.



(b) Contains no school that is fewer than thirty miles by the most reasonable route from another school, or, if road conditions and terrain make the driving slow or hazardous, fifteen miles from another school that teaches one or more of the same grades and is operated by another school district in this state.

(c) Is designated as a small isolated school district by the superintendent of public instruction.

29. "Small school district" means a school district that meets all of the following:

(a) Has a student count of fewer than six hundred in kindergarten programs and grades one through eight or grades nine through twelve.

(b) Contains at least one school that is fewer than thirty miles by the most reasonable route from another school that teaches one or more of the same grades and is operated by another school district in this state.

(c) Is designated as a small school district by the superintendent of public instruction.

30. "Transportation revenue control limit" means the transportation revenue control limit computed as prescribed in section 15-946.

31. "Transportation support level" means the support level for pupil transportation operating expenses as provided in section 15-945.

32. "VI" means programs for pupils with visual impairments.

EXPLANATION OF BLEND

SECTION 15-961 (as amended by Laws 2022, Ch. 317, section 12)

Laws 2023, Chapters 130 and 142

Laws 2023, Ch. 130, section 9

Effective October 30, 2023  
(Retroactive to July 1, 2023)

Laws 2023, Ch. 142, section 6

Effective October 30, 2023

Explanation

Since the Ch. 142 version includes all the changes made by the Ch. 130 version, the Laws 2023, Ch. 142 amendment of section 15-961, as amended by Laws 2022, chapter 317, section 12, is the blend of both the Laws 2023, Ch. 130 and Ch. 142 versions.

BLEND OF SECTION 15-961 (as amended by Laws 2022, Ch. 317, section 12)  
Laws 2023, Chapters 130 and 142

15-961. District additional assistance; growth rate

A. District additional assistance per student count is established as follows:

1. For school districts with a student count of less than one hundred for kindergarten programs and grades one through eight, ~~\$606.88~~ \$663.81. For school districts with a student count of one hundred or more and less than six hundred for kindergarten programs and grades one through eight, multiply ~~\$433.78~~ \$474.47 by the weight that corresponds to the student count for kindergarten programs and grades one through eight for the school district as provided in section 15-943, paragraph 1, subdivision (a), column 3. For a school district with a student count of six hundred or more in kindergarten programs and grades one through eight, the limit is ~~\$502.33~~ \$549.45.

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2. For school districts with a student count of less than one hundred for grades nine through twelve, ~~\$670.02~~ \$732.87. For school districts with a student count of one hundred or more and less than six hundred for grades nine through twelve, multiply ~~\$451.99~~ \$494.39 by the weight that corresponds to the student count for grades nine through twelve for the school district as provided in section 15-943, paragraph 1, subdivision (b), column 3. For a school district with a student count of six hundred or more in grades nine through twelve, the limit is ~~\$549.33~~ \$600.86.

3. For programs for preschool children with disabilities, ~~\$502.33~~ \$549.45.

B. District additional assistance for a school district shall be computed as follows:

1. Select the applicable district additional assistance per student count for the school district.

2. Multiply the amount or amounts selected in paragraph 1 of this subsection by the appropriate student count of the school district.

3. If a school district's student count used for the budget year is greater than one hundred five percent of the student count used for the current year's budget, increase the adjusted district additional assistance determined in paragraph 2 of this subsection by fifty percent of the actual percentage increase in the school district's student count.

C. An amount for the purchase of required textbooks and related printed subject matter materials shall be used to increase the district additional assistance for a school district as determined in subsection B, paragraph 2 or 3 of this section, whichever is applicable. This amount shall equal the student count in grades nine through twelve multiplied by

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~~\$77.65~~ \$84.93.

Chs. 130  
and 142

D. NOTWITHSTANDING SUBSECTIONS A, B AND C OF THIS SECTION, DISTRICT ADDITIONAL ASSISTANCE FOR A COMMON SCHOOL DISTRICT THAT IS NOT WITHIN A HIGH SCHOOL DISTRICT OR FOR A TRANSPORTING SCHOOL DISTRICT IS DISTRICT ADDITIONAL ASSISTANCE AS PRESCRIBED IN THIS SECTION BUT EXCLUDING PUPILS WHO ARE ADMITTED TO ANOTHER SCHOOL DISTRICT AS PROVIDED IN SECTION 15-824, SUBSECTION A, PARAGRAPH 2 OR 3, EXCEPT THAT IF THE SCHOOL DISTRICT TRANSPORTS HIGH SCHOOL PUPILS, THE DISTRICT ADDITIONAL ASSISTANCE AMOUNT PRESCRIBED IN THIS SECTION SHALL BE INCREASED BY AN AMOUNT EQUAL TO FIFTY PERCENT OF THE DISTRICT ADDITIONAL ASSISTANCE PER PUPIL AMOUNT PRESCRIBED FOR THE SCHOOL DISTRICT PURSUANT TO THIS SECTION MULTIPLIED BY THE NUMBER OF HIGH SCHOOL PUPILS TRANSPORTED.

EXPLANATION OF BLEND  
SECTION 16-153

Laws 2023, Chapters 37 and 125

Laws 2023, Ch. 37, section 4

Effective October 30, 2023

Laws 2023, Ch. 125, section 4

Effective October 30, 2023

Explanation

Since these two enactments are compatible, the Laws 2023, Ch. 37 and Ch. 125 text changes to section 16-153 are blended in the form shown on the following pages.

The Laws 2023, Ch. 125 version of section 16-153, subsection K, paragraph 5 struck the first "a" and added "an". The Ch. 37 version did not strike the first "a". Since this would not produce a substantive change, the blend version reflects the Ch. 37 version.

BLEND OF SECTION 16-153  
Laws 2023, Chapters 37 and 125

16-153. Voter registration; confidentiality; definitions

A. Eligible persons, and any other registered voter who resides at the same residence address as the eligible person, may request that the general public be prohibited from accessing the eligible person's identifying information, including any of THE FOLLOWING:

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1. That person's documents and voting precinct number contained in that person's voter registration record.

2. IF THE PERSON IS A PUBLIC OFFICIAL, THE ADDRESS OF A PROPERTY HELD IN TRUST BY THE PUBLIC OFFICIAL.

B. Eligible persons may request this action by filing an affidavit that states all of the following on an application form developed by the administrative office of the courts in agreement with an association of counties and an organization of peace officers:

1. The person's full legal name, residential address and date of birth.

2. Unless the person is the spouse of a peace officer or the spouse or minor child of a deceased peace officer or the person is a former public official or former judge, the position the person currently holds and a description of the person's duties, except that an eligible person who is protected under an order of protection or injunction against harassment shall instead attach a copy of the order of protection or injunction against harassment.

3. The reasons for reasonably believing that the person's life or safety or that of another person is in danger and that sealing the identifying information and voting precinct number of the person's voting record will serve to reduce the danger.

C. The affidavit shall be filed with the presiding judge of the superior court in the county in which the affiant resides. To prevent multiple filings, an eligible person who is a peace officer, prosecutor, public defender, code enforcement officer, corrections or detention officer, corrections support staff member or law enforcement support staff member shall deliver the affidavit to the peace officer's commanding officer, or to the head of the prosecuting, public defender, code enforcement, law enforcement, corrections or detention agency, as applicable, or that person's designee, who shall file the affidavits at one time. In the absence of an affidavit that contains a request for immediate action and is supported by facts justifying an earlier presentation, the commanding officer, or the head of the prosecuting, public defender, code enforcement, law enforcement, corrections or detention agency, as applicable, or that person's designee, shall not file affidavits more often than quarterly.

D. On receipt of an affidavit or affidavits, the presiding judge of the superior court shall file with the clerk of the superior court a petition

on behalf of all requesting affiants. The petition shall have attached each affidavit presented. In the absence of an affidavit that contains a request for immediate action and that is supported by facts justifying an earlier consideration, the presiding judge may accumulate affidavits and file a petition at the end of each quarter.

E. The presiding judge of the superior court shall review the petition and each attached affidavit to determine whether the action requested by each affiant should be granted. The presiding judge of the superior court shall order the sealing for five years of the information contained in the voter record of the affiant and, on request, any other registered voter who resides at the same residence address if the presiding judge concludes that this action will reduce a danger to the life or safety of the affiant.

F. The recorder shall remove the restrictions on all voter records submitted pursuant to subsection E of this section by January 5 in the year after the court order expires. The county recorder shall send by mail one notice to either the [HEALTH PROFESSIONAL,] ELECTION OFFICER, PUBLIC OFFICIAL, former public official, peace officer, spouse of a peace officer, spouse or minor child of a deceased peace officer, public defender, prosecutor, code enforcement officer, corrections or detention officer, corrections support staff member, law enforcement support staff member, employee of the department of child safety or employee of adult protective services who has direct contact with families in the course of employment or the employing agency of a THE peace officer, public defender, prosecutor, code enforcement officer, corrections or detention officer, corrections support staff member or law enforcement support staff member who was granted an order pursuant to this section of the order's expiration date at least six months before the January 5 removal date. If the notice is sent to the employing agency, the employing agency shall immediately notify the person who was granted the order of the upcoming expiration date. The county recorder may coordinate with the county assessor and county treasurer to prevent multiple notices from being sent to the same person.

G. On entry of the court order, the clerk of the superior court shall file the court order with the county recorder. On receipt of the court order the county recorder shall seal the voter registration of the persons listed in the court order ~~no~~ NOT later than one hundred twenty days from the date of receipt of the court order. To include a subsequent voter registration in the court order, a person listed in the court order shall present to the county recorder at the time of registration a certified copy of the court order or shall provide the county recorder the recording number of the court order. The information in the registration shall not be disclosed and is not a public record.

H. If the court denies an affiant's requested sealing of the voter registration record, the affiant may request a court hearing. The hearing shall be conducted by the court where the petition was filed.

I. On motion to the court, if the presiding judge of the superior court concludes that a voter registration record has been sealed in error or that the cause for the original affidavit no longer exists, the presiding judge may vacate the court order prohibiting public access to the voter registration record.

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J. On request by a person who is protected under an order of protection or injunction against harassment and presentation of an order of protection issued pursuant to section 13-3602, an injunction against harassment issued pursuant to section 12-1809 or an order of protection or injunction against harassment issued by a court in another state or a program participant in the address confidentiality program pursuant to title 41, chapter 1, article 3, the county recorder shall seal the voter registration record of the person who is protected and, on request, any other registered voter who resides at the residence address of the protected person. The record shall be sealed ~~no~~ NOT later than one hundred twenty days from the date of receipt of the court order. The information in the registration shall not be disclosed and is not a public record.

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K. For the purposes of this section:

1. "Code enforcement officer" means a person who is employed by a state or local government and whose duties include performing field inspections of buildings, structures or property to ensure compliance with and enforce national, state and local laws, ordinances and codes.

2. "Commissioner" means a commissioner of the superior court or municipal court.

3. "Corrections support staff member" means an adult or juvenile corrections employee who has direct contact with inmates.

4. "ELECTION OFFICER" MEANS A STATE, COUNTY OR MUNICIPAL EMPLOYEE WHO HOLDS AN ELECTION OFFICER'S CERTIFICATE ISSUED PURSUANT TO SECTION 16-407.

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~~4.~~ 5. "Eligible person" means a [HEALTH PROFESSIONAL,] ELECTION OFFICER, public official, former public official, peace officer, spouse of a peace officer, spouse or minor child of a deceased peace officer, justice, judge, commissioner, hearing officer, public defender, prosecutor, member of the commission on appellate court appointments, code enforcement officer, adult or juvenile corrections officer, corrections support staff member, probation officer, member of the board of executive clemency, law enforcement support staff member, employee of the department of child safety or employee of adult protective services who has direct contact with families in the course of employment, national guard member who is acting in support of a law enforcement agency, person who is protected under an order of protection or injunction against harassment or firefighter who is assigned to the Arizona counter terrorism information center in the department of public safety.

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~~5.~~ 6. "Former public official" means a person who was duly elected or appointed to Congress, the legislature or a statewide office, who ceased serving in that capacity and who was the victim of a dangerous offense as defined in section 13-105 while in office.

7. "HEALTH PROFESSIONAL" MEANS AN INDIVIDUAL WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13, 15, 17, 19.1, 25 OR 33.

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~~6.~~ 8. "Hearing officer" means a hearing officer who is appointed pursuant to section 28-1553.

~~7.~~ 9. "Judge" means a judge or former judge of the United States district court, the United States court of appeals, the United States magistrate court, the United States bankruptcy court, the United States



immigration court, the Arizona court of appeals, the superior court or a municipal court.

~~8.~~ 10. "Justice" means a justice of the United States or Arizona supreme court or a justice of the peace.

~~9.~~ 11. "Law enforcement support staff member" means a person who serves in the role of an investigator or prosecutorial assistant in an agency that investigates or prosecutes crimes, who is integral to the investigation or prosecution of crimes and whose name or identity will be revealed in the course of public proceedings.

~~10.~~ 12. "Peace officer":

(a) Has the same meaning prescribed in section 1-215.

(b) Includes a federal law enforcement officer or agent who resides in this state and who has the power to make arrests pursuant to federal law.

~~11.~~ 13. "Prosecutor" means a current or former United States attorney, county attorney, municipal prosecutor or attorney general and includes a current or former assistant or deputy United States attorney, county attorney, municipal prosecutor or attorney general.

~~12.~~ 14. "Public defender" means a federal public defender, county public defender, county legal defender or county contract indigent defense counsel and includes an assistant or deputy federal public defender, county public defender or county legal defender.

~~13.~~ 15. "Public official" means a person who is duly elected or appointed to Congress, the legislature or, a statewide office OR A COUNTY, CITY OR TOWN OFFICE.

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EXPLANATION OF BLEND  
SECTION 28-454

Laws 2023, Chapters 37 and 125

Laws 2023, Ch. 37, section 5

Effective October 30, 2023

Laws 2023, Ch. 125, section 5

Effective October 30, 2023

Explanation

Since these two enactments are compatible, the Laws 2023, Ch. 37 and Ch. 125 text changes to section 28-454 are blended in the form shown on the following pages.

The Laws 2023, Ch. 125 version of section 28-454, subsection K, paragraph 5 struck "a" and added "an". The Ch. 37 version did not strike "a". Since this would not produce a substantive change, the blend version reflects the Ch. 37 version.

BLEND OF SECTION 28-454  
Laws 2023, Chapters 37 and 125

28-454. Records maintained by department of transportation;  
redaction; definitions

A. Notwithstanding sections 28-447 and 28-455, an eligible person may request that persons be prohibited from accessing the eligible person's identifying information, including any of THE FOLLOWING:

1. That person's documents, contained in any record maintained by the department.

2. IF THE PERSON IS A PUBLIC OFFICIAL, THE ADDRESS OF A PROPERTY HELD IN TRUST BY THE PUBLIC OFFICIAL.

B. An eligible person may request this action by filing an affidavit that states all of the following on an application form developed by the administrative office of the courts in agreement with an association of counties, an organization of peace officers and the department:

1. The person's full legal name and residential address.

2. Unless the person is the spouse of a peace officer or the spouse or minor child of a deceased peace officer or the person is a former public official or former judge, the position the person currently holds and a description of the person's duties, except that an eligible person who is protected under an order of protection or injunction against harassment shall attach a copy of the order of protection or injunction against harassment.

3. The reasons the person reasonably believes that the person's life or safety or that of another person is in danger and that redacting the identifying information from the department's public records will serve to reduce the danger.

C. The affidavit shall be filed with the presiding judge of the superior court in the county in which the affiant resides. To prevent multiple filings, an eligible person who is a peace officer, spouse of a peace officer, spouse or minor child of a deceased peace officer, prosecutor, code enforcement officer, corrections or detention officer, corrections support staff member or law enforcement support staff member shall deliver the affidavit to the peace officer's commanding officer, or to the head of the prosecuting, code enforcement, law enforcement, corrections or detention agency, as applicable, or that person's designee, who shall file the affidavits at one time. In the absence of an affidavit that contains a request for immediate action and that is supported by facts justifying an earlier presentation, the commanding officer, or the head of the prosecuting, code enforcement, law enforcement, corrections or detention agency, as applicable, or that person's designee, shall not file affidavits more often than quarterly.

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D. On receipt of an affidavit or affidavits, the presiding judge of the superior court shall file with the clerk of the superior court a petition on behalf of all requesting affiants. Each affidavit presented shall be attached to the petition. In the absence of an affidavit that contains a request for immediate action and that is supported by facts justifying an earlier consideration, the presiding judge may accumulate affidavits and file a petition at the end of each quarter.

E. The presiding judge of the superior court shall review the petition and each attached affidavit to determine whether the action requested by each affiant should be granted. The presiding judge of the superior court shall order the redaction of the residence address and telephone number from the public records maintained by the department if the judge concludes that this action will reduce a danger to the life or safety of the affiant or another person.

F. On entry of the court order, the clerk of the superior court shall file the court order with the department. Not more than one hundred fifty days after the date the department receives the court order, the department shall redact the identifying information of the affiants listed in the court order from the public records of the department. The identifying information shall not be disclosed and is not part of a public record.

G. If the court denies an affiant's request pursuant to this section, the affiant may request a court hearing. The hearing shall be conducted by the court in the county where the petition was filed.

H. On motion to the court, if the presiding judge of the superior court concludes that identifying information has been sealed in error or that the cause for the original affidavit no longer exists, the presiding judge may vacate the court order prohibiting public access to the identifying information.

I. Notwithstanding sections 28-447 and 28-455, the department shall not release a photograph of a peace officer if the peace officer has made a request as prescribed in this section that persons be prohibited from accessing the peace officer's identifying information in any record maintained by the department.

J. This section does not prohibit the use of a peace officer's photograph that is either:

1. Used by a law enforcement agency to assist a person who has a complaint against an officer to identify the officer.
2. Obtained from a source other than the department.

K. For the purposes of this section:

1. "Code enforcement officer" means a person who is employed by a state or local government and whose duties include performing field inspections of buildings, structures or property to ensure compliance with and enforce national, state and local laws, ordinances and codes.

2. "Commissioner" means a commissioner of the superior court or municipal court.

3. "Corrections support staff member" means an adult or juvenile corrections employee who has direct contact with inmates.

- Ch. 125 { 4. "ELECTION OFFICER" MEANS A STATE, COUNTY OR MUNICIPAL EMPLOYEE WHO HOLDS AN ELECTION OFFICER'S CERTIFICATE ISSUED PURSUANT TO SECTION 16-407.
- Ch. 37 { ~~4.~~ 5. "Eligible person" means a [HEALTH PROFESSIONAL,] ELECTION OFFICER, PUBLIC OFFICIAL, former public official, peace officer, spouse of a peace officer, spouse or minor child of a deceased public officer, justice, judge or former judge, commissioner, hearing officer, public defender, prosecutor, code enforcement officer, adult or juvenile corrections officer, corrections support staff member, probation officer, member of the commission on appellate court appointments, member of the board of executive clemency, law enforcement support staff member, employee of the department of child safety or employee of adult protective services who has direct contact with families in the course of employment, national guard member who is acting in support of a law enforcement agency, person who is protected under an order of protection or injunction against harassment or firefighter who is assigned to the Arizona counter terrorism information center in the department of public safety.
- ~~5.~~ 6. "Former public official" means a person who was duly elected or appointed to Congress, the legislature or a statewide office, who ceased serving in that capacity and who was the victim of a dangerous offense as defined in section 13-105 while in office.
- Ch. 37 { 7. "HEALTH PROFESSIONAL" MEANS AN INDIVIDUAL WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13, 15, 17, 19.1, 25 OR 33.
- ~~6.~~ 8. "Hearing officer" means a hearing officer who is appointed pursuant to section 28-1553.
- ~~7.~~ 9. "Judge" means a judge or former judge of the United States district court, the United States court of appeals, the United States magistrate court, the United States bankruptcy court, the United States immigration court, the Arizona court of appeals, the superior court or a municipal court.
- ~~8.~~ 10. "Justice" means a justice of the United States supreme court or the Arizona supreme court or a justice of the peace.
- ~~9.~~ 11. "Law enforcement support staff member" means a person who serves in the role of an investigator or prosecutorial assistant in an agency that investigates or prosecutes crimes, who is integral to the investigation or prosecution of crimes and whose name or identity will be revealed in the course of public proceedings.
- ~~10.~~ 12. "Peace officer":
- (a) Has the same meaning prescribed in section 1-215.
- (b) Includes a federal law enforcement officer or agent who resides in this state and who has the power to make arrests pursuant to federal law.
- ~~11.~~ 13. "Prosecutor" means a current or former United States attorney, county attorney, municipal prosecutor or attorney general and includes a current or former assistant or deputy United States attorney, county attorney, municipal prosecutor or attorney general.
- Ch. 125 { 14. "PUBLIC OFFICIAL" MEANS A PERSON WHO IS DULY ELECTED OR APPOINTED TO CONGRESS, THE LEGISLATURE, A STATEWIDE OFFICE OR A COUNTY, CITY OR TOWN OFFICE.

