

REFERENCE TITLE: **medical freedom; parental rights**

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

HB 2065

Introduced by
Representative Fillmore

AN ACT

AMENDING SECTIONS 1-602, 15-102, 15-871 AND 15-872, ARIZONA REVISED STATUTES; REPEALING SECTION 15-873, ARIZONA REVISED STATUTES; AMENDING SECTIONS 15-874, 36-671, 36-672, 36-673, 46-292 AND 46-300, ARIZONA REVISED STATUTES; RELATING TO IMMUNIZATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 1-602, Arizona Revised Statutes, is amended to
3 read:

4 1-602. Parents' bill of rights; definition

5 A. All parental rights are reserved to a parent of a minor child
6 without obstruction or interference from this state, any political
7 subdivision of this state, any other governmental entity or any other
8 institution, including:

9 1. The right to direct the education of the minor child.

10 2. All rights of parents identified in title 15, including the
11 right to access and review all records relating to the minor child.

12 3. The right to direct the upbringing of the minor child.

13 4. The right to direct the moral or religious training of the minor
14 child.

15 5. The right to make health care decisions for the minor child,
16 including rights pursuant to sections ~~15-873~~ 15-872, 36-2271 and 36-2272,
17 unless otherwise prohibited by law.

18 6. The right to access and review all medical records of the minor
19 child unless otherwise prohibited by law or **UNLESS** the parent is the
20 subject of an investigation of a crime committed against the minor child
21 and a law enforcement official requests that the information not be
22 released.

23 7. The right to consent in writing before a biometric scan of the
24 minor child is made pursuant to section 15-109.

25 8. The right to consent in writing before any record of the minor
26 child's blood or deoxyribonucleic acid is created, stored or shared,
27 except as required by section 36-694, or before any genetic testing is
28 conducted on the minor child pursuant to section 12-2803 unless authorized
29 pursuant to section 13-610 or a court order.

30 9. The right to consent in writing before ~~the~~ **THIS** state or any of
31 its political subdivisions makes a video or voice recording of the minor
32 child, unless the video or voice recording is made during or as a part of
33 a court proceeding, by law enforcement officers during or as part of a law
34 enforcement investigation, during or as part of an interview in a criminal
35 or child safety services investigation or to be used solely for any of the
36 following:

37 (a) Safety demonstrations, including the maintenance of order and
38 discipline in the common areas of a school or on pupil transportation
39 vehicles.

40 (b) A purpose related to a legitimate academic or extracurricular
41 activity.

42 (c) A purpose related to regular classroom instruction.

43 (d) Security or surveillance of buildings or grounds.

44 (e) A photo identification card.

1 10. The right to be notified promptly if an employee of this state,
2 any political subdivision of this state, any other governmental entity or
3 any other institution suspects that a criminal offense has been committed
4 against the minor child by someone other than a parent, unless the
5 incident has first been reported to law enforcement and ~~notification of~~
6 **NOTIFYING** the parent would impede a law enforcement or child safety
7 services investigation. This paragraph does not create any new obligation
8 for school districts and charter schools to report misconduct between
9 students at school, such as fighting or aggressive play, that is routinely
10 addressed as a student disciplinary matter by the school.

11 11. The right to obtain information about a child safety services
12 investigation involving the parent pursuant to section 8-807.

13 B. This section does not authorize or allow a parent to engage in
14 conduct that is unlawful or to abuse or neglect a child in violation of
15 the laws of this state. This section does not prohibit courts, law
16 enforcement officers or employees of a government agency responsible for
17 child welfare from acting in their official capacity within the scope of
18 their authority. This section does not prohibit a court from issuing an
19 order that is otherwise permitted by law.

20 C. Any attempt to encourage or coerce a minor child to withhold
21 information from the child's parent shall be grounds for discipline of an
22 employee of this state, any political subdivision of this state or any
23 other governmental entity, except for law enforcement personnel.

24 D. Unless those rights have been legally waived or legally
25 terminated, parents have inalienable rights that are more comprehensive
26 than those listed in this section. This chapter does not prescribe all
27 rights of parents. Unless otherwise required by law, the rights of
28 parents of minor children shall not be limited or denied.

29 E. For the purposes of this section, "parent" means the natural or
30 adoptive parent or legal guardian of a minor child.

31 Sec. 2. Section 15-102, Arizona Revised Statutes, is amended to
32 read:

33 15-102. Parental involvement in the school; definition

34 A. The governing board, in consultation with parents, teachers and
35 administrators, shall develop and adopt a policy to promote the
36 involvement of parents and guardians of children enrolled in the schools
37 within the school district, including:

38 1. A plan for parent participation in the schools that is designed
39 to improve parent and teacher cooperation in such areas as homework,
40 attendance and discipline. The plan shall provide for the administration
41 of a parent-teacher satisfaction survey.

42 2. Procedures by which parents may learn about the course of study
43 for their children and review learning materials, including the source of
44 any supplemental educational materials.

1 3. Procedures by which parents who object to any learning material
2 or activity on the basis that it is harmful may withdraw their children
3 from the activity or from the class or program in which the material is
4 used. Objection to a learning material or activity on the basis that it is
5 harmful includes objection to a material or activity because it questions
6 beliefs or practices in sex, morality or religion.

