

Senate Engrossed House Bill

~~legislators; unpaid leave of absence~~
(now: public health emergency; sovereignty; limitations)

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HOUSE BILL 2545

AN ACT

AMENDING TITLE 26, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTIONS 26-322 AND 26-323; RELATING TO PUBLIC HEALTH EMERGENCIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 26, chapter 2, article 1, Arizona Revised
3 Statutes, is amended by adding sections 26-322 and 26-323, to read:

4 26-322. Public health emergencies; international governmental
5 organizations; prohibition; definition

6 A. PURSUANT TO THE SOVEREIGN AUTHORITY OF THIS STATE AND ARTICLE
7 II, SECTION 3, CONSTITUTION OF ARIZONA, THIS STATE AND ALL POLITICAL
8 SUBDIVISIONS OF THIS STATE ARE PROHIBITED FROM USING ANY PERSONNEL OR
9 FINANCIAL RESOURCES TO ENFORCE, ADMINISTER OR COOPERATE WITH A PUBLIC
10 HEALTH EMERGENCY ORDER BASED ON AN AGREEMENT OR RECOMMENDATIONS FROM AN
11 INTERNATIONAL GOVERNMENTAL ORGANIZATION UNLESS THE ORDER HAS BEEN RATIFIED
12 AS A TREATY BY THE UNITED STATES SENATE, AFFIRMED BY A VOTE OF THE UNITED
13 STATES CONGRESS AND SIGNED INTO LAW.

14 B. FOR THE PURPOSES OF THIS SECTION, "INTERNATIONAL GOVERNMENTAL
15 ORGANIZATION":

16 1. MEANS AN ORGANIZATION WITH A MEMBERSHIP OF COUNTRIES THAT
17 DETERMINE THE WAY THE ORGANIZATION OPERATES, VOTES AND MANAGES FUNDING.

18 2. INCLUDES ANY AGENCY OR BUREAUCRATIC SUBDIVISION ASSOCIATED WITH
19 THE PARENT ORGANIZATION.

20 26-323. Public health emergencies; governor's emergency
21 proclamation authority; restrictions; definition

22 A. NOTWITHSTANDING ANY OTHER LAW, THE GOVERNOR MAY PROCLAIM A
23 PUBLIC HEALTH EMERGENCY FOR NOT MORE THAN SEVEN DAYS BASED ON HAZARDOUS
24 PUBLIC HEALTH CONDITIONS. THE GOVERNOR MAY PROCLAIM AN EMERGENCY LASTING
25 LONGER THAN SEVEN DAYS ONLY ON A TWO-THIRDS VOTE OF EACH HOUSE OF THE
26 STATE LEGISLATURE. THE GOVERNOR MAY NOT IMPOSE ANY POLICY OR USE A PUBLIC
27 HEALTH EMERGENCY TO REQUIRE LOCKDOWNS OR MANDATE BUSINESS CLOSURES.

28 B. SUBSECTION A OF THIS SECTION DOES NOT APPLY TO A LOCKDOWN
29 PROHIBITION IN THE CASE OF A BIOLOGICAL OR CHEMICAL WEAPONS ATTACK CARRIED
30 OUT AGAINST THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE OR A
31 NATURAL DISASTER THAT RESULTS IN SIGNIFICANT ADVERSE PUBLIC HEALTH EFFECTS
32 DUE TO TOXIC CONTAMINATION, THE PROLIFERATION OF RAW SEWAGE OR OTHER
33 SEVERE DISASTER-RELATED HEALTH IMPACTS. THESE EXCEPTIONS ARE LIMITED ONLY
34 TO THE PRECISE AREA OF IMPACT AND MAY LAST NOT LONGER THAN SEVEN DAYS.
35 AFTER SEVEN DAYS, CONTINUED USE OF THIS TEMPORARY AUTHORITY REQUIRES A
36 TWO-THIRDS VOTE OF EACH HOUSE OF THE STATE LEGISLATURE TO REISSUE.
37 CRIMINAL PENALTIES MAY NOT BE IMPLEMENTED BY THIS STATE OR COUNTY
38 OFFICIALS AGAINST INDIVIDUALS OR CITIZENS WHO VIOLATE THIS PROHIBITION.

39 C. AFTER SEVEN DAYS, IF THE GOVERNOR WISHES TO EXTEND THE DURATION
40 OF A PROCLAIMED PUBLIC HEALTH EMERGENCY PURSUANT TO SUBSECTION A OF THIS
41 SECTION, THE GOVERNOR MAY DO SO ONLY ON A TWO-THIRDS VOTE OF EACH HOUSE OF
42 THE STATE LEGISLATURE, WITH THE EXTENSION LASTING FOR A PERIOD OF SEVEN
43 DAYS. THE STATE LEGISLATURE'S APPROVAL IS REQUIRED FOR EACH SUBSEQUENT
44 SEVEN-DAY EXTENSION.

1 D. IF THE GOVERNOR DOES NOT FILE A REQUEST WITH THE STATE
2 LEGISLATURE TO EXTEND A PROCLAIMED PUBLIC HEALTH EMERGENCY FOR AN
3 ADDITIONAL SEVEN-DAY PERIOD, THE EMERGENCY IS ASSUMED, FOR PURPOSES OF
4 THIS SECTION, TO BE ENDED. THE GOVERNOR'S REQUEST FOR A SEVEN-DAY
5 EXTENSION OF AN EMERGENCY PROCLAMATION MUST BE PROVIDED TO THE STATE
6 LEGISLATURE AT LEAST THREE DAYS BEFORE THE END OF THE CURRENT EMERGENCY
7 PROCLAMATION.

8 E. IF THE LEGISLATURE DOES NOT EXTEND THE PROCLAIMED PUBLIC HEALTH
9 EMERGENCY, THE GOVERNOR MAY NOT PROCLAIM A NEW PUBLIC HEALTH EMERGENCY
10 ARISING OUT OF THE SAME CONDITIONS FOR WHICH THE TERMINATED PUBLIC HEALTH
11 EMERGENCY WAS PROCLAIMED.

12 F. FOR THE PURPOSES OF THIS SECTION, "EMERGENCY" MEANS AN URGENT,
13 SUDDEN AND SERIOUS EVENT OR AN UNFORESEEN CHANGE IN CIRCUMSTANCES THAT
14 BOTH:

15 1. NECESSITATES IMMEDIATE ACTION TO REMEDY HARM OR AVERT IMMINENT
16 DANGER TO LIFE, HEALTH OR PROPERTY.

17 2. MAY INVOLVE GOVERNMENTAL ACTION BEYOND THAT AUTHORIZED OR
18 CONTEMPLATED BY EXISTING LAW BECAUSE GOVERNMENTAL INACTION FOR THE PERIOD
19 REQUIRED TO AMEND THE LAW TO ADDRESS THE EVENT WOULD LIKELY RESULT IN
20 IMMEDIATE AND IRREVOCABLE HARM TO THE CITIZENS OR THE ENVIRONMENT OF THIS
21 STATE.

22 Sec. 2. Severability

23 If a provision of this act or its application to any person or
24 circumstance is held invalid, the invalidity does not affect other
25 provisions or applications of the act that can be given effect without the
26 invalid provision or application, and to this end the provisions of this
27 act are severable.

28 Sec. 3. Short title

29 This act may be cited as the "Preventing International Influence on
30 Public Health Emergencies Act of 2023".