EXPLANATION OF BLEND  
SECTION 28-1106

Laws 2023, Chapters 30 and 189

Laws 2023, Ch. 30, section 1

Effective October 30, 2023

Laws 2023, Ch. 189, section 1

Effective October 30, 2023

Explanation

Since these two enactments are compatible, the Laws 2023, Ch. 30 and Ch. 189 text changes to section 28-1106 are blended in the form shown on the following pages.

BLEND OF SECTION 28-1106  
Laws 2023, Chapters 30 and 189

28-1106. Restriction on highway usage; definitions

A. By ordinance or resolution and for a total period of not more than ninety days in any one calendar year, a local authority with respect to highways under its jurisdiction may prohibit the operation of a vehicle on the highway or may impose restrictions as to the weight of a vehicle to be operated on the highway if the highway by reason of deterioration, rain, snow or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles on the highway is prohibited or the permissible weights of the vehicles are reduced.

B. A local authority enacting an ordinance or resolution pursuant to subsection A of this section shall erect or cause signs to be erected and maintained designating the provisions of the ordinance or resolution at each end of that portion of a highway affected by the ordinance or resolution. The ordinance or resolution is not effective until the signs are erected and maintained.

C. A local authority with respect to highways under its jurisdiction may prohibit by ordinance or resolution the operation of trucks or other commercial vehicles or may impose limitations as to the weight of vehicles on designated highways. The local authority shall place ~~appropriate~~ UNIFORM signs DESIGNED BY THE DEPARTMENT on the highway to designate the prohibitions and limitations.

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D. The director has authority as granted by this section to local authorities to determine by resolution and to impose restrictions as to the weight of vehicles operated on a highway under the jurisdiction of the director. The restrictions are effective when UNIFORM signs DESIGNED BY THE DEPARTMENT giving notice of the restrictions are erected on the highway or portion of the highway affected by the resolution.

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E. NOTWITHSTANDING SUBSECTIONS C AND D OF THIS SECTION, FOR ORDINANCES OR RESOLUTIONS THAT ARE ENACTED PURSUANT TO THIS SECTION ON AND AFTER JANUARY 1, 2020 THE DIRECTOR OR A LOCAL AUTHORITY MAY ONLY RESTRICT OR PROHIBIT A VEHICLE OF LEGAL SIZE FROM OPERATING ON A HIGHWAY THAT IS A MAJOR ARTERIAL STREET THAT CONNECTS TWO OR MORE LOCAL JURISDICTIONS IF THE DEPARTMENT OR THE LOCAL AUTHORITY CONDUCTS A TEST DRIVE OR APPLIES A VEHICLE TEMPLATE ON THE HIGHWAY THAT SHOWS THAT A VEHICLE OF A LEGAL SIZE MAY NOT SAFELY OPERATE ON THE HIGHWAY.

F. IF A VEHICLE OF LEGAL SIZE MAY NOT SAFELY OPERATE ON A MAJOR ARTERIAL STREET, THE DIRECTOR AND LOCAL AUTHORITY MAY NOT GRANT EXCEPTIONS FOR CATEGORIES OR TYPES OR GROUPS OF ROUTES.

G. A HIGHWAY THAT DOES NOT HAVE A TRUCK RESTRICTION BEFORE BEING ANNEXED BY A LOCAL AUTHORITY OR OTHERWISE TRANSFERRED TO A LOCAL AUTHORITY MAY NOT BE INCORPORATED INTO AN EXISTING TRUCK RESTRICTION THAT IS PASSED

BY A LOCAL JURISDICTION ON OR AFTER JANUARY 1, 2020 UNLESS THE HIGHWAY MEETS THE CRITERIA PRESCRIBED BY SUBSECTION E OF THIS SECTION.

H. A PERSON MAY REQUEST IN WRITING A REVIEW OF ANY ROUTE RESTRICTIONS FOR VEHICLES OF LEGAL SIZE IF THE ROUTE RESTRICTION IS ENACTED PURSUANT TO THIS SECTION ON OR AFTER JANUARY 1, 2020. THE DIRECTOR SHALL ACT ON ALL REQUESTS WITHIN NINETY DAYS AFTER RECEIVING THE WRITTEN REQUEST. IF THE DIRECTOR DETERMINES THAT A VEHICLE OF LEGAL SIZE CAN OPERATE SAFELY ON A MAJOR ARTERIAL STREET, THE LOCAL JURISDICTION MAY NOT RESTRICT THAT MAJOR ARTERIAL STREET.

I. FOR A MAJOR ARTERIAL STREET THAT HAS A TRUCK RESTRICTION THAT DOES NOT PROVIDE THROUGH ACCESS BETWEEN TWO OR MORE JURISDICTIONS BEFORE JANUARY 1, 2023 AND THAT IS SUBSEQUENTLY IMPROVED FROM AND AFTER DECEMBER 31, 2022 TO PROVIDE THROUGH TRAFFIC BETWEEN TWO OR MORE JURISDICTIONS, THE TRUCK RESTRICTION IS NULLIFIED UNLESS AT LEAST ONE OF THE CRITERIA BELOW IS MET:

1. THE HIGHWAY IS A MAJOR ARTERIAL STREET THAT MEETS THE CRITERIA PRESCRIBED BY SUBSECTION E OF THIS SECTION.

2. A LOCAL AUTHORITY NOTIFIES BY CERTIFIED MAIL ALL ACTIVE STATEWIDE ASSOCIATIONS THAT ARE REGISTERED FOR LOBBYING PURPOSES WITH THE SECRETARY OF STATE AND THAT PRIMARILY REPRESENT TRUCKING INTERESTS OF THE NEW THROUGH TRAFFIC CONNECTION, AND THE LOCAL AUTHORITY OBTAINS A LETTER OF SUPPORT FROM ALL OF THE ASSOCIATIONS.

3. THE SUBSEQUENT IMPROVEMENT PROVIDING A THROUGH CONNECTION IS LOCATED ONE MILE OR LESS FROM A REASONABLE ALTERNATIVE ROUTE THAT PROVIDES A THROUGH ACCESS OR CONNECTION TO THE OTHER JURISDICTIONS WITHOUT RESTRICTIONS.

J. THE SIGNS PRESCRIBED IN SUBSECTIONS C AND D OF THIS SECTION SHALL BE PLACED NEAR EVERY INTERSECTION OR JUNCTION WITH A TRAFFIC CONTROL DEVICE ALONG DESIGNATED HIGHWAYS, SHALL INFORM THE PUBLIC OF THE RESTRICTIONS AND SHALL EITHER DIRECT THE PUBLIC TO THE FASTEST ROUTE TO LEAVE A RESTRICTED ROUTE OR INFORM THE PUBLIC OF THE DISTANCE THAT THE ROUTE IS RESTRICTED. BEGINNING JANUARY 1, 2024, THE RESTRICTIONS IMPOSED PURSUANT TO SUBSECTIONS C AND D OF THIS SECTION ARE UNENFORCEABLE ON RESTRICTED ROUTES IN EXISTENCE FROM AND AFTER OCTOBER 30, 2023 IF THE DIRECTOR OR LOCAL AUTHORITY FAILS TO ERECT OR MAINTAIN SIGNS AS PRESCRIBED BY THIS SUBSECTION.

K. FOR THE PURPOSES OF THIS SECTION:

1. "MAJOR ARTERIAL STREET":

(a) MEANS AN ARTERIAL STREET AS DEFINED IN SECTION 28-6531.

(b) INCLUDES:

(i) A PRINCIPAL ARTERIAL STREET.

(ii) ANY ARTERIAL STREET IF A LOCAL AUTHORITY DOES NOT DISTINGUISH BETWEEN MAJOR AND MINOR ARTERIAL STREETS.

(iii) ANY ARTERIAL STREET THAT HAS ACCESS TO A FREEWAY, CONTROLLED ACCESS HIGHWAY OR THE NATIONAL HIGHWAY SYSTEM.

(iv) ANY ARTERIAL STREET THAT HAS A BRIDGE ALONG ITS ROUTE.

(v) ANY ARTERIAL STREET THAT IS DESIGNATED AS A MAJOR ARTERIAL STREET IN AN ADJOINING JURISDICTION.

2. "REASONABLE ALTERNATIVE ROUTE" MEANS A HIGHWAY THAT DOES NOT RESTRICT OR PROHIBIT A VEHICLE OF LEGAL SIZE FROM OPERATING AND THAT DOES NOT DIRECTLY CONNECT TO A HIGHWAY UNDER THE JURISDICTION OF ANOTHER LOCAL



AUTHORITY WITH AN IMMEDIATE ADJACENT EXISTING RESTRICTION OR PROHIBITION ENACTED PURSUANT TO THIS SECTION.

3. "SAFELY OPERATE" MEANS A DETERMINATION BASED ON A TEST DRIVE, TRAFFIC ENGINEERING STUDY OR APPLICATION OF A VEHICLE TEMPLATE THAT A VEHICLE OF LEGAL SIZE MAY OPERATE ON A HIGHWAY THAT IS A MAJOR ARTERIAL STREET WITHOUT CAUSING A SIGNIFICANT AND CLEARLY EVIDENT SAFETY PROBLEM IN RELATION TO A VEHICLE OF LEGAL SIZE.

4. "TRUCK RESTRICTION" MEANS AN ORDINANCE OR RESOLUTION THAT PROHIBITS OR LIMITS THE OPERATION OF TRUCKS OR OTHER COMMERCIAL VEHICLES ON DESIGNATED HIGHWAYS.

5. "VEHICLE OF LEGAL SIZE" MEANS A VEHICLE THAT COMPLIES WITH THE LIMITATIONS SET FORTH IN ALL OF THE FOLLOWING:

(a) SECTION 28-1093, SUBSECTION C.

(b) SECTION 28-1094.

(c) SECTION 28-1095, SUBSECTIONS A AND B UNLESS EXEMPT PURSUANT TO SECTION 28-1095, SUBSECTION D.

(d) SECTION 28-1095, SUBSECTION C, PARAGRAPHS 1, 2, 3 AND 4 UNLESS EXEMPT PURSUANT TO SECTION 28-1095, SUBSECTION D.

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EXPLANATION OF BLEND  
SECTION 32-506

Laws 2023, Chapters 18, 22 and 194

Laws 2023, Ch. 18, section 3

Effective October 30, 2023

Laws 2023, Ch. 22, section 1

Effective October 30, 2023

Laws 2023, Ch. 194, section 2

Effective June 20, 2023  
(Retroactive to April 1, 2023)

Explanation

Since these three enactments are compatible, the Laws 2023, Ch. 18, Ch. 22 and Ch. 194 text changes to section 32-506 are blended in the form shown on the following pages.

BLEND OF SECTION 32-506  
Laws 2023, Chapters 18, 22 and 194

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  
OR WHO WORK IN A PROFESSION THAT IS REGULATED UNDER CHAPTER 12 OF THIS TITLE.

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4. Students who are attending schools licensed ~~pursuant to this chapter~~ BY THE BOARD 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.

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15. Persons who are participating in a department of economic security-approved apprenticeship program ~~in cosmetology~~ as described in section 32-510, 32-511, 32-512 OR 32-512.01 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.

EXPLANATION OF BLEND  
SECTION 32-1301 (as amended by Laws 2022, Ch. 257, section 3)

Laws 2023, Chapters 95 and 194

Laws 2023, Ch. 95, section 1

Effective October 30, 2023

Laws 2023, Ch. 194, section 4

Effective June 20, 2023  
(Retroactive to April 1, 2023)

Explanation

Since these two enactments are compatible, the Laws 2023, Ch. 95 and Ch. 194 text changes to section 32-1301, as amended by Laws 2022, chapter 257, section 3, are blended in the form shown on the following pages.

BLEND OF SECTION 32-1301 (as amended by Laws 2022, Ch. 257, section 3)  
Laws 2023, Chapters 95 and 194

32-1301. Definitions

In this chapter, unless the context otherwise requires:

1. "Accredited" means being recognized or authorized by the American board of funeral service education.

2. "Administrative costs and expenses" means the cost of copies, transcripts, court reporter and witness fees, reimbursement for mileage and office of administrative hearings costs.

3. "Alkaline hydrolysis" means a form of final disposition that includes all of the following:

(a) Reducing a dead human body to essential elements through a water-based dissolution process using alkaline chemicals, heat, agitation and pressure to accelerate natural decomposition.

(b) Processing the hydrolyzed remains after they are removed from the alkaline hydrolysis vessel.

(c) Placing the processed remains in a hydrolyzed remains container.

(d) Releasing the hydrolyzed remains to an appropriate party.

4. "Alkaline hydrolysis container":

(a) Means a hydrolyzable or biodegradable closed container or pouch that is resistant to leakage of bodily fluids, that encases a dead human body and into which the body is placed before the container's insertion into an alkaline hydrolysis vessel.

(b) Includes a hydrolyzable or biodegradable alternative container or casket.

5. "Alkaline hydrolysis facility" means a building or structure containing one or more alkaline hydrolysis vessels for alkaline hydrolysis.

6. "Alkaline hydrolysis operator" means a person who is trained to carry out the process of alkaline hydrolysis.

7. "Alkaline hydrolysis vessel" means the container in which alkaline hydrolysis is performed.

8. "Alternative container" means any unfinished wood box or other nonmetal receptacle or enclosure, without ornamentation or a fixed interior lining, that is designed for encasing human remains.

9. "Authorizing agent" means a person who is legally entitled to order the cremation, disinterment or embalming of human remains pursuant to section 32-1365.02.

10. "Beneficiary" means a person whose future funeral arrangements will be handled by a funeral establishment pursuant to a prearranged funeral agreement.

Ch. 194 — ~~11. "Board" means the state board of funeral directors and embalmers.~~

~~12.~~ 11. "Business entity" includes any corporation, association, limited liability company, professional corporation, partnership, limited partnership, sole proprietorship, business trust, trust, joint venture and other business entity.

~~13-~~ 12. "Casket" means a rigid container that is designed to permanently encase human remains and that is usually constructed of wood, metal or synthetic substances and ornamented and lined with fabric.

~~14-~~ 13. "Change of ownership" means a transfer of a controlling legal or equitable interest in a licensed funeral establishment or crematory resulting from a sale or merger. If the establishment or crematory is operated by a business entity, any transfer of the ownership of ten percent or more of the entity constitutes a change of ownership.

~~15-~~ 14. "Conviction" means a criminal adjudication or conviction by any state or federal court of competent jurisdiction, including a judgment based on a no contest plea, without regard to whether civil rights have been restored.

~~16-~~ 15. "Cremated remains" means the remaining bone fragments after cremation.

~~17-~~ 16. "Cremation" means the heating process that reduces human remains to bone fragments by combustion and evaporation.

~~18-~~ 17. "Cremation container" means a leak and spill resistant, rigid, combustible, closed receptacle into which human remains are placed before cremation.

~~19-~~ 18. "Cremationist" means a person who operates a crematory retort, who performs the actual cremation of human remains and who may be licensed pursuant to article 6 of this chapter.

~~20-~~ 19. "Crematory" means a building or portion of a building that is licensed pursuant to article 6 of this chapter and that houses a retort in which only human remains are cremated.

20. "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH SERVICES.

21. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.

~~21-~~ 22. "Disciplinary action" means an action taken by ~~the board~~ to revoke or suspend a license or registration, to impose probationary requirements or civil penalties or to issue a letter of censure or reprimand to any person who is subject to this chapter and who violates any provision of this chapter or rules ~~adopted by the board~~.

~~22-~~ 23. "Embalmer" means a person who is licensed pursuant to this chapter and who is engaged in embalming.

~~23-~~ ~~"Embalmer's assistant" means a person who is registered pursuant to this chapter and who is engaged in embalming without the supervision of a licensed embalmer.~~

24. "Embalming" means the implementation of reconstructive procedures and the process of disinfecting and preserving a dead human body to retard organic decomposition by treating the body to reduce the presence and growth of organisms.

25. "Financial institution" means a bank, savings and loan association, trust company or credit union that is lawfully doing business in this state and that is not affiliated with a funeral establishment.

26. "Fixed price prearranged funeral agreement funded by trust" means any agreement or combination of agreements that establishes a fixed price for funeral goods and services, that requires a funeral establishment to provide those funeral goods and services at the price levels in effect at the time of the execution of the agreement and that requires the purchaser to convey all or a portion of the accrued interest to the funeral

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establishment at the time that the funeral goods and services are actually provided.

27. "Funded by insurance" means that monies for a prearranged funeral agreement are paid directly to an insurance company licensed pursuant to title 20 on behalf of the beneficiary of the agreement.

28. "Funeral directing" means arranging, directing or providing a service in the disposition of dead human bodies for compensation.

29. "Funeral director" means a person who is licensed pursuant to this chapter and who is engaged in funeral directing.

30. "Funeral establishment" means a business at a specific location that is licensed pursuant to this chapter and that is devoted to the care, storage or preparation for final disposition or transportation of dead human bodies.

31. "Funeral goods and services":

(a) Means any personal property or services that are typically sold or provided in connection with the final disposition of human remains, including caskets, alternative containers, outer burial containers, cremation containers, transportation containers, funeral clothing or accessories, monuments, grave markers, urns, embalming services, funeral directing services and similar funeral or burial items.

(b) Does not include[:]

(i) Goods and services sold by cemeteries.

(ii) SERVICES PROVIDED PURSUANT TO A TRANSPORTATION PROTECTION AGREEMENT.

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~~32. "Good moral character" means that a person:~~

~~(a) Has not been convicted of a class 1 or 2 felony by a court of competent jurisdiction.~~

~~(b) Has not, within five years of applying for licensure or registration, been convicted of a felony or misdemeanor if the offense has a reasonable relationship to the person's proposed area of licensure or registration.~~

~~(c) Has not, within five years of applying for licensure or registration, committed any act involving dishonesty, fraud, misrepresentation, breach of fiduciary duty, gross negligence or incompetence if the act has a reasonable relationship to the person's proposed area of licensure or registration.~~

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~~(d) Is not currently incarcerated in or on community supervision after a period of imprisonment in a local, state or federal penal institution or on criminal probation.~~

~~(e) Has not engaged in fraud or misrepresentation in connection with an application for licensure or registration under this chapter or an examination required for licensure or registration.~~

~~(f) Has not, within five years of applying for licensure or registration, had a license, registration or endorsement revoked or suspended by the board or by the funeral services licensing authority of any other jurisdiction.~~

~~(g) Has not surrendered a license, registration or endorsement to the board or the funeral licensing authority of any other jurisdiction in lieu of disciplinary action.~~



~~(h) Has not practiced funeral directing or embalming without a license in this state or any other jurisdiction that requires licensure to perform these activities.~~

~~33.~~ 32. "Holding facility" means a designated area for retaining human remains.

