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Arizona's 2024
Legislative Session:

The Bills, the
Budget & the
Ballot Measures

Arizona's 2024 Legislative
Session:

*The Bills, the Budget & the Ballot
Measures*

July 12, 2024

Will Humble
Arizona Public Health Association

The Good



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Abortion ban; Repeal



[HB2677](#) Abortion ban; Repeal

- Repeals the criminal penalty of between two to five years imprisonment for any person 'who employs any means to procure the miscarriage of a pregnant woman when it is not necessary to save the woman's life'.
- Arizona law now limits abortions to those less than 15 weeks gestation with limited exceptions beyond 15 weeks if the pregnant person life is in danger. No exceptions for rape or incest beyond 15 weeks.



Public Health Licensing

[HB2764](#) – long-term care; enforcement; memory care

- Raises the cap on ADHS imposed civil money penalties to \$1,000 per patient per day.
- Authorizes ADHS to deny a change in ownership of a currently licensed health care institution if the transfer would jeopardize patient safety (prevents license hopping).
- Requires facilities to ensure staff aren't on the Adult Protective Services Registry.
- Requires ADHS to develop a separate certification for places that want to provide memory care.

Signed by Governor



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Public Health Licensing

HB2051 joint training; surveyors; providers

- Requires ADHS hold annual joint training session between long term care providers and ADHS licensing leadership to discuss changes in the survey process of long-term care facilities and compliance priorities.

Signed by Governor



Behavioral Health



- **SB1309 Mental health evaluations**

- Expands information that's needed for court ordered behavioral health evaluations to include more information about the proposed patient.
- Specifies which individuals may provide informed consent on behalf of a proposed patient for a voluntary evaluation

Signed by Governor



Behavioral Health



- **SB1311 Mental health; data; evaluation**

- Requires the information and data collected by AHCCCS to identify and measure clinical outcomes in the past year of members with an SMI designation.
- Makes good changes to the procedures for mental health prepetition screenings and court-ordered evaluations.

Signed by Governor



Behavioral Health



- **HB2744 - involuntary treatment; guardians; rights**
- Grants guardians and agents who have prescribed decision making authority for a patient more input in proceedings involving involuntary treatment.

Signed by Governor



Tamales



- **HB2042 food preparation; sale; cottage food (aka Tamale bill)**
- Expands the foods that meet the cottage food product exemption to include some foods that are potentially hazardous or require time or temperature control.
- Requires labels, list of ingredients, registration # of food preparer, statement regarding allergens and other disclosure information.

Signed by Governor

Missed Opportunities



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Behavioral Health



- **SB1688: Arizona State Hospital; governing board; governance**
- Establishes the State Hospital Governing Board and transfers operational control of the Arizona State Hospital to an independent 5-member board – eliminating the conflict of interest in which ADHS both runs and ‘regulates’ ASH.

Failed in the Senate 13-15. Dead (again for the 3rd year in a row)

Behavioral Health

- **SB1678 - secure state mental health facilities**
- Makes it clear that secure residential behavioral health facilities are only for people receiving court ordered treatment.
- Keeps civilly placed patients in separate Secure Behavioral Health Residential Facilities (that don't yet exist) from persons committed to SBHRFs as dangerous and incompetent to stand trial in a criminal proceeding.

Died in the House after Passing the Senate 19-9



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Behavioral Health



- **SB1101 Appropriations; Secure behavioral health facilities**
- Appropriates \$35M from the state General Fund and \$18M of federal spending authority for AHCCCS to construct & have contractors run 5 secure 18 bed residential behavioral health facilities for folks receiving court ordered treatment.

Magic Mushrooms



- **SB1570 – psilocybin (magic mushroom) regulation**

- Charges ADHS with creating regulations & license psychedelic-assisted therapy centers (by 1/1/26).
- Identifies licensure requirements & restrictions. Establishes a Psilocybin Advisory Board & the Psilocybin Control & Regulation Fund.

Vetoed by Governor

Marijuana Advertising



- **HB2451 marijuana; advertising; restrictions**
- Prohibits marijuana establishments and nonprofit medical marijuana dispensaries from advertising marijuana or marijuana products to individuals who are under 21.
- Various limits on advertising distance to schools etc.

Died in Senate

Public Health Licensing

- **HB2653 – assisted living care; reporting; monitoring; injury**
- Would have enhanced incident reporting requirements for assisted living facilities and established optional electronic monitoring options (with limitations).
- Maintains the ability for a resident to install electronic monitoring devices in their private living space.
- Prohibits an owner or manager from preventing a resident or resident's responsible person from installing and paying for electronic monitoring devices.
- Requires staffing registry checks.

