

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2316

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

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 to  
7 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 A  
16 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.

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

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

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

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

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

13 ~~C.~~ F. For the purposes of this section: ~~—~~

14 1. "EMPLOYER" MEANS THIS STATE AND ALL POLITICAL SUBDIVISIONS OF  
15 THIS STATE, THE UNITED STATES, ANY DEPARTMENT OR AGENCY OF THE UNITED  
16 STATES, OR A CORPORATION WHOLLY OWNED BY THE GOVERNMENT OF THE UNITED  
17 STATES.

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

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

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

27 Sec. 2. Legislative intent; purpose

28 Pursuant to the Tenth Amendment to the United States Constitution and  
29 article II, section 3 of the Arizona Constitution, the legislature declares  
30 the public policy of this state is to protect the people of Arizona against  
31 all laws, orders, regulations, actions or programs that unconstitutionally  
32 violate Arizona citizens' fundamental right to work guaranteed by article

1 XXV of the Arizona Constitution, the fundamental right to refuse medical  
2 treatment and the right to remain free from nonconsensual bodily  
3 invasions."  
4 Amend title to conform

BARBARA PARKER

2316PARKER B.docx  
02/07/2023  
11:12 AM  
C: MH