

REFERENCE TITLE: **vaccinations; evidence of immunity; prohibitions**

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
Second Regular Session  
2022

# **HB 2029**

Introduced by  
Representative Blackman

## **AN ACT**

REPEALING TITLE 36, CHAPTER 6, ARTICLE 4.2, ARIZONA REVISED STATUTES;  
AMENDING TITLE 36, CHAPTER 6, ARIZONA REVISED STATUTES, BY ADDING A NEW  
ARTICLE 4.2; RELATING TO PUBLIC HEALTH CONTROL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Repeal

3 Title 36, chapter 6, article 4.2, Arizona Revised Statutes, is  
4 repealed.

5 Sec. 2. Title 36, chapter 6, Arizona Revised Statutes, is amended  
6 by adding a new article 4.2, to read:

7 ARTICLE 4.2. PUBLIC HEALTH MANDATES

8 36-681. Governmental entities; businesses; vaccination;  
9 evidence of immunity; requirement prohibitions;  
10 definitions

11 A. THIS STATE AND ITS GOVERNMENTAL ENTITIES AND BUSINESS  
12 AFFILIATIONS MAY NOT DO EITHER OF THE FOLLOWING:

13 1. REQUIRE ANY PERSON TO RECEIVE A VACCINATION FOR COVID-19 OR ANY  
14 VARIANT OF COVID-19 OR TO POSSESS A COVID-19 IMMUNITY PASSPORT, IMMUNITY  
15 PASS OR OTHER EVIDENCE CERTIFYING VACCINATION OR IMMUNITY STATUS.

16 2. DISCRIMINATE AGAINST ANY PERSON BASED ON NOT RECEIVING A  
17 VACCINATION FOR COVID-19 OR ANY VARIANT OF COVID-19 OR FAILING TO POSSESS  
18 A COVID-19 IMMUNITY PASSPORT, IMMUNITY PASS OR OTHER EVIDENCE CERTIFYING  
19 VACCINATION OR IMMUNITY STATUS.

20 B. THIS STATE AND ITS GOVERNMENTAL ENTITIES MAY NOT ENTER INTO A  
21 CONTRACT OR GIVE A LOAN, GRANT OR ANY OTHER DISBURSEMENT OF TAXPAYER  
22 MONIES TO A BUSINESS AFFILIATION THAT REQUIRES A PERSON TO RECEIVE A  
23 VACCINATION FOR COVID-19 OR ANY VARIANT OF COVID-19 OR TO POSSESS A  
24 COVID-19 IMMUNITY PASSPORT, IMMUNITY PASS OR OTHER EVIDENCE CERTIFYING  
25 VACCINATION OR IMMUNITY STATUS.

26 C. A BUSINESS AFFILIATION THAT VIOLATES THIS SECTION MATERIALLY  
27 BREACHES ITS CONTRACT WITH THIS STATE OR A GOVERNMENTAL ENTITY, RENDERING  
28 THE CONTRACT VOIDABLE BY THIS STATE OR THE GOVERNMENTAL ENTITY.

29 D. THIS SECTION DOES NOT APPLY TO HEALTH CARE INSTITUTIONS THAT ARE  
30 TREATING PATIENTS WHO HAVE COVID-19 OR ANY VARIANT OF COVID-19 AND THAT  
31 DETERMINE THAT A DIRECT THREAT EXISTS THAT CANNOT BE ELIMINATED OR REDUCED  
32 BY REASONABLE ACCOMMODATION. A HEALTH CARE INSTITUTION SHALL DETERMINE  
33 WHETHER AN INDIVIDUAL POSES A DIRECT THREAT BASED ON AN INDIVIDUALIZED  
34 ASSESSMENT OF THE INDIVIDUAL'S PRESENT ABILITY TO SAFELY PERFORM THE  
35 ESSENTIAL FUNCTIONS OF THE JOB. THIS ASSESSMENT SHALL BE BASED ON A  
36 REASONABLE MEDICAL JUDGMENT THAT RELIES ON THE MOST CURRENT MEDICAL  
37 KNOWLEDGE OR ON THE BEST AVAILABLE OBJECTIVE EVIDENCE. IN DETERMINING  
38 WHETHER AN INDIVIDUAL WOULD POSE A DIRECT THREAT, THE HEALTH CARE  
39 INSTITUTION MUST CONSIDER ALL OF THE FOLLOWING FACTORS:

- 40 1. THE DURATION OF THE RISK.
- 41 2. THE NATURE AND SEVERITY OF THE POTENTIAL HARM.
- 42 3. THE LIKELIHOOD THAT THE POTENTIAL HARM WILL OCCUR.
- 43 4. WHETHER THE POTENTIAL HARM IS IMMINENT.

