



STATE OF ARIZONA
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY
GOVERNOR

EXECUTIVE OFFICE

April 23, 2018

The Honorable Michele Reagan
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

Dear Secretary Reagan:

I am transmitting to you the following bills from the Fifty-third Legislature, 2nd Regular Session, which I signed on April 23, 2018:

HB 2191 military families; assistance; subaccounts (Carter)
HB 2502 traumatic event counseling; public safety (Boyer)
SB 1200 transportation revisions (Worsley)

Sincerely,

A handwritten signature in black ink that reads "Douglas A. Ducey".

Douglas A. Ducey
Governor
State of Arizona

cc: Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

Senate Engrossed House Bill

FILED

MICHELE REAGAN

SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 259

HOUSE BILL 2502

AN ACT

AMENDING SECTION 38-672, ARIZONA REVISED STATUTES; AMENDING TITLE 38, CHAPTER 4, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 38-673; REPEALING SECTION 38-673, ARIZONA REVISED STATUTES; RELATING TO EMPLOYEE BENEFITS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 38-672, Arizona Revised Statutes, is amended to
3 read:

4 38-672. Traumatic event counseling for public safety
5 employees; report; exceptions; definitions

6 A. Notwithstanding any other law, this state or a political
7 subdivision of this state shall establish a program to provide ~~any of the~~
8 ~~following persons~~ PUBLIC SAFETY EMPLOYEES who are exposed to any one of
9 the following events while in the course of duty up to twelve visits of
10 licensed counseling, which may be provided via telemedicine, paid for by
11 the employer:

12 ~~1. In the case of the peace officer, the use of deadly force or~~
13 ~~subjection to deadly force in the line of duty, regardless of whether the~~
14 ~~officer was physically injured.~~

15 ~~2. In the case of a firefighter, witnessing the death of another~~
16 ~~firefighter while engaged in the line of duty.~~

17 ~~3. In the case of a public safety employee:~~

18 ~~(a)~~ 1. Visually witnessing the death or maiming or visually
19 witnessing the immediate aftermath of such a death or maiming of one or
20 more human beings.

21 ~~(b)~~ 2. Responding to or being directly involved in a criminal
22 investigation of AN OFFENSE INVOLVING a dangerous crime against ~~a child~~
23 ~~punishable under~~ CHILDREN AS DEFINED IN section 13-705.

24 ~~(c)~~ 3. Requiring rescue in the line of duty where one's life was
25 endangered.

26 B. Payment by the employer for licensed counseling pursuant to this
27 section does not create a presumption that a claim is compensable under
28 section 23-1043.01, subsection B.

29 C. FOR EACH PROGRAM ESTABLISHED PURSUANT TO THIS SECTION, THIS
30 STATE AND EACH POLITICAL SUBDIVISION OF THIS STATE SHALL COMPILE THE
31 FOLLOWING DATA:

32 1. THE TOTAL NUMBER OF PUBLIC SAFETY EMPLOYEES WHO HAVE
33 PARTICIPATED IN THE PROGRAM.

34 2. THE AVERAGE NUMBER OF VISITS PER PUBLIC SAFETY EMPLOYEE.

35 3. THE AVERAGE NUMBER OF MONTHS THAT A PUBLIC SAFETY EMPLOYEE
36 PARTICIPATED IN THE PROGRAM.

37 4. THE AVERAGE NUMBER OF DAYS THAT A PUBLIC SAFETY EMPLOYEE WHO
38 PARTICIPATED IN THE PROGRAM MISSED WORK.

39 5. THE TOTAL NUMBER OF PUBLIC SAFETY EMPLOYEES WHO PARTICIPATED IN
40 THE PROGRAM AND WHO SUBSEQUENTLY FILED A WORKERS' COMPENSATION CLAIM AND
41 THE NUMBER OF THOSE CLAIMS THAT WERE APPROVED AND THE NUMBER OF THOSE
42 CLAIMS THAT WERE DENIED.