7 4. If a school district offers any sex education curricula pursuant
8 to section 15-711 or 15-716 or pursuant to any rules adopted by the state
9 board of education, procedures to prohibit ~~a~~ THE school district from
10 providing sex education instruction to a pupil unless the pupil's parent
11 provides written permission for the child to participate in the sex
12 education curricula.

13 5. Procedures by which parents will be notified in advance of and
14 given the opportunity to withdraw their children from any instruction or
15 presentations regarding sexuality in courses other than formal sex
16 education curricula.

17 6. Procedures by which parents may learn about the nature and
18 purpose of clubs and activities that are part of the school curriculum,
19 extracurricular clubs and activities that have been approved by the
20 school.

21 7. Procedures by which parents may learn about parental rights and
22 responsibilities under the laws of this state, including the following:

23 (a) The right to opt in to a sex education curriculum if one is
24 provided by the school district.

25 (b) Open enrollment rights pursuant to section 15-816.01.

26 (c) The right to opt out of assignments pursuant to this section.

27 (d) The right to ~~opt out of immunizations pursuant to section~~
28 ~~15-873~~ DECIDE WHETHER TO IMMUNIZE THE PARENT'S CHILD AS PRESCRIBED IN
29 SECTION 15-872.

30 (e) The promotion requirements prescribed in section 15-701.

31 (f) The minimum course of study and competency requirements for
32 graduation from high school prescribed in section 15-701.01.

33 (g) The right to opt out of instruction on ~~the~~ acquired immune
34 deficiency syndrome pursuant to section 15-716.

35 (h) The right to review test results pursuant to section 15-743.

36 (i) The right to participate in gifted programs pursuant to section
37 15-779.01.

38 (j) The right to access instructional materials pursuant to section
39 15-730.

40 (k) The right to receive a school report card pursuant to section
41 15-746.

42 (l) The attendance requirements prescribed in sections 15-802,
43 15-803 and 15-821.

44 (m) The right to public review of courses of study and textbooks
45 pursuant to sections 15-721 and 15-722.

- 1 (n) The right to be excused from school attendance for religious
2 purposes pursuant to section 15-806.
- 3 (o) Policies related to parental involvement pursuant to this
4 section.
- 5 (p) The right to seek membership on school councils pursuant to
6 section 15-351.
- 7 (q) Information about the student accountability information system
8 as prescribed in section 15-1041.
- 9 (r) The right to access the failing schools tutoring fund pursuant
10 to section 15-241.
- 11 B. The policy adopted by the governing board pursuant to this
12 section may also include the following components:
- 13 1. A plan by which parents will be made aware of the district's
14 parental involvement policy and this section, including:
- 15 (a) Rights under the family educational rights and privacy act of
16 1974 (20 United States Code section 1232g) relating to access to
17 children's official records.
- 18 (b) The parent's right to inspect the school district policies and
19 curriculum.
- 20 2. Efforts to encourage the development of parenting skills.
- 21 3. ~~The communication~~ COMMUNICATING to parents ~~of~~ techniques THAT
22 ARE designed to assist the child's learning experience in the home.
- 23 4. Efforts to encourage access to community and support services
24 for children and families.
- 25 5. ~~The promotion of~~ PROMOTING communication between the school and
26 parents concerning school programs and the academic progress of the
27 parents' children.
- 28 6. Identifying opportunities for parents to participate in and
29 support classroom instruction at the school.
- 30 7. Efforts to support, with appropriate training, parents as shared
31 decision-makers and to encourage membership on school councils.
- 32 8. ~~The recognition of~~ RECOGNIZING the diversity of parents and ~~the~~
33 ~~development of~~ DEVELOPING guidelines that promote widespread parental
34 participation and involvement in the school at various levels.
- 35 9. ~~The development of~~ DEVELOPING preparation programs and
36 specialized courses for certificated employees and administrators that
37 promote parental involvement.
- 38 10. ~~The development of~~ DEVELOPING strategies and programmatic
39 structures at schools to encourage and enable parents to participate
40 actively in their children's education.
- 41 C. The governing board may adopt a policy to provide to parents the
42 information required by this section in an electronic form.
- 43 D. A parent shall submit a written request for information pursuant
44 to this section during regular business hours to either the school
45 principal at the school site or the superintendent of the school district

1 at the office of the school district. Within ten days after receiving the
2 request for information, the school principal or the superintendent of the
3 school district shall either deliver the requested information to the
4 parent or submit to the parent a written explanation of the reasons for
5 ~~the denial of~~ DENYING the requested information. If the request for
6 information is denied or the parent does not receive the requested
7 information within fifteen days after submitting the request for
8 information, the parent may submit a written request for the information
9 to the school district governing board, which shall formally consider the
10 request at the next scheduled public meeting of the governing board if the
11 request can be properly noticed on the agenda. If the request cannot be
12 properly noticed on the agenda, the governing board shall formally
13 consider the request at the next subsequent public meeting of the
14 governing board.

15 E. For the purposes of this section, "parent" means the natural or
16 adoptive parent or legal guardian of a minor child.