44 E. FOR THE PURPOSES OF THIS SECTION:

- 45 1. "BUSINESS AFFILIATION":

1 (a) MEANS ANY COMPANY THAT CONTRACTS WITH OR DOES BUSINESS WITH  
2 THIS STATE OR A GOVERNMENTAL ENTITY OR THAT RECEIVES PUBLIC MONIES THROUGH  
3 ANY MEANS, INCLUDING CONTRACTS, GRANTS, LOANS OR OTHER DISBURSEMENTS OF  
4 TAXPAYER MONIES FROM THIS STATE OR A GOVERNMENTAL ENTITY.

5 (b) INCLUDES ALL AGENTS, CONTRACTORS AND EMPLOYEES OF ANY SUCH  
6 COMPANY.

7 2. "COMPANY" MEANS ANY CORPORATION, LIMITED LIABILITY CORPORATION,  
8 NONPROFIT CORPORATION, PARTNERSHIP, LIMITED PARTNERSHIP, LIMITED LIABILITY  
9 PARTNERSHIP, BUSINESS TRUST, JOINT VENTURE, DOMESTIC OR FOREIGN SOLE  
10 PROPRIETORSHIP, OTHER DOMESTIC OR FOREIGN ENTITY OR BUSINESS ASSOCIATION  
11 OR ANY OTHER BUSINESS ORGANIZATION, INCLUDING ANY SUBSIDIARY OR PARENT  
12 COMPANY OF ANY BUSINESS ORGANIZATION.

13 3. "DIRECT THREAT" MEANS A SIGNIFICANT RISK OF SUBSTANTIAL HARM TO  
14 THE HEALTH OR SAFETY OF THE INDIVIDUAL OR OTHERS THAT CANNOT BE ELIMINATED  
15 OR REDUCED BY REASONABLE ACCOMMODATION.

16 4. "DISCRIMINATE" MEANS THAT A GOVERNMENTAL ENTITY OR BUSINESS  
17 AFFILIATION DOES EITHER OF THE FOLLOWING ON THE BASIS OF A PERSON'S  
18 VACCINATION OR IMMUNITY STATUS OR FAILURE TO PROVE VACCINATION OR IMMUNITY  
19 STATUS OR BECAUSE THE PERSON DECLINED TO BE VACCINATED AGAINST COVID-19  
20 FOR A RELIGIOUS, PHILOSOPHICAL, MEDICAL OR OTHER REASON OR AS A MATTER OF  
21 INDIVIDUAL MEDICAL PRIVACY:

22 (a) SUBJECTS THE PERSON TO REFUSAL TO HIRE, FAILURE TO PROMOTE,  
23 REASSIGNMENT WITH SIGNIFICANTLY DIFFERENT RESPONSIBILITIES, REDUCTION IN  
24 PAY, SIGNIFICANT CHANGE IN BENEFITS OR EMPLOYMENT TERMINATION.

25 (b) REFUSES TO ALLOW THE PERSON TO ENTER OR PATRONIZE A GOVERNMENT  
26 ESTABLISHMENT OR AN ESTABLISHMENT OF A BUSINESS AFFILIATION.

27 5. "GOVERNMENTAL ENTITY" MEANS ANY UNIT OF STATE OR LOCAL  
28 GOVERNMENT, INCLUDING THE GOVERNOR, STATE AGENCIES, COUNTIES, CITIES,  
29 TOWNS, POLITICAL SUBDIVISIONS, BOARDS, DEPARTMENTS, COMMISSIONS AND  
30 SPECIAL DISTRICTS, INCLUDING ALL AGENTS, CONTRACTORS AND EMPLOYEES OF ANY  
31 GOVERNMENT ENTITY.

32 Sec. 3. Legislative intent: policies

33 The legislature intends to further the following policies with this  
34 act:

35 1. Safeguarding medical privacy and liberty, which includes  
36 protecting the public from coercive COVID-19 vaccination.

37 2. Prohibiting all forms of wrongful discrimination.

38 Sec. 4. Construction and severability

39 1. The provisions of this act shall be construed liberally to  
40 accomplish the policies expressed in the act.

41 2. If a provision of this act or its application to any person or  
42 circumstance is held invalid, the invalidity does not affect other  
43 provisions or applications of the act that can be given effect without the  
44 invalid provision or application, and to this end the provisions of this  
45 act are severable.