

AMENDED**ARIZONA STATE SENATE**
RESEARCH STAFF

TO: MEMBERS OF THE SENATE

DATE: April 1, 2021

SUBJECT: Strike everything amendment to H.B. 2190, relating to vaccines; governments; businesses**LAURA BENITEZ**
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COMMERCE COMMITTEE
Telephone: (602) 926-3171Purpose

Prohibits the state or a county or local government entity or official from requiring a person to receive a vaccine, except for required student immunizations. Prohibits a business entity, ticket issuer, the state or a county or local government entity or official from conditioning service or access on if a person has received a vaccine. Prescribes penalties for violations.

Background

A student may not attend school without submitting documentary proof to the school administrator of required immunizations as prescribed by the Director of the Department of Health Services (DHS). Documentary proof of immunizations is not required for a pupil if: 1) a parent or guardian submits a signed statement that the parent or guardian has received DHS immunization information and does not consent to the pupil's immunization due to personal beliefs; or 2) the school administrator receives written certification that a required immunization may be detrimental to the pupil's health signed by the parent or guardian and a physician or registered nurse practitioner (A.R.S. §§ [15-872](#); [15-873](#); and [36-672](#)).

The Director of DHS must prescribe health, safety and wellbeing rules for the care of children in a child care facility. Any rule relating to educational activities, physical examination, medical treatment or immunization must include exemptions for children whose parents object due to the tenets and practices of a recognized church or religious denomination of which the parent or child is an adherent or member ([A.R.S. § 36-883](#)).

Statute outlines powers of the Governor during a state of emergency or state of war emergency. During a state of emergency or state of war emergency in which there is the occurrence or imminent threat of smallpox, plague, viral hemorrhagic fevers or a highly contagious and highly fatal disease with transmission characteristics similar to smallpox (public health emergency), the Governor may issue orders isolating and quarantining persons and mandating treatment or vaccination of persons diagnosed with illness resulting from exposure, believed to have been exposed or expected to be exposed ([A.R.S. § 36-787](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits the state or a county or local government entity or official in Arizona from requiring a person to receive a vaccine, except as statutorily required for student immunizations.
2. Removes the Governor's authority during a public health emergency to issue orders mandating vaccination of persons diagnosed with illness, exposed or expected to be exposed.

3. Prohibits the state or a county or local government entity or official from requiring a person receive a vaccine as a condition for:
 - a) receipt of a government benefit or service;
 - b) receipt of a government-issued license, permit or certification;
 - c) entrance into a public building; or
 - d) use of public transportation.
4. Prohibits the state or a county or local government entity or official from providing, to a person for receiving a vaccine, a special privilege, financial benefit or other incentive.
5. Prohibits a business entity doing business in Arizona from refusing to provide a service, product, admission to a venue or transportation to a person because the person has or has not received a vaccine.
6. Prohibits a ticket issuer from penalizing, discriminating against or denying access to an entertainment event to a ticket holder because the ticket holder has or has not received a vaccine.
7. Classifies, as a class 5 felony, a violation of the prohibitions on vaccine requirements, conditions or incentives by a person.
8. Requires a court to order the suspension of a business entity's state or political subdivision licenses, permits or certifications for between 30 days and one year, if the business entity:
 - a) refuses to provide a service, product, venue admission or transportation to a person because the person has or has not received a vaccine; or
 - b) penalizes, discriminates against or denies access to an entertainment event to a ticket holder because the ticket holder has or has not received a vaccine.
9. Becomes effective on the general effective date.

Amendments Adopted by Committee

1. Adopted the strike-everything amendment.
2. Removes the exemptions, from the prohibition on government-required vaccines, for:
 - a) public primary or secondary school faculty; and
 - b) employees of hospitals or other health care institutions.
3. Replaces the public school primary or secondary student exemption from the prohibition on government-required vaccines with an exemption for student immunizations as prescribed by existing statute.
4. Removes the Governor's authority during a public health emergency to issue orders mandating vaccination of persons diagnosed with, exposed to or expected to be exposed to the illness, rather than notwithstanding the Governor's statutory authority during a public health emergency.

Senate Action

JUD	3/24/21	W/D		
APPROP	3/31/21	DPA/SE	6-4-0	