Passed House; Died in Senate



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Public Health Licensing

- **HB2249 - residential care institutions; inspections**
- Adds behavioral health residential care facilities to the list of places for which ADHS can't accept accreditation in lieu of a compliance inspection (eliminates deemed status).

Died in Senate



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Public Health Licensing

SB1655 - health care institutions; regulation

- Increases the cap on civil penalties for violation of health care institution statutes from \$500 to \$10,000.
- Establishes the Indigenous Peoples Protection Revolving Fund with money from civil penalties.



Failed in Senate Health

Behavioral Health

- **SB1102 Civil Reintegration Unit; Arizona State Hospital**
- Establishes and funds a Civil Reintegration Unit for a transitional unit for civil patients who are approaching discharge

Never Heard



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Public Health Licensing

HB2317 Sober Living Homes

- Prescribes guidelines for the inspection and penalizing of sober living homes that are noncompliant with state regulations. Keeps sober living facility addresses secret.
- Requires a sober living homes to get clearance from local jurisdiction verifying compliance with all local zoning, building, fire & licensing ordinances

Died in Senate

Close Calls (Bad Bills that Got Vetoed)



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Food Insecurity



HB2502 SNAP; mandatory employment; training

- ADES would need to make 'able-bodied adults' under 60 participate in employment & training programs to get Supplemental Nutrition Assistance Program benefits.

HB2503 SNAP; waivers; exemption

- Prevents ADES from accepting or renewing waivers of work requirements for 'able-bodied' adults w/o dependents to get SNAP benefits - unless the waiver is required by federal law or authorized by state law.

Vetoed by Governor



Deadly Force – Premises Definition



- **HB2843 defense of premises; definition**

- Changes the definition of premises for purposes of the justification defense in [ARS 13-407](#) to mean any property (rather than any structure).
- Basically, extends the ‘stand your ground’ law to any property (e.g. ranch land) , not just a home or other structure.

Vetoed by Governor



Medical Privacy

- **HB2183** parental rights; medical records
- Would have let parents get access to all their minor children's medical records, including treatment for STI's

Vetoed by Governor



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2024 Budget



- This year's "feed bill" is [HB2897](#) and includes the primary budget provisions for state departments and agencies and focuses just on appropriations without including substantive law changes.
- The main 'feed bill' gave the ADHS a 'lump sum' reduction in their budget of about \$719K.
- Interim Director Cunico has the discretion about what state fund to cut.

2024 Budget – General Fund



- **Feed Bill Budget:**

- A new \$100K for an ADOA ombudsman to handle all the Arizona State Hospital complaints (a good thing).
- \$500K in ongoing funds & an additional \$900K one-time funds for ADHS to improve their clunky Az Care Check computer system which is supposed to provide transparent information about the compliance of 100's of care facilities – all accounts, is currently wholly insufficient.

2024 Budget – General Fund

- A few funds were exempted from reverting to the general fund including:
 - The \$1.2M FY25 appropriation for ADHS licensing compliance staff won't lapse until 7/26.
 - The unused \$1M in behavioral health provider loan repayment funds won't lapse until 6/25.
 - Unused FY23 nursing program funds won't lapse until June 30, 2025.
 - Unused FY24 appropriation for nurse-family partnership programs won't lapse until 6/27.
 - 1M FY2025 appropriation for combating fentanyl won't lapse until 6/26.
 - \$5M in expiring magic mushroom research converted to non lapsing.

2024 Budget - BRBs

When there are statutory changes needed to reconcile the appropriations made in the feed bill and other changes, they are put into separate budget bills, called Budget Reconciliation Bills aka BRBs.

