

## PETERS, CANNATA & MOODY PLC

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It is the 40<sup>th</sup> day of the 2017 legislative session, and legislators have introduced a total of 1,054 bills and 99 resolutions or memorials. That total that is lower than any regular legislative session since 2003, but it is more than enough to keep state leaders at the Capitol for long hours. The introduced proposals are divided almost equally between the House and Senate, with 583 coming from the House and 570 from the Senate. Less than 50% of the bills are still able to advance this year, due to committee hearing deadlines that move the session forward. More than 600 of the proposed laws failed to receive a hearing in a committee, and a small number failed either in committee or in floor votes in the legislature. With more than 500 bills, memorials, and ballot referrals still in play, though, there is still a lot of work to be done.



This week, legislators advanced proposals that would require insurance business to be [conducted in English](#), increase taxes on gas and vehicle registrations to [create more funding](#) for road construction and maintenance, exempt [diapers and feminine products](#) from sales taxes, and prevent teenagers from [texting while driving](#). They gave initial approval to the legalization of [hemp products](#) in the state, and agreed that Arizonans should be protected from [surprise medical bills](#). And the House killed – and then revived – a proposal to [add partisan factors](#) to elections on the Central Arizona Project's board elections.

The Senate unanimously gave podiatrists the authority to [amputate toes](#), and advanced a resolution that would authorize the Arizona Department of Water Resources to enter into [an agreement](#) on Colorado River water rights on behalf of the state.

The Senate Committee on Health & Human Services ordered AHCCCS [to evaluate](#) whether foster children in AHCCCS are prescribed more psychotropic drugs than children in AHCCCS who are not in foster care. The Committee also approved the creation of a [Joint Legislative Oversight Committee](#) on the Department of Child Safety – an oversight body that would replace the Child Safety Oversight Committee, which completed its work late last year. Unlike the Child Safety Oversight Committee, the new Oversight Committee would be composed of only legislators, rather than medical or legal experts.

Throughout the action on a wide range of policy issues, a fierce debate continued on proposals to [alter the state laws](#) that allow citizens to bring issues to the ballot through an initiative process.

Debate also continued on two proposals that [would expand](#) the state's Empowerment Scholarship Account (ESA) program to all Arizona students. The ESAs use public funding for students to attend private schools – a system that initially applied only to students with disabilities and has gradually increased to other student groups like children in foster care and children in D or F-rated school districts. This year's proposals would implement a four-year plan to open the program to all students – a step that supporters say will save money and give more choice to parents, and opponents say will cost the state and gut public school funding. Education committees have devoted hours to debate and public testimony on the subject, but both the House and Senate version of the bill moved forward and could be considered by the full legislature in the near future.

Few committee hearings are scheduled next week, as both the House and Senate focus on floor debates and votes that send their priority bills to the other chamber for consideration. [Click here](#) for information on bills to be considered; floor calendars will be updated daily.

### Budget Update

There was no clear evidence of progress on state budget negotiations this week. Senate leaders asked their Republican caucus members to notify them of their budget preferences in writing – a departure from the usual small group meetings that allow legislators to verbally share their priorities, but a step toward a budget proposal. House Appropriations subcommittees continued their evaluation of [state agency budgets and funding levels](#), and both the House and Senate Committees on Appropriations completed their study of major state agencies with a briefing on the [Department of Child Safety](#) and the [Department of Economic Security](#). Subcommittees will discuss and approve their reports to the House next week.

### Priority Legislation

- [HB 2134](#) (schools; children's camps; sunscreen use), which would authorize children's use and possession of FDA-approved sunscreen, passed the House Committee on Health 9-0 last week.
- [HB 2135](#) (health care workforce; data), which would create a Task Force on Health Care Professional Workforce Data to research the creation of a resource center on data from health care professionals, did not receive a hearing in the House Committee on Rules and will not advance this year.
- [HB 2194](#) (indoor tanning; minors; restricted use), which would prevent minors from using tanning devices, was approved by the House 39-19 last week.
- [HB 2208](#) (inhalers; administration; schools; authorized entities), which increases authorities for schools to offer inhalers to students when permitted to do so by a physician, was [amended](#) and passed the House Committee on Health 9-0.

- [HB 2335](#) (tobacco possession; sale; age; signage), which is the “T21” proposal to prevent access to tobacco and vaping products before the age of 21), did not receive a hearing in the House Committee on Commerce and will not advance this year.
- [HB 2372](#) (public benefits; fee waivers; requirements), which extends TANF benefits from 12 to 24 months under specified circumstances and establishes a variety of new reporting and fraud prevention measures, passed the House Committee on Health and the House Committee on Appropriations.
- [HB 2476](#) (trauma-informed care training), which requires DCS to provide three hours of trauma-informed care training for foster parents and employees, passed the House Committee on Health 9-0.
- [SB 1001](#) (civil liability; minors; animals; vehicle), which provides civil liability protection for bystanders to intervene for the protection of children and animals, passed the Senate 25-5.
- [SB 1080](#) (teenage drivers; communication devices prohibited), which prohibits a minor from using a wireless communication device while driving – except for emergencies, passed the Senate 24-6.
- [SB 1368](#) (newborn screening; fees), which increases the cost of the first newborn screening panel from \$30 to \$36, passed the Senate Committee on Rules.

### **Committee Approves Dental Benefits for Soon-To-Be Mothers on AHCCCS**

This week, the House Committee on Health unanimously approved a bill that would extend dental benefits to AHCCCS members that are pregnant. Describing [HB 2442](#) as “a two-for-one benefit” that aids both mothers and babies, Representative Kelli Butler (D-Phoenix), the bill’s sponsor, praised the many entities and individuals who had registered support for the proposal. Those supporters pointed to the health benefits of dental care, and to the cost savings that come from reduced dental emergencies.

The bill does not appear likely to move to the full House for discussion, however, since it is not scheduled for a required hearing in the House Committee on Appropriations.

### **Court Battle on Medicaid Expansion Continues...**

All eyes are on DC as discussion on national health care policies continues, but this week an Arizona Court of Appeals [heard arguments](#) in a challenge to the Arizona Medicaid restoration enacted in 2013. The challenge to that law is led by The Goldwater Institute, a conservative legal think tank, and legislators who opposed the expansion of Medicaid benefits. They argue that the law was implemented illegally because it did not obtain a supermajority vote at the legislature – a step that would be required if the bill constitutes an increase to state revenues. Advocates of the change say that the legislature acted by the rules, and express pride that their decisions helped expand health care access for many Arizonans.

The Court did not announce when it will release its decision on the case, which could impact insurance coverage for more than 400,000 low-income Arizonans.

**...and Court Battle on Minimum Wage Begins**

This week the Supreme Court agreed to wade into the politically divisive topic of the state minimum wage, [accepting a case](#) brought by the Arizona Chamber of Commerce. The Chamber seeks to overturn the minimum wage increase that Arizona voters approved in November, arguing that it is unconstitutional because it did not identify a funding source for the costs of implementing the wage increase.

The Court will hear arguments on March 9.

**On the Bright Side...**

[Arizona turned 105 this week!](#)