17 Sec. 3. Section 15-871, Arizona Revised Statutes, is amended to
18 read:

19 15-871. Definitions

20 In this article, unless the context otherwise requires:

21 1. "Documentary proof" means written evidence that a pupil has been
22 immunized or has laboratory evidence of immunity that conforms with the
23 standards ~~promulgated~~ ADOPTED pursuant to section 15-872.

24 2. "Dose" means the number in a series of immunizations that may be
25 prescribed pursuant to section 36-672.

26 3. "Health agency" means a local health department or similar
27 governmental agency established pursuant to the laws of another state or
28 country and its officers and employees.

29 ~~4. "Homeless pupil" means a pupil who has a primary residence that~~
30 ~~is:~~

31 ~~(a) A supervised publicly or privately operated shelter designed to~~
32 ~~provide temporary living accommodations.~~

33 ~~(b) An institution that provides a temporary residence for~~
34 ~~individuals intended to be institutionalized.~~

35 ~~(c) A public or private place not designed for, or ordinarily used~~
36 ~~as a regular sleeping accommodation for, human beings.~~

37 ~~5.~~ 4. "Immunization" means the process of ~~inoculation~~ INOCULATING
38 A PERSON with a specific antigen to promote antibody formation in the
39 PERSON'S body.

40 ~~6.~~ 5. "Immunized" means the ~~required~~ RECOMMENDED initial
41 immunization and boosters or reimmunization prescribed pursuant to section
42 36-672.

1 ~~7.~~ 6. "Laboratory evidence of immunity" means written evidence of
2 serologic confirmation of the presence of specific antibodies against an
3 immunization-preventable disease that is signed by a physician or an
4 authorized representative of a health agency.

5 ~~8.~~ 7. "Local health department" means a local health department
6 established pursuant to title 36, chapter 1, article 4.

7 ~~9.~~ 8. "Physician" means a person WHO IS licensed pursuant to title
8 32, chapter 13, 17 or 29 or a person WHO IS licensed to practice
9 allopathic or osteopathic medicine under the laws of another state or
10 country.

11 ~~10.~~ 9. "Pupil" means a person who is eligible to receive
12 instruction at a school and includes ~~pre-kindergarten-age~~
13 PREKINDERGARTEN-AGE children receiving either services for children with
14 disabilities or day care on a school campus THAT IS otherwise exempt from
15 day care rules pursuant to section 36-884.

16 ~~11. "Registered nurse practitioner" has the same meaning prescribed~~
17 ~~in section 32-1601.~~

18 ~~12.~~ 10. "School" means a public, private or parochial school that
19 offers instruction at any level or grade through twelfth grade, except for
20 day care facilities regulated pursuant to title 36, chapter 7.1.

21 ~~13.~~ 11. "School administrator" means the principal or person
22 having general daily control and supervision of the school or that
23 person's designee.

24 ~~14. "Suspension" or "suspended" means:~~

25 ~~(a) For a pupil attending a public school, the temporary withdrawal~~
26 ~~of the privilege of attending school pursuant to section 15-843.~~

27 ~~(b) For a pupil attending a private or parochial school, the~~
28 ~~temporary withdrawal of the privilege of attending school pursuant to the~~
29 ~~policies and procedures of the private or parochial school.~~

30 Sec. 4. Section 15-872, Arizona Revised Statutes, is amended to
31 read:

32 15-872. Immunizations; parental control; documentary proof;
33 nonattendance during outbreak; notification
34 requirements; civil immunity

35 A. THE DECISION TO IMMUNIZE A PUPIL IS SOLELY THE DECISION OF THE
36 PUPIL'S PARENT. A SCHOOL MAY NOT REQUIRE A PUPIL TO RECEIVE THE
37 RECOMMENDED IMMUNIZATIONS OR REFUSE TO ADMIT OR OTHERWISE PENALIZE A PUPIL
38 BECAUSE THAT PUPIL HAS NOT RECEIVED THE RECOMMENDED IMMUNIZATIONS. IF A
39 PARENT CHOOSES TO HAVE THE PARENT'S PUPIL IMMUNIZED, THE PARENT SHALL
40 SUBMIT DOCUMENTARY PROOF TO THE SCHOOL ADMINISTRATOR TO VERIFY THAT THE
41 PUPIL HAS RECEIVED THE RECOMMENDED IMMUNIZATIONS IF AN OUTBREAK DESCRIBED
42 IN SUBSECTION C OF THIS SECTION OCCURS.

43 ~~A.~~ B. The director of the department of health services, in
44 consultation with the superintendent of public instruction, shall ~~develop~~
45 ADOPT by rule standards for documentary proof REQUIRED BY THIS SECTION.

1 ~~B. A pupil shall not be allowed to attend school without submitting~~
2 ~~documentary proof to the school administrator unless the pupil is exempted~~
3 ~~from immunization pursuant to section 15-873.~~

4 C. A PUPIL WHO LACKS DOCUMENTARY PROOF OF IMMUNIZATION MAY BE
5 EXCLUDED FROM SCHOOL ONLY IF THE PUPIL LACKS AN IMMUNIZATION FOR WHICH
6 THERE IS AN ACTIVE CASE OF A DISEASE IN THAT PUPIL'S SCHOOL THAT THE
7 IMMUNIZATION IS INTENDED TO PREVENT AND THE DEPARTMENT OF HEALTH SERVICES
8 OR A LOCAL HEALTH DEPARTMENT HAS DECLARED AN OUTBREAK OF THAT DISEASE FOR
9 AN AREA THAT INCLUDES THE PUPIL'S SCHOOL. THE DEPARTMENT OF HEALTH
10 SERVICES OR LOCAL HEALTH DEPARTMENT SHALL NOTIFY THE SCHOOL ADMINISTRATOR
11 RESPONSIBLE FOR EXCLUDING PUPILS FROM SCHOOL ATTENDANCE OF ITS
12 DETERMINATION UNDER THIS SUBSECTION.

