



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature  
Second Regular Session

Senate: HHS DP 5-3-0-0 | 3<sup>rd</sup> Read: 16-13-1-0

## **SB 1393: refusing treatment; right; requirements.**

**Sponsor: Senator Barto, LD 15**

**Committee on Judiciary**

### **Overview**

Prohibits a hospital from imposing any mode of treatment for COVID-19, or any variant, on a patient who declines treatment.

### **History**

Health care institution administrators must ensure each patient, or their representative, is informed of the patient's right: 1) to consent to or refuse treatment, except in an emergency; 2) to refuse or withdraw consent for treatment before treatment is initiated; 3) to be informed of proposed treatment alternatives, associated risks and possible complications, except in an emergency; and 4) to be informed of the recovery care center's policy on health care ([A.A.C. R9-10-2110](#)).

An adult person may designate another adult individual to make health care decisions on that person's behalf by executing a written health care power of attorney that meets outlined requirements. If a person is physically unable to sign or mark a health care power of attorney, the notary or each witness must verify that the person directly indicated to the notary or witness that the power of attorney expressed the person's wishes and that the person intended to adopt the power of attorney at that time. The individual designated in a health care power of attorney to make health care decisions is an agent entitled to make and communicate these decisions while the principal is unable to do so. An agent's authority to make health care decisions on behalf of the principal is limited only by the express language of the health care power of attorney or by court order (A.R.S. § [36-3221](#) and [36-3223](#)).

### **Provisions**

1. Prohibits a hospital from imposing any mode of treatment for COVID-19, or any variant, on a patient who declines treatment. (Sec. 1)
2. Mandates the hospital and health care provider must counsel the patient and give information on other treatment options. (Sec. 1)
3. States a health care provider may ask a patient to specify in writing under what circumstances the patient would accept a treatment for COVID-19 that the patient previously declined and requires the health care provider to honor those wishes if the patient cannot later express that the patient's mind has changed. (Sec. 1)
4. Specifies that the patient has the right to leave a hospital at any time. (Sec. 1)
5. States a tracking or monitoring device is considered a mode of treatment for COVID-19 whether or not it is directly related to a patient's treatment. (Sec. 1)

Prop 105 (45 votes)     Prop 108 (40 votes)     Emergency (40 votes)     Fiscal Note

6. Requires the hospital to notify a patient of the patient's right to leave the hospital and the patient's right to petition the court if the right to petition the court is not honored. (Sec. 1)
7. States each county's superior court must hear claims for an above violation within 48 hours, excluding weekends and holidays, and enter judgment at that time as to whether preliminary injunctive relief should be granted. (Sec. 1)
8. Clarifies the above provisions do not apply to a minor child. (Sec. 1)
9. Defines *health care provider* and *immediate family member*. (Sec. 1)
10. Contains a legislative intent clause. (Sec. 2)