43 6. FOR EACH EMPLOYER, THE TOTAL AMOUNT OF WORK MISSED BY PUBLIC
44 SAFETY EMPLOYEES WHO PARTICIPATED IN THE PROGRAM AND HOW MISSED WORK WAS
45 PROVIDED FOR BY THE EMPLOYER OR THROUGH EMPLOYEE BENEFITS.

1 D. ON OR BEFORE SEPTEMBER 1, 2019 AND SEPTEMBER 1 OF EACH YEAR
2 THEREAFTER, THIS STATE AND EACH POLITICAL SUBDIVISION OF THIS STATE SHALL
3 SUBMIT THE DATA COLLECTED PURSUANT TO SUBSECTION C OF THIS SECTION TO THE
4 DEPARTMENT OF ADMINISTRATION. ON OR BEFORE OCTOBER 1, 2019 AND OCTOBER 1
5 OF EACH YEAR THEREAFTER, THE DEPARTMENT OF ADMINISTRATION SHALL COMPILE
6 THE DATA INTO A REPORT AND SUBMIT THE REPORT TO THE GOVERNOR, THE
7 PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE
8 CHAIRPERSON OF THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE, OR ITS
9 SUCCESSOR COMMITTEE, THE CHAIRPERSON OF THE HOUSE OF REPRESENTATIVES
10 HEALTH COMMITTEE, OR ITS SUCCESSOR COMMITTEE, THE CHAIRPERSON OF THE
11 SENATE COMMERCE AND PUBLIC SAFETY COMMITTEE, OR ITS SUCCESSOR COMMITTEE,
12 AND THE CHAIRPERSON OF THE HOUSE OF REPRESENTATIVES JUDICIARY AND PUBLIC
13 SAFETY COMMITTEE, OR ITS SUCCESSOR COMMITTEE, AND SHALL PROVIDE A COPY OF
14 THIS REPORT TO THE SECRETARY OF STATE. SUBSECTION C OF THIS SECTION AND
15 THIS SUBSECTION DO NOT AUTHORIZE THIS STATE OR A POLITICAL SUBDIVISION OF
16 THIS STATE TO COMPILE AND REPORT DATA THAT IS PROTECTED UNDER THE HEALTH
17 INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (P.L. 104-191; 110
18 STAT. 1936).

19 ~~E.~~ E. This section does not apply to a state employer that
20 provides a program to its public safety employees that is characterized by
21 all of the following:

- 22 1. The program is paid for by the employer.
- 23 2. The program provides licensed counseling for any issue. For
24 licensed counseling related to trauma experienced while in the line of
25 duty, the licensed counseling is provided on the request of the public
26 safety employee and ~~shall be~~ IS in person.
- 27 3. Before July 1, 2017, the program offers at least six visits per
28 year.
- 29 4. On or after July 1, 2017, the program offers at least twelve
30 visits per year.

31 ~~F.~~ F. For the purposes of this section:

32 1. "Licensed counseling" means counseling provided by a licensed
33 mental health professional pursuant to title 32, chapter 19.1 or ~~chapter~~
34 33 if licensees under title 32, chapter 33 have training and expertise in
35 treating trauma.

36 2. "Public safety employee":

37 (a) Means:

38 ~~(a)~~ (i) EXCEPT AS PRESCRIBED IN SUBDIVISION (b) OF THIS PARAGRAPH,
39 an individual who is a member of the public safety personnel retirement
40 system or the corrections officer retirement plan.

41 ~~(b)~~ (ii) EXCEPT AS PRESCRIBED IN SUBDIVISION (b) OF THIS
42 PARAGRAPH, a probation officer, surveillance officer or juvenile detention
43 officer who is employed by this state or a political subdivision of this
44 state.

45 ~~(b)~~ (b) DOES NOT INCLUDE PEACE OFFICERS OR FIREFIGHTERS.