13 ~~C.~~ D. Each public school shall ~~make full disclosure of~~ FULLY
14 DISCLOSE TO PARENTS the requirements ~~and exemptions as prescribed in~~ OF
15 this section ~~and section 15-873.~~

16 ~~D. On enrollment, the school administrator shall suspend that pupil~~
17 ~~if the administrator does not have documentary proof and the pupil is not~~
18 ~~exempted from immunization pursuant to section 15-873.~~

19 ~~E. Notwithstanding subsections B and D of this section, a pupil may~~
20 ~~be admitted to or allowed to attend a school if the pupil has received at~~
21 ~~least one dose of each of the required immunizations prescribed pursuant~~
22 ~~to section 36-672 and has established a schedule for the completion of~~
23 ~~required immunizations. The parent, guardian or person in loco parentis~~
24 ~~of a pupil shall present to the school administrator documentary proof of~~
25 ~~the immunizations received and a schedule prepared by the pupil's~~
26 ~~physician or registered nurse practitioner or a health agency for~~
27 ~~completion of additional required immunizations.~~

28 ~~F. The school administrator shall review the school immunization~~
29 ~~record for each pupil admitted or allowed to continue attendance pursuant~~
30 ~~to subsection E of this section at least twice each school year until the~~
31 ~~pupil receives all of the required immunizations and shall suspend a pupil~~
32 ~~as prescribed in subsection G of this section who fails to comply with the~~
33 ~~immunization schedule. Immunizations received by a pupil shall be entered~~
34 ~~in the pupil's school immunization record.~~

35 ~~G. Unless proof of an exemption from immunization pursuant to~~
36 ~~section 15-873 is provided, a pupil who is admitted or allowed to continue~~
37 ~~to attend and who fails to comply with the immunization schedule within~~
38 ~~the time intervals specified by the schedule shall be suspended from~~
39 ~~school attendance until documentary proof of the administration of another~~
40 ~~dose of each appropriate immunizing agent is provided to the school~~
41 ~~administrator.~~

42 ~~H. The provisions of subsections B, D and E of this section do not~~
43 ~~apply to homeless pupils until the fifth calendar day after enrollment.~~

44 ~~I.~~ E. A school and its employees are immune from civil liability
45 for decisions concerning ~~the admission, readmission~~ ADMITTING and

1 ~~suspension of a pupil~~ EXCLUDING PUPILS that are based on a good faith
2 implementation of the requirements of ~~this article~~ SUBSECTION C OF THIS
3 SECTION.

4 Sec. 5. Repeal

5 Section 15-873, Arizona Revised Statutes, is repealed.

6 Sec. 6. Section 15-874, Arizona Revised Statutes, is amended to
7 read:

8 15-874. School immunization records; inspection;
9 requirements; annual report

10 A. ~~Each~~ IF A PARENT CHOOSES TO IMMUNIZE THE PARENT'S PUPIL AND
11 SUBMITS DOCUMENTARY PROOF, THE pupil's immunizations shall be recorded on
12 the PUPIL'S school immunization record. The school immunization record
13 shall be a standardized form developed by the department of health
14 services in conjunction with the department of education. ~~and provided by~~
15 The department of health services ~~and shall be~~ SHALL PROVIDE THE FORM,
16 WHICH IS a part of the mandatory permanent student record. The
17 IMMUNIZATION records are open to inspection by the department of health
18 services and the local health department.

19 B. Each immunization record shall contain at least the following
20 information:

- 21 1. The pupil's name and birth date.
- 22 2. The date of the pupil's admission to the school.
- 23 3. The type of immunizing agents administered to the pupil.
- 24 4. The date each dose of immunizing agent is administered to the
25 pupil.

26 ~~5. The established schedule for completion of immunizations if the~~
27 ~~pupil is admitted to or allowed to continue to attend a school pursuant to~~
28 ~~section 15-872, subsection E.~~

29 ~~6.~~ 5. Laboratory evidence of immunity if this evidence is
30 presented as part of ~~a~~ THE pupil's documentary proof.

31 ~~7. If an exemption from immunization as provided in section 15-873~~
32 ~~is submitted to the school administrator, the date the exemption is~~
33 ~~submitted and the reason for the exemption.~~

34 ~~8.~~ 6. Additional information prescribed by the director of the
35 department of health services by rule.

36 C. A school shall transfer an immunization record with the
37 mandatory permanent student record and provide at no charge, on request, a
38 copy of the immunization record to the parent or guardian of the pupil.