~~34.~~ 33. "Human remains" means a lifeless human body or parts of a human body that allow a reasonable inference that death occurred.

~~35. "Intern" means a person who is licensed pursuant to this chapter and who is engaged in either or both of the following:~~

~~(a) Embalming under the supervision of a licensed embalmer.~~

~~(b) Arranging and directing funerals under the supervision of a licensed funeral director.~~

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~~36. "Intern trainee" means a person who intends to enter training as an intern and who is temporarily employed by a funeral establishment.~~

~~37.~~ 34. "License" means a written authorization that is issued by the board DEPARTMENT and that entitles a person to act as a funeral director, OR embalmer, intern or alkaline hydrolysis operator or to operate a funeral establishment, crematory or alkaline hydrolysis facility in this state.

~~38.~~ 35. "Licensee" means a person to whom the board DEPARTMENT has issued a license to act as a funeral director, embalmer, intern or alkaline hydrolysis operator or to operate a funeral establishment, crematory or alkaline hydrolysis facility in this state UNDER THIS CHAPTER.

~~39.~~ 36. "Manage" means:

(a) That a responsible funeral director exercises control and oversight over all employees of a funeral establishment and over funeral transactions, including caring for dead human bodies, funeral services and activities and documenting and retaining records.

(b) That a responsible cremationist exercises control and oversight over all employees of a crematory and crematory operations.

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~~40.~~ 37. "National board examination" means the test or tests given by the INTERNATIONAL conference of funeral service examining boards to determine the entry level knowledge and skills of a person regarding funeral directing and embalming.

~~41.~~ 38. "Net interest" means interest earned on a prearranged funeral trust account minus applicable taxes, reasonable and necessary charges made by the financial institution and the annual service fee allowed to be deducted by the funeral establishment according to section 32-1391.06, subsection B.

~~42.~~ 39. "Outer burial container" means a container that is designed for placement in a grave around a casket, including burial vaults, grave boxes and grave liners.

~~43.~~ 40. "Owner":

(a) Means a person who owns ten percent or more of a business entity.

(b) Does not include shareholders of companies who have a class of common equity stock listed or authorized to be listed on the New York stock exchange or the American stock exchange or listed on the NASDAQ stock market.

~~44.~~ 41. "Person legally responsible" means the person responsible for burying a dead body as determined in section 36-831.

~~45.~~ 42. "Prearranged funeral agreement" means any agreement or combination of agreements under which a payment is made before the death of the intended beneficiary for funeral goods and services to be delivered or performed after the death of the beneficiary.

~~46.~~ 43. "Prearranged funeral trust account" means a trust account that is established at a financial institution and into which all monies paid on behalf of a beneficiary pursuant to a prearranged funeral agreement are deposited.

~~47.~~ 44. "Preparation" means washing, shaving, dressing or arranging hair on, applying cosmetics to or positioning bodily features on a dead human body and placing the dead human body in a casket.

~~48.~~ 45. "Processed cremated remains" means cremated remains after they are pulverized and cleaned, leaving primarily small bone fragments.

~~49.~~ 46. "Provisionally accredited" means being granted candidacy status by the American board of funeral service education.

Ch. 194 { ~~50. "Registration" means a written authorization that is issued by the board and that entitles a person to act as an assistant funeral director, an embalmer's assistant or a prearranged funeral salesperson in this state.~~

~~51.~~ 47. "Responsible cremationist" means a licensed cremationist who manages a crematory.

~~52.~~ 48. "Responsible funeral director" means a person who is licensed pursuant to this chapter, who is engaged in funeral directing and who manages and is accountable for a funeral establishment.

~~53.~~ 49. "Retort" means an enclosed space within which cremation takes place.

Ch. 194 { ~~54. "State equivalent examination" means the test or tests that are provided by the conference of funeral service examining boards and offered by the board to determine the entry level knowledge and skills of a person regarding funeral directing and embalming.~~

~~55.~~ 50. "Supervise" or "supervision" means that a licensed embalmer has responsibility for and is within sight and sound of a licensed intern PERSON who is embalming a dead human body or a student who is assisting in embalming a dead human body.

~~56.~~ 51. "Temporary container" means a receptacle that is usually made of cardboard, rigid plastic or another similar material and that is designed to hold processed cremated remains until they are placed in an urn or another permanent container.

Ch. 95 { 52. "TRANSPORTATION PROTECTION AGREEMENT" MEANS AN AGREEMENT THAT PRIMARILY PROVIDES OR ARRANGES FOR SERVICES THAT ARE RELATED TO PREPARING HUMAN REMAINS OR CREMATED REMAINS FOR THE PURPOSE OF TRANSPORTATION AND SUCH SUBSEQUENT TRANSPORTATION.

~~57.~~ 53. "Trust funds" means all monies that are deposited on behalf of a beneficiary of a prearranged funeral agreement funded by trust and all accrued net interest. Trust funds shall be considered an account kept in suspense until distributed to the beneficiary, the funeral establishment or the estate of the beneficiary in accordance with this article.

~~58.~~ 54. "Universal precautions" means the universal blood and fluid precautions recommended by the centers for disease control of the United States public health service to prevent the transmission of bloodborne and bodily fluid-borne infectious diseases.

~~59-~~ 55. "Unprofessional conduct" includes the following acts, whether occurring in this state or elsewhere:

(a) Committing a class 1 or 2 felony.

(b) Committing a felony or misdemeanor if the offense has a reasonable relationship to funeral directing or embalming. Conviction by any court of competent jurisdiction or a plea of no contest is conclusive evidence of the commission.

(c) Providing false, misleading or deceptive information on an application for licensure ~~or registration~~ pursuant to this chapter or on an examination required for licensure ~~or registration~~.

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(d) Bribing or offering to bribe, directly or indirectly, ~~a member~~ AN EMPLOYEE of the ~~board~~ DEPARTMENT to influence the ~~member's~~ EMPLOYEE'S actions in performing the ~~member's~~ EMPLOYEE'S duties.

(e) Wilfully interfering with an embalmer, funeral director or cremationist who has lawful custody of a dead human body in performing the embalmer's, funeral director's or cremationist's duty to embalm or prepare the body for burial, transportation or cremation.

(f) Paying or causing monies or other valuable consideration to be paid to a person, other than an employee of a funeral establishment, to secure business regulated pursuant to this chapter from or through the person.

(g) Violating any law of this state or any rule adopted by the department ~~of health services~~ that relates to embalming or preparing dead human bodies.

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(h) Certifying falsely to having embalmed or prepared a dead human body that was embalmed by ~~a~~ ANOTHER person ~~other than a licensed embalmer~~ making the certification ~~or an intern under the supervision of a licensed embalmer making the certification~~.

(i) Falsely advertising or labeling any service or merchandise with the intention of deceiving the public.

(j) Shipping or delivering any merchandise or supplies that are not the substantial equivalent of or superior in quality to merchandise or supplies previously presented to the purchaser as samples.

(k) Committing any act involving dishonesty, fraud, misrepresentation, breach of fiduciary duty, gross negligence or incompetence if the act has a reasonable relationship to funeral directing or embalming.

(l) Engaging in any conduct or practice that is reasonably related to funeral directing or embalming and that is or may be harmful or dangerous to the health, safety or welfare of the public.

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(m) Within a period of five years, having a license, ~~registration~~ or endorsement suspended or revoked by the ~~board~~ DEPARTMENT or by the funeral services ~~licensing~~ REGULATING authority of THIS STATE OR any other jurisdiction or surrendering a license, ~~registration~~ or endorsement in lieu of disciplinary action.

~~60-~~ 56. "Urn" means a receptacle into which processed cremated remains are placed for disposition.

EXPLANATION OF BLEND  
SECTION 32-1606

Laws 2023, Chapters 42 and 200

Laws 2023, Ch. 42, section 3

Effective October 30, 2023

Laws 2023, Ch. 200, section 6

Effective June 20, 2023

Explanation

Since these two enactments are compatible, the Laws 2023, Ch. 42 and Ch. 200 text changes to section 32-1606 are blended in the form shown on the following pages.

BLEND OF SECTION 32-1606  
Laws 2023, Chapters 42 and 200

32-1606. Powers and duties of board

A. The board may:

1. Adopt and revise rules necessary to carry into effect this chapter.

2. Publish advisory opinions regarding registered and practical nursing practice and nursing education.

3. Issue limited licenses or certificates if it determines that an applicant or licensee cannot function safely in a specific setting or within the full scope of practice.

4. Refer criminal violations of this chapter to the appropriate law enforcement agency.

5. Establish a confidential program for monitoring licensees who are chemically dependent and who enroll in rehabilitation programs that meet the criteria established by the board. The board may take further action if the licensee refuses to enter into a stipulated agreement or fails to comply with its terms. In order to protect the public health and safety, the confidentiality requirements of this paragraph do not apply if the licensee does not comply with the stipulated agreement.

6. On the applicant's or regulated party's request, establish a payment schedule with the applicant or regulated party.

7. Provide education regarding board functions.

8. Collect or assist in collecting workforce data.

9. Adopt rules to conduct pilot programs consistent with public safety for innovative applications in nursing practice, education and regulation.

10. Grant retirement status on request to retired nurses who are or were licensed under this chapter, who have no open complaint or investigation pending against them and who are not subject to discipline.

11. Accept and spend federal monies and private grants, gifts, contributions and devises to assist in carrying out the purposes of this chapter. These monies do not revert to the state general fund at the end of the fiscal year.

B. The board shall:

1. Approve regulated training and educational programs that meet the requirements of this chapter and rules adopted by the board.

2. By rule, establish approval and reapproval processes for nursing and nursing assistant training programs that meet the requirements of this chapter and board rules.

3. Prepare and maintain a list of approved nursing programs to  
— prepare registered NURSES and practical nurses whose graduates are eligible for licensing under this chapter as registered nurses or as practical nurses if they satisfy the other requirements of this chapter and board rules.

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and 200

4. Examine qualified registered NURSE and practical nurse applicants.
5. License and renew the licenses of qualified registered NURSE and practical nurse applicants and licensed nursing assistants who are not qualified to be licensed by the executive director.
6. Adopt a seal, which the executive director shall keep.
7. Keep a record of all proceedings.
8. For proper cause, deny or rescind approval of a regulated training or educational program for failure to comply with this chapter or the rules of the board.

9. Adopt rules to approve credential evaluation services that evaluate the qualifications of applicants who graduated from an international nursing program.

10. Determine and administer appropriate disciplinary action against all regulated parties who are found guilty of violating this chapter or rules adopted by the board.

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and 200

11. Perform functions necessary to carry out the requirements of THE nursing assistant and nurse aide training and competency evaluation program as set forth in the omnibus budget reconciliation act of 1987 (P.L. 100-203; 101 Stat. 1330), as amended by the medicare catastrophic coverage act of 1988 (P.L. 100-360; 102 Stat. 683). These functions shall include:

- (a) Testing and registering certified nursing assistants.
- (b) Testing and licensing licensed nursing assistants.
- (c) Maintaining a list of board-approved training programs.
- (d) Maintaining a registry of nursing assistants for all certified nursing assistants and licensed nursing assistants.
- (e) Assessing fees.

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and 200

12. Adopt rules establishing ~~those~~ acts that may be performed by a registered nurse practitioner or certified nurse midwife, except that the board does not have authority to decide scope of practice relating to abortion as defined in section 36-2151.

13. Adopt rules that prohibit registered nurse practitioners, clinical nurse specialists or certified nurse midwives from dispensing a schedule II controlled substance that is an opioid, except for an implantable device or an opioid that is for medication-assisted treatment for substance use disorders OR AS PROVIDED IN SECTION 32-3248.03.

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14. Adopt rules establishing educational requirements to certify school nurses.

15. Publish copies of board rules and distribute these copies on request.

16. Require each applicant for initial licensure or certification to submit a full set of fingerprints to the board for the purpose of obtaining a state and federal criminal records check pursuant to section 41-1750 and Public Law 92-544. The department of public safety may exchange this fingerprint data with the federal bureau of investigation.

17. Except for a licensee who has been convicted of a felony that has been designated a misdemeanor pursuant to section 13-604, revoke a license of a person, revoke the multistate licensure privilege of a person pursuant to section 32-1669 or not issue a license or renewal to an applicant who has one or more felony convictions and who has not received an absolute

discharge from the sentences for all felony convictions three or more years before the date of filing an application pursuant to this chapter.

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and 200

18. Establish standards to approve and reapprove REGISTERED nurse practitioner and clinical nurse specialist programs and provide for surveys of REGISTERED nurse practitioner and clinical nurse specialist programs as ~~it~~ THE BOARD deems necessary.

19. Provide the licensing authorities of health care institutions, facilities and homes with any information the board receives regarding practices that place a patient's health at risk.

20. Limit the multistate licensure privilege of any person who holds or applies for a license in this state pursuant to section 32-1668.

21. Adopt rules to establish competency standards for obtaining and maintaining a license.

22. Adopt rules to qualify and certify clinical nurse specialists.

23. Adopt rules to approve and reapprove refresher courses for nurses who are not currently practicing.

24. Maintain a list of approved medication assistant training programs.

25. Test and certify medication assistants.

26. Maintain a registry and disciplinary record of medication assistants who are certified pursuant to this chapter.

27. Adopt rules to establish the requirements for a clinical nurse specialist to prescribe and dispense drugs and devices consistent with section 32-1651 and within the clinical nurse specialist's population or disease focus.

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28. ISSUE REGISTRATIONS TO ADMINISTER GENERAL ANESTHESIA AND SEDATION IN DENTAL OFFICES AND DENTAL CLINICS PURSUANT TO SECTION 32-1272 TO CERTIFIED REGISTERED NURSE ANESTHETISTS WHO HAVE NATIONAL BOARD CERTIFICATION IN ANESTHESIOLOGY.

C. The board may conduct an investigation on receipt of information that indicates that a person or regulated party may have violated this chapter or a rule adopted pursuant to this chapter. Following the investigation, the board may take disciplinary action pursuant to this chapter.

D. The board may limit, revoke or suspend the privilege of a nurse to practice in this state granted pursuant to section 32-1668.

E. Failure to comply with any final order of the board, including an order of censure or probation, is cause for suspension or revocation of a license or a certificate.

F. The president or a member of the board designated by the president may administer oaths in transacting the business of the board.

EXPLANATION OF BLEND  
SECTION 32-2211

Laws 2023, Chapters 132 and 187

Laws 2023, Ch. 132, section 4

Effective October 30, 2023

Laws 2023, Ch. 187, section 1

Effective October 30, 2023

Explanation

Since these two enactments are compatible, the Laws 2023, Ch. 132 and Ch. 187 text changes to section 32-2211 are blended in the form shown on the following page.



BLEND OF SECTION 32-2211  
Laws 2023, Chapters 132 and 187

32-2211. Exceptions from application of chapter

This chapter ~~shall~~ DOES not apply to:

1. A commissioned veterinary medical officer of the United States armed services, ~~or~~ employees of the animal disease eradication division of the United States department of agriculture.

2. A person ~~treating~~ WHO TREATS an animal belonging to ~~himself~~ THE PERSON or ~~his~~ THE PERSON'S employer while in the regular service of ~~such~~ THAT employer, ~~or~~ the animal of another without compensation ~~therefor~~. Animals consigned by their legal owner for feeding or care to consignment livestock operations shall be considered to be the property of the consignee.

3. A licensed veterinarian of another state or foreign country ~~consulting~~ WHO CONSULTS with a licensed veterinarian in this state.

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

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

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

5. A veterinary assistant WHO IS employed by a licensed veterinarian ~~performing~~ AND WHO PERFORMS duties other than diagnosis, prognosis, prescription or surgery under the direct supervision or indirect supervision of ~~such~~ THE LICENSED veterinarian who ~~shall be~~ IS responsible for ~~such~~ THE VETERINARY assistant's performance.

6. AN EMERGENCY MEDICAL CARE TECHNICIAN WHO PROVIDES EMERGENCY TREATMENT PURSUANT TO SECTION 36-2230.

7. A PHYSICIAN WHO IS LICENSED PURSUANT TO CHAPTER 13 OR 17 OF THIS TITLE AND WHO PROVIDES ADMINISTRATIVE MEDICAL DIRECTION AS DEFINED IN SECTION 36-2201 OR ONLINE MEDICAL DIRECTION WITHIN THE EMERGENCY MEDICAL SERVICES AND TRAUMA SYSTEM TO AN EMERGENCY MEDICAL CARE TECHNICIAN WHO IS PROVIDING EMERGENCY TREATMENT PURSUANT TO SECTION 36-2230.

8. A RABIES VACCINATOR WHO IS CERTIFIED IN THE ADMINISTRATION OF RABIES VACCINES PURSUANT TO SECTION 32-2240.02.

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and 187

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EXPLANATION OF BLEND  
SECTION 32-2231

Laws 2023, Chapters 132 and 164

Laws 2023, Ch. 132, section 5

Effective October 30, 2023

Laws 2023, Ch. 164, section 1

Effective October 30, 2023

Explanation

Since these two enactments are compatible, the Laws 2023, Ch. 132 and Ch. 164 text changes to section 32-2231 are blended in the form shown on the following pages.

BLEND OF SECTION 32-2231  
Laws 2023, Chapters 132 and 164

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

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

1. By advertisement, or by any notice, sign or other indication, or by a statement written, printed or oral, in public or in private, made, done or procured by himself THE PERSON or any other at his THE PERSON'S request claims, announces, makes known or pretends ability or willingness to diagnose any animal condition, disease, deformity, defect, wound or injury or to perform any type of surgical procedure on animals.

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

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

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

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

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

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

B. This section does not apply to:

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

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

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

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

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

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

(ii) The examination of dental conditions.

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

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

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

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

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

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

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

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

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

5. AN ACUPUNCTURIST WHO IS TREATING AN ANIMAL PURSUANT TO SECTION 32-3928 AND WHO IS IN COMPLIANCE WITH ALL OF THE FOLLOWING:

(a) IS NATIONALLY CERTIFIED BY THE AMERICAN BOARD OF ANIMAL ACUPUNCTURE OR THE NATIONAL CERTIFICATION COMMISSION FOR ACUPUNCTURE AND ORIENTAL MEDICINE TO TREAT ANIMALS.

(b) PROVIDES PROOF OF CURRENT CERTIFICATION IN ANIMAL ACUPUNCTURE TO THE ACUPUNCTURE BOARD OF EXAMINERS.

(c) HAS RECEIVED A REFERRAL FOR ACUPUNCTURE TREATMENT FROM A LICENSED VETERINARIAN WHO HAS DIAGNOSED THE ANIMAL.

(d) MAINTAINS RECORDS ON EVERY ANIMAL AND PROVIDES THE RECORDS TO THE TREATING VETERINARIAN ON REQUEST.

(e) MAINTAINS ADEQUATE INSURANCE TO SPECIFICALLY COVER ANY INJURIES TO THE ANIMAL, THE ANIMAL'S OWNER OR STAFF MEMBERS WORKING ON THE ANIMAL.

(f) IF THE ACUPUNCTURIST IS NOT PROVIDING THE TREATMENT IN A LICENSED VETERINARY PREMISES THAT IS OPERATED BY A LICENSED VETERINARIAN, COMPLIES WITH ALL OF THE FOLLOWING:

(i) THE ANIMAL IS NOT TREATED IN THE SAME AREA AS HUMAN PATIENTS.

(ii) THE PREMISES HAS SECURED AREAS TO CONTAIN ANIMALS SAFELY DURING ANY TREATMENT.

(iii) THE STAFF IS TRAINED TO PROPERLY HOLD ANY ANIMAL BEING TREATED.

(iv) PROTOCOLS ARE IN PLACE TO HANDLE EMERGENCY SITUATIONS THAT MAY ARISE WITH THE ANIMAL THAT IS BEING TREATED.

(v) SANITATION PROTOCOLS ARE IN PLACE TO ENSURE HUMAN AND ANIMAL SAFETY.