1 Sec. 2. Title 38, chapter 4, article 5, Arizona Revised Statutes,
2 is amended by adding section 38-673, to read:

3 38-673. Traumatic event counseling for peace officers and
4 firefighters; report; exceptions; definitions

5 A. NOTWITHSTANDING ANY OTHER LAW, THIS STATE OR A POLITICAL
6 SUBDIVISION OF THIS STATE SHALL ESTABLISH A PROGRAM TO PROVIDE PEACE
7 OFFICERS AND FIREFIGHTERS WHO ARE EXPOSED TO ANY ONE OF THE FOLLOWING
8 EVENTS WHILE IN THE COURSE OF DUTY UP TO TWELVE VISITS OF LICENSED
9 COUNSELING, WHICH MAY BE PROVIDED VIA TELEMEDICINE, PAID FOR BY THE
10 EMPLOYER:

11 1. VISUALLY WITNESSING THE DEATH OR MAIMING OR VISUALLY WITNESSING
12 THE IMMEDIATE AFTERMATH OF SUCH A DEATH OR MAIMING OF ONE OR MORE HUMAN
13 BEINGS.

14 2. RESPONDING TO OR BEING DIRECTLY INVOLVED IN A CRIMINAL
15 INVESTIGATION OF AN OFFENSE INVOLVING A DANGEROUS CRIME AGAINST CHILDREN
16 AS DEFINED IN SECTION 13-705.

17 3. REQUIRING RESCUE IN THE LINE OF DUTY WHERE ONE'S LIFE WAS
18 ENDANGERED.

19 4. USING DEADLY FORCE OR BEING SUBJECTED TO DEADLY FORCE IN THE
20 LINE OF DUTY, REGARDLESS OF WHETHER THE PEACE OFFICER OR FIREFIGHTER WAS
21 PHYSICALLY INJURED.

22 5. WITNESSING THE DEATH OF ANOTHER PEACE OFFICER OR FIREFIGHTER
23 WHILE ENGAGED IN THE LINE OF DUTY.

24 6. RESPONDING TO OR BEING DIRECTLY INVOLVED IN AN INVESTIGATION
25 REGARDING THE DROWNING OR NEAR DROWNING OF A CHILD.

26 B. IF THE LICENSED MENTAL HEALTH PROFESSIONAL DETERMINES THAT THE
27 PEACE OFFICER OR FIREFIGHTER NEEDS ADDITIONAL VISITS OF LICENSED
28 COUNSELING BEYOND THAT WHICH THE PEACE OFFICER OR FIREFIGHTER IS ENTITLED
29 TO UNDER SUBSECTION A OF THIS SECTION AND THAT THE ADDITIONAL VISITS ARE
30 LIKELY TO IMPROVE THE PEACE OFFICER'S OR FIREFIGHTER'S CONDITION, THE
31 EMPLOYER SHALL PAY FOR UP TO AN ADDITIONAL TWENTY-FOUR VISITS, IF THE
32 VISITS OCCUR WITHIN ONE YEAR AFTER THE FIRST VISIT PURSUANT TO THIS
33 SECTION.

34 C. AN EMPLOYER MAY NOT REQUIRE A PEACE OFFICER OR FIREFIGHTER WHO
35 IS RECEIVING TREATMENT PURSUANT TO THIS SECTION TO USE THE PEACE OFFICER'S
36 OR FIREFIGHTER'S ACCRUED PAID VACATION, PERSONAL LEAVE OR SICK LEAVE IF
37 THE PEACE OFFICER OR FIREFIGHTER LEAVES WORK TO ATTEND A TREATMENT VISIT
38 PURSUANT TO THIS SECTION.

39 D. IF THE LICENSED MENTAL HEALTH PROFESSIONAL DETERMINES THAT THE
40 PEACE OFFICER OR FIREFIGHTER IS NOT FIT FOR DUTY WHILE THE PEACE OFFICER
41 OR FIREFIGHTER IS RECEIVING TREATMENT PURSUANT TO THIS SECTION, THE
42 EMPLOYER SHALL ENSURE THAT THE PEACE OFFICER OR FIREFIGHTER HAS NO LOSS OF
43 PAY AND BENEFITS FOR UP TO THIRTY CALENDAR DAYS PER INCIDENT AFTER THE
44 DATE THE LICENSED MENTAL HEALTH PROFESSIONAL DETERMINES THAT THE EMPLOYEE
45 IS NOT FIT FOR DUTY IF ALL OF THE FOLLOWING APPLY:

1 1. THE PEACE OFFICER OR FIREFIGHTER IS UNABLE TO WORK LIGHT DUTY OR
2 THE EMPLOYER DOES NOT OFFER A LIGHT DUTY OPTION.

