

PROPOSED
SENATE AMENDMENTS TO H.B. 2545
(Reference to House engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 26, chapter 2, article 1, Arizona Revised
3 Statutes, is amended by adding sections 26-322 and 26-323, to read:

4 26-322. Public health emergencies; international governmental
5 organizations; prohibition; definition

6 A. PURSUANT TO THE SOVEREIGN AUTHORITY OF THIS STATE AND ARTICLE II,
7 SECTION 3, CONSTITUTION OF ARIZONA, THIS STATE AND ALL POLITICAL
8 SUBDIVISIONS OF THIS STATE ARE PROHIBITED FROM USING ANY PERSONNEL OR
9 FINANCIAL RESOURCES TO ENFORCE, ADMINISTER OR COOPERATE WITH A PUBLIC
10 HEALTH EMERGENCY ORDER BASED ON AN AGREEMENT OR RECOMMENDATIONS FROM AN
11 INTERNATIONAL GOVERNMENTAL ORGANIZATION UNLESS THE ORDER HAS BEEN RATIFIED
12 AS A TREATY BY THE UNITED STATES SENATE, AFFIRMED BY A VOTE OF THE UNITED
13 STATES CONGRESS AND SIGNED INTO LAW.

14 B. FOR THE PURPOSES OF THIS SECTION, "INTERNATIONAL GOVERNMENTAL
15 ORGANIZATION":

16 1. MEANS AN ORGANIZATION WITH A MEMBERSHIP OF COUNTRIES THAT
17 DETERMINE THE WAY THE ORGANIZATION OPERATES, VOTES AND MANAGES FUNDING.

18 2. INCLUDES ANY AGENCY OR BUREAUCRATIC SUBDIVISION ASSOCIATED WITH
19 THE PARENT ORGANIZATION.

20 26-323. Public health emergencies; governor's emergency
21 proclamation authority; restrictions; definition

22 A. NOTWITHSTANDING ANY OTHER LAW, THE GOVERNOR MAY PROCLAIM A PUBLIC
23 HEALTH EMERGENCY FOR NOT MORE THAN SEVEN DAYS BASED ON HAZARDOUS PUBLIC
24 HEALTH CONDITIONS. THE GOVERNOR MAY PROCLAIM AN EMERGENCY LASTING LONGER
25 THAN SEVEN DAYS ONLY ON A TWO-THIRDS VOTE OF EACH HOUSE OF THE STATE

1 LEGISLATURE. THE GOVERNOR MAY NOT IMPOSE ANY POLICY OR USE A PUBLIC HEALTH
2 EMERGENCY TO REQUIRE LOCKDOWNS OR MANDATE BUSINESS CLOSURES.

3 B. SUBSECTION A OF THIS SECTION DOES NOT APPLY TO A LOCKDOWN
4 PROHIBITION IN THE CASE OF A BIOLOGICAL OR CHEMICAL WEAPONS ATTACK CARRIED
5 OUT AGAINST THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE OR A
6 NATURAL DISASTER THAT RESULTS IN SIGNIFICANT ADVERSE PUBLIC HEALTH EFFECTS
7 DUE TO TOXIC CONTAMINATION, THE PROLIFERATION OF RAW SEWAGE OR OTHER SEVERE
8 DISASTER-RELATED HEALTH IMPACTS. THESE EXCEPTIONS ARE LIMITED ONLY TO THE
9 PRECISE AREA OF IMPACT AND MAY LAST NOT LONGER THAN SEVEN DAYS. AFTER
10 SEVEN DAYS, CONTINUED USE OF THIS TEMPORARY AUTHORITY REQUIRES A TWO-THIRDS
11 VOTE OF EACH HOUSE OF THE STATE LEGISLATURE TO REISSUE. CRIMINAL PENALTIES
12 MAY NOT BE IMPLEMENTED BY THIS STATE OR COUNTY OFFICIALS AGAINST
13 INDIVIDUALS OR CITIZENS WHO VIOLATE THIS PROHIBITION.

14 C. AFTER SEVEN DAYS, IF THE GOVERNOR WISHES TO EXTEND THE DURATION
15 OF A PROCLAIMED PUBLIC HEALTH EMERGENCY PURSUANT TO SUBSECTION A OF THIS
16 SECTION, THE GOVERNOR MAY DO SO ONLY ON A TWO-THIRDS VOTE OF EACH HOUSE OF
17 THE STATE LEGISLATURE, WITH THE EXTENSION LASTING FOR A PERIOD OF SEVEN
18 DAYS. THE STATE LEGISLATURE'S APPROVAL IS REQUIRED FOR EACH SUBSEQUENT
19 SEVEN-DAY EXTENSION.

20 D. IF THE GOVERNOR DOES NOT FILE A REQUEST WITH THE STATE
21 LEGISLATURE TO EXTEND A PROCLAIMED PUBLIC HEALTH EMERGENCY FOR AN
22 ADDITIONAL SEVEN-DAY PERIOD, THE EMERGENCY IS ASSUMED, FOR PURPOSES OF THIS
23 SECTION, TO BE ENDED. THE GOVERNOR'S REQUEST FOR A SEVEN-DAY EXTENSION OF
24 AN EMERGENCY PROCLAMATION MUST BE PROVIDED TO THE STATE LEGISLATURE AT
25 LEAST THREE DAYS BEFORE THE END OF THE CURRENT EMERGENCY PROCLAMATION.

26 E. IF THE LEGISLATURE DOES NOT EXTEND THE PROCLAIMED PUBLIC HEALTH
27 EMERGENCY, THE GOVERNOR MAY NOT PROCLAIM A NEW PUBLIC HEALTH EMERGENCY
28 ARISING OUT OF THE SAME CONDITIONS FOR WHICH THE TERMINATED PUBLIC HEALTH
29 EMERGENCY WAS PROCLAIMED.

30 F. FOR THE PURPOSES OF THIS SECTION, "EMERGENCY" MEANS AN URGENT,
31 SUDDEN AND SERIOUS EVENT OR AN UNFORESEEN CHANGE IN CIRCUMSTANCES THAT
32 BOTH:

1 1. NECESSITATES IMMEDIATE ACTION TO REMEDY HARM OR AVERT IMMINENT
2 DANGER TO LIFE, HEALTH OR PROPERTY.

3 2. MAY INVOLVE GOVERNMENTAL ACTION BEYOND THAT AUTHORIZED OR
4 CONTEMPLATED BY EXISTING LAW BECAUSE GOVERNMENTAL INACTION FOR THE PERIOD
5 REQUIRED TO AMEND THE LAW TO ADDRESS THE EVENT WOULD LIKELY RESULT IN
6 IMMEDIATE AND IRREVOCABLE HARM TO THE CITIZENS OR THE ENVIRONMENT OF THIS
7 STATE.

8 Sec. 2. Severability

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

14 Sec. 3. Short title

15 This act may be cited as the "Preventing International Influence on
16 Public Health Emergencies Act of 2023"."

17 Amend title to conform

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C: MH