



ARIZONA STATE SENATE
Fifty-Fifth Legislature, First Regular Session

FACT SHEET FOR H.B. 2319

license denial; prohibition; drug convictions

Purpose

Prohibits an agency from denying a regular or provisional occupational license to an otherwise qualified applicant who has been convicted of an imitation substance or drug offense.

Background

A board, commission, department, officer or other administrative unit of Arizona (agency) may determine that a person's criminal record disqualifies the person from obtaining a license, permit, certificate or other state recognition only if the agency concludes that the state has an important interest in protecting public safety that is superior to the person's right and the person was convicted within the previous seven years of certain offenses, including a felony offense. Statute also outlines offenses which may disqualify a person if the person was convicted at any time.

The limitations on an agency's authority to disqualify a person from obtaining a license, permit, certificate or other state recognition do not apply to: 1) a law enforcement agency; 2) the Arizona Peace Officer Standards and Training Board; 3) any private investigator, security guard or education certification, license or permit; 4) any criteria for a license, permit or certificate eligibility established by an interstate compact; or 5) any license, permit or certificate that requires a fingerprint clearance card ([A.R.S. § 41-1093.04](#)).

The Arizona Criminal Code outlines penalties for drug offenses and imitation substance or drug offenses ([A.R.S. Title 13, Chapter 34 and Chapter 34.1](#)).

Certain occupational licensing fees revenues are remitted to the state General Fund. If this legislation results in a change to the number of licenses issued, there may be an impact to the state General Fund.

Provisions

1. Prohibits an agency from denying a regular occupational license or provisional occupational license to an otherwise qualified applicant who has been convicted of:
 - a) a drug offense or imitation substance or drug offense in the Arizona Criminal Code; or
 - b) an offense committed in another jurisdiction that has the same elements as a drug offense or imitation substance or drug offense in the Arizona Criminal Code.
2. Excludes from the prohibition:
 - a) the State Board of Education for teacher certifications;
 - b) a health profession regulatory board;
 - c) the Department of Health Services for certifications relating to the Arizona Medical Marijuana Act;
 - d) a law enforcement agency; and
 - e) the Arizona Peace Officer Standards and Training Board.

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3. Defines *occupational license* as any agency permit, certificate, approval, registration, charter or similar form of permission that allows an individual to use an occupational title or work in a lawful occupation, trade or profession.
4. Becomes effective on the general effective date.

House Action

CJR	2/3/21	DP	9-0-0-0
3 rd Read	2/11/21		60-0-0

Prepared by Senate Research

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LB/MC/kja