(vi) ANY RULES ADOPTED BY THE ACUPUNCTURE BOARD OF EXAMINERS.

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(g) ASSESSES AND TREATS THE ANIMAL CONSISTENT WITH THE LICENSED ACUPUNCTURIST'S TRAINING AND, ON REQUEST, COMMUNICATES THE FINDINGS, TREATMENT AND RESULTS TO THE TREATING LICENSED VETERINARIAN IN A TIMELY MANNER. ON REQUEST, THE TREATING LICENSED VETERINARIAN SHALL PROVIDE THE TREATING ACUPUNCTURIST WITH ALL MEDICAL INFORMATION THAT MAY ASSIST IN THE TREATMENT OF THE ANIMAL.

(h) IS SOLELY LIABLE FOR THE ACUPUNCTURE TREATMENT PROVIDED TO THE ANIMAL THAT IS ALSO UNDER THE CARE OF A LICENSED VETERINARIAN.

Ch. 132

6. A RABIES VACCINATOR WHO IS CERTIFIED PURSUANT TO SECTION 32-2240.02.

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

D. For the purposes of this section:

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

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

EXPLANATION OF BLEND  
SECTION 32-2532

Laws 2023, Chapters 42 and 54

Laws 2023, Ch. 42, section 5

Effective October 30, 2023

Laws 2023, Ch. 54, section 4

Effective January 1, 2024

Explanation

Since these two enactments are compatible, the Laws 2023, Ch. 42 and Ch. 54 text changes to section 32-2532 are blended effective from and after December 31, 2023 in the form shown on the following pages.

BLEND OF SECTION 32-2532  
Laws 2023, Chapters 42 and 54

32-2532. Prescribing, administering and dispensing drugs;  
limits and requirements; notice

A. Except as provided in subsection ~~F~~ G of this section, a physician assistant shall not prescribe, dispense or administer:

1. A schedule II or schedule III controlled substance as defined in the ~~federal~~ controlled substances act of ~~1970~~ (P.L. 91-513; 84 Stat. 1242; 21 United States Code section 802) without ~~delegation by the supervising physician, board approval and United States drug enforcement administration registration.~~ IF THE PHYSICIAN ASSISTANT HAS LESS THAN EIGHT THOUSAND CLINICAL PRACTICE HOURS, THE SUPERVISION AGREEMENT SHALL SPECIFY THE PHYSICIAN ASSISTANT'S ABILITY TO PRESCRIBE, DISPENSE OR ADMINISTER A SCHEDULE II OR SCHEDULE III CONTROLLED SUBSTANCE.

2. A schedule IV or schedule V controlled substance as defined in the ~~federal~~ controlled substances act of ~~1970~~ without United States drug enforcement administration registration ~~and delegation by the supervising physician.~~ IF THE PHYSICIAN ASSISTANT HAS LESS THAN EIGHT THOUSAND CLINICAL PRACTICE HOURS, THE SUPERVISION AGREEMENT SHALL SPECIFY THE PHYSICIAN ASSISTANT'S ABILITY TO PRESCRIBE, DISPENSE OR ADMINISTER A SCHEDULE IV OR SCHEDULE V CONTROLLED SUBSTANCE.

~~3. Prescription-only medication without delegation by the supervising physician.~~

~~4.~~ 3. Prescription medication intended to perform or induce an abortion.

B. IF THE PHYSICIAN ASSISTANT HAS LESS THAN EIGHT THOUSAND CLINICAL PRACTICE HOURS, THE SUPERVISION AGREEMENT SHALL SPECIFY THE PHYSICIAN ASSISTANT'S ABILITY TO PRESCRIBE, DISPENSE OR ADMINISTER PRESCRIPTION-ONLY MEDICATION.

~~B.~~ C. All prescription orders issued by a physician assistant shall contain the name, address and telephone number of the physician assistant. A physician assistant shall issue prescription orders for controlled substances under the physician assistant's own United States drug enforcement administration registration number.

~~C.~~ D. If THE PHYSICIAN ASSISTANT IS certified for prescription privileges pursuant to section 32-2504, subsection A, initial prescriptions BY THE PHYSICIAN ASSISTANT for schedule II controlled substances that are opioids are subject to the limits prescribed in sections 32-3248 and 32-3248.01 ~~if the physician assistant has been delegated to prescribe schedule II controlled substances by the supervising physician pursuant to this section.~~ For each schedule IV or schedule V controlled substance, the physician assistant may not prescribe the controlled substance more than five times in a six-month period for each patient.

Ch. 54

Ch. 54 { ~~D.~~ E. A prescription BY A PHYSICIAN ASSISTANT for a schedule III controlled substance that is an opioid or benzodiazepine is not refillable without the written consent of the ~~supervising~~ A physician.

~~E.~~ F. A PHYSICIAN ASSISTANT MAY NOT DISPENSE, PRESCRIBE OR REFILL prescription-only drugs ~~shall not be dispensed, prescribed or refillable~~ for a period exceeding one year FOR EACH PATIENT.

~~F.~~ G. Except in an emergency, a physician assistant may dispense schedule II or schedule III controlled substances for a period of use of not to exceed seventy-two hours with board approval or any other controlled substance for a period of use of not to exceed ninety days and may administer controlled substances without board approval if it is medically indicated in an emergency dealing with potential loss of life or limb or major acute traumatic pain. Notwithstanding the authority granted in this subsection, a physician assistant may not dispense a schedule II controlled substance that is an opioid, except for an implantable device or an opioid that is ~~for medication-assisted treatment for substance use disorders OR AS PROVIDED IN SECTION 32-3248.03.~~

Ch. 42 { ~~G.~~ H. Except for samples provided by manufacturers, all drugs dispensed by a physician assistant shall be labeled to show the name of the physician assistant.

Ch. 54 { ~~H.~~ I. A physician assistant shall not obtain a drug from any source other than the ~~supervising~~ A physician or a pharmacist. A physician assistant may receive manufacturers' samples ~~if delegated to do so by the supervising physician.~~

~~I.~~ J. If a physician assistant is approved by the board to prescribe, administer or dispense schedule II and schedule III controlled substances, the physician assistant shall maintain an up-to-date and complete log of all schedule II and schedule III controlled substances the physician assistant administers or dispenses. The board may not grant a physician assistant the authority to dispense schedule II controlled substances that are opioids, except for implantable devices or opioids that are for medication-assisted treatment for substance use disorders.

Chs. 42 and 54 { ~~J.~~ K. The ARIZONA REGULATORY board OF PHYSICIAN ASSISTANTS shall advise the Arizona state board of pharmacy and the United States drug enforcement administration of all physician assistants who are authorized to prescribe or dispense drugs and any modification of their authority.

~~K.~~ L. The Arizona state board of pharmacy shall notify all pharmacies at least quarterly of physician assistants who are authorized to prescribe or dispense drugs.



EXPLANATION OF BLEND  
SECTION 33-1261

Laws 2023, Chapters 13 and 61

Laws 2023, Ch. 13, section 1

Effective October 30, 2023

Laws 2023, Ch. 61, section 1

Effective October 30, 2023

Explanation

Since these two enactments are compatible, the Laws 2023, Ch. 13 and Ch. 61 text changes to section 33-1261 are blended in the form shown on the following pages.

BLEND OF SECTION 33-1261  
Laws 2023, Chapters 13 and 61

33-1261. Flag display; for sale, rent or lease signs; political signs; political and community activities; applicability; definitions

A. Notwithstanding any provision in the condominium documents, an association shall not prohibit the outdoor display of any of the following:

1. The American flag or an official or replica of a flag of the uniformed services of the United States by a unit owner on that unit owner's property if the American flag or a uniformed services flag is displayed in a manner consistent with the federal flag code (P.L. 94-344; 90 Stat. 810; 4 United States Code sections 4 through 10).

2. The POW/MIA flag.

3. The Arizona state flag.

4. An Arizona Indian nations flag.

5. The Gadsden flag.

6. A first responder flag. A first responder flag may incorporate the design of one or two other first responder flags to form a combined flag.

7. A blue star service flag or a gold star service flag.

8. ANY HISTORIC VERSION OF THE AMERICAN FLAG, INCLUDING THE BETSY ROSS FLAG, WITHOUT REGARD TO HOW THE STARS AND STRIPES ARE ARRANGED ON THE FLAG.

Ch. 13

B. The association shall adopt reasonable rules and regulations regarding the placement and manner of display of the flags prescribed by subsection A of this section. The association rules may regulate the location and size of flagpoles but shall not prohibit installing a flagpole.

C. Notwithstanding any provision in the condominium documents, an association shall not prohibit or charge a fee for the use of, the placement of or the indoor or outdoor display of a for sale, for rent or for lease sign and a sign rider by a unit owner on that owner's property in any combination, including a sign that indicates the unit owner is offering the property for sale by owner. The size of a sign offering a property for sale, for rent or for lease shall be in conformance with the industry standard size sign, which shall not exceed eighteen by twenty-four inches, and the industry standard size sign rider, which shall not exceed six by twenty-four inches. This subsection applies only to a commercially produced sign and an association may prohibit using signs that are not commercially produced. With respect to real estate for sale, for rent or for lease in the condominium, an association shall not prohibit in any way other than as is specifically authorized by this section or otherwise regulate any of the following:

1. Temporary open house signs or a unit owner's for sale sign. The association shall not require the use of particular signs indicating an open house or real property for sale and may not further regulate the use of

temporary open house or for sale signs that are industry standard size and that are owned or used by the seller or the seller's agent.

2. Open house hours. The association may not limit the hours for an open house for real estate that is for sale in the condominium, except that the association may prohibit an open house being held before 8:00 a.m. or after 6:00 p.m. and may prohibit open house signs on the common elements of the condominium.

3. An owner's or an owner's agent's for rent or for lease sign unless an association's documents prohibit or restrict leasing of a unit or units. An association shall not further regulate a for rent or for lease sign or require the use of a particular for rent or for lease sign other than the for rent or for lease sign shall not be any larger than the industry standard size sign of eighteen by twenty-four inches and on or in the unit owner's property. If rental or leasing of a unit is allowed, the association may prohibit an open house for rental or leasing being held before 8:00 a.m. or after 6:00 p.m.

D. Notwithstanding any provision in the condominium documents, an association shall not prohibit door-to-door political activity, including solicitations of support or opposition regarding candidates or ballot issues, and shall not prohibit circulating political petitions, including candidate nomination petitions or petitions in support of or opposition to an initiative, referendum or recall or other political issue on property normally open to visitors within the association, except that an association may do the following:

1. Restrict or prohibit door-to-door political activity regarding candidates or ballot issues from sunset to sunrise.

2. Require the prominent display of an identification tag for each person engaged in the activity, along with the prominent identification of the candidate or ballot issue that is the subject of the support or opposition.

3. PROHIBIT A PERSON WHO IS NOT ACCOMPANIED BY A UNIT OWNER OR RESIDENT OF THE CONDOMINIUM FROM ENTERING THE CONDOMINIUM PREMISES IF THE CONDOMINIUM RESTRICTS VEHICULAR OR PEDESTRIAN ACCESS.

Ch. 61

E. Notwithstanding any provision in the condominium documents, an association shall not prohibit the indoor or outdoor display of a political sign by a unit owner by placement of a sign on that unit owner's property, including any limited common elements for that unit that are doors, walls or patios or other limited common elements that touch the unit, other than the roof. An association may prohibit the display of political signs as follows:

1. Earlier than seventy-one days before the day of a primary election.

2. Later than fifteen days after the day of the general election.

3. For a sign for a candidate in a primary election who does not advance to the general election, later than fifteen days after the primary election.

F. An association may regulate the size and number of political signs that may be placed in the common element ground, on a unit owner's property or on a limited common element for that unit if the association's regulation is not more restrictive than any applicable city, town or county ordinance

that regulates the size and number of political signs on residential property. If the city, town or county in which the property is located does not regulate the size and number of political signs on residential property, the association shall not limit the number of political signs, except that the maximum aggregate total dimensions of all political signs on a unit owner's property shall not exceed nine square feet. An association shall not make any regulations regarding the number of candidates supported, the number of public officers supported or opposed in a recall or the number of propositions supported or opposed on a political sign.

G. An association shall not require political signs to be commercially produced or professionally manufactured or prohibit the utilization of both sides of a political sign.

H. Notwithstanding any provision in the condominium documents, an association may not prohibit or unreasonably restrict the indoor or outdoor display of an association-specific political sign by a unit owner by placement of a sign on that unit owner's property, including any limited common elements for that unit that are doors, walls or patios or other limited common elements that touch the unit, other than the roof. An association may adopt reasonable rules regarding the placement, location and manner of display of association-specific political signs, except an association shall not do any of the following:

1. Prohibit the display of association-specific political signs between the date that the association provides written or absentee ballots to unit owners and three days after the condominium election.

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2. Limit the number of association-specific POLITICAL signs, except that the association may limit the aggregate total dimensions of all association-specific POLITICAL signs on a unit owner's property to not more than nine square feet.

3. Require association-specific political signs to be commercially produced or professionally manufactured or prohibit using both sides of the sign.

Ch. 61

4. Regulate the number of candidates supported or opposed, or the number of board members supported or opposed in a recall or the number of ballot measures supported or opposed on an association-specific political sign.

5. Make any other regulations regarding the content of an association-specific political sign, except that the association may prohibit using profanity and discriminatory text, images or content based on race, color, religion, sex, familial status or national origin as prescribed by federal or state fair housing laws.

Ch. 61

~~I. A condominium is not required to comply with subsection D of this section if the condominium restricts vehicular or pedestrian access to the condominium. This section does not require a condominium to make its common elements other than roadways and sidewalks that are normally open to visitors available for the circulation of political petitions to anyone who is not an owner or resident of the community.~~

I. Notwithstanding any provision in the condominium documents, an association may not prohibit or unreasonably restrict a unit owner's ability to peacefully assemble and use common elements of the condominium if done in compliance with reasonable restrictions for the use of that

property adopted by the board of directors. An individual unit owner or group of unit owners may assemble to discuss matters related to the condominium, including board of director elections or recalls, potential or actual ballot issues or revisions to the condominium documents, property maintenance or safety issues or any other condominium matters. A unit owner may invite one political candidate or one non-unit owner guest to speak to an assembly of unit owners about matters related to the condominium. The association shall not prohibit a unit owner from posting notices regarding those assemblies of unit owners on bulletin boards located on the common elements or within common element facilities. An assembly of unit owners prescribed by this subsection does not constitute an official unit owners' meeting unless the meeting is noticed and convened as prescribed in the condominium documents and this chapter.

~~K.~~ J. An association or managing agent that violates subsection C of this section forfeits and extinguishes the lien rights authorized under section 33-1256 against that unit for a period of six consecutive months after the date of the violation.

~~L.~~ K. This section does not apply to timeshare plans or associations that are subject to chapter 20 of this title.

~~M.~~ L. An association or managing agent that violates subsection C of this section forfeits and extinguishes the lien rights authorized under section 33-1256 against that unit for a period of six consecutive months after the date of the violation.

~~N.~~ M. For the purposes of this section:

Ch. 61 — 1. "Association-specific political sign" means a sign that supports or opposes a candidate for the board of directors, or the recall of a board member or a condominium ballot measure that requires a vote of the association unit owners.

Ch. 13 — 2. "BETSY ROSS FLAG" MEANS AN HISTORIC FLAG OF THE UNITED STATES THAT CONSISTS OF THIRTEEN STRIPES ALTERNATING BETWEEN RED AND WHITE STRIPES AND THIRTEEN FIVE-POINTED WHITE STARS ARRANGED IN A CIRCLE AGAINST A BLUE BACKGROUND.

~~3.~~ 3. "First responder flag" means a flag that recognizes and honors the services of any of the following:

(a) Law enforcement and that is limited to the colors blue, black and white, the words "law enforcement", "police", "officers", "first responder", "honor our", "support our" and "department" and the symbol of a generic police shield in a crest or star shape.

Chs. 13 and 61 — (b) Fire department DEPARTMENTS and that is limited to the colors red, gold, black and white, the words "fire", "fighters", "F", "D", "FD", "first responder", "department", "honor our" and "support our" and the symbol of a generic Maltese cross.

(c) Paramedics or emergency medical technicians and that is limited to the colors blue, black and white, the words "first responder", "paramedic", "emergency medical", "service", "technician", "honor our" and "support our" and the symbol of a generic star of life.

~~4.~~ 4. "Political sign" means a sign that attempts to influence the outcome of an election, including supporting or opposing the recall of a public officer or supporting or opposing the circulation of a petition for a ballot measure, question or proposition or the recall of a public officer.

EXPLANATION OF BLEND  
SECTION 33-1808

Laws 2023, Chapters 13 and 61

Laws 2023, Ch. 13, section 2

Effective October 30, 2023

Laws 2023, Ch. 61, section 2

Effective October 30, 2023

Explanation

Since these two enactments are compatible, the Laws 2023, Ch. 13 and Ch. 61 text changes to section 33-1808 are blended in the form shown on the following pages.

BLEND OF SECTION 33-1808  
Laws 2023, Chapters 13 and 61

33-1808. Flag display; political signs; caution signs; for sale, rent or lease signs; political and community activities; definitions

A. Notwithstanding any provision in the community documents, an association shall not prohibit the outdoor front yard or backyard display of any of the following:

1. The American flag or an official or replica of a flag of the uniformed services of the United States by an association member on that member's property if the American flag or a uniformed services flag is displayed in a manner consistent with the federal flag code (P.L. 94-344; 90 Stat. 810; 4 United States Code sections 4 through 10).

2. The POW/MIA flag.

3. The Arizona state flag.

4. An Arizona Indian nations flag.

5. The Gadsden flag.

6. A first responder flag. A first responder flag may incorporate the design of one or two other first responder flags to form a combined flag.

7. A blue star service flag or a gold star service flag.

Ch. 13 { 8. ANY HISTORIC VERSION OF THE AMERICAN FLAG, INCLUDING THE BETSY ROSS FLAG, WITHOUT REGARD TO HOW THE STARS AND STRIPES ARE ARRANGED ON THE FLAG.

B. The association shall adopt reasonable rules and regulations regarding the placement and manner of display of the flags prescribed by subsection A of this section. The association rules may regulate the location and size of flagpoles, may limit the member to displaying not more than two flags at once and may limit the height of the flagpole to not more than the height of the rooftop of the member's home but shall not prohibit installing a flagpole in the front yard or backyard of the member's property.

C. Notwithstanding any provision in the community documents, an association shall not prohibit the indoor or outdoor display of a political sign by an association member on that member's property, except that an association may prohibit the display of political signs as follows:

1. Earlier than seventy-one days before the day of a primary election.

2. Later than fifteen days after the day of the general election.

3. For a sign for a candidate in a primary election who does not advance to the general election, later than fifteen days after the primary election.

D. An association may regulate the size and number of political signs that may be placed on a member's property if the association's regulation is not more restrictive than any applicable city, town or county ordinance

that regulates the size and number of political signs on residential property. If the city, town or county in which the property is located does not regulate the size and number of political signs on residential property, the association shall not limit the number of political signs, except that the maximum aggregate total dimensions of all political signs on a member's property shall not exceed nine square feet.

E. Notwithstanding any provision in the community documents, an association shall not prohibit using cautionary signs regarding children if the signs are used and displayed as follows:

1. The signs are displayed in residential areas only.
2. The signs are removed within one hour of children ceasing to play.
3. The signs are displayed only when children are actually present within fifty feet of the sign.
4. The temporary signs are not taller than three feet in height.
5. The signs are professionally manufactured or produced.

F. Notwithstanding any provision in the community documents, an association shall not prohibit children who reside in the planned community from engaging in recreational activity on residential roadways that are under the jurisdiction of the association and on which the posted speed limit is twenty-five miles per hour or less.

