

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

Senate Engrossed
FILED
JANICE K. BREWER
SECRETARY OF STATE

CHAPTER 132
SENATE BILL 1502

AN ACT

AMENDING TITLE 32, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 43; RELATING
TO REGULATION OF PROFESSIONS AND OCCUPATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 32, Arizona Revised Statutes, is amended by adding
3 chapter 43, to read:

4 CHAPTER 43

5 REGULATION OF NONHEALTH PROFESSIONS AND OCCUPATIONS

6 ARTICLE 1. GENERAL PROVISIONS

7 32-4301. Regulating nonhealth professions and occupations;
8 criteria

9 A. A PROFESSION OR OCCUPATION SHALL NOT BE REGULATED EXCEPT FOR THE
10 EXCLUSIVE PURPOSE OF PROTECTING THE PUBLIC INTEREST. EXCEPT AS PROVIDED IN
11 CHAPTER 31 OF THIS TITLE, ALL PROPOSED LEGISLATION TO REGULATE A PROFESSION
12 OR OCCUPATION FOR THE FIRST TIME SHALL BE REVIEWED ACCORDING TO THE CRITERIA
13 PRESCRIBED IN SUBSECTION B.

14 B. A PROFESSION OR OCCUPATION SHALL BE REGULATED BY THIS STATE ONLY IF
15 ALL OF THE FOLLOWING APPLY:

16 1. AN UNREGULATED PRACTICE CAN CLEARLY HARM OR ENDANGER THE PUBLIC
17 HEALTH, SAFETY OR WELFARE.

18 2. THE ACTUAL OR ANTICIPATED PUBLIC BENEFIT OF THE REGULATION CLEARLY
19 EXCEEDS THE COSTS IMPOSED ON CONSUMERS, BUSINESSES AND INDIVIDUALS.

20 3. THE PUBLIC NEEDS AND CAN REASONABLY BE EXPECTED TO BENEFIT FROM AN
21 ASSURANCE OF INITIAL AND CONTINUING PROFESSIONAL ABILITY.

22 4. THE PUBLIC CANNOT BE EFFECTIVELY PROTECTED BY PRIVATE CERTIFICATION
23 OR OTHER ALTERNATIVES.

24 C. AFTER EVALUATING THE CRITERIA PRESCRIBED IN SUBSECTION B, THE
25 LEGISLATIVE COMMITTEE OF REFERENCE SHALL EXAMINE DATA FROM MULTIPLE SOURCES
26 AND LOOK FOR EVIDENCE OF ACTUAL HARM TO THE PUBLIC RELATED TO THE INDUSTRY
27 BEING CONSIDERED FOR REGULATION. THE EVIDENCE MAY INCLUDE INDUSTRY
28 ASSOCIATION DATA, FEDERAL, STATE AND LOCAL GOVERNMENT DATA, BUSINESS REPORTS,
29 COMPLAINTS TO THE RESPECTIVE STATE LAW ENFORCEMENT OR CONSUMER AFFAIRS
30 DIVISIONS OR THE BETTER BUSINESS BUREAU AND DATA FROM RECIPROCAL AGENCIES IN
31 OTHER STATES WITH AND WITHOUT SIMILAR LAWS AND RULES.

32 D. IF THE LEGISLATIVE COMMITTEE OF REFERENCE FINDS THAT IT IS
33 NECESSARY TO REGULATE A PROFESSION OR OCCUPATION NOT PREVIOUSLY REGULATED BY
34 LAW, THE REGULATION SHALL BE IN THE LEAST RESTRICTIVE MANNER AND SHALL NOT BE
35 IMPOSED TO PROTECT A DISCRETE INTEREST GROUP FROM ECONOMIC COMPETITION.

36 E. THE LEGISLATIVE COMMITTEE OF REFERENCE MAY HOLD HEARINGS TO
37 EVALUATE THE CRITERIA AND EXAMINE THE DATA AND EVIDENCE PRESCRIBED IN
38 SUBSECTIONS B AND C.

39 F. NOTWITHSTANDING ANY OTHER LAW, AN AGENCY THAT ISSUES NEW
40 PROFESSIONAL OR OCCUPATIONAL LICENSES, REGISTRATIONS OR CERTIFICATES SHALL
41 NOT HINDER THE REGULATED INDUSTRY THROUGH THE DELAYED AWARDING OF A LICENSE,
42 REGISTRATION OR CERTIFICATE.

