



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-seventh Legislature  
First Regular Session

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## **HB 2055: immunizations; requirements; exemption**

**Sponsor: Representative Fink, LD 27**

**Committee on Regulatory Oversight**

### **Overview**

Allows a person to claim an exemption for any immunization required as a condition of employment, school attendance or obtaining a license if there is not an available vaccine that meets outlined requirements.

### **History**

The Arizona Department of Health Services (DHS) Director must adopt rules prescribing: 1) required immunizations to attend school; 2) the means of immunization; 3) any indicated reinforcing immunizations for diseases; and 4) the types of health agencies and health care providers that may sign laboratory evidence of immunity. These prescribed rules are also required to include the required dose, the optimum administration ages, the authorized representatives to sign on behalf of a health agency and other provisions needed for implementation ([A.R.S. § 36-672](#)).

A local health department must provide immunizations required for school attendance at no cost to the pupil or pupil's parent, guardian or person in loco parentis. To receive immunization reimbursements, the local health department may contract with a private health care insurer or with the pupil's or parent's corresponding private health care insurer. A pupil cannot be immunized without the informed consent of the parent, guardian or person in loco parentis. A pupil who is at least 18 years old or is emancipated may consent to immunizations ([A.R.S. § 36-673](#)).

### **Provisions**

1. Enables a person who is required to receive an immunization as a condition of employment, school attendance or the obtainment of any license, certification or degree, to claim an exemption if there is not an available vaccine that fulfills all the following requirements:
  - a) has been approved by the Food and Drug Administration (FDA);
  - b) has been evaluated for its long-term potential to cause cancer, impair fertility and mutate genes;
  - c) the pivotal clinical trial the FDA used to approve the vaccine was a trial that compared the vaccine to a control group that received a placebo or another approved vaccine that was used as a placebo in the pivotal clinical trial;
  - d) any known injuries or diseases caused by the vaccine and the rate at which the injury or disease occurs from the vaccine are posted by DHS on its website;

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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- e) studies have been conducted that are necessary to determine any injury or disease that the vaccine may cause when administered alone or with another state-mandated vaccine;
  - f) the risk of permanent disability or death from the vaccine has been proven to be less than that caused by the infection it is intended to prevent; and
  - g) the vaccine's manufacturer has liability for design defect claims for any injury caused by the vaccine. (Sec. 2)
2. States that a person can claim the exemption for themselves, their child or a dependent. (Sec. 2)
  3. Prohibits DHS or any other state agency, board or commission from requiring a person to meet any other condition or requirement to claim the exemption. (Sec. 2)
  4. Makes conforming changes. (Sec. 1)