3 2. THE PEACE OFFICER OR FIREFIGHTER HAS EXHAUSTED THE PEACE
4 OFFICER'S OR FIREFIGHTER'S SICK LEAVE, VACATION LEAVE OR OTHER LEAVE THAT
5 IS PROVIDED AS PART OF THE PEACE OFFICER'S OR FIREFIGHTER'S BENEFITS
6 PACKAGE.

7 3. IF THE EMPLOYER OFFERS SHORT-TERM DISABILITY BENEFITS, THE
8 EMPLOYER OFFERED AND THE PEACE OFFICER OR FIREFIGHTER ELECTED SHORT-TERM
9 DISABILITY BENEFITS, BUT THE PEACE OFFICER OR FIREFIGHTER IS NOT ELIGIBLE
10 TO RECEIVE SHORT-TERM DISABILITY BENEFITS.

11 4. THE EMPLOYER DOES NOT HAVE A SUPPLEMENTAL PROGRAM THAT PROVIDES
12 PAY AND BENEFITS AFTER THE OCCURRENCE OF AN INJURY. FOR THE PURPOSES OF
13 THIS PARAGRAPH, SUPPLEMENTAL PROGRAM THAT PROVIDES PAY AND BENEFITS AFTER
14 THE OCCURRENCE OF AN INJURY DOES NOT INCLUDE A SUPPLEMENTAL BENEFITS PLAN
15 ESTABLISHED PURSUANT TO SECTION 38-961.

16 E. AN EMPLOYER SHALL ALLOW A PEACE OFFICER OR FIREFIGHTER TO SELECT
17 THE PEACE OFFICER'S OR FIREFIGHTER'S OWN LICENSED MENTAL HEALTH
18 PROFESSIONAL, EXCEPT THAT IF A LICENSED MENTAL HEALTH PROFESSIONAL
19 DECLINES TO PROVIDE COUNSELING PURSUANT TO THIS SECTION, THE EMPLOYER IS
20 NOT REQUIRED TO SECURE THE SERVICES OF THAT LICENSED MENTAL HEALTH
21 PROFESSIONAL. THE EMPLOYER SHALL PAY THE LICENSED MENTAL HEALTH
22 PROFESSIONAL PURSUANT TO THE SCHEDULE OF FEES THAT IS FIXED BY THE
23 INDUSTRIAL COMMISSION OF ARIZONA PURSUANT TO SECTION 23-908.

24 F. PAYMENT BY THE EMPLOYER FOR LICENSED COUNSELING PURSUANT TO THIS
25 SECTION DOES NOT CREATE A PRESUMPTION THAT A CLAIM IS COMPENSABLE UNDER
26 SECTION 23-1043.01, SUBSECTION B.

27 G. FOR EACH PROGRAM ESTABLISHED PURSUANT TO THIS SECTION, THIS
28 STATE AND EACH POLITICAL SUBDIVISION OF THIS STATE SHALL COMPILE THE
29 FOLLOWING DATA FOR PEACE OFFICERS AND FIREFIGHTERS:

30 1. FOR EACH CATEGORY OF PERSONS, THE TOTAL NUMBER OF PERSONS WHO
31 HAVE PARTICIPATED IN THE PROGRAM.

32 2. FOR EACH CATEGORY OF PERSONS, THE AVERAGE NUMBER OF VISITS PER
33 PERSON.

34 3. FOR EACH CATEGORY OF PERSONS, THE AVERAGE NUMBER OF MONTHS THAT
35 A PERSON PARTICIPATED IN THE PROGRAM.

36 4. FOR EACH CATEGORY OF PERSONS, THE AVERAGE NUMBER OF DAYS THAT A
37 PERSON WHO PARTICIPATED IN THE PROGRAM MISSED WORK.