G. Notwithstanding any provision in the community documents, an association shall not prohibit or charge a fee for the use of, the placement of or the indoor or outdoor display of a for sale, for rent or for lease sign and a sign rider by an association member on that member's property in any combination, including a sign that indicates the member is offering the property for sale by owner. The size of a sign offering a property for sale, for rent or for lease shall be in conformance with the industry standard size sign, which shall not exceed eighteen by twenty-four inches, and the industry standard size sign rider, which shall not exceed six by twenty-four inches. This subsection applies only to a commercially produced sign, and an association may prohibit using signs that are not commercially produced. With respect to real estate for sale, for rent or for lease in the planned community, an association shall not prohibit in any way other than as is specifically authorized by this section or otherwise regulate any of the following:

1. Temporary open house signs or a member's for sale sign. The association shall not require the use of particular signs indicating an open house or real property for sale and may not further regulate the use of temporary open house or for sale signs that are industry standard size and that are owned or used by the seller or the seller's agent.

2. Open house hours. The association may not limit the hours for an open house for real estate that is for sale in the planned community, except that the association may prohibit an open house being held before 8:00 a.m. or after 6:00 p.m. and may prohibit open house signs on the common areas of the planned community.

3. An owner's or an owner's agent's for rent or for lease sign unless an association's documents prohibit or restrict leasing of a member's property. An association shall not further regulate a for rent or for lease sign or require the use of a particular for rent or for lease sign other than the for rent or for lease sign shall not be any larger than the industry



standard size sign of eighteen by twenty-four inches on or in the member's property. If rental or leasing of a member's property is not prohibited or restricted, the association may prohibit an open house for rental or leasing being held before 8:00 a.m. or after 6:00 p.m.

H. Notwithstanding any provision in the community documents, an association shall not prohibit door-to-door political activity, including solicitations of support or opposition regarding candidates or ballot issues, and shall not prohibit circulating political petitions, including candidate nomination petitions or petitions in support of or opposition to an initiative, referendum or recall or other political issue on property normally open to visitors within the association, except that an association may do the following:

1. Restrict or prohibit the door-to-door political activity from sunset to sunrise.

2. Require the prominent display of an identification tag for each person engaged in the activity, along with the prominent identification of the candidate or ballot issue that is the subject of the support or opposition.

Ch. 61 — 3. PROHIBIT A PERSON WHO IS NOT ACCOMPANIED BY A MEMBER OR RESIDENT OF THE PLANNED COMMUNITY FROM ENTERING THE PLANNED COMMUNITY IF THE PLANNED COMMUNITY RESTRICTS VEHICULAR OR PEDESTRIAN ACCESS.

I. A planned community shall not make any regulations regarding the number of candidates supported, the number of public officers supported or opposed in a recall or the number of propositions supported or opposed on a political sign.

J. A planned community shall not require political signs to be commercially produced or professionally manufactured or prohibit the utilization of both sides of a political sign.

K. Notwithstanding any provision in the community documents, an association may not prohibit or unreasonably restrict the indoor or outdoor display of an association-specific political sign by a member by placement of a sign on that member's property. An association may adopt reasonable rules regarding the placement, location and manner of display of association-specific political signs, except an association shall not do any of the following:

1. Prohibit the display of association-specific political signs between the date that the association provides written or absentee ballots to members and three days after the planned community election.

Chs. 13 and 61 — 2. Limit the number of association-specific POLITICAL signs, except that the association may limit the aggregate total dimensions of all association-specific POLITICAL signs on a member's property to not more than nine square feet.

3. Require association-specific political signs to be commercially produced or professionally manufactured or prohibit using both sides of the sign.

Ch. 61 — 4. Regulate the number of candidates supported or opposed, or the number of board members supported or opposed in a recall or the number of ballot measures supported or opposed on an association-specific political sign.

5. Make any other regulations regarding the content of an association-specific political sign except that the association may prohibit using profanity and discriminatory text, images or content based on race, color, religion, sex, familial status or national origin as prescribed by federal or state fair housing laws.

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~~L. A planned community is not required to comply with subsection H of this section if the planned community restricts vehicular or pedestrian access to the planned community. This section does not require a planned community to make its common elements other than roadways and sidewalks that are normally open to visitors available for the circulation of political petitions to anyone who is not an owner or resident of the community.~~

~~M.~~ L. Notwithstanding any provision in the community documents, an association may not prohibit or unreasonably restrict a member's ability to peacefully assemble and use common areas of the planned community if done in compliance with reasonable restrictions for the use of that property adopted by the board of directors. An individual member or group of members may assemble to discuss matters related to the planned community, including board elections or recalls, potential or actual ballot issues or revisions to the community documents, property maintenance or safety issues or any other planned community matters. A member may invite one political candidate or one non-member guest to speak to an assembly of members about matters related to the community. The association shall not prohibit a member from posting notices regarding those assemblies of members on bulletin boards located on the common areas or within common area facilities. An assembly of members prescribed by this subsection does not constitute an official members' meeting unless the meeting is noticed and convened as prescribed in the community documents and this chapter.

~~N.~~ M. An association or managing agent that violates subsection G of this section forfeits and extinguishes the lien rights authorized under section 33-1807 against that member's property for a period of six consecutive months after the date of the violation.

~~O.~~ N. For the purposes of this section:

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1. "Association-specific political sign" means a sign that supports or opposes a candidate for the board of directors, ~~or~~ the recall of a board member or a planned community ballot measure that requires a vote of the association members.

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2. "BETSY ROSS FLAG" MEANS AN HISTORIC FLAG OF THE UNITED STATES THAT CONSISTS OF THIRTEEN STRIPES ALTERNATING BETWEEN RED AND WHITE STRIPES AND THIRTEEN FIVE-POINTED WHITE STARS ARRANGED IN A CIRCLE AGAINST A BLUE BACKGROUND.

~~2.~~ 3. "First responder flag" means a flag that recognizes and honors the services of any of the following:

(a) Law enforcement and that is limited to the colors blue, black and white, the words "law enforcement", "police", "officers", "first responder", "honor our", "support our" and "department" and the symbol of a generic police shield in a crest or star shape.

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(b) Fire department DEPARTMENTS and that is limited to the colors red, gold, black and white, the words "fire", "fighters", "F", "D", "FD", "first responder", "department", "honor our" and "support our" and the symbol of a generic Maltese Cross.

(c) Paramedics or emergency medical technicians and that is limited to the colors blue, black and white, the words "first responder", "paramedic", "emergency medical", "service", "technician", "honor our" and "support our" and the symbol of a generic star of life.

~~3.~~ 4. "Political sign" means a sign that attempts to influence the outcome of an election, including supporting or opposing the recall of a public officer or supporting or opposing the circulation of a petition for a ballot measure, question or proposition or the recall of a public officer.

EXPLANATION OF BLEND  
SECTION 36-501

Laws 2023, Chapters 91 and 103

Laws 2023, Ch. 91, section 1

Effective October 30, 2023

Laws 2023, Ch. 103, section 1

Effective October 30, 2023

Explanation

Since these two enactments are compatible, the Laws 2023, Ch. 91 and Ch. 103 text changes to section 36-501 are blended in the form shown on the following pages.

BLEND OF SECTION 36-501  
Laws 2023, Chapters 91 and 103

36-501. Definitions

In this chapter, unless the context otherwise requires:

1. "Administration" means the Arizona health care cost containment system administration.

2. "Admitting officer" means a psychiatrist or other physician or psychiatric and mental health nurse practitioner with experience in performing psychiatric examinations who has been designated as an admitting officer of the evaluation agency by the person in charge of the evaluation agency.

3. "Authorized transporter" means a transportation entity that is contracted with a city, town or county to provide services pursuant to this chapter and that is either:

(a) An ambulance service that holds a valid certificate of necessity.

(b) A transportation provider authorized by this state to provide safe behavioral health transportation for individuals requiring transportation pursuant to this chapter.

4. "Chief medical officer" means the chief medical officer under the supervision of the superintendent of the state hospital.

5. "Contraindicated" means that access is reasonably likely to endanger the life or physical safety of the patient or another person.

6. "Court" means the superior court in the county in this state in which the patient resides or was found before screening or emergency admission under this title.

7. "Criminal history" means police reports, lists of prior arrests and convictions, criminal case pleadings and court orders, including a determination that the person has been found incompetent to stand trial pursuant to section 13-4510.

8. "Danger to others" means that the judgment of a person who has a mental disorder is so impaired that the person is unable to understand the person's need for treatment and as a result of the person's mental disorder the person's continued behavior can reasonably be expected, on the basis of competent medical opinion, to result in serious physical harm.

9. "Danger to self":

(a) Means behavior that, as a result of a mental disorder:

(i) Constitutes a danger of inflicting serious physical harm on oneself, including attempted suicide or the serious threat thereof, if the threat is such that, when considered in the light of its context and in light of the individual's previous acts, it is substantially supportive of an expectation that the threat will be carried out.

(ii) Without hospitalization will result in serious physical harm or serious illness to the person.

(b) Does not include behavior that establishes only the condition of having a grave disability.

10. "Department" means the department of health services.

11. "Detention" means the taking into custody of a patient or proposed patient.

12. "Director" means the director of the administration.

13. "Evaluation" means:

(a) A professional multidisciplinary analysis that may include firsthand observations or remote observations by interactive audiovisual media and that is based on data describing the person's identity, biography and medical, psychological and social conditions carried out by a group of persons consisting of ~~not less than~~ AT LEAST the following:

Ch. 91 { (i) Two licensed physicians who are qualified psychiatrists, if possible, or at least experienced in psychiatric matters, ~~and~~ who shall examine and report their findings independently. The person against whom a petition has been filed shall be notified that the person may select one of the physicians. A psychiatric resident in a training program approved by the American medical association or by the American osteopathic association may examine the person in place of one of the psychiatrists if the resident is supervised in the examination and preparation of the affidavit and testimony in court by a qualified psychiatrist appointed to assist in the resident's training, and if the supervising psychiatrist is available for discussion with the attorneys for all parties and for court appearance and testimony if requested by the court or any of the attorneys.

(ii) Two other individuals, one of whom, if available, is a psychologist and in any event a social worker familiar with mental health and human services that may be available placement alternatives appropriate for treatment. An evaluation may be conducted on an inpatient basis, an outpatient basis or a combination of both, and every reasonable attempt shall be made to conduct the evaluation in any language preferred by the person.

(b) A physical examination that is consistent with the existing standards of care and that is performed by one of the evaluating physicians or by or under the supervision of a physician who is licensed pursuant to title 32, chapter 13 or 17 or a registered nurse practitioner who is licensed pursuant to title 32, chapter 15 if the results of that examination are reviewed or augmented by one of the evaluating physicians.

14. "Evaluation agency" means EITHER OF THE FOLLOWING:

(a) A health care agency that is licensed by the department AND THAT HAS BEEN APPROVED PURSUANT TO THIS TITLE TO PROVIDE THE SERVICES REQUIRED OF THAT AGENCY BY THIS CHAPTER.

Ch. 91 { (b) A FACILITY THAT IS EXEMPT FROM LICENSURE PURSUANT TO SECTION 36-402, THAT POSSESSES AN ACCREDITATION FROM EITHER A NATIONAL COMMISSION ON CORRECTIONAL HEALTH CARE OR AN AMERICAN CORRECTIONAL ASSOCIATION and that has been approved pursuant to this title, ~~providing those~~ TO PROVIDE THE services required of ~~such agency~~ THAT FACILITY by this chapter.

15. "Family member" means a spouse, parent, adult child, adult sibling or other blood relative of a person undergoing treatment or evaluation pursuant to this chapter.

16. "Grave disability" means a condition evidenced by behavior in which a person, as a result of a mental disorder, is likely to come to serious physical harm or serious illness because the person is unable to provide for the person's own basic physical needs.

17. "Health care decision maker" has the same meaning prescribed in section 12-2801.

18. "Health care entity" means a health care provider, the department, the administration or a regional behavioral health authority that is under contract with the administration.

19. "Health care provider" means a health care institution as defined in section 36-401 that is licensed as a behavioral health provider pursuant to department rules or a mental health provider.

20. "Independent evaluator" means a licensed physician, psychiatric and mental health nurse practitioner or psychologist who is selected by the  
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21. "Informed consent" means a voluntary decision following presentation of all facts necessary to form the basis of an intelligent consent by the patient or guardian with no minimizing of known dangers of any procedures.

22. "Least restrictive treatment alternative" means the treatment plan and setting that infringe in the least possible degree with the patient's right to liberty and that are consistent with providing needed treatment in a safe and humane manner.

23. "Licensed physician" means any medical doctor or doctor of osteopathy who is either:

(a) Licensed in this state.

(b) A full-time hospital physician licensed in another state and serving on the staff of a hospital operated or licensed by the United States government.

24. "Medical director of an evaluation agency" means a psychiatrist, or other licensed physician experienced in psychiatric matters, who is designated in writing by the governing body of the agency as the person in charge of the medical services of the agency for the purposes of this chapter and may include the chief medical officer of the state hospital.

25. "Medical director of a mental health treatment agency" means a psychiatrist, or other licensed physician experienced in psychiatric matters, who is designated in writing by the governing body of the agency as the person in charge of the medical services of the agency for the purposes of this chapter and includes the chief medical officer of the state hospital.

26. "Mental disorder" means a substantial disorder of the person's emotional processes, thought, cognition or memory. Mental disorder is distinguished from:

(a) Conditions that are primarily those of drug abuse, alcoholism or intellectual disability, unless, in addition to one or more of these conditions, the person has a mental disorder.

(b) The declining mental abilities that directly accompany impending death.

(c) Character and personality disorders characterized by lifelong and deeply ingrained antisocial behavior patterns, including sexual behaviors that are abnormal and prohibited by statute unless the behavior results from a mental disorder.

27. "Mental health provider" means any physician or provider of mental health or behavioral health services who is involved in evaluating, caring for, treating or rehabilitating a patient.

28. "Mental health treatment agency" means ANY OF THE FOLLOWING:

(a) The state hospital. or

(b) A health care agency that is licensed by the department AND THAT PROVIDES THE SERVICES THAT ARE REQUIRED OF THE AGENCY BY THIS CHAPTER.

(c) A FACILITY THAT IS EXEMPT FROM LICENSURE PURSUANT TO SECTION 36-402, THAT POSSESSES AN ACCREDITATION FROM EITHER A NATIONAL COMMISSION ON CORRECTIONAL HEALTH CARE OR AN AMERICAN CORRECTIONAL ASSOCIATION and that provides ~~those~~ THE services that are required of the ~~agency~~ FACILITY by this chapter.

29. "Outpatient treatment" or "combined inpatient and outpatient treatment" means any treatment program not requiring continuous inpatient hospitalization.

30. "Outpatient treatment plan" means a treatment plan that does not require continuous inpatient hospitalization.

31. "Patient" means any person who is undergoing examination, evaluation or behavioral or mental health treatment under this chapter.

32. "Peace officers" means sheriffs of counties, constables, marshals and policemen of cities and towns.

33. "Persistent or acute disability" means a severe mental disorder that meets all the following criteria:

(a) Significantly impairs judgment, reason, behavior or capacity to recognize reality.

(b) If not treated, has a substantial probability of causing the person to suffer or continue to suffer severe and abnormal mental, emotional or physical harm.

(c) Substantially impairs the person's capacity to make an informed decision regarding treatment, and this impairment causes the person to be incapable of understanding and expressing an understanding of the advantages and disadvantages of accepting treatment and understanding and expressing an understanding of the alternatives to the particular treatment offered after the advantages, disadvantages and alternatives are explained to that person.

(d) Has a reasonable prospect of being treatable by outpatient, inpatient or combined inpatient and outpatient treatment.

34. "Prepetition screening" means the review of each application requesting court-ordered evaluation, including an investigation of facts alleged in the application, an interview with each applicant and an interview, if possible, with the proposed patient. The purpose of the interview with the proposed patient is to assess the problem, explain the application and, when indicated, attempt to persuade the proposed patient to receive, on a voluntary basis, evaluation or other services.

35. "Prescribed form" means a form established by a court or the rules of the administration in accordance with the laws of this state.

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36. "Professional" means a physician who is licensed pursuant to title 32, chapter 13 or 17, a psychologist who is licensed pursuant to title 32, chapter 19.1 or a psychiatric and mental health nurse practitioner who is certified pursuant to title 32, chapter 15.

37. "Proposed patient" means a person for whom an application for evaluation has been made or a petition for court-ordered evaluation has been filed.

38. "Prosecuting agency" means the county attorney, attorney general or city attorney who applied or petitioned for an evaluation or treatment pursuant to this chapter.

39. "Psychiatric and mental health nurse practitioner" means a registered nurse practitioner as defined in section 32-1601 who has completed an adult or family psychiatric and mental health nurse practitioner program and who is certified as an adult or family psychiatric and mental health nurse practitioner by the state board of nursing.

40. "Psychiatrist" means a licensed physician who has completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association.

41. "Psychologist" means a person who is licensed under title 32, chapter 19.1 and who is experienced in the practice of clinical psychology.

42. "Records" means all communications that are recorded in any form or medium and that relate to patient examination, evaluation or behavioral or mental health treatment. Records include medical records that are prepared by a health care provider or other providers. Records do not include:

(a) Materials that are prepared in connection with utilization review, peer review or quality assurance activities, including records that a health care provider prepares pursuant to section 36-441, 36-445, 36-2402 or 36-2917.

(b) Recorded telephone and radio calls to and from a publicly operated emergency dispatch office relating to requests for emergency services or reports of suspected criminal activity.

43. "Regional behavioral health authority" has the same meaning prescribed in section 36-3401.

44. "Screening agency" means a health care agency that is licensed by the department and that provides those services required of ~~such~~ THE agency by this chapter.

45. "Social worker" means a person who has completed two years of graduate training in social work in a program approved by the council of social work education and who has experience in mental health.

46. "State hospital" means the Arizona state hospital.

47. "Superintendent" means the superintendent of the state hospital.

48. "VOLUNTARY EVALUATION" MEANS THE ONGOING COLLECTION AND ANALYSIS OF A PERSON'S MEDICAL, PSYCHOLOGICAL, PSYCHIATRIC AND SOCIAL CONDITIONS IN ORDER TO INITIALLY DETERMINE IF A HEALTH DISORDER EXISTS AND IF THERE IS A NEED FOR BEHAVIORAL HEALTH SERVICES AND, ON AN ONGOING BASIS, TO ENSURE THAT THE PERSON'S SERVICE PLAN IS DESIGNED TO MEET THE PERSON'S AND THE PERSON'S FAMILY'S CURRENT NEEDS AND LONG-TERM GOALS.

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EXPLANATION OF BLEND  
SECTION 36-2201 (as amended by Laws 2022, chapter 381, section 1)

Laws 2023, Chapters 165 and 187

Laws 2023, Ch. 165, section 1

Effective January 1, 2024

Laws 2023, Ch. 187, section 3

Effective January 1, 2024

Explanation

Since these two enactments are compatible, the Laws 2023, Ch. 165 and Ch. 187 text changes to section 36-2201, as amended by Laws 2022, chapter 381, section 1, are blended effective from and after December 31, 2023 in the form shown on the following pages.

BLEND OF SECTION 36-2201 (as amended by Laws 2022, chapter 381, section 1)  
Laws 2023, Chapters 165 and 187

36-2201. Definitions

In this chapter, unless the context otherwise requires:

1. "Administrative medical direction" means supervision of emergency medical care technicians by a base hospital medical director, administrative medical director or basic life support medical director. For the purposes of this paragraph, "administrative medical director" means a physician who is licensed pursuant to title 32, chapter 13 or 17 and who provides direction within the emergency medical services and trauma system.

2. "Advanced emergency medical technician" means a person who has been trained in an advanced emergency medical technician program certified by the director or in an equivalent training program and who is certified by the director to render services pursuant to section 36-2205.

3. "Advanced life support" means the level of assessment and care identified in the scope of practice approved by the director for the advanced emergency medical technician, emergency medical technician I-99 and paramedic.