There is no “Health BRB this year, however you can read the BRBs relating to AHCCCS and ADES here:

- [Budget Reconciliation Bill Relating to AHCCCS](#)
- [Budget Reconciliation Bill Relating to ADES](#)



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2024 Ballot Measures



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Prop xxx: Make Elections Fair Act



Voter initiative constitutional amendment eliminating partisan primaries

Single open primaries lets voters pick candidates regardless of party affiliation

Top vote getters would be on general election ballot

Makes general election races more competitive

Gives independent & moderate voters more of a voice

Makes candidates accountable to more voters

[AzPHA Argument for Make Elections Fair Act](#)

Prop xxx: Arizona for Abortion Access Act



Voter Initiative – Constitutional Amendment

Establishes a fundamental right to abortion before the point of fetal viability

Constitutional amendment ensures future legislatures can't further restrict abortion care w/o voter approval

[AZPHA Argument for AZ Abortion Access Act](#)

Proposition 133



Requiring Partisan Primaries Required for All Partisan Offices

Constitutional Amendment referred to ballot by the legislature

Requires partisan primary elections for all partisan offices

Prohibits open primaries

Supersedes (preempts) local charters & ordinances

Designed to thwart the Arizona Eliminate Partisan Primaries Act

[AzPHA Argument Against Prop 133](#)

Proposition 134



Signature Distribution Requirement for Voter Initiatives

Constitutional amendment referred to the ballot by the legislature

Voter initiatives would need to proportionately collect signatures EACH of Arizona's 30 LD's

Opponents could target a single district by thwarting local signature gathering

A single legislative district would have veto power over the rest of the state

Future voter initiatives designed to address public health threats will be MUCH harder

[AzPHA Argument Against Prop 134](#)



Proposition 135

Arizona Emergency Declaration Limits

Referred to the ballot by the Legislature

Ends governor declared states of emergency after 30 days unless the legislature extends the emergency (in 30-day increments)

Emergencies related to floods and fires are exempt

If approved, this ballot referral would severely restrict a future governor's ability to save lives during a public health emergency

[AzPHA Argument Against Prop 135](#)

Prop 136: Legal Challenges of Voter Initiatives Before the Election

Referred to the ballot by the legislature

Allows people to challenge the constitutionality of proposed voter initiatives before the initiative is even on the ballot

Challenges must happen at least 90 days before the election

Organizers would need to raise funds not just to get signatures, but to also defend the initiative in court before the election

Prop 137: Judicial Retention Elections

Referred to the ballot by the legislature

Allows Supreme Court justices to hold office during 'good behavior' rather than standing for periodic voter retention; Allows intermediate appellate court judges to hold office during good behavior, rather than for the normal 6 years

Allows superior court judges in counties with a population of at least 250,000 hold office during good behavior, rather than for a regular term of four years

Defines 'good behavior' as the absence of a felony, crime of 'dishonesty', bankruptcy, or mortgage foreclosure

Retroactive to 2024 to protect two Supreme Court justices at risk for not being retained in 2024's election

Prop 138: Cut to [Minimum Wage for Tipped Workers](#)

Authorizes employers to pay tipped workers 25% less than the minimum wage if they can prove the employee still would make \$2/hr more than the state minimum wage

Wrongly Called the “Tipped Workers Protection Act”

Proposition 311

Conviction Fee for 1st Responder Death Benefit

Would charge a \$20 excise tax on all criminal conviction cases

Proceeds going to any law enforcement officer's family who dies on the job

Referred to the ballot by the legislature

Proposition 312

Tax Refund for Non-Enforcement of Nuisance Laws



Allows property owners to avoid some or all their property taxes if their city doesn't enforce ordinances regarding camping, loitering, obstructing roads, panhandling, public urination, public consumption of booze or illegal substances



Applicants for tax relief would need to establish their expenses



Referred to the ballot by the legislature

Proposition 313

Arizona Life Imprisonment for Sex Trafficking of a Child

Makes a sentencing requirement of life in prison for convictions of child sex trafficking

Removes judicial discretion

Referred to the ballot by the legislature

Prop 314: Secure the Border Act



Referred to the ballot by the legislature

Gives police the authority to detain & arrest persons they believe arrived in AZ from anywhere except a port of entry; unclear how officers would identify such persons

No explicit limits on what actions local or state police could take to screen people for their immigration status except vague reference to 'probable cause'

Prohibits submitting false documents when applying for public benefits or employment

Increases penalties for possession of Fentanyl (single subject violation?)

[AZPHA Argument Against Prop 314](#)

Prop 315: Legislative Approval of State Agency Rules



Referred to the ballot by the legislature

Requires state agencies to submit proposed rules to the legislature for review if they are estimated to increase state regulatory costs by more than \$100,000 within 5 years after implementation

Existing oversight ensures that any new regulations are carefully vetted and justified, balancing regulatory needs with public interests

Would stifle regulatory development crucial for maintaining and improving care standards in Arizona, especially in the most vulnerable sectors such as assisted living and nursing homes and the environment

[AZPHA Argument Against Prop 315](#)