38 5. FOR EACH CATEGORY OF PERSONS, THE TOTAL NUMBER OF PERSONS WHO
39 PARTICIPATED IN THE PROGRAM AND WHO SUBSEQUENTLY FILED A WORKERS'
40 COMPENSATION CLAIM AND THE NUMBER OF THOSE CLAIMS THAT WERE APPROVED AND
41 THE NUMBER OF THOSE CLAIMS THAT WERE DENIED.

42 6. FOR EACH CATEGORY OF PERSONS, OF THE TOTAL NUMBER OF PERSONS WHO
43 HAVE PARTICIPATED IN THE PROGRAM, THE PERCENTAGE OF PERSONS WHO RECEIVED
44 ADDITIONAL VISITS UNDER SUBSECTION B OF THIS SECTION.

1 7. FOR EACH CATEGORY OF PERSONS, THE TOTAL NUMBER OF PERSONS WHO
2 WERE DEEMED NOT FIT FOR DUTY BY A LICENSED MENTAL HEALTH PROFESSIONAL
3 PURSUANT TO SUBSECTION D OF THIS SECTION.

4 8. FOR EACH EMPLOYER, THE TOTAL AMOUNT OF WORK MISSED BY EACH
5 CATEGORY OF PERSONS WHO PARTICIPATED IN THE PROGRAM AND HOW MISSED WORK
6 WAS PROVIDED FOR BY THE EMPLOYER OR THROUGH EMPLOYEE BENEFITS.

7 H. ON OR BEFORE SEPTEMBER 1, 2019 AND SEPTEMBER 1 OF EACH YEAR
8 THEREAFTER, THIS STATE AND EACH POLITICAL SUBDIVISION OF THIS STATE SHALL
9 SUBMIT THE DATA COLLECTED PURSUANT TO SUBSECTION G OF THIS SECTION TO THE
10 DEPARTMENT OF ADMINISTRATION. ON OR BEFORE OCTOBER 1, 2019 AND OCTOBER 1
11 OF EACH YEAR THEREAFTER, THE DEPARTMENT OF ADMINISTRATION SHALL COMPILE
12 THE DATA INTO A REPORT AND SUBMIT THE REPORT TO THE GOVERNOR, THE
13 PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE
14 CHAIRPERSON OF THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE, OR ITS
15 SUCCESSOR COMMITTEE, THE CHAIRPERSON OF THE HOUSE OF REPRESENTATIVES
16 HEALTH COMMITTEE, OR ITS SUCCESSOR COMMITTEE, THE CHAIRPERSON OF THE
17 SENATE COMMERCE AND PUBLIC SAFETY COMMITTEE, OR ITS SUCCESSOR COMMITTEE,
18 AND THE CHAIRPERSON OF THE HOUSE OF REPRESENTATIVES JUDICIARY AND PUBLIC
19 SAFETY COMMITTEE, OR ITS SUCCESSOR COMMITTEE, AND SHALL PROVIDE A COPY OF
20 THIS REPORT TO THE SECRETARY OF STATE. SUBSECTION G OF THIS SECTION AND
21 THIS SUBSECTION DO NOT AUTHORIZE THIS STATE OR A POLITICAL SUBDIVISION OF
22 THIS STATE TO COMPILE AND REPORT DATA THAT IS PROTECTED UNDER THE HEALTH
23 INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (P.L. 104-191; 110
24 STAT. 1936).

25 I. THIS SECTION DOES NOT APPLY TO A STATE EMPLOYER THAT PROVIDES A
26 PROGRAM TO ITS PEACE OFFICERS AND FIREFIGHTERS THAT IS CHARACTERIZED BY
27 ALL OF THE FOLLOWING:

28 1. THE PROGRAM IS PAID FOR BY THE EMPLOYER.

29 2. THE PROGRAM PROVIDES LICENSED COUNSELING FOR ANY ISSUE. FOR
30 LICENSED COUNSELING RELATED TO TRAUMA EXPERIENCED WHILE IN THE LINE OF
31 DUTY, THE LICENSED COUNSELING IS PROVIDED ON THE REQUEST OF THE PEACE
32 OFFICER OR FIREFIGHTER AND IS IN PERSON.