1 32-4302. Applicant groups nonhealth professions and
2 occupations; written report

3 APPLICANT GROUPS SHALL SUBMIT A WRITTEN REPORT EXPLAINING THE FACTORS
4 PRESCRIBED IN SECTION 32-4303 TO THE JOINT LEGISLATIVE AUDIT COMMITTEE
5 ESTABLISHED PURSUANT TO SECTION 41-1279. THE REPORT SHALL BE SUBMITTED ON OR
6 BEFORE SEPTEMBER 1 PRIOR TO THE START OF THE LEGISLATIVE SESSION FOR WHICH
7 THE LEGISLATION IS PROPOSED. THE JOINT LEGISLATIVE AUDIT COMMITTEE SHALL
8 ASSIGN THE WRITTEN REPORT TO THE APPROPRIATE LEGISLATIVE COMMITTEE OF
9 REFERENCE. THE LEGISLATIVE COMMITTEE OF REFERENCE SHALL STUDY THE WRITTEN
10 REPORT AND DELIVER THE REPORT OF ITS RECOMMENDATIONS TO THE JOINT LEGISLATIVE
11 AUDIT COMMITTEE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT
12 OF THE SENATE, THE GOVERNOR AND, IF APPROPRIATE, THE REGULATORY ENTITY ON OR
13 BEFORE DECEMBER 1 OF THE YEAR IN WHICH THE REPORT IS SUBMITTED. LEGISLATIVE
14 COMMITTEES OF REFERENCE MAY HOLD HEARINGS AS THEY DEEM NECESSARY.

15 32-4303. Applicants for regulation; factors

16 APPLICANT GROUPS FOR REGULATION SHALL EXPLAIN EACH OF THE FOLLOWING
17 FACTORS TO THE EXTENT REQUESTED BY THE LEGISLATIVE COMMITTEES OF REFERENCE:

- 18 1. A DEFINITION OF THE PROBLEM AND WHY REGULATION IS NECESSARY.
- 19 2. THE EFFORTS MADE TO ADDRESS THE PROBLEM.
- 20 3. THE ALTERNATIVES CONSIDERED.
- 21 4. THE BENEFIT TO THE PUBLIC IF REGULATION IS GRANTED.
- 22 5. THE EXTENT TO WHICH REGULATION MIGHT HARM THE PUBLIC.
- 23 6. THE MAINTENANCE OF STANDARDS, INCLUDING:

24 (a) WHETHER EFFECTIVE QUALITY ASSURANCE STANDARDS EXIST IN THE
25 PROFESSION, SUCH AS LEGAL REQUIREMENTS ASSOCIATED WITH SPECIFIC PROGRAMS THAT
26 DEFINE OR ENFORCE STANDARDS OR A CODE OF ETHICS.

27 (b) HOW THE PROPOSED LEGISLATION WILL ASSURE QUALITY INCLUDING:

28 (i) THE EXTENT TO WHICH A CODE OF ETHICS, IF ANY, WILL BE ADOPTED.

29 (ii) THE GROUNDS FOR SUSPENSION OR REVOCATION OF REGISTRATION,
30 CERTIFICATION OR LICENSURE.

31 7. A DESCRIPTION OF THE GROUP PROPOSED FOR REGULATION, INCLUDING A
32 LIST OF ASSOCIATIONS, ORGANIZATIONS AND OTHER GROUPS REPRESENTING THE
33 PRACTITIONERS IN THIS STATE, AN ESTIMATE OF THE NUMBER OF PRACTITIONERS IN
34 EACH GROUP AND WHETHER THE GROUPS REPRESENT DIFFERENT LEVELS OF PRACTICE.

35 8. THE EXPECTED COSTS OF REGULATION.

APPROVED BY THE GOVERNOR APRIL 29, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 29, 2008.

Passed the House April 22, 20 08,

by the following vote: 56 Ayes,

0 Nays, 4 Not Voting

Speaker of the House

Chief Clerk of the House

Passed the Senate March 12, 20 08,

by the following vote: 27 Ayes,

0 Nays, 3 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

23rd day of April, 2008,

at 3:08 o'clock p. M.

Secretary to the Governor

Approved this 29 day of

April, 2008,

at 1:45 o'clock P M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 29 day of April, 2008,

at 7:00 o'clock P M.

Secretary of State

S.B. 1502