4. "Advanced life support base hospital" means a health care institution that offers general medical and surgical services, that is certified by the director as an advanced life support base hospital and that is affiliated by written agreement with a licensed ambulance service, municipal rescue service, fire department, fire district or health services district for medical direction, evaluation and control of emergency medical care technicians.

5. "Ambulance":

(a) Means any publicly or privately owned surface, water or air vehicle, including a helicopter, that contains a stretcher and necessary medical equipment and supplies pursuant to section 36-2202 and that is especially designed and constructed or modified and equipped to be used, maintained or operated primarily to transport individuals who are sick, injured or wounded or who require medical monitoring or aid.

(b) Does not include a surface vehicle that is owned and operated by a private sole proprietor, partnership, private corporation or municipal corporation for the emergency transportation and in-transit care of its employees or a vehicle that is operated to accommodate an incapacitated person or person with a disability who does not require medical monitoring, care or treatment during transport and that is not advertised as having medical equipment and supplies or ambulance attendants.

6. "Ambulance attendant" means any of the following:
  - (a) An emergency medical technician, an advanced emergency medical technician, an emergency medical technician I-99 or a paramedic whose primary responsibility is the care of patients in an ambulance and who meets the standards and criteria adopted pursuant to section 36-2204.
  - (b) An emergency medical responder who is employed by an ambulance service operating under section 36-2202 and whose primary responsibility is driving an ambulance.
  - (c) A physician who is licensed pursuant to title 32, chapter 13 or 17.
  - (d) A professional nurse who is licensed pursuant to title 32, chapter 15 and who meets the state board of nursing criteria to care for patients in the prehospital care system.
  - (e) A professional nurse who is licensed pursuant to title 32, chapter 15 and whose primary responsibility is the care of patients in an ambulance during an interfacility transport.
7. "Ambulance service" means a person who owns and operates one or more ambulances.
8. "Basic life support" means the level of assessment and care identified in the scope of practice approved by the director for the emergency medical responder and emergency medical technician.
9. "Bureau" means the bureau of emergency medical services and trauma system in the department.
10. "Centralized medical direction communications center" means a facility that is housed within a hospital, medical center or trauma center or a freestanding communication center that meets the following criteria:
  - (a) Has the ability to communicate with ambulance services and emergency medical services providers rendering patient care outside of the hospital setting via radio and telephone.
  - (b) Is staffed twenty-four hours a day seven days a week by at least a physician licensed pursuant to title 32, chapter 13 or 17.
11. "Certificate of necessity" means a certificate that is issued to an ambulance service by the department and that describes the following:
  - (a) The service area.
  - (b) The level of service.
  - (c) The type of service.
  - (d) The hours of operation.
  - (e) The effective date.
  - (f) The expiration date.
  - (g) The legal name and address of the ambulance service.
  - (h) The any limiting or special provisions the director prescribes.
12. "Council" means the emergency medical services council.
13. "Department" means the department of health services.
14. "Director" means the director of the department of health services.
15. "Emergency medical care technician" means an individual who has been certified by the department as an emergency medical technician, an advanced emergency medical technician, an emergency medical technician I-99 or a paramedic.

16. "Emergency medical responder" as an ambulance attendant, whose primary responsibility is driving an ambulance, means a person who has successfully completed training in an emergency medical responder program that is certified by the director or IS APPROVED BY THE EMERGENCY MEDICAL SERVICES PROVIDER'S ADMINISTRATIVE MEDICAL DIRECTOR ON FILE WITH THE DEPARTMENT OR in an equivalent training program ~~or who is approved by the emergency medical services provider's administrative medical director on file with the department.~~

17. "Emergency medical responder program" means a program that includes at least the following:

- (a) Emergency vehicle driver training.
- (b) Cardiopulmonary resuscitation certification.
- (c) Automated external defibrillator training.
- (d) Training in the use of noninvasive diagnostic devices, including blood glucose monitors and pulse oximeters.
- (e) Training on obtaining a patient's vital signs, including blood pressure, pulse and respiratory rate.

18. "Emergency medical services" means those services required following an accident or an emergency medical situation:

- (a) For on-site emergency medical care.
- (b) To transport the sick or injured by a licensed ground or air ambulance.
- (c) In using emergency communications media.
- (d) In using emergency receiving facilities.
- (e) In administering initial care and preliminary treatment procedures by emergency medical care technicians.

19. "Emergency medical services provider" means any governmental entity, quasi-governmental entity or corporation whether public or private that renders emergency medical services in this state.

20. "Emergency medical technician" means a person who has been trained in an emergency medical technician program certified by the director or in an equivalent training program and who is certified by the director as qualified to render services pursuant to section 36-2205.

21. "Emergency receiving facility" means a licensed health care institution that offers emergency medical services, is staffed twenty-four hours a day and has a physician on call.

22. "Fit and proper" means that the director determines that an applicant for a certificate of necessity or a certificate holder has the expertise, integrity, fiscal competence and resources to provide ambulance service in the service area.

23. "Medical record" means any patient record, including clinical records, prehospital care records, medical reports, laboratory reports and statements, any file, film, record or report or oral statements relating to diagnostic findings, treatment or outcome of patients, whether written, electronic or recorded, and any information from which a patient or the patient's family might be identified.

24. "National certification organization" means a national organization that tests and certifies the ability of an emergency medical care technician and whose tests are based on national education standards.

25. "National education standards" means the emergency medical services education standards of the United States department of transportation or other similar emergency medical services education standards developed by that department or its successor agency.

26. "Paramedic" means a person who has been trained in a paramedic program certified by the director or in an equivalent training program and who is certified by the director to render services pursuant to section 36-2205.

27. "Physician" means any person licensed pursuant to title 32, chapter 13 or 17.

28. "POLICE DOG":

(a) MEANS A SPECIALLY TRAINED DOG THAT IS OWNED OR USED BY A LAW ENFORCEMENT DEPARTMENT OR AGENCY OF THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE AND THAT IS USED IN THE COURSE OF THE DEPARTMENT'S OR AGENCY'S OFFICIAL WORK.

(b) INCLUDES A SEARCH AND RESCUE DOG, SERVICE DOG, ACCELERANT DETECTION CANINE OR OTHER DOG THAT IS IN USE BY THE LAW ENFORCEMENT DEPARTMENT OR AGENCY FOR OFFICIAL DUTIES.

~~28.~~ 29. "Stretcher van" means a vehicle that contains a stretcher and that is operated to accommodate an incapacitated person or person with a disability who does not require medical monitoring, aid, care or treatment during transport.

~~29.~~ 30. "Suboperation station" means a physical facility or location at which an ambulance service conducts operations for the dispatch of ambulances and personnel and that may be staffed twenty-four hours a day or less as determined by system use.

~~30.~~ 31. "Trauma center" means any acute care hospital that provides in-house twenty-four-hour daily dedicated trauma surgical services that is designated pursuant to section 36-2225.

~~31.~~ 32. "Trauma registry" means data collected by the department on trauma patients and on the incidence, causes, severity, outcomes and operation of a trauma system and its components.

~~32.~~ 33. "Trauma system" means an integrated and organized arrangement of health care resources having the specific capability to perform triage, transport and provide care.

~~33.~~ 34. "Validated testing procedure" means a testing procedure that includes practical skills, or attests practical skills proficiency on a form developed by the department by the educational training program, identified pursuant to section 36-2204, paragraph 2, that is certified as valid by an organization capable of determining testing procedure and testing content validity and that is recommended by the medical direction commission and the emergency medical services council before the director's approval.

~~34.~~ 35. "Wheelchair van" means a vehicle that contains or that is designed and constructed or modified to contain a wheelchair and that is operated to accommodate an incapacitated person or person with a disability who does not require medical monitoring, aid, care or treatment during transport.

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EXPLANATION OF BLEND

SECTION 36-2202 (as amended by Laws 2022, chapter 381, section 2)

Laws 2023, Chapters 43 and 165

Laws 2023, Ch. 43, section 2

Effective January 1, 2024

Laws 2023, Ch. 165, section 2

Effective January 1, 2024

Explanation

Since these two enactments are compatible, the Laws 2023, Ch. 43 and Ch. 165 text changes to section 36-2202, as amended by Laws 2022, chapter 381, section 2, are blended effective from and after December 31, 2023 in the form shown on the following pages.

BLEND OF SECTION 36-2202 (as amended by Laws 2022, chapter 381, section 2)  
Laws 2023, Chapters 43 and 165

36-2202. Duties of the director; qualifications of medical director

A. The director shall:

1. Appoint a medical director of the emergency medical services and trauma system.

2. Adopt standards and criteria for the denial or granting of certification and recertification of emergency medical care technicians. These standards shall allow the department to certify qualified emergency medical care technicians who have completed statewide standardized training required under section 36-2204, paragraph 1 and a standardized certification test required under section 36-2204, paragraph 2, ~~or~~ who hold valid certification with a national certification organization OR WHO HAVE COMPLETED TRAINING AND TESTING BY THE UNITED STATES ARMED FORCES AT A LEVEL COMPARABLE TO THE NATIONAL STANDARDS FOR EMERGENCY MEDICAL CARE TECHNICIANS. Before the director may consider approving a statewide standardized training or a standardized certification test, or both, each of these must first be recommended by the medical direction commission and the emergency medical services council to ensure that the standardized training content is consistent with national education standards and that the standardized certification test examines comparable material to that examined in the tests of a national certification organization.

3. Adopt standards and criteria that pertain to the quality of emergency care pursuant to section 36-2204.

4. Adopt rules necessary to carry out this chapter. Each rule shall identify all sections and subsections of this chapter under which the rule was formulated.

5. Adopt reasonable medical equipment, supply, staffing and safety standards, criteria and procedures to issue a certificate of registration to operate an ambulance.

6. Maintain a state system for recertifying emergency medical care technicians, except as otherwise provided by section 36-2202.01, that is independent from any national certification organization recertification process. This system shall allow emergency medical care technicians to choose to be recertified under the state or the national certification organization recertification system subject to subsection H of this section.

B. Emergency medical technicians who choose the state recertification process shall recertify in one of the following ways:

1. Successfully completing an emergency medical technician refresher course approved by the department.

2. Successfully completing an emergency medical technician challenge course approved by the department.

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3. For emergency medical care technicians who are currently certified at the emergency medical technician level by the department, attesting on a form provided by the department that the applicant holds a valid and current cardiopulmonary resuscitation certification, has and will maintain documented proof of a minimum of twenty-four hours of continuing medical education within the last two years consistent with department rules and has functioned in the capacity of an emergency medical technician for at least two hundred forty hours during the last two years.

C. After consultation with the emergency medical services council, the director may authorize pilot programs designed to improve the safety and efficiency of ambulance inspections for governmental or quasi-governmental entities that provide emergency medical services in this state.

D. The rules, standards and criteria adopted by the director pursuant to subsection A, paragraphs 2, 3, 4 and 5 of this section shall be adopted in accordance with title 41, chapter 6, except that the director may adopt on an emergency basis pursuant to section 41-1026 rules relating to the regulation of ambulance services in this state necessary to protect the public peace, health and safety in advance of adopting rules, standards and criteria as otherwise provided by this subsection.

E. The director may waive the requirement for compliance with a protocol adopted pursuant to section 36-2205 if the director determines that the techniques, drug formularies or training makes the protocol inconsistent with contemporary medical practices.

F. The director may suspend a protocol adopted pursuant to section 36-2205 if the director does all of the following:

1. Determines that the rule is not in the public's best interest.
2. Initiates procedures pursuant to title 41, chapter 6 to repeal the rule.
3. Notifies all interested parties in writing of the director's action and the reasons for that action. Parties interested in receiving notification shall submit a written request to the director.

G. To be eligible for appointment as the medical director of the emergency medical services and trauma system, the person shall be qualified in emergency medicine and shall be licensed as a physician in one of the states of the United States.

H. Applicants for certification shall apply to the director for certification. Emergency medical care technicians shall apply for recertification to the director every two years. The director may extend the expiration date of an emergency medical care technician's certificate for thirty days. The department shall establish a fee for this extension by rule. Emergency medical care technicians shall pass an examination administered by the department as a condition for recertification only if required to do so by the advanced life support base hospital's medical director or the emergency medical care technician's medical director.

I. The medical director of the emergency medical services and trauma system is exempt from title 41, chapter 4, articles 5 and 6 and is entitled to receive compensation pursuant to section 38-611, subsection A.

J. The standards, criteria and procedures adopted by the director pursuant to subsection A, paragraph 5 of this section shall require that ambulance services[:]

1. Providing interfacility transportation ~~or~~ IN ANY CERTIFICATE OF NECESSITY AREA OF THIS STATE HAVE AT LEAST ONE AMBULANCE ATTENDANT AS DEFINED IN SECTION 36-2201, PARAGRAPH 6, SUBDIVISION (a), (c), (d) OR (e) AND ONE AMBULANCE ATTENDANT AS DEFINED IN SECTION 36-2201, PARAGRAPH 6, SUBDIVISION (a) OR (b) STAFFING AN AMBULANCE WHILE TRANSPORTING A PATIENT.

2. Serving a rural or wilderness certificate of necessity area with a population of less than ten thousand persons have at least one ambulance attendant as defined in section 36-2201, paragraph 6, subdivision (a), (c), (d) OR (e) and one ambulance attendant as defined in section 36-2201, paragraph 6, subdivision (a) OR (b) staffing an ambulance while transporting a patient. ~~and that ambulance services providing interfacility transportation or~~

3. Serving a population of ten thousand persons or more have at least one ambulance attendant as defined in section 36-2201, paragraph 6, subdivision (a) and one ambulance attendant as defined in section 36-2201, paragraph 6, subdivision (a), (c), (d) or (e) staffing an ambulance while transporting a patient.

K. If the department determines there is not a qualified administrative medical director, the department shall ensure the provision of administrative medical direction for an emergency medical technician if the emergency medical technician meets all of the following criteria:

1. Is employed by a nonprofit or governmental provider employing less than twelve full-time emergency medical technicians.

2. Stipulates to the inability to secure a physician who is willing to provide administrative medical direction.

3. Stipulates that the provider agency does not provide administrative medical direction for its employees.

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EXPLANATION OF BLEND  
SECTION 38-842.01

Laws 2023, Chapters 6 and 48

Laws 2023, Ch. 6, section 1

Effective October 30, 2023

Laws 2023, Ch. 48, section 1

Effective October 30, 2023

Explanation

Since these two enactments are compatible, the Laws 2023, Ch. 6 and Ch. 48 text changes to section 38-842.01 are blended in the form shown on the following pages.

BLEND OF SECTION 38-842.01  
Laws 2023, Chapters 6 and 48

38-842.01. Benefit election; eligibility; disability; death;  
employees hired on or after July 1, 2017

A. An employee who is hired on or after July 1, 2017 and who was not an active, an inactive or a retired member of the system or a member of the system with a disability on June 30, 2017 is eligible to participate in the system or the public safety personnel defined contribution retirement plan established pursuant to article 4.1 of this chapter, depending on the employee's election under this section. The employee's participation in either the system or the public safety personnel defined contribution retirement plan established pursuant to article 4.1 of this chapter begins ninety days after the date the employee is hired. Unless the elections made under this section are made before the ninetieth day after the date of employment, the employee is automatically enrolled in the system for the remainder of the employee's employment ~~with any employer under the system.~~ Any election made under this section is irrevocable and is the employee's election for the remainder of the employee's employment ~~with any employer under the system, regardless of whether the employee's employment is continuous.~~ IF AN EMPLOYEE IS SUBSEQUENTLY REHIRED AFTER A BONA FIDE TERMINATION OF EMPLOYMENT FROM THE EMPLOYEE'S EMPLOYER OF NOT LESS THAN SIX MONTHS WITH NO PREARRANGED REEMPLOYMENT AGREEMENT WITH THE EMPLOYER OR HIRED BY A NEW EMPLOYER, THE EMPLOYEE MAY MAKE A NEW ELECTION UNDER THIS SECTION BEFORE THE NINETIETH DAY AFTER THE DATE OF HIRE. IF THE EMPLOYEE DOES NOT MAKE A NEW ELECTION WITHIN THAT TIME FRAME, THE EMPLOYEE'S PREVIOUS ELECTION WILL CONTINUE. The employee may make one of the following irrevocable elections:

1. To participate solely in the system.
2. To participate solely in the public safety personnel defined contribution retirement plan established pursuant to article 4.1 of this chapter.

B. An employee who makes an election to participate solely in the system or is automatically enrolled in the system pursuant to subsection A of this section and who is not covered by the federal old age and survivors insurance system is also enrolled in the public safety personnel defined contribution retirement plan established pursuant to article 4.1 of this chapter during any period that the employee is not covered by the federal old age and survivors insurance system through an employer under the system. If such employee is subsequently covered by the federal old age and survivors insurance system, the employee and the employer may not make any contributions on the employee's behalf to the public safety personnel defined contribution retirement plan established pursuant to article 4.1 of this chapter that are described in section 38-867, subsection A, paragraph 1 or subsection B during the period the employee is covered by the federal

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old age and survivors insurance system. If at any later time the employee is not covered by the federal old age and survivors insurance system through an employer under the system, the employee and the employer shall again be required to contribute on behalf of the employee to the public safety personnel defined contribution retirement plan established pursuant to article 4.1 of this chapter as required by section 38-867, subsection A, paragraph 1 and, if the employee made an irrevocable election to contribute more of the employee's gross pensionable compensation to the public safety personnel defined contribution retirement plan as provided in section 38-867, subsection B, such contributions shall be reestablished for the period the employee is not covered by the federal old age and survivors insurance system.

C. If an employee in the employee's first ninety days of employment is determined to be eligible for an accidental or catastrophic disability pension pursuant to section 38-844, the employee shall be automatically enrolled in the system for the remainder of the employee's employment with any employer under the system commencing on the employee's date of disability and shall receive an accidental or catastrophic disability pension as prescribed in this article.

D. If an employee in the employee's first ninety days of employment is killed in the line of duty or dies from injuries suffered in the line of duty, the employee shall be considered as having been enrolled in the system and the surviving spouse of the deceased employee is eligible for survivor benefits as prescribed in this article.

E. IF AN EMPLOYEE WHO IS HIRED ON OR AFTER JULY 1, 2017 AND WHO IS AN ACTIVE OR INACTIVE MEMBER OF THE SYSTEM OR A PARTICIPANT IN THE PUBLIC SAFETY PERSONNEL DEFINED CONTRIBUTION PLAN ESTABLISHED PURSUANT TO ARTICLE 4.1 OF THIS CHAPTER IS SUBSEQUENTLY REHIRED BY THE EMPLOYEE'S PREVIOUS EMPLOYER OR ANOTHER EMPLOYER UNDER THE SYSTEM, THE EMPLOYEE'S PARTICIPATION IN EITHER THE SYSTEM OR THE PUBLIC SAFETY PERSONNEL DEFINED CONTRIBUTION PLAN, FOR WHICH THE EMPLOYEE HAD ELECTED TO PARTICIPATE, BEGINS ON THE DATE THE EMPLOYEE IS REHIRED OR HIRED BY ANOTHER EMPLOYER.

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EXPLANATION OF BLEND  
SECTION 38-881.01

Laws 2023, Chapters 6 and 48

Laws 2023, Ch. 6, section 3

Effective October 30, 2023

Laws 2023, Ch. 48, section 3

Effective October 30, 2023

Explanation

Since these two enactments are compatible, the Laws 2023, Ch. 6 and Ch. 48 text changes to section 38-881.01 are blended in the form shown on the following pages.