33 3. THE PROGRAM OFFERS AT LEAST TWELVE VISITS PER YEAR AND WILL
34 OFFER ADDITIONAL VISITS IF THE LICENSED MENTAL HEALTH PROFESSIONAL
35 DETERMINES THAT ADDITIONAL VISITS ARE NECESSARY.

36 J. FOR THE PURPOSES OF THIS SECTION:

37 1. "LICENSED COUNSELING" MEANS COUNSELING PROVIDED BY A LICENSED
38 MENTAL HEALTH PROFESSIONAL.

39 2. "LICENSED MENTAL HEALTH PROFESSIONAL" MEANS A PSYCHIATRIST OR
40 PSYCHOLOGIST WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13, 17 OR 19.1.

41 Sec. 3. Delayed repeal

42 Section 38-673, Arizona Revised Statutes, as added by this act, is
43 repealed from and after December 31, 2022.

44 Sec. 4. Short title

45 This act may be cited as the "Officer Craig Tiger Act".

Passed the House February 21, 20 18

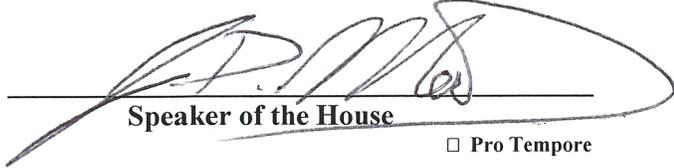
Passed the Senate April 12, 20 18

by the following vote: 34 Ayes,

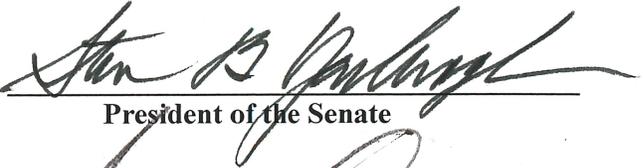
by the following vote: 26 Ayes,

24 Nays, 2 Not Voting

3 Nays, 1 Not Voting



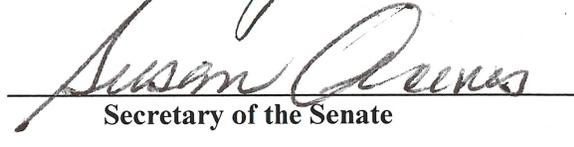
Speaker of the House



President of the Senate



Chief Clerk of the House



Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20 _____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20 _____

at _____ o'clock _____ M.

Secretary of State

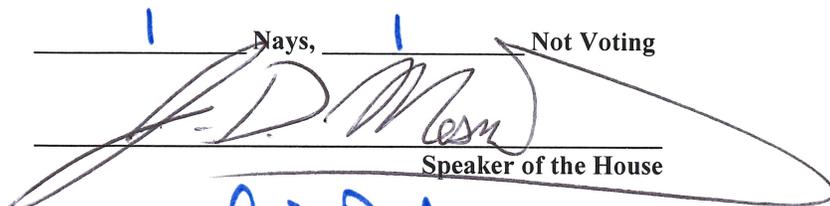
H.B. 2502

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 17, 20 18,

by the following vote: 58 Ayes,

1 Nays, 1 Not Voting


Speaker of the House


Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

17th day of April, 20 18

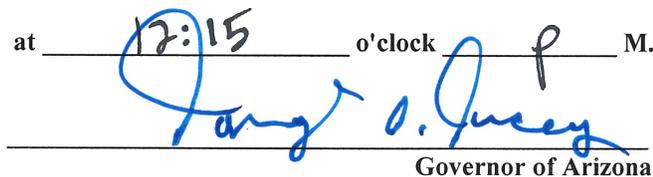
at 2:10 o'clock P. M.


Secretary to the Governor

Approved this 23rd day of

April, 20 18,

at 12:15 o'clock P. M.


Governor of Arizona

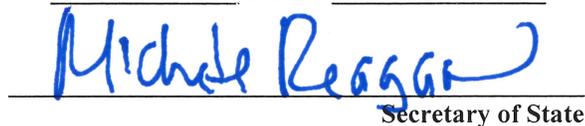
H.B. 2502

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 23 day of April, 20 18,

at 1:21 o'clock P. M.


Secretary of State