



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature  
Second Regular Session

House: RA DPA 6-0-0-0

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## **HB 2308: occupational licenses; criminal offense; prohibition**

**Sponsor: Representative Grantham, LD 14**

**House Engrossed**

### **Overview**

Regulates the basis by which an occupational or professional licensing board or health profession regulatory board may deny, suspend or revoke a license, registration or certificate for a prior criminal offense. Grants a person the right to file a petition with the Governor's Regulatory Review Council (Council) if a board denies that person a license based on a prior criminal offense that is unrelated to the profession.

### **History**

Before filing a rule with the Secretary of State, a state agency must obtain approval from the Council ([A.R.S. § 41-1052](#)). The Council reviews Arizona regulations to ensure that they are necessary and to avoid duplication and adverse impact on the public. If an Arizona regulation does not meet the Council's criteria, the Council can return it to the agency for further consideration ([Governor's Regulatory Review Council](#)).

Statute requires state agencies to limit occupational regulations to those that are demonstrated to be necessary to specifically fulfill a concern for public health, safety or welfare. State law also prohibits agencies from denying a regular or provisional occupational license to someone who is otherwise qualified but who has been convicted of a drug offense. Occupational licenses include permits, certificates, approvals, registrations, charters or any similar form of permission that allows an individual to use an occupational title or perform work in a lawful occupation (A.R.S. §§ [41-1093.01](#), [41-1093.06](#)).

### **Provisions**

1. Allows a person to file a petition with the Council to request a review of an occupational or professional licensing board's or health profession regulatory board's denial, suspension or revocation of a license, registration or certificate for a prior criminal offense. (Sec. 1, 3)
2. Specifies that the petition submitted to the Council cannot exceed five double-spaced pages. (Sec. 1)
3. Instructs the Council, on receipt of a properly submitted petition, to review the denial, suspension or revocation and independently determine whether the offense meets specified criteria. (Sec. 1)
4. Specifies that an occupational or professional licensing board or a health profession regulatory board is prohibited from denying, suspending or revoking a license, registration or certificate for an applicant's, licensee's, registrant's or certificate holder's prior criminal offense unless:
  - a) the offense is substantially related to the occupation; or

- b) approving or not imposing disciplinary action against the license, registration or certificate would pose a reasonable threat to public health and safety. (Sec. 1-3)
- 5. Clarifies that this act does not impact a person's right to petition an agency for a criminal record review or an agency's requirement to determine whether a person's criminal record disqualifies them from obtaining a license, permit, certificate or other state recognition. (Sec. 3)
- 6. Defines *health profession regulatory board*, *reasonable threat* and *substantially related*. (Sec. 1, 3)
- 7. Makes technical and conforming changes. (Sec. 1-3)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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