39 D. ~~By~~ ON OR BEFORE November 30 of each school year, each school
40 district and private school shall complete and file a report with the
41 local health department and the department of health services, using forms
42 provided by the department of health services. The report shall state the
43 number of pupils attending THE SCHOOL OR SCHOOL DISTRICT who have
44 completed ~~required~~ RECOMMENDED immunizations or who have submitted
45 laboratory evidence of immunity, ~~the number of pupils attending with~~

1 ~~uncompleted required immunizations and the number of pupils attending with~~
2 ~~an exemption from immunization pursuant to section 15-873.~~

3 Sec. 7. Section 36-671, Arizona Revised Statutes, is amended to
4 read:

5 36-671. Definitions

6 In this article, unless the context otherwise requires:

7 1. "Department" means the department of health services.

8 2. "Director" means the director of the department of health
9 services.

10 3. "Documentary proof" means written evidence that a pupil has been
11 immunized or has laboratory evidence of immunity ~~which~~ THAT conforms with
12 the standards ~~promulgated~~ ADOPTED pursuant to section 15-872.

13 4. "Dose" means the number in a series of immunizations ~~which~~ THAT
14 may be prescribed pursuant to section 36-672.

15 5. "Health agency" means a local health department or similar
16 governmental agency established pursuant to the laws of another state or
17 country and its officers and employees.

18 6. "Immunization" means the process of ~~inoculation~~ INOCULATING A
19 PERSON with a specific antigen to promote antibody formation in the
20 PERSON'S body.

21 7. "Immunized" means the ~~required~~ RECOMMENDED initial immunization
22 and boosters or reimmunization prescribed pursuant to section 36-672.

23 8. "Laboratory evidence of immunity" means written evidence of
24 serologic confirmation of the presence of specific antibodies against an
25 immunization-preventable disease ~~which~~ THAT is signed by a physician or an
26 authorized representative of a health agency.

27 9. "Local health department" means A local health ~~departments~~
28 DEPARTMENT established pursuant to chapter 1, article 4 of this title.

29 10. "Physician" means a person WHO IS licensed pursuant to title
30 32, chapter 13, 17 or 29 or a person WHO IS licensed to practice
31 allopathic or osteopathic medicine under the laws of another state or
32 country.

33 11. "Pupil" means a person who is eligible to receive instruction
34 at a school and includes ~~pre-kindergarten-age~~ PREKINDERGARTEN-AGE children
35 receiving either services for children with disabilities or day care on a
36 school campus THAT IS otherwise exempt from day care rules pursuant to
37 section 36-884.

38 12. "School" means a public, private or parochial school that
39 offers instruction at any level or grade through twelfth grade, except for
40 day care facilities regulated pursuant to chapter 7.1 of this title.

41 13. "School administrator" means the principal or person having
42 general daily control and supervision of the school or that person's
43 designee.

1 Sec. 8. Section 36-672, Arizona Revised Statutes, is amended to
 2 read:

3 36-672. Recommended immunizations; rules

4 A. Consistent with section ~~15-873~~ 15-872, the director shall adopt
 5 rules ~~prescribing required~~ THAT PRESCRIBE RECOMMENDED immunizations for
 6 school attendance, the approved means of immunization and indicated
 7 reinforcing immunizations for diseases, and ~~identifying~~ THAT IDENTIFY
 8 types of health agencies and health care providers ~~which~~ THAT may sign a
 9 laboratory evidence of immunity. The rules shall include the required
 10 doses, recommended optimum ages for ~~administration of~~ ADMINISTERING the
 11 immunizations, persons who are authorized representatives to sign on
 12 behalf of a health agency and other provisions necessary to implement this
 13 article.

14 B. The director, in consultation with the superintendent of public
 15 instruction, shall ~~develop~~ ADOPT by rule standards for documentary proof.

16 C. ~~Immunization against the human papillomavirus is~~ IMMUNIZATIONS
 17 ARE not required for school attendance.

18 Sec. 9. Section 36-673, Arizona Revised Statutes, is amended to
 19 read:

20 36-673. Duties of local health departments; recommended
 21 immunizations; reimbursement; training; informed
 22 consent

23 A. A local health department in cooperation with each school within
 24 the county shall provide for the ~~required~~ RECOMMENDED immunization of
 25 pupils attending school.

26 B. A local health department shall provide immunizations ~~required~~
 27 RECOMMENDED for school attendance at no cost to the pupil or pupil's
 28 parent, guardian or person in loco parentis. In order to receive
 29 reimbursement for the cost of the immunization from the pupil's or
 30 parent's private health insurance coverage, the local health department
 31 may enter into a contract governing the terms of reimbursement and claims
 32 with the corresponding private health care insurer. The local health
 33 department may enter into a contract with a private health care insurer on
 34 its own, in conjunction with other local health departments or through a
 35 qualified intermediary. If the local health department chooses not to
 36 contract with a private health care insurer, or does not respond to the
 37 request to contract from a private health care insurer within ninety days
 38 ~~of~~ AFTER the request, the insurer is not required to reimburse the local
 39 health department for the immunization. If a private health care insurer
 40 declines or does not respond to a request to contract with a local health
 41 department, with a coalition of other local health departments or through
 42 a qualified intermediary within ninety days ~~of~~ AFTER the request to
 43 contract, the private health care insurer must reimburse the local health
 44 department at the rate paid to an in-network provider.

1 C. A local health department, on request by a school nurse and
2 approval by the school administrator, shall train and authorize the school
3 nurse to administer ~~required~~ RECOMMENDED immunizations.