BLEND OF SECTION 38-881.01  
Laws 2023, Chapters 6 and 48

38-881.01. Employees hired on or after July 1, 2018; defined  
contribution plan; benefit election; disability

A. Except as provided in subsection B of this section, an employee who is hired on or after July 1, 2018, who is a member as defined in section 38-881, paragraph 27, subdivision (a) and who was not an active, an inactive or a retired member of the plan or a member of the plan with a disability on June 30, 2018 shall participate in the public safety personnel defined contribution retirement plan established pursuant to article 4.1 of this chapter. For an employee who is hired on or after September 1, 2019, the employee's participation in the public safety personnel defined contribution retirement plan established pursuant to article 4.1 of this chapter begins ninety days after the date the employee is hired.

B. An employee who is hired on or after July 1, 2018, who is in a designated position as defined in section 38-881, paragraph 13, subdivision (g) and who was not an active, an inactive or a retired member of the plan or a member of the plan with a disability on June 30, 2018 is eligible to participate in the corrections officer retirement plan or the public safety personnel defined contribution retirement plan established pursuant to article 4.1 of this chapter, depending on the employee's election under this section. During the first sixty days of an employee's employment and before the employee makes a decision regarding the individual's retirement plan, the board shall provide each probation and surveillance officer who is hired on or after July 1, 2018 interactive, objective educational training, counseling and participant-specific plan information about both the corrections officer retirement plan and the public safety personnel defined contribution retirement plan options. The employee's participation in either the plan or the public safety personnel defined contribution retirement plan established pursuant to article 4.1 of this chapter begins ninety days after the date the employee is hired. Unless the elections made under this section are made before the ninetieth day after the date of employment, the employee is automatically enrolled in the plan for the

~~remainder of the employee's employment with any employer under the plan. Any election made under this section is irrevocable and is the employee's election for the remainder of the employee's employment with any employer under the plan, regardless of whether the employee's employment is continuous~~

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, UNLESS THE EMPLOYEE IS SUBSEQUENTLY IN A POSITION THAT ALLOWS FOR AN ELECTION UNDER THIS SECTION.

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IF AN EMPLOYEE IS SUBSEQUENTLY REHIRED AFTER A BONA FIDE TERMINATION OF EMPLOYMENT FROM THE EMPLOYEE'S EMPLOYER OF NOT LESS THAN SIX MONTHS WITH NO PREARRANGED REEMPLOYMENT AGREEMENT WITH THE EMPLOYER OR HIRED BY A NEW EMPLOYER, THE EMPLOYEE MAY MAKE A NEW ELECTION UNDER THIS SECTION BEFORE THE NINETIETH DAY AFTER THE DATE OF HIRE. IF THE EMPLOYEE DOES NOT MAKE A NEW ELECTION WITHIN THAT TIME FRAME, THE EMPLOYEE'S PREVIOUS ELECTION WILL CONTINUE. The employee may make one of the following irrevocable elections:

1. To participate solely in the corrections officer retirement plan.
2. To participate solely in the public safety personnel defined contribution retirement plan established pursuant to article 4.1 of this chapter.

C. If an employee specified in subsection B of this section in the employee's first ninety days of employment is determined to be eligible for an accidental or total and permanent disability pension pursuant to section 38-886, the employee shall be automatically enrolled in the corrections officer retirement plan for the remainder of the employee's employment with any employer under the plan commencing on the employee's date of disability and shall receive an accidental or total and permanent disability pension as prescribed in this article.

D. If an employee specified in subsection B of this section in the employee's first ninety days of employment is killed in the line of duty or dies from injuries suffered in the line of duty, the employee shall be considered as having been enrolled in the corrections officer retirement plan and the surviving spouse of the deceased employee is eligible for survivor benefits as prescribed in this article.

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E. NOTWITHSTANDING SUBSECTION B OF THIS SECTION, IF AN EMPLOYEE WHO IS HIRED ON OR AFTER JULY 1, 2018 AND WHO IS AN ACTIVE OR INACTIVE MEMBER OF THE PLAN OR A PARTICIPANT IN THE PUBLIC SAFETY PERSONNEL DEFINED CONTRIBUTION PLAN ESTABLISHED PURSUANT TO ARTICLE 4.1 OF THIS CHAPTER IS SUBSEQUENTLY REHIRED BY THE EMPLOYEE'S PREVIOUS EMPLOYER OR ANOTHER EMPLOYER UNDER THE PLAN, THE EMPLOYEE'S PARTICIPATION IN EITHER THE PLAN OR THE PUBLIC SAFETY PERSONNEL DEFINED CONTRIBUTION PLAN, FOR WHICH THE EMPLOYEE HAD ELECTED TO PARTICIPATE, BEGINS ON THE DATE THE EMPLOYEE IS REHIRED OR HIRED BY ANOTHER EMPLOYER. IF THE EMPLOYEE MAKES A NEW ELECTION PURSUANT TO SUBSECTION B OF THIS SECTION, THE EMPLOYEE'S PARTICIPATION IN THE PREVIOUS PLAN CONTINUES UNTIL THE DATE IN WHICH THE EMPLOYEE MAKES A DIFFERENT ELECTION, NOT TO EXCEED NINETY DAYS AFTER THE DATE OF HIRE FOR THE ELIGIBLE POSITION.



EXPLANATION OF BLEND  
SECTION 39-123

Laws 2023, Chapters 37 and 125

Laws 2023, Ch. 37, section 6

Effective October 30, 2023

Laws 2023, Ch. 125, section 6

Effective October 30, 2023

Explanation

Since these two enactments are compatible, the Laws 2023, Ch. 37 and Ch. 125 text changes to section 39-123 are blended in the form shown on the following pages.

The Laws 2023, Ch. 125 version of section 39-123, subsection F, paragraph 5 struck "a" and added "an". The Ch. 37 version did not strike "a". Since this would not produce a substantive change, the blend version reflects the Ch. 37 version.

BLEND OF SECTION 39-123  
Laws 2023, Chapters 37 and 125

39-123. Information identifying eligible persons;  
confidentiality; definitions

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A. Nothing in this chapter requires disclosure from a personnel file by a law enforcement agency or employing state or local governmental entity of the home address or home telephone number of eligible persons OR THE ADDRESS OF A PROPERTY HELD IN TRUST BY A PUBLIC OFFICIAL.

B. The agency or governmental entity may release the information in subsection A of this section only if either:

1. The person consents in writing to the release.

2. The custodian of records of the agency or governmental entity determines that release of the information does not create a reasonable risk of physical injury to the person or the person's immediate family or damage to the property of the person or the person's immediate family.

C. A law enforcement agency may release a photograph of a peace officer if either:

1. The peace officer has been arrested or has been formally charged by complaint, information or indictment for a misdemeanor or a felony offense.

2. The photograph is requested by a representative of a newspaper for a specific newsworthy event unless:

(a) The peace officer is serving in an undercover capacity or is scheduled to be serving in an undercover capacity within sixty days.

(b) The release of the photograph is not in the best interest of this state after taking into consideration the privacy, confidentiality and safety of the peace officer.

(c) An order pursuant to section 28-454 is in effect.

D. This section does not prohibit the use of a peace officer's photograph that is either:

1. Used by a law enforcement agency to assist a person who has a complaint against an officer to identify the officer.

2. Obtained from a source other than the law enforcement agency.

E. This section does not apply to a certified peace officer or code enforcement officer who is no longer employed as a peace officer or code enforcement officer by a state or local government entity.

F. For the purposes of this section:

1. "Code enforcement officer" means a person who is employed by a state or local government and whose duties include performing field inspections of buildings, structures or property to ensure compliance with and enforce national, state and local laws, ordinances and codes.

2. "Commissioner" means a commissioner of the superior court or municipal court.

3. "Corrections support staff member" means an adult or juvenile corrections employee who has direct contact with inmates.

4. "ELECTION OFFICER" MEANS A STATE, COUNTY OR MUNICIPAL EMPLOYEE WHO HOLDS AN ELECTION OFFICER'S CERTIFICATE ISSUED PURSUANT TO SECTION 16-407.

~~4.~~ 5. "Eligible person" means a [HEALTH PROFESSIONAL,] ELECTION OFFICER, PUBLIC OFFICIAL, former public official, peace officer, spouse of a peace officer, spouse or minor child of a deceased peace officer, border patrol agent, justice, judge, commissioner, hearing officer, public defender, prosecutor, code enforcement officer, adult or juvenile corrections officer, corrections support staff member, probation officer, member of the commission on appellate court appointments, member of the board of executive clemency, law enforcement support staff member, employee of the department of child safety or employee of adult protective services who has direct contact with families in the course of employment, national guard member who is acting in support of a law enforcement agency, person who is protected under an order of protection or injunction against harassment, firefighter who is assigned to the Arizona counter terrorism information center in the department of public safety or victim of domestic violence or stalking who is protected under an order of protection or injunction against harassment.

~~5.~~ 6. "Former public official" means a person who was duly elected or appointed to Congress, the legislature or a statewide office, who ceased serving in that capacity and who was the victim of a dangerous offense as defined in section 13-105 while in office.

7. "HEALTH PROFESSIONAL" MEANS AN INDIVIDUAL WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13, 15, 17, 19.1, 25 OR 33.

~~6.~~ 8. "Hearing officer" means a hearing officer who is appointed pursuant to section 28-1553.

~~7.~~ 9. "Judge" means a judge or former judge of the United States district court, the United States court of appeals, the United States magistrate court, the United States bankruptcy court, the United States immigration court, the Arizona court of appeals, the superior court or a municipal court.

~~8.~~ 10. "Justice" means a justice of the United States or Arizona supreme court or a justice of the peace.

~~9.~~ 11. "Law enforcement support staff member" means a person who serves in the role of an investigator or prosecutorial assistant in an agency that investigates or prosecutes crimes, who is integral to the investigation or prosecution of crimes and whose name or identity will be revealed in the course of public proceedings.

~~10.~~ 12. "Peace officer" has the same meaning prescribed in section 13-105.

~~11.~~ 13. "Prosecutor" means a current or former county attorney, municipal prosecutor, attorney general or United States attorney and includes a current or former assistant or deputy United States attorney, county attorney, municipal prosecutor or attorney general.

~~12.~~ 14. "Public defender" means a federal public defender, county public defender, county legal defender or county contract indigent defense counsel and includes an assistant or deputy federal public defender, county public defender or county legal defender.

Ch. 125 { 15. "PUBLIC OFFICIAL" MEANS A PERSON WHO IS DULY ELECTED OR APPOINTED TO CONGRESS, THE LEGISLATURE, A STATEWIDE OFFICE OR A COUNTY, CITY OR TOWN OFFICE.

EXPLANATION OF BLEND  
SECTION 39-124

Laws 2023, Chapters 37 and 125

Laws 2023, Ch. 37, section 7

Effective October 30, 2023

Laws 2023, Ch. 125, section 7

Effective October 30, 2023

Explanation

Since these two enactments are compatible, the Laws 2023, Ch. 37 and Ch. 125 text changes to section 39-124 are blended in the form shown on the following pages.

The Laws 2023, Ch. 125 version of section 39-124, subsection C, paragraph 5 struck "a" and added "an". The Ch. 37 version did not strike "a". Since this would not produce a substantive change, the blend version reflects the Ch. 37 version.

BLEND OF SECTION 39-124  
Laws 2023, Chapters 37 and 125

39-124. Releasing information identifying an eligible person;  
violations; classification; definitions

Ch. 125 { A. Any person who is employed by a state or local government entity and who, in violation of section 39-123, knowingly releases the home address or home telephone number of an eligible person OR THE ADDRESS OF A PROPERTY HELD IN TRUST BY A PUBLIC OFFICIAL with the intent to hinder an investigation, cause physical injury to an eligible person or the eligible person's immediate family or cause damage to the property of an eligible person or the eligible person's immediate family is guilty of a class 6 felony.

B. Any person who is employed by a state or local government entity and who, in violation of section 39-123, knowingly releases a photograph of a peace officer with the intent to hinder an investigation, cause physical injury to a peace officer or the peace officer's immediate family or cause damage to the property of a peace officer or the peace officer's immediate family is guilty of a class 6 felony.

C. For the purposes of this section:

1. "Code enforcement officer" means a person who is employed by a state or local government and whose duties include performing field inspections of buildings, structures or property to ensure compliance with and enforce national, state and local laws, ordinances and codes.

2. "Commissioner" means a commissioner of the superior court or municipal court.

3. "Corrections support staff member" means an adult or juvenile corrections employee who has direct contact with inmates.

Ch. 125 { 4. "ELECTION OFFICER" MEANS A STATE, COUNTY OR MUNICIPAL EMPLOYEE WHO HOLDS AN ELECTION OFFICER'S CERTIFICATE ISSUED PURSUANT TO SECTION 16-407.

Ch. 37 { ~~4.~~ 5. "Eligible person" means a [HEALTH PROFESSIONAL,] ELECTION OFFICER, PUBLIC OFFICIAL, former public official, peace officer, spouse of a peace officer, spouse or minor child of a deceased peace officer, border patrol agent, justice, judge, commissioner, hearing officer, public defender, prosecutor, code enforcement officer, adult or juvenile corrections officer, corrections support staff member, probation officer, member of the board of executive clemency, law enforcement support staff member, employee of the department of child safety or employee of adult protective services who has direct contact with families in the course of employment, national guard member who is acting in support of a law enforcement agency, person who is protected under an order of protection or injunction against harassment, firefighter who is assigned to the Arizona counter terrorism information center in the department of public safety or

victim of domestic violence or stalking who is protected under an order of protection or injunction against harassment.

~~5.~~ 6. "Former public official" means a person who was duly elected or appointed to Congress, the legislature or a statewide office, who ceased serving in that capacity and who was the victim of a dangerous offense as defined in section 13-105 while in office.

Ch. 37 { 7. "HEALTH PROFESSIONAL" MEANS AN INDIVIDUAL WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13, 15, 17, 19.1, 25 OR 33.

~~6.~~ 8. "Hearing officer" means a hearing officer who is appointed pursuant to section 28-1553.

~~7.~~ 9. "Judge" means a judge or former judge of the United States district court, the United States court of appeals, the United States magistrate court, the United States bankruptcy court, the United States immigration court, the Arizona court of appeals, the superior court or a municipal court.

~~8.~~ 10. "Justice" means a justice of the United States or Arizona supreme court or a justice of the peace.

~~9.~~ 11. "Law enforcement support staff member" means a person who serves in the role of an investigator or prosecutorial assistant in an agency that investigates or prosecutes crimes, who is integral to the investigation or prosecution of crimes and whose name or identity will be revealed in the course of public proceedings.

~~10.~~ 12. "Peace officer" has the same meaning prescribed in section 13-105.

~~11.~~ 13. "Prosecutor" means a current or former county attorney, municipal prosecutor, attorney general or United States attorney and includes a current or former assistant or deputy United States attorney, county attorney, municipal prosecutor or attorney general.

~~12.~~ 14. "Public defender" means a federal public defender, county public defender, county legal defender or county contract indigent defense counsel and includes an assistant or deputy federal public defender, county public defender or county legal defender.

Ch. 125 { 15. "PUBLIC OFFICIAL" MEANS A PERSON WHO IS DULY ELECTED OR APPOINTED TO CONGRESS, THE LEGISLATURE, A STATEWIDE OFFICE OR A COUNTY, CITY OR TOWN OFFICE.

EXPLANATION OF BLEND  
SECTION 42-5009

Laws 2023, Chapters 11 and 14

Laws 2023, Ch. 11, section 2

Effective October 30, 2023

Laws 2023, Ch. 14, section 1

Effective October 30, 2023

Explanation

Since these two enactments are compatible, the Laws 2023, Ch. 11 and Ch. 14 text changes to section 42-5009 are blended in the form shown on the following pages.



BLEND OF SECTION 42-5009  
Laws 2023, Chapters 11 and 14

42-5009. Certificates establishing deductions; liability for making false certificate; tax exclusion; definitions

A. A person who conducts any business classified under article 2 of this chapter may establish entitlement to the allowable deductions from the tax base of that business by both:

1. Marking the invoice for the transaction to indicate that the gross proceeds of sales or gross income derived from the transaction was deducted from the tax base.

2. Obtaining a certificate executed by the purchaser indicating the name and address of the purchaser, the precise nature of the business of the purchaser, the purpose for which the purchase was made, the necessary facts to establish the appropriate deduction and the tax license number of the purchaser to the extent the deduction depends on the purchaser conducting business classified under article 2 of this chapter and a certification that the person executing the certificate is authorized to do so on behalf of the purchaser. The certificate may be disregarded if the seller has reason to believe that the information contained in the certificate is not accurate or complete.

B. A person who does not comply with subsection A of this section may establish entitlement to the deduction by presenting facts necessary to support the entitlement, but the burden of proof is on that person.

C. The department may prescribe a form for the certificate described in subsection A of this section. Under such rules as it may prescribe, the department may also describe transactions with respect to which a person is not entitled to rely solely on the information contained in the certificate provided for in subsection A of this section but must instead obtain such additional information as required by the rules in order to be entitled to the deduction.

D. If a seller is entitled to a deduction by complying with subsection A of this section, the department may require the purchaser that caused the execution of the certificate to establish the accuracy and completeness of the information required to be contained in the certificate that would entitle the seller to the deduction. If the purchaser cannot establish the accuracy and completeness of the information, the purchaser is liable in an amount equal to any tax, penalty and interest that the seller would have been required to pay under this article if the seller had not complied with subsection A of this section. Payment of the amount under this subsection exempts the purchaser from liability for any tax imposed under article 4 of this chapter. The amount shall be treated as tax revenues collected from the seller in order to designate the distribution base for purposes of section 42-5029.

E. If a seller is entitled to a deduction by complying with subsection B of this section, the department may require the purchaser to establish the accuracy and completeness of the information provided to the seller that entitled the seller to the deduction. If the purchaser cannot establish the accuracy and completeness of the information, the purchaser is liable in an amount equal to any tax, penalty and interest that the seller would have been required to pay under this article if the seller had not complied with subsection B of this section. Payment of the amount under this subsection exempts the purchaser from liability for any tax imposed under article 4 of this chapter. The amount shall be treated as tax revenues collected from the seller in order to designate the distribution base for purposes of section 42-5029.

F. The department may prescribe a form for a certificate used to establish entitlement to the deductions described in section 42-5061, subsection A, paragraph 46 and section 42-5063, subsection B, paragraph 3. Under rules the department may prescribe, the department may also require additional information for the seller to be entitled to the deduction. If a seller is entitled to the deductions described in section 42-5061, subsection A, paragraph 46 and section 42-5063, subsection B, paragraph 3, the department may require the purchaser who executed the certificate to establish the accuracy and completeness of the information contained in the certificate that would entitle the seller to the deduction. If the purchaser cannot establish the accuracy and completeness of the information, the purchaser is liable in an amount equal to any tax, penalty and interest that the seller would have been required to pay under this article. Payment of the amount under this subsection exempts the purchaser from liability for any tax imposed under article 4 of this chapter. The amount shall be treated as tax revenues collected from the seller in order to designate the distribution base for purposes of section 42-5029.

G. If a seller claims a deduction under section 42-5061, subsection A, paragraph 25 and establishes entitlement to the deduction with an exemption letter that the purchaser received from the department and the exemption letter was based on a contingent event, the department may require the purchaser that received the exemption letter to establish the satisfaction of the contingent event within a reasonable time. If the purchaser cannot establish the satisfaction of the event, the purchaser is liable in an amount equal to any tax, penalty and interest that the seller would have been required to pay under this article if the seller had not been furnished the exemption letter. Payment of the amount under this subsection exempts the purchaser from liability for any tax imposed under article 4 of this chapter. The amount shall be treated as tax revenues collected from the seller in order to designate the distribution base for purposes of section 42-5029. For the purposes of this subsection, "reasonable time" means a time limitation that the department determines and that does not exceed the time limitations pursuant to section 42-1104.

