

House Engrossed

forced organ harvesting; insurance; prohibition

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HOUSE BILL 2504

AN ACT

AMENDING TITLE 20, CHAPTER 4, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 20-826.05; AMENDING TITLE 20, CHAPTER 4, ARTICLE 9, ARIZONA REVISED STATUTES, BY ADDING SECTION 20-1057.20; AMENDING TITLE 20, CHAPTER 6, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 20-1342.08; AMENDING TITLE 20, CHAPTER 6, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 20-1406.06; AMENDING TITLE 36, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-407.04; AMENDING SECTION 36-857, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 29, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-2907.16; RELATING TO HEALTH INSURANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 20, chapter 4, article 3, Arizona Revised
3 Statutes, is amended by adding section 20-826.05, to read:

4 20-826.05. Genetic sequencing; organ harvesting; insurance
5 coverage prohibition; applicability; definitions

6 A. A SUBSCRIPTION CONTRACT MAY LIMIT COVERAGE TO A SUBSCRIBER FOR
7 GENETIC SEQUENCING IF THE GENETIC SEQUENCING IS PERFORMED ON A DEVICE THAT
8 IS EITHER OF THE FOLLOWING:

9 1. PRODUCED BY A COMPANY THAT IS DOMICILED IN A FOREIGN ADVERSARY.

10 2. PRODUCED BY A COMPANY THAT IS OWNED OR SUBSTANTIALLY CONTROLLED
11 BY A COMPANY THAT IS DOMICILED IN A FOREIGN ADVERSARY.

12 B. A SUBSCRIPTION CONTRACT MAY LIMIT COVERAGE TO A SUBSCRIBER FOR A
13 HUMAN ORGAN TRANSPLANT OR POST-TRANSPLANT CARE IF EITHER OF THE FOLLOWING
14 APPLIES:

15 1. THE TRANSPLANT OPERATION IS PERFORMED IN THE PEOPLE'S REPUBLIC
16 OF CHINA OR THE HONG KONG SPECIAL ADMINISTRATIVE REGION.

17 2. THE HUMAN ORGAN TO BE TRANSPLANTED WAS PROCURED BY A SALE OR
18 DONATION ORIGINATING IN THE PEOPLE'S REPUBLIC OF CHINA OR THE HONG KONG
19 SPECIAL ADMINISTRATIVE REGION.

20 C. THIS SECTION DOES NOT:

21 1. REQUIRE COVERAGE FOR GENETIC SEQUENCING OR HUMAN ORGAN
22 TRANSPLANTS.

23 2. LIMIT A HOSPITAL SERVICE CORPORATION OR MEDICAL SERVICE
24 CORPORATION FROM DENYING COVERAGE FOR ANY VALID REASON.

25 D. FOR THE PURPOSES OF THIS SECTION:

26 1. "COMPANY" MEANS A FOR-PROFIT SOLE PROPRIETORSHIP, ORGANIZATION,
27 ASSOCIATION, CORPORATION, PARTNERSHIP, JOINT VENTURE, LIMITED PARTNERSHIP,
28 LIMITED LIABILITY PARTNERSHIP, LIMITED LIABILITY COMPANY, INCLUDING A
29 WHOLLY OWNED SUBSIDIARY, MAJORITY OWNED SUBSIDIARY, PARENT COMPANY OR
30 AFFILIATE OF THE ENTITIES OR BUSINESS ASSOCIATIONS, OR A NONPROFIT
31 ORGANIZATION.

32 2. "DOMICILED" MEANS EITHER OF THE FOLLOWING:

33 (a) THE COUNTRY IN WHICH A COMPANY IS REGISTERED.

34 (b) THE LOCATION IN WHICH THE COMPANY'S AFFAIRS ARE PRIMARILY
35 COMPLETED OR WHERE A MAJORITY OF THE OWNERSHIP SHARES IS HELD.

36 3. "FOREIGN ADVERSARY":

37 (a) MEANS THE PEOPLE'S REPUBLIC OF CHINA, RUSSIA, IRAN, NORTH
38 KOREA, CUBA, VENEZUELA OR SYRIA OR THE HONG KONG SPECIAL ADMINISTRATIVE
39 REGION.

40 (b) INCLUDES:

41 (i) A COUNTRY DESIGNATED AS A FOREIGN ADVERSARY BY THE FEDERAL
42 GOVERNMENT.

43 (ii) ANY AGENT OR ENTITY UNDER SIGNIFICANT CONTROL OF A FOREIGN
44 ADVERSARY.

1 (iii) ANY COUNTRY OR COMPANY THAT PROCURES ORGANS THROUGH FORCED
2 ORGAN HARVESTING. FOR THE PURPOSES OF THIS ITEM, "FORCED ORGAN
3 HARVESTING" MEANS EITHER THE REMOVAL OF ONE OR MORE ORGANS FROM A LIVING
4 PERSON BY MEANS OF COERCION, ABDUCTION, DECEPTION, FRAUD OR ABUSE OF POWER
5 OR A POSITION OF VULNERABILITY OR THE REMOVAL OF ORGANS FROM A PERSON WHO
6 WAS KILLED FOR THE PURPOSE OF REMOVING ONE OR MORE ORGANS.

7 4. "GENETIC SEQUENCING" MEANS ANY METHOD TO DETERMINE THE IDENTITY
8 AND ORDER OF NUCLEOTIDE BASES IN THE HUMAN GENOME.