4 D. A pupil shall not be immunized without the informed consent of
5 the parent, guardian or person in loco parentis of the pupil. A pupil who
6 is at least eighteen years of age or WHO is emancipated may consent to
7 immunization.

8 Sec. 10. Section 46-292, Arizona Revised Statutes, is amended to
9 read:

10 46-292. Eligibility for assistance

11 A. A family without a dependent child in the household may not
12 receive cash assistance.

13 B. Cash assistance may be given under this title to any dependent
14 child and member of a needy family:

15 1. Who has established residence in Arizona at the time of
16 application and who is either:

17 (a) A citizen by birth or naturalization.

18 (b) A qualified alien who entered the United States on or before
19 August 21, 1996.

20 (c) A qualified alien who entered the United States as a member of
21 one of the exception groups under Public Law 104-193, section 412, in
22 which case the person shall be determined eligible in accordance with
23 Public Law 104-193.

24 (d) Defined as a qualified alien by the attorney general of the
25 United States under the authority of Public Law 104-208, section 501.
26 For the purposes of subdivisions (b) and (c) of this paragraph, "qualified
27 alien" means a person who is defined as a qualified alien under Public Law
28 104-193, section 431.

29 2. If the parent or parents of the dependent child or the nonparent
30 relative head of household receiving assistance, if employable, does not
31 refuse to accept available employment. The department shall assess the
32 applicant's employability at the time of initial application for
33 assistance to establish a self-sufficiency diversion option, if
34 appropriate, before benefit issuance. The determination of employability
35 and the conditions under which employment shall be required shall be
36 determined by the state department, except that claimed unemployability
37 because of physical or mental incapacity shall be determined by the state
38 department in accordance with this title.

39 3. If the parent or parents of the dependent child or the nonparent
40 head of household in a needy family has not, within one year before
41 application, or while a recipient, transferred or assigned real or
42 personal property with the intent to evade federal or state eligibility
43 requirements. Transfer of property with retention of a life estate for
44 the purpose of qualifying for assistance is prohibited. Where fair
45 consideration for the property was received, no inquiry into motive is

1 necessary. A person found ineligible under this section shall be
2 ineligible for such time as the state department determines.

3 4. Who meets the requirements of this section and department rule
4 to qualify as part of the assistance unit.

5 C. Qualified aliens entering the United States after August 21,
6 1996 are ineligible for benefits for a period of five years beginning on
7 their date of entry, except for Cuban and Haitian entrants as defined in
8 section 501(e)(2) of the refugee education assistance act of 1980 and
9 exceptions provided under Public Law 104-193 (personal responsibility and
10 work opportunity reconciliation act of 1996) and Public Law 105-32
11 (balanced budget act of 1997).

12 D. A parent or any other relative who applies for or who receives
13 cash assistance under this title on behalf of a child shall cooperate with
14 the department by taking the following actions:

15 1. Providing information regarding the identity of the child's
16 father and mother and other pertinent information including their names,
17 social security numbers and current addresses or a sworn statement that
18 attests to the lack of this information and that is accompanied by facts
19 supporting the asserted lack of information.

20 2. Appearing at interviews, hearings and legal proceedings.

21 3. Submitting and having the child submit to genetic testing.

22 4. Signing authorizations for third parties to release information
23 concerning the applicant or the child, or both.

24 5. In cases in which parentage has not been established, providing
25 a sworn statement alleging paternity and setting forth facts establishing
26 a reasonable possibility of the requisite sexual contact between the
27 parties.

28 6. Supplying additional information the department requires.

29 E. The department shall sanction a recipient who, without good
30 cause as prescribed in subsection F of this section, fails to cooperate
31 with child support enforcement efforts according to the sanction
32 provisions of section 46-300.

33 F. One or more of the following circumstances constitute good cause
34 for failure to cooperate with child support enforcement efforts:

35 1. Cooperation may result in physical or emotional harm to the
36 parent, child for whom support is sought or caretaker relative with whom
37 the child is living.

38 2. Legal proceedings for adoption of the child for whom support is
39 sought are pending before a court.

40 3. The participant has been working, for less than ninety days,
41 with a public or licensed private social agency on the issue of whether to
42 allow the child for whom support is sought to be adopted.

43 4. The child for whom support is sought was conceived as a result
44 of sexual assault pursuant to section 13-1406 or incest.

1 G. A person claiming good cause has twenty days ~~from~~ AFTER the date
2 the good cause claim is provided to the agency to supply evidence
3 supporting the claim. When determining whether the parent or relative is
4 cooperating with the agency as provided in subsection D of this section,
5 the agency shall require:

6 1. If the good cause exception in subsection F, paragraph 1 of this
7 section is claimed, law enforcement, court, medical, criminal,
8 psychological, social service or governmental records or sworn statements
9 from persons with personal knowledge of the circumstances that indicate
10 that the alleged parent or obligor might inflict physical harm on the
11 parent, child or caretaker relative.

12 2. If the good cause exception in subsection F, paragraph 2 of this
13 section is claimed, court documents that indicate that legal proceedings
14 for adoption are pending before a court of competent jurisdiction.

