

Senate Engrossed

refusing treatment; right; requirements.

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SENATE BILL 1393

AN ACT

AMENDING TITLE 36, CHAPTER 11, ARIZONA REVISED STATUTES, BY ADDING
ARTICLE 2; RELATING TO HEALTH CARE SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, chapter 11, Arizona Revised Statutes, is
3 amended by adding article 2, to read:

4 ARTICLE 2. RIGHT TO REFUSE TREATMENT

5 36-1305. Right to refuse treatment; injunctive relief;
6 definitions

7 A. A HOSPITAL MAY NOT IMPOSE ANY MODE OF TREATMENT FOR COVID-19 OR
8 ANY VARIANT OF COVID-19, INCLUDING VACCINATION, ON A PATIENT WHO DECLINES
9 THE TREATMENT. IF A PATIENT REFUSES A TREATMENT IN A HOSPITAL FOR
10 COVID-19 OR ANY VARIANT OF COVID-19, THE HOSPITAL AND HEALTH CARE PROVIDER
11 SHALL ENSURE THAT THE PATIENT IS COUNSELED AND GIVEN INFORMATION ON OTHER
12 TREATMENT OPTIONS THE PATIENT MAY RECEIVE.

13 B. A HEALTH CARE PROVIDER MAY ASK A PATIENT TO SPECIFY IN WRITING
14 UNDER WHAT CIRCUMSTANCES THE PATIENT WOULD ACCEPT A TREATMENT FOR COVID-19
15 OR ANY VARIANT OF COVID-19 THAT THE PATIENT HAS PREVIOUSLY DECLINED AND
16 SHALL HONOR THOSE WISHES IF THE PATIENT CANNOT LATER EXPRESS THAT THE
17 PATIENT HAS CHANGED HIS MIND. PATIENTS MAY ALSO PROVIDE WRITTEN OR ORAL
18 DIRECTION TO THE SAME EFFECT OF THEIR OWN ACCORD.

19 C. A PATIENT HAS THE RIGHT TO LEAVE A HOSPITAL AT ANY TIME. IF THE
20 PATIENT BECOMES INCAPACITATED, A PERSON AUTHORIZED TO ACT ON THE PATIENT'S
21 BEHALF PURSUANT TO SECTION 14-5501 OR 36-3221 MAY EXERCISE THIS RIGHT ON
22 THE PATIENT'S BEHALF. THIS SUBSECTION DOES NOT APPLY TO THE ARIZONA STATE
23 HOSPITAL OR TO TREATMENT UNDER CHAPTER 5 OF THIS TITLE.

24 D. FOR THE PURPOSES OF THIS SECTION, A TRACKING OR MONITORING
25 DEVICE SHALL BE CONSIDERED TO BE A MODE OF TREATMENT FOR COVID-19 OR ANY
26 VARIANT OF COVID-19 WHETHER OR NOT IT IS DIRECTLY RELATED TO A PATIENT'S
27 TREATMENT.

28 E. A HOSPITAL SHALL NOTIFY A PATIENT OF THE PATIENT'S RIGHT TO
29 LEAVE THE HOSPITAL AND THE PATIENT'S RIGHT TO PETITION A COURT IF THE
30 RIGHT TO LEAVE THE HOSPITAL IS NOT HONORED. THE PATIENT OR THE PATIENT'S
31 IMMEDIATE FAMILY MEMBER MAY PETITION THE COURT FOR THE PATIENT'S RIGHT TO
32 LEAVE THE HOSPITAL. IT IS NOT THE HOSPITAL'S RESPONSIBILITY TO ASSIST
33 WITH THE PETITION PROCESS.

34 F. THE SUPERIOR COURT IN EACH COUNTY SHALL HEAR CLAIMS FOR A
35 VIOLATION OF SUBSECTION C OF THIS SECTION WITHIN FORTY-EIGHT HOURS,
36 EXCLUDING HOLIDAYS AND WEEKENDS, AND ENTER JUDGMENT WITHIN THAT TIME AS TO
37 WHETHER PRELIMINARY INJUNCTIVE RELIEF SHOULD BE GRANTED. PRELIMINARY
38 INJUNCTIVE RELIEF SHALL BE GRANTED IF IT APPEARS AT THAT TIME THAT THE
39 PATIENT WISHES TO LEAVE THE HOSPITAL.

40 G. THIS SECTION DOES NOT APPLY TO A MINOR CHILD.

41 H. FOR THE PURPOSES OF THIS SECTION:

42 1. "HEALTH CARE PROVIDER" MEANS A PHYSICIAN WHO IS LICENSED
43 PURSUANT TO TITLE 32, CHAPTER 13 OR 17, A NURSE PRACTITIONER WHO IS
44 LICENSED PURSUANT TO TITLE 32, CHAPTER 15 OR A PHYSICIAN ASSISTANT WHO IS
45 LICENSED PURSUANT TO TITLE 32, CHAPTER 25.

1 2. "IMMEDIATE FAMILY MEMBER" MEANS A PATIENT'S SPOUSE, PARENT,
2 CHILD, SIBLING, GRANDPARENT OR LEGAL GUARDIAN.

3 Sec. 2. Legislative intent

4 The legislature intends that it is the public policy of this state
5 that the right to refuse treatment, including vaccination, is a
6 fundamental right.