

# ARIZONA STATE SENATE

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TO: MEMBERS OF THE SENATE  
APPROPRIATIONS COMMITTEE

DATE: February 19, 2021

SUBJECT: Strike everything amendment to S.B. 1325, relating to professions; therapy ban prohibition

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### Purpose

Precludes state offices, agencies and political subdivisions from prohibiting a licensed behavioral health professional, psychiatrist or psychologist from providing specified voluntary mental health care services. Precludes local governments and political subdivisions from enacting any measure that interferes with the professional conduct and judgment of a licensed behavioral health professional, psychiatrist or psychologist.

### Background

*Behavioral therapy* is defined as interactive therapy derived from evidenced-based research, including applied behavioral analysis, which includes discrete trial training, pivotal response training, intensive intervention programs and early intensive behavioral intervention ([A.R.S. 20-1404.03](#)). The American Counseling Association, a national non-profit organization, defines counseling as a professional relationship that empowers diverse individuals, families and groups to accomplish mental health, wellness, education and career goals ([ACA](#)).

In Arizona, a behavioral health professional is required to be licensed in order to practice behavioral health services, including marriage and family therapy, professional counseling, social work and substance abuse counseling ([A.R.S. § 32-3251](#)). A *psychologist* is a person who is licensed and authorized to provide psychological assessment, diagnosis, treatment or correction of mental, emotion, behavioral or psychological abilities, illnesses or disorders ([A.R.S. § 32-2061](#)). A *psychiatrist* is a licensed physician who has completed three years of graduate training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association ([A.R.S. § 36-501](#)).

In addition to behavioral therapy, statute recognizes art therapy, drug therapy, occupational, physical therapy, respiratory therapy, massage therapy, medical therapy, music therapy, speech therapy and dental therapy as valid, recognized forms of professional therapy ([A.R.S. Title 32](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

### Provisions

1. Prohibits a political subdivision of Arizona or local government from enacting, adopting, maintaining or enforcing any order, ordinance, rule, regulation, policy or other similar measure that prohibits, restricts, limits, controls, directs or otherwise interferes with the professional conduct and judgment of a licensed behavioral professional, a licensed psychiatrist or a licensed psychologist, including speech in the course of treating and communicating with clients, patients, other persons or the public, including therapy, counseling, referrals and education.

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2. Prohibits a state office, agency, political subdivision of Arizona or local government or any organization with authority to license or discipline the members of a profession from imposing any penalty or taking any adverse action against any licensed behavioral health professional, licensed psychiatrist or licensed psychologist who provides voluntary mental health care services to aid patients or clients in the patient's or client's self-determined objectives related to the patient's or client's sexuality or identity, including any attractions, behaviors or other emotional issues.
3. Becomes effective on the general effective date.