

Senate Engrossed

~~to~~ ~~by~~ ~~ing~~; ~~public~~ ~~body~~; ~~definition~~
(now: government; vaccination mandate; prohibition)

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SENATE BILL 1704

AN ACT

AMENDING SECTION 36-685, ARIZONA REVISED STATUTES; RELATING TO PUBLIC HEALTH.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 36-685, Arizona Revised Statutes, is amended to
3 read:

4 36-685. Vaccinations; discriminatory practices; prohibitions;
5 exceptions; applicability; definitions

6 A. Any government entity may not require a resident of this state
7 to receive a vaccination for COVID-19 or any variant of COVID-19.

8 B. IT IS AN UNLAWFUL DISCRIMINATORY PRACTICE FOR:

9 1. ANY GOVERNMENT ENTITY TO REFUSE, WITHHOLD FROM OR DENY TO A
10 PERSON ANY LOCAL OR STATE SERVICES, GOODS, FACILITIES, ADVANTAGES,
11 PRIVILEGES, LICENSING, EDUCATIONAL OPPORTUNITIES, HEALTH CARE ACCESS OR
12 EMPLOYMENT OPPORTUNITIES BASED ON THE PERSON'S VACCINATION STATUS OR
13 WHETHER THE PERSON HAS AN IMMUNITY PASSPORT.

14 2. AN EMPLOYER TO REFUSE EMPLOYMENT TO A PERSON, TO BAR A PERSON
15 FROM EMPLOYMENT OR TO DISCRIMINATE AGAINST A PERSON IN COMPENSATION OR IN
16 A TERM, CONDITION OR PRIVILEGE OF EMPLOYMENT BASED ON THE PERSON'S
17 VACCINATION STATUS OR WHETHER THE PERSON HAS AN IMMUNITY PASSPORT.

18 3. A PUBLIC ACCOMMODATION TO EXCLUDE, LIMIT, SEGREGATE, REFUSE TO
19 SERVE OR OTHERWISE DISCRIMINATE AGAINST A PERSON BASED ON THE PERSON'S
20 VACCINATION STATUS OR WHETHER THE PERSON HAS AN IMMUNITY PASSPORT.

21 C. A PERSON, GOVERNMENT ENTITY OR EMPLOYER DOES NOT UNLAWFULLY
22 DISCRIMINATE UNDER THIS SECTION IF THE PERSON, GOVERNMENT ENTITY OR
23 EMPLOYER RECOMMENDS THAT AN EMPLOYEE RECEIVE A VACCINE.

24 D. A PERSON MAY NOT BE REQUIRED TO RECEIVE ANY VACCINE FOR WHICH A
25 UNITED STATES FOOD AND DRUG ADMINISTRATION EMERGENCY USE AUTHORIZATION HAS
26 BEEN ISSUED OR ANY VACCINE UNDERGOING SAFETY TRIALS.

27 ~~B.~~ E. ~~Subsection A of~~ This section does not apply to:

28 1. A health care institution ~~that is owned or operated by a~~
29 ~~government entity in this state~~ AS DEFINED IN SECTION 36-401.

30 2. IMMUNIZATION REQUIREMENTS FOR SCHOOL ATTENDANCE PURSUANT TO
31 SECTION 36-672 OR A CHILD CARE FACILITY PURSUANT TO CHAPTER 7.1, ARTICLE 1
32 OF THIS TITLE.

33 ~~E.~~ F. For the purposes of this section: ~~;~~

34 1. "EMPLOYER" MEANS THIS STATE AND ALL POLITICAL SUBDIVISIONS OF
35 THIS STATE, THE UNITED STATES, ANY DEPARTMENT OR AGENCY OF THE UNITED
36 STATES, OR A CORPORATION WHOLLY OWNED BY THE GOVERNMENT OF THE UNITED
37 STATES.

38 2. "Government entity" means this state and any political
39 subdivision of this state that receives and uses tax revenues.

1 3. "IMMUNITY PASSPORT" MEANS A DOCUMENT, DIGITAL RECORD OR SOFTWARE
2 APPLICATION INDICATING THAT A PERSON IS IMMUNE TO A DISEASE, EITHER
3 THROUGH VACCINATION OR INFECTION AND RECOVERY.

4 4. "VACCINATION STATUS" MEANS AN INDICATION OF WHETHER A PERSON HAS
5 RECEIVED ONE OR MORE DOSES OF ANY VACCINE, INCLUDING ANY VACCINE FOR WHICH
6 A UNITED STATES FOOD AND DRUG ADMINISTRATION EMERGENCY USE AUTHORIZATION
7 HAS BEEN ISSUED OR ANY VACCINE UNDERGOING SAFETY TRIALS.

8 Sec. 2. Legislative intent; purpose

9 Pursuant to the Tenth Amendment to the United States Constitution and
10 article II, section 3 of the Arizona Constitution, the legislature
11 declares the public policy of this state is to protect the people of
12 Arizona against all laws, orders, regulations, actions or programs that
13 unconstitutionally violate Arizona citizens' fundamental right to work
14 guaranteed by article XXV of the Arizona Constitution, the fundamental
15 right to refuse medical treatment and the right to remain free from
16 nonconsensual bodily invasions.