H. The department shall prescribe forms for certificates used to establish the satisfaction of the criteria necessary to qualify the sale of a motor vehicle for the deductions described in section 42-5061, subsection A, paragraph 14, paragraph 28, ~~subdivision (a)~~ and paragraph 44 and subsection U. Except as provided in subsection J of this section, to

establish entitlement to these deductions, a motor vehicle dealer shall retain:

1. A valid certificate as prescribed by this subsection completed by the purchaser and obtained before the issuance of the nonresident registration permit authorized by section 28-2154.

Ch. 11 { 2. FOR THE PURPOSES OF THE DEDUCTIONS PROVIDED BY SECTION 42-5061, SUBSECTION A, PARAGRAPH 14, SUBDIVISION (b) AND SECTION 42-5061, SUBSECTION U, a copy of the nonresident registration permit authorized by section 28-2154.

3. A legible copy of a current valid driver license issued to the purchaser by another state or foreign country that indicates an address outside of this state. For the sale of a motor vehicle to a nonresident entity, the entity's representative must have a current valid driver license issued by the same jurisdiction as that in which the entity is located.

4. For the purposes of the deduction provided by section 42-5061, subsection A, paragraph 14, subdivision (a), a certificate documenting the delivery of the motor vehicle to an out-of-state location.

I. Notwithstanding subsection A, paragraph 2 of this section, if a motor vehicle dealer has established entitlement to a deduction by complying with subsection H of this section, the department may require the purchaser who executed the certificate to establish the accuracy and completeness of the information contained in the certificate that entitled the motor vehicle dealer to the deduction. If the purchaser cannot establish the accuracy and completeness of the information, the purchaser is liable in an amount equal to any tax, penalty and interest that the motor vehicle dealer would have been required to pay under this article and under articles IV and V of the model city tax code as defined in section 42-6051. Payment of the amount under this subsection exempts the purchaser from liability for any tax imposed under article 4 of this chapter and any tax imposed under article VI of the model city tax code as defined in section 42-6051. The amount shall be treated as tax revenues collected from the motor vehicle dealer in order to designate the distribution base for purposes of section 42-5029.

Ch. 11 { J. To establish entitlement to the deduction described in section 42-5061, subsection A, paragraph 44, a public consignment auction dealer as defined in section 28-4301 shall ~~submit~~ RETAIN A COPY OF the valid certificate prescribed by subsection H of this section ~~to the department and retain a copy~~ for its records.

K. Notwithstanding any other law, compliance with subsection H of this section by a motor vehicle dealer entitles the motor vehicle dealer to the exemption provided in section 42-6004, subsection A, paragraph 4.

L. The department shall prescribe a form for a certificate to be used by a person that is not subject to tax under section 42-5075 when the person is engaged by a contractor that is subject to tax under section 42-5075 for a project that is taxable under section 42-5075. The certificate permits the person purchasing tangible personal property to be incorporated or fabricated by the person into any real property, structure, project, development or improvement to provide documentation to a retailer that the sale of tangible personal property qualifies for the deduction under section 42-5061, subsection A, paragraph 27, subdivision (b). A prime contractor shall obtain the certificate from the department and shall provide a copy

to any such person working on the project. The prime contractor shall obtain a new certificate for each project to which this subsection applies. For the purposes of this subsection, the following apply:

1. The person that is not subject to tax under section 42-5075 may use the certificate issued pursuant to this subsection only with respect to tangible personal property that will be incorporated into a project for which the gross receipts are subject to tax under section 42-5075.

2. The department shall issue the certificate to the prime contractor on receiving sufficient documentation to establish that the prime contractor meets the requirements of this subsection.

3. If any person uses the certificate provided under this subsection to purchase tangible personal property to be used in a project that is not subject to tax under section 42-5075, the person is liable in an amount equal to any tax, penalty and interest that the seller would have been required to pay under this article if the seller had not complied with subsection A of this section. Payment of the amount under this section exempts the person from liability for any tax imposed under article 4 of this chapter. The amount shall be sourced under section 42-5040, subsection A, paragraph 2.

M. Notwithstanding any other law, compliance with subsection L of this section by a person that is not subject to tax under section 42-5075 entitles the person to the exemption allowed by section 465, subsection (k) of the model city tax code when purchasing tangible personal property to be incorporated or fabricated by the person into any real property, structure, project, development or improvement.

N. The requirements of subsections A and B of this section do not apply to owners, proprietors or tenants of agricultural lands or farms who sell livestock or poultry feed that is grown or raised on their lands to any of the following:

1. Persons who feed their own livestock or poultry.

2. Persons who are engaged in the business of producing livestock or poultry commercially.

3. Persons who are engaged in the business of feeding livestock or poultry commercially or who board livestock noncommercially.

O. A vendor who has reason to believe that a certificate prescribed by this section is not accurate or complete will not be relieved of the burden of proving entitlement to the exemption. A vendor that accepts a certificate in good faith will be relieved of the burden of proof and the purchaser may be required to establish the accuracy of the claimed exemption. If the purchaser cannot establish the accuracy and completeness of the information provided in the certificate, the purchaser is liable for an amount equal to the transaction privilege tax, penalty and interest that the vendor would have been required to pay if the vendor had not accepted the certificate.

P. Notwithstanding any other law, an online lodging operator, as defined in section 42-5076, shall be entitled to an exclusion from any applicable taxes for any online lodging transaction, as defined in section 42-5076, facilitated by an online lodging marketplace, as defined in section 42-5076, for which the online lodging operator has obtained from the online lodging marketplace written notice that the online lodging marketplace is

registered with the department to collect applicable taxes for all online lodging transactions facilitated by the online lodging marketplace, and transaction history documenting tax collected by the online lodging marketplace, pursuant to section 42-5005, subsection L.

Q. The department shall prescribe the form of a certificate to be used by a person purchasing an aircraft to document eligibility for a deduction pursuant to section 42-5061, subsection B, paragraph 8, subdivision (a), item (v) or an exemption pursuant to section 42-5159, subsection B, paragraph 8, subdivision (a), item (v), relating to aircraft. The person must provide this certificate and documentation confirming that the operational control of the aircraft has been transferred or will be transferred immediately after the purchase to one or more persons described in section 42-5061, subsection B, paragraph 8, subdivision (a), item (i), (ii), (iii) or (iv) or section 42-5159, subsection B, paragraph 8, subdivision (a), item (i), (ii), (iii) or (iv). Operational control of the aircraft must be transferred for at least fifty percent of the aircraft's flight hours. If such operational control is not transferred for at least fifty percent of the aircraft's flight hours during the recapture period, the owner of the aircraft is liable for an amount equal to any tax that the seller or purchaser would have been required to pay under this chapter at the time of the sale, plus penalty and interest. The recapture period begins on the date that operational control of the aircraft is first transferred and ends on the later of the date the aircraft is fully depreciated for federal income tax purposes or five years after operational control was first transferred. For the purposes of this subsection, operational control of the aircraft must be within the meaning of federal aviation administration operations specification A008, or its successor, except that:

1. If it is determined that operational control has been transferred for less than fifty percent but more than forty percent of the aircraft's flight hours, the owner of the aircraft is liable for an amount equal to any tax that the seller or purchaser would have been required to pay under this chapter at the time of the sale, plus interest.

2. If the aircraft is sold during the recapture period, the seller is not liable for the amount determined pursuant to this subsection unless the operational control of the aircraft had not been transferred for at least fifty percent of the aircraft's flight hours at the time of the sale.

R. Notwithstanding any other law, a shared vehicle owner is entitled to an exclusion from any applicable taxes for a shared vehicle transaction that is facilitated by a peer-to-peer car sharing program and for which the peer-to-peer car sharing program has collected and remitted applicable taxes.

S. A QUALIFYING COMMUNITY HEALTH CENTER, QUALIFYING HEALTH CARE ORGANIZATION OR QUALIFYING HOSPITAL OR ANY OTHER ENTITY THAT IS RECOGNIZED AS NONPROFIT UNDER SECTION 501(c) OF THE UNITED STATES INTERNAL REVENUE CODE AND THAT IS REQUIRED TO OBTAIN AN EXEMPTION LETTER FROM THE DEPARTMENT SHALL:

1. APPLY TO THE DEPARTMENT FOR THE EXEMPTION LETTER AND FULLY ANSWER ANY ELIGIBILITY QUESTIONS REQUIRED BY THE DEPARTMENT FOR THE PURPOSES OF THE EXEMPTION LETTER. IF THE DEPARTMENT APPROVES THE EXEMPTION LETTER

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APPLICATION, THE EXEMPTION LETTER IS VALID UNTIL THE ENTITY IS NO LONGER QUALIFIED FOR THE EXEMPTION LETTER.

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2. NOTIFY THE DEPARTMENT IN WRITING IF THE ENTITY NO LONGER QUALIFIES FOR THE EXEMPTION LETTER. REGARDLESS OF WHETHER THE ENTITY NOTIFIES THE DEPARTMENT AS REQUIRED BY THIS PARAGRAPH, IF THE ENTITY NO LONGER QUALIFIES FOR THE EXEMPTION LETTER, THE ENTITY IS LIABLE IN AN AMOUNT EQUAL TO ANY TAX, PENALTY AND INTEREST THAT THE SELLER WOULD HAVE BEEN REQUIRED TO PAY UNDER THIS ARTICLE IF THE SELLER HAD NOT BEEN FURNISHED THE EXEMPTION LETTER. PAYMENT OF THE AMOUNT UNDER THIS PARAGRAPH EXEMPTS THE ENTITY FROM LIABILITY FOR ANY TAX IMPOSED UNDER ARTICLE 4 OF THIS CHAPTER. THE AMOUNT SHALL BE TREATED AS TAX REVENUES COLLECTED FROM THE SELLER IN ORDER TO DESIGNATE THE DISTRIBUTION BASE FOR THE PURPOSES OF SECTION 42-5029.

~~§~~ T. For the purposes of this section, "peer-to-peer car sharing program", "shared vehicle owner" and "shared vehicle transaction" have the same meanings prescribed in section 28-9601.

EXPLANATION OF BLEND  
SECTION 42-11111

Laws 2023, Chapters 14 and 79

Laws 2023, Ch. 14, section 5

Effective October 30, 2023

Laws 2023, Ch. 79, section 1

Effective October 30, 2023

Explanation

Since these two enactments are compatible, the Laws 2023, Ch. 14 and Ch. 79 text changes to section 42-11111 are blended in the form shown on the following pages.

BLEND OF SECTION 42-11111  
Laws 2023, Chapters 14 and 79

42-11111. Exemption for property; widows and widowers; persons with a total and permanent disability; veterans with a disability; definitions

A. The property of widows and widowers, of persons with total and permanent disabilities and of veterans with service or nonservice connected disabilities who are residents of this state is exempt from taxation as provided by article IX, section 2, Constitution of Arizona, and subject to the conditions and limits prescribed by this section.

B. Pursuant to article IX, section 2, subsection F, Constitution of Arizona, the exemptions from taxation under this section are allowed in the amount of:

1. \$4,188 if the person's total assessment does not exceed \$28,459. For a veteran with a service or nonservice connected disability, the \$4,188 limit under this paragraph is further limited by multiplying the total exemption amount by the percentage of the veteran's disability, as rated by the United States department of veterans affairs.

2. No exemption if the person's total assessment exceeds \$28,459.

C. On or before December 31 of each year, the department shall increase the following amounts based on the average annual percentage increase, if any, in the GDP price deflator in the two most recent complete state fiscal years:

1. The total allowable exemption amount and the total assessment limit amount under subsection B of this section.

2. The total income limit amounts under subsection E, paragraphs 1 and 2 of this section.

D. For the purpose of determining the amount of the allowable exemption pursuant to subsection B of this section, the person's total assessment shall not include the value of any vehicle that is taxed under title 28, chapter 16, article 3.

E. Pursuant to article IX, section 2, subsection F, Constitution of Arizona, to qualify for this exemption, the total income from all sources of the claimant and the claimant's spouse and the income from all sources of all of the claimant's children who resided with the claimant in the claimant's residence in the year immediately preceding the year for which the claimant applies for the exemption shall not exceed:

1. \$34,901 if none of the claimant's children under eighteen years of age resided with the claimant in the claimant's residence.

2. \$41,870 if one or more of the claimant's children residing with the claimant in the claimant's residence either:

(a) Were under eighteen years of age.

(b) Had a total and permanent physical or mental disability, as certified by competent medical authority as provided by law.



F. For the purposes of subsection E of this section, "income from all sources" means the sum of the following, excluding the items listed in subsection G of this section:

1. Adjusted gross income as defined by the department.
2. The amount of capital gains excluded from adjusted gross income.
3. Nontaxable strike benefits.
4. Nontaxable interest that is received from the federal government or any of its instrumentalities.
5. Payments that are received from a retirement program and paid by:
  - (a) This state or any of its political subdivisions.
  - (b) The United States through any of its agencies, instrumentalities or programs, except as provided in subsection G of this section.
6. The gross amount of any pension or annuity that is not otherwise exempted.

G. Notwithstanding subsection F of this section, income from all sources does not include monies received from:

1. Cash public assistance and relief.
2. Railroad retirement benefits.
3. Payments under the federal social security act (49 Stat. 620).
4. Payments under the unemployment insurance laws of this state.
5. Payments from veterans disability pensions.
6. Workers' compensation payments.
7. Loss of time insurance.
8. Gifts from nongovernmental sources, surplus foods or other relief in kind supplied by a governmental agency.

H. A widow or widower, a person with a total and permanent disability or a veteran with a disability shall ~~initially~~ establish eligibility for exemption under this section by filing an affidavit with the county assessor under section 42-11152 WHEN INITIALLY CLAIMING THE EXEMPTION. EACH YEAR thereafter, ~~the person is not required to file an affidavit under section 42-11152,~~ but the person or the person's representative shall annually calculate income from the preceding year to ensure that the person still qualifies for the exemption ~~and shall~~ AND notify the county assessor in writing of any event that disqualifies the person from further exemption. Regardless of whether the person or representative notifies the assessor as required by this subsection, the property is subject to tax as provided by law from the date of disqualification, including interest, penalties and proceedings for tax delinquencies. Disqualifying events include:

1. The person's death.
2. The remarriage of a widow or widower.
3. The person's income from all sources exceeding the limits prescribed by subsection E of this section.
4. The conveyance of title to the property to another owner.

I. Any dollar amount of exemption that is unused in a tax year against the limited property value of property and improvements owned by the individual may be applied for the tax year against the value of personal property subject to special property taxes, including the taxes collected pursuant to title 5, chapter 3, article 3 and title 28, chapter 16, article 3.

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J. An individual is not entitled to property tax exemptions ~~in the aggregate that exceed the maximum allowed to~~ UNDER MORE THAN ONE CATEGORY AS a widow or widower, a person with a total and permanent disability or a veteran with a disability even if the individual is eligible for an exemption in more than one category.

K. For the purposes of this section:

1. "COMPETENT MEDICAL AUTHORITY" MEANS ANY OF THE FOLLOWING:

(a) AN INDIVIDUAL LICENSED UNDER TITLE 32, CHAPTER 8, 13, 14, 17, 19.1, 25 OR 29 OR A COMPARABLE LAW OF ANOTHER STATE.

(b) A REGISTERED NURSE PRACTITIONER AS DEFINED IN SECTION 32-1601.

(c) THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS, AS EVIDENCED BY A DISABILITY AWARD LETTER.

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~~1.~~ 2. "GDP price deflator" means the average of the four implicit price deflators for the gross domestic product reported by the United States department of commerce or its successor for the four quarters of the state fiscal year.

3. "PERSON WITH A TOTAL AND PERMANENT DISABILITY" MEANS A PERSON WHO IS UNABLE TO ENGAGE IN ANY SUBSTANTIAL GAINFUL ACTIVITY, FOR PAY OR PROFIT, BY REASON OF ANY PHYSICAL OR MENTAL IMPAIRMENT THAT IS EXPECTED TO LAST FOR A CONTINUOUS PERIOD OF AT LEAST TWELVE MONTHS OR RESULT IN DEATH WITHIN TWELVE MONTHS AS CERTIFIED BY A COMPETENT MEDICAL AUTHORITY.

~~2.~~ 4. "Veteran" means an individual who has served in, and been discharged, separated or released under honorable conditions from, active or inactive service in the uniformed services of the United States, including:

(a) All regular, reserve and national guard components of the United States army, navy, air force, marine corps and coast guard.

(b) The commissioned corps of the national oceanic and atmospheric administration.

(c) The commissioned corps of the United States public health service.

(d) A nurse in the service of the American red cross or in the army and navy nurse corps.

(e) Any other civilian service that is authorized by federal law to be considered active military duty for the purpose of laws administered by the United States secretary of veterans affairs.

EXPLANATION OF BLEND  
SECTION 43-1014

Laws 2023, Chapters 11 and 147

Laws 2023, Ch. 11, section 7

Effective October 30, 2023

Laws 2023, Ch. 147, section 1

Effective October 30, 2023

Explanation

Since these two enactments are compatible, the Laws 2023, Ch. 11 and Ch. 147 text changes to section 43-1014 are blended in the form shown on the following pages.

BLEND OF SECTION 43-1014  
Laws 2023, Chapters 11 and 147

43-1014. Entity-level tax election; partnerships;  
S corporations; rules

Ch. 11 — A. For taxable years beginning from and after December 31, 2021, the partners or shareholders of a business that is treated as a partnership or S corporation for federal income tax purposes may consent to be taxed at the entity level at a tax rate that is the same as the HIGHEST tax rate prescribed by section 43-1011 applicable to the entire portion of its taxable income that is attributable to its resident partners or shareholders and the portion of its taxable income derived from sources within this state that is attributable to its nonresident partners or shareholders for that taxable year. The election under this subsection must be made on or before the due date or extended due date of the business's return under this title.

B. If the election is made under subsection A of this section, all of the following apply:

1. The taxable income of the partnership or S corporation is as follows:

(a) For a partnership:

(i) FOR TAXABLE YEARS THROUGH DECEMBER 31, 2022, the Arizona taxable income determined under chapter 14 of this title.

Ch. 147 — (ii) FOR TAXABLE YEARS BEGINNING FROM AND AFTER DECEMBER 31, 2022, THE ARIZONA TAXABLE INCOME DETERMINED UNDER CHAPTER 14 OF THIS TITLE, INCLUDING THE ITEMS THAT REQUIRE SEPARATE COMPUTATION UNDER SECTION 43-1412, PARAGRAPHS 1 THROUGH 16.

(b) For an S corporation, the total of all distributive income passed through to the shareholders under section 43-1126, subsection B.

2. If the partnership or S corporation does not pay the amount owed to the department as a result of the election under this section, the department may collect the amount from the partners or shareholders based on the proportionate share of income that is attributable to each partner or shareholder for Arizona tax purposes.

3. The partnership or S corporation shall pay estimated tax pursuant to section 43-581 as necessary.

C. The election under subsection A of this section does not apply to the following:

1. Partners or shareholders that are not individuals, estates or trusts. The portion of the taxable income attributable to a partner or shareholder that is not an individual, estate or trust is not included in the entity-level tax under subsection A of this section.

2. Partners or shareholders who are individuals, estates or trusts and who opt out of the election pursuant to subsection D of this section. The portion of the taxable income attributable to a partner or shareholder who is an individual, estate or trust and who opts out of the election

pursuant to subsection D of this section is not included in the entity-level tax under subsection A of this section.

D. A partnership or S corporation that intends to make the election under subsection A of this section shall notify all partners or shareholders who are individuals, estates or trusts of the intent to make the election and that each partner or shareholder who is an individual, estate or trust has the right to opt out of the election. The notice shall allow each partner or shareholder who is an individual, estate or trust at least sixty days after receiving the notice to notify the partnership or S corporation that the partner or shareholder who is an individual, estate or trust is exercising the partner's or shareholder's right to opt out of the election. If the partner or shareholder who is an individual, estate or trust does not respond within the sixty-day period or waives the right to opt out, the partner or shareholder will be included in the election.

E. The department shall adopt rules and prescribe forms and procedures as necessary to administer this section.