9 Sec. 2. Title 20, chapter 4, article 9, Arizona Revised Statutes,
10 is amended by adding section 20-1057.20, to read:

11 20-1057.20. Genetic sequencing; organ harvesting; insurance
12 coverage prohibition; applicability;
13 definitions

14 A. AN EVIDENCE OF COVERAGE MAY LIMIT COVERAGE TO AN ENROLLEE FOR
15 GENETIC SEQUENCING IF THE GENETIC SEQUENCING IS PERFORMED ON A DEVICE THAT
16 IS EITHER OF THE FOLLOWING:

17 1. PRODUCED BY A COMPANY THAT IS DOMICILED IN A FOREIGN ADVERSARY.

18 2. PRODUCED BY A COMPANY THAT IS OWNED OR SUBSTANTIALLY CONTROLLED
19 BY A COMPANY THAT IS DOMICILED IN A FOREIGN ADVERSARY.

20 B. AN EVIDENCE OF COVERAGE MAY LIMIT COVERAGE TO AN ENROLLEE FOR
21 THE HUMAN ORGAN TRANSPLANT OR POST-TRANSPLANT CARE IF EITHER OF THE
22 FOLLOWING APPLIES:

23 1. THE TRANSPLANT OPERATION IS PERFORMED IN THE PEOPLE'S REPUBLIC
24 OF CHINA OR THE HONG KONG SPECIAL ADMINISTRATIVE REGION.

25 2. THE HUMAN ORGAN TO BE TRANSPLANTED WAS PROCURED BY A SALE OR
26 DONATION ORIGINATING IN THE PEOPLE'S REPUBLIC OF CHINA OR THE HONG KONG
27 SPECIAL ADMINISTRATIVE REGION.

28 C. THIS SECTION DOES NOT:

29 1. REQUIRE COVERAGE FOR GENETIC SEQUENCING OR HUMAN ORGAN
30 TRANSPLANTS.

31 2. LIMIT A HEALTH CARE SERVICES ORGANIZATION FROM DENYING COVERAGE
32 FOR ANY VALID REASON.

33 D. FOR THE PURPOSES OF THIS SECTION:

34 1. "COMPANY" MEANS A FOR PROFIT SOLE PROPRIETORSHIP, ORGANIZATION,
35 ASSOCIATION, CORPORATION, PARTNERSHIP, JOINT VENTURE, LIMITED PARTNERSHIP,
36 LIMITED LIABILITY PARTNERSHIP, LIMITED LIABILITY COMPANY, INCLUDING A
37 WHOLLY OWNED SUBSIDIARY, MAJORITY OWNED SUBSIDIARY, PARENT COMPANY OR
38 AFFILIATE OF THE ENTITIES OR BUSINESS ASSOCIATIONS, OR A NONPROFIT
39 ORGANIZATION.

40 2. "DOMICILED" MEANS EITHER OF THE FOLLOWING:

41 (a) THE COUNTRY IN WHICH A COMPANY IS REGISTERED.

42 (b) THE LOCATION IN WHICH THE COMPANY'S AFFAIRS ARE PRIMARILY
43 COMPLETED OR WHERE A MAJORITY OF THE OWNERSHIP SHARES IS HELD.

- 1 3. "FOREIGN ADVERSARY":
2 (a) MEANS THE PEOPLE'S REPUBLIC OF CHINA, RUSSIA, IRAN, NORTH
3 KOREA, CUBA, VENEZUELA OR SYRIA OR THE HONG KONG SPECIAL ADMINISTRATIVE
4 REGION.
5 (b) INCLUDES:
6 (i) A COUNTRY DESIGNATED AS A FOREIGN ADVERSARY BY THE FEDERAL
7 GOVERNMENT.
8 (ii) ANY AGENT OR ENTITY UNDER SIGNIFICANT CONTROL OF A FOREIGN
9 ADVERSARY.
10 (iii) ANY COUNTRY OR COMPANY THAT PROCURES ORGANS THROUGH FORCED
11 ORGAN HARVESTING. FOR THE PURPOSES OF THIS ITEM, "FORCED ORGAN
12 HARVESTING" MEANS EITHER THE REMOVAL OF ONE OR MORE ORGANS FROM A LIVING
13 PERSON BY MEANS OF COERCION, ABDUCTION, DECEPTION, FRAUD OR ABUSE OF POWER
14 OR A POSITION OF VULNERABILITY OR THE REMOVAL OF ORGANS FROM A PERSON WHO
15 WAS KILLED FOR THE PURPOSE OF REMOVING ONE OR MORE ORGANS.
16 4. "GENETIC SEQUENCING" MEANS ANY METHOD TO DETERMINE THE IDENTITY
17 AND ORDER OF NUCLEOTIDE BASES IN THE HUMAN GENOME.
18 Sec. 3. Title 20, chapter 6, article 4, Arizona Revised Statutes,
19 is amended by adding section 20-1342.08, to read:
20 20-1342.08. Genetic sequencing; organ harvesting; insurance
21 coverage prohibition; applicability;
22 definitions
23 A. A DISABILITY INSURANCE POLICY MAY LIMIT COVERAGE TO AN INSURED
24 FOR GENETIC SEQUENCING IF THE GENETIC SEQUENCING IS PERFORMED ON A DEVICE
25 THAT IS EITHER OF THE FOLLOWING:
26 1. PRODUCED BY A COMPANY THAT IS DOMICILED IN A FOREIGN ADVERSARY.
27 2. PRODUCED BY A COMPANY THAT IS OWNