State of Arizona
House of Representatives
Fifty-fourth Legislature
Second Regular Session
2020

HB 2912

Introduced by
Representative Kavanagh (with permission of Committee on Rules)

AN ACT

LIMITING ENFORCEMENT ACTIONS AND CIVIL LIABILITY DURING A PUBLIC HEALTH EMERGENCY.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Executive orders relating to COVID-19 state of emergency; prohibited enforcement of criminal actions; civil penalty; retroactivity

A. Notwithstanding section 26-317, Arizona Revised Statutes, a person may not be charged with, adjudicated for or convicted of an act that is prohibited or required by an executive order, including any extensions of that executive order, that is issued during a state of emergency declared by the governor and that is related to the COVID-19 outbreak.

B. Notwithstanding any other law, beginning March 11, 2020, a person who knowingly fails or refuses to obey any lawful order, rule or regulation that is required by an executive order that is related to a state of emergency declared by the governor and that relates to the COVID-19 outbreak is subject to a civil penalty of not more than $100 if the person is provided notice of the violation and does not cure the violation within twenty-four hours after receiving the notice.

C. Notwithstanding any other law, beginning March 11, 2020, this state, including a board or commission of this state, a county, a city, a town and any political subdivision of this state that issues a license or permit to a person to conduct a business, profession or service in the issuing jurisdiction, including a church, religious institution or nonprofit organization, may not suspend or revoke the license or permit that is issued to the person based on an act committed by the person or involving the business, including a church, religious institution or nonprofit organization, that is directly prohibited or required by an executive order, including any extension of that order, that is related to a state of emergency declared by the governor and that is related to the COVID-19 outbreak.

D. This section applies retroactively to from and after March 10, 2020.

Sec. 2. Civil liability during COVID-19 outbreak; burden of proof; applicability; definition

A. A school or person, including a person who owns or operates a business, corporation, limited liability company, church, religious institution or nonprofit organization in this state during a state of emergency order related to the COVID-19 outbreak, is not liable to a person who contracts COVID-19 during the state of emergency, including after entering and remaining on the premises of the business, corporation, limited liability company, church, religious institution, nonprofit organization or school, if the action is based on strict liability, premises liability or negligence unless the school, person or owner or operator of the business, corporation, limited liability company, church, religious institution or nonprofit organization acted with gross negligence.
B. The burden of proof in a civil action that is based on the plaintiff contracting COVID-19 and that is filed pursuant to subsection A of this section is clear and convincing evidence.

C. This section applies to all causes of action that accrue before, on or after the effective date of this section.

D. For the purposes of this section, "school" includes a public or charter school as defined in section 15-101, Arizona Revised Statutes, a private school that provides instruction to students in any combination of kindergarten programs and grades one through twelve, a university under the jurisdiction of the Arizona board of regents, a community college as defined in section 15-1401, Arizona Revised Statutes, an accredited private postsecondary institution and a vocational program as defined in section 15-1831, Arizona Revised Statutes, or a vocational education program offered pursuant to section 15-782.02, Arizona Revised Statutes.

Sec. 3. **Severability**

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

Sec. 4. **Emergency**

This act is an emergency measure that is necessary to preserve the public peace, health or safety and is operative immediately as provided by law.