

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

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1567

Introduced by
Senator Barto

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4 repealed.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. THE HEALTH CARE INSTITUTION SHALL DOCUMENT
36 THE FACTS ASSOCIATED WITH EACH INDIVIDUAL'S ASSESSMENT, WHICH SHALL BE
37 BASED ON A REASONABLE MEDICAL JUDGMENT THAT RELIES ON THE MOST CURRENT
38 MEDICAL KNOWLEDGE OR ON THE BEST AVAILABLE OBJECTIVE EVIDENCE. IN
39 DETERMINING WHETHER AN INDIVIDUAL WOULD POSE A DIRECT THREAT, THE HEALTH
40 CARE INSTITUTION MUST CONSIDER ALL OF THE FOLLOWING FACTORS:

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

1 4. WHETHER THE POTENTIAL HARM IS IMMINENT.

2 E. THE DEPARTMENT OF HEALTH SERVICES SHALL CHECK THE DOCUMENTATION
3 REQUIRED BY SUBSECTION D OF THIS SECTION WHEN INSPECTING ANY HEALTH CARE
4 INSTITUTION.

5 F. FOR THE PURPOSES OF THIS SECTION:

6 1. "BUSINESS AFFILIATION":

7 (a) MEANS ANY COMPANY THAT CONTRACTS WITH OR DOES BUSINESS WITH
8 THIS STATE OR A GOVERNMENTAL ENTITY OR THAT RECEIVES PUBLIC MONIES THROUGH
9 ANY MEANS, INCLUDING CONTRACTS, GRANTS, LOANS OR OTHER DISBURSEMENTS OF
10 TAXPAYER MONIES FROM THIS STATE OR A GOVERNMENTAL ENTITY.

11 (b) INCLUDES ALL AGENTS, CONTRACTORS AND EMPLOYEES OF ANY SUCH
12 COMPANY.

13 2. "COMPANY" MEANS ANY CORPORATION, LIMITED LIABILITY CORPORATION,
14 NONPROFIT CORPORATION, PARTNERSHIP, LIMITED PARTNERSHIP, LIMITED LIABILITY
15 PARTNERSHIP, BUSINESS TRUST, JOINT VENTURE, DOMESTIC OR FOREIGN SOLE
16 PROPRIETORSHIP, OTHER DOMESTIC OR FOREIGN ENTITY OR BUSINESS ASSOCIATION
17 OR ANY OTHER BUSINESS ORGANIZATION, INCLUDING ANY SUBSIDIARY OR PARENT
18 COMPANY OF ANY BUSINESS ORGANIZATION.

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

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

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

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

33 5. "GOVERNMENTAL ENTITY" MEANS ANY UNIT OF STATE OR LOCAL
34 GOVERNMENT, INCLUDING THE GOVERNOR, STATE AGENCIES, COUNTIES, CITIES,
35 TOWNS, POLITICAL SUBDIVISIONS, BOARDS, DEPARTMENTS, COMMISSIONS AND
36 SPECIAL DISTRICTS, INCLUDING ALL AGENTS, CONTRACTORS AND EMPLOYEES OF ANY
37 GOVERNMENT ENTITY.

38 Sec. 3. Legislative intent; policies

39 The legislature intends to further the following policies with this
40 act:

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

43 2. Prohibiting all forms of wrongful discrimination.

1 Sec. 4. Construction and severability

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

4 2. If a provision of this act or its application to any person or
5 circumstance is held invalid, the invalidity does not affect other
6 provisions or applications of the act that can be given effect without the
7 invalid provision or application, and to this end the provisions of this
8 act are severable.