15 3. If the good cause exception in subsection F, paragraph 3 of this
16 section is claimed, records from a public or licensed private social
17 services agency showing that placing the child for whom support is sought
18 is under consideration.

19 4. If the good cause exception in subsection F, paragraph 4 of this
20 section is claimed, law enforcement, court, medical, criminal,
21 psychological, social service or governmental records or sworn statements
22 from persons with personal knowledge of the circumstances surrounding the
23 conception of the child that indicate the child was conceived as a result
24 of sexual assault pursuant to section 13-1406 or incest.

25 H. Notwithstanding subsection B of this section and except as
26 provided in subsection I of this section, a dependent child or children
27 who are born during one of the following time periods are not eligible for
28 assistance under this title:

29 1. The period in which the parent or other relative is receiving
30 assistance benefits.

31 2. The temporary period in which the parent or other relative is
32 ineligible pursuant to a penalty imposed by the department for failure to
33 comply with benefit eligibility requirements, after which the parent or
34 other relative is eligible for a continuation of benefits.

35 3. Any period after November 1, 1995 that is less than sixty months
36 between a voluntary withdrawal from program benefits or a period of
37 ineligibility for program benefits ~~which~~ THAT immediately followed a
38 period during which program benefits were received and a subsequent
39 reapplication and eligibility approval for benefits.

40 I. The following exceptions apply to subsection H of this section:

41 1. The department shall allow an increase in cash assistance under
42 the program for a dependent child or children born as a result of an act
43 of sexual assault pursuant to section 13-1406 or incest. The department
44 shall ensure that the proper law enforcement authorities are notified of
45 allegations of sexual assault or incest made pursuant to this paragraph.

1 For the purposes of this paragraph, "an act of sexual assault" includes
2 sexual assault of a spouse if the offense was committed before August 12,
3 2005.

4 2. For those parents or other relatives who are currently
5 authorized for cash assistance, the department shall allow an increase in
6 cash assistance under the program as a result of the birth of a child or
7 children to the parent or other relative only if the birth occurred within
8 ten months ~~of~~ AFTER the initial eligible month. The department may use
9 only the additional child or children who are born from the pregnancies
10 covered in this subsection in computing the additional benefit.

11 3. The department shall allow an increase in cash assistance for
12 any dependent child born to a parent who has not received cash assistance
13 under this title for at least twelve consecutive months if the child is
14 born within the period beginning ten months after the twelve consecutive
15 month period and ending ten months after the parent resumes receiving cash
16 assistance.

17 4. A dependent child or children who were born during a period in
18 which the custodial parent received cash assistance through the Arizona
19 works program shall be eligible to receive assistance under this title.

20 5. A dependent child or children who were born within ten months
21 after the custodial parent received cash assistance through the Arizona
22 works program shall be eligible to receive assistance under this title.

23 6. The department of economic security shall allow cash assistance
24 for an otherwise eligible dependent child during the period in which the
25 dependent child is in the legal custody of the department of child safety,
26 a tribal court or a tribal child welfare agency located in this state and
27 is placed in unlicensed kinship foster care with a nonparent relative or
28 unrelated adult.

29 7. The department shall allow cash assistance for an otherwise
30 eligible child who meets one of the following:

31 (a) The court has placed the child with a nonparent relative.

32 (b) The child's parents are deceased and the child is living with a
33 nonparent relative.

34 (c) A nonparent relative has custody of the child because the child
35 is abandoned as defined in section 8-201.

36 J. The department shall calculate the sixty-month time period
37 referenced in subsection H, paragraph 3 of this section in the following
38 manner:

39 1. For persons who are receiving cash assistance on November 1,
40 1995, the sixty-month time period begins on November 1, 1995. A
41 subsequent sixty-month time period begins immediately after the previous
42 period ends if the person is receiving cash assistance through two
43 sixty-month periods. If the individual is not receiving cash assistance
44 at the end of the previous sixty-month period, any subsequent sixty-month

1 time period begins on the date when cash assistance became effective
2 again, regardless of when the person received an actual payment.

3 2. For persons who begin receiving cash assistance after November
4 1, 1995, the sixty-month time period begins on the date cash assistance
5 becomes effective, regardless of when the person received an actual
6 payment. A subsequent sixty-month period begins as provided in paragraph
7 1 of this subsection.

8 K. In calculating a parent's or any other relative's benefit
9 increase that arises from any general increase that has been approved for
10 all program recipients, the department shall not consider a child or
11 children born under the time periods listed in subsection H of this
12 section.

13 L. For the parents or other relatives who have additional children
14 for whom they receive no cash assistance payment under subsection H of
15 this section, the department shall make any necessary program amendments
16 or request any necessary federal waivers to allow the parents or other
17 relatives to earn income in an amount equal to the disallowed cash
18 assistance payment without affecting their eligibility for assistance.

19 M. The director shall adopt rules:

20 1. To implement this section, including rules to define the
21 investigatory steps that must be taken to confirm that an act of sexual
22 assault pursuant to section 13-1406 or incest led to the birth of a
23 dependent child or children.

24 2. That require the department to inform both verbally and in
25 writing the parents and other relatives who are receiving assistance under
26 this article of the specific family planning services that are available
27 to them while they are enrolled as eligible persons in the Arizona health
28 care cost containment system.

29 N. This section does not prevent an otherwise eligible child who is
30 not included in the family's calculation of benefits under this article
31 from being eligible for coverage under title 36, chapter 29 or for any
32 services that are directly linked to eligibility for the temporary
33 assistance for needy families program.

34 O. Assistance shall not be denied or terminated under this article
35 because the principal wage earner works one hundred or more hours per
36 month.

37 P. Except as provided in paragraph 2 of this subsection, all
38 members of a needy family, including stepparents, must meet the same
39 financial eligibility criteria established in this title, by department
40 rule and as follows:

41 1. The department shall include all income from every source
42 available to a needy family requesting cash assistance, except income that
43 is required to be disregarded by this subsection and as determined by the
44 department in rules. For the amount of income that is received from
45 employment, each month every employed person is entitled to receive an

1 earned income disregard of ~~ninety dollars~~ \$90 plus an additional thirty
2 percent of the remaining earned income. A needy family that includes an
3 employed person is entitled to an earned income disregard equal to the
4 actual amount billed to the household for the care of an adult or child
5 dependent household member, up to ~~two hundred dollars~~ \$200 a month for a
6 child under two years of age and up to ~~one hundred seventy-five dollars~~
7 \$175 a month for each other dependent. This dependent care disregard is
8 allowed only if the expense is necessary to allow the household member to
9 become or remain employed or to attend postsecondary training or education
10 that is preparatory to employment.

11 2. The total gross countable income of a needy family that includes
12 a nonparent relative head of household who is not applying for or
13 receiving cash assistance and who is requesting cash assistance only for a
14 dependent child shall not exceed one hundred thirty percent of the federal
15 poverty guidelines.

16 Q. If the total gross countable income in subsection P, paragraph 2
17 of this section does not exceed one hundred thirty percent of the federal
18 poverty guidelines, in determining benefit amount, the department shall
19 exclude the income of all members of the needy family except for the
20 income of the eligible dependent child for whom cash assistance is
21 requested.

22 R. For the purposes of eligibility and benefit amount, only the
23 income of the dependent child is considered for a child only case.

24 S. Any parent or other relative who applies for or receives cash
25 assistance under this article on behalf of a dependent child who is
26 between six and sixteen years of age shall ensure that the child is
27 enrolled in and attending school. An initial applicant is ineligible for
28 benefits until the applicant's dependent children are verified to be
29 enrolled in and attending an educational program. The department of
30 education shall assist the department of economic security in obtaining
31 verification of school enrollment and attendance. The director of the
32 department of economic security may adopt rules for granting good cause
33 exceptions from this subsection. The department of economic security
34 shall sanction a recipient who fails, without good cause, to ensure school
35 enrollment and attendance according to section 46-300.

36 ~~T. Any parent or other relative who applies for or receives cash~~
37 ~~assistance under this section on behalf of a dependent child shall ensure~~
38 ~~that the child is immunized in accordance with the schedule of~~
39 ~~immunizations pursuant to section 36-672. The director of the department~~
40 ~~of economic security may adopt rules for granting good cause exceptions~~
41 ~~from this subsection. The department of economic security shall sanction~~
42 ~~a recipient, in accordance with section 46-300, who fails, without good~~
43 ~~cause, to obtain the required immunizations for a dependent child unless~~
44 ~~the recipient submits to the department of economic security the~~
45 ~~documentation described in section 15-873.~~

1 Sec. 11. Section 46-300, Arizona Revised Statutes, is amended to
2 read:

3 46-300. Sanctions

4 A. The department shall impose a series of graduated sanctions as
5 described in subsection D of this section for any noncompliance with:

6 1. The child support enforcement efforts required by section
7 46-292, subsection D unless good cause is established as provided in
8 section 46-292, subsections F and G.

9 2. The work activities requirements described in section 46-299,
10 unless good cause is established as provided in section 46-299, subsection
11 H and department rules. A recipient who does not comply with the work
12 activities requirements shall demonstrate compliance with the work
13 activities requirements in order to continue benefit eligibility and to
14 avoid sanctions.

15 3. The school enrollment and attendance requirements of section
16 46-292, subsection S.

17 ~~4. The immunization requirements of section 46-292, subsection T.~~

18 B. In addition to subsection A of this section, the department
19 shall impose a series of graduated sanctions as described in subsection D
20 of this section if either of the following occurs:

21 1. The recipient voluntarily terminates paid employment without
22 good cause as specified in rules adopted by the director.

23 2. An adult recipient uses, sells or possesses a controlled
24 substance in violation of title 13 as specified in rules adopted by the
25 director.

26 C. Noncompliance with one or more of the requirements listed in
27 subsection A of this section during any calendar month is deemed to be a
28 month of noncompliance and shall result in the sanctions prescribed in
29 subsection D of this section. The department shall impose these graduated
30 sanctions even if the instances of noncompliance do not occur in
31 consecutive months.

32 D. The department shall impose the following sanctions:

33 1. For the first instance of noncompliance, the department shall
34 reduce the household's cash assistance grant by fifty percent for one
35 month.

36 2. For a second instance of noncompliance that occurs in a month
37 other than the month in which the first noncompliance occurred and any
38 instance of noncompliance thereafter, the department shall terminate the
39 household's cash assistance grant for at least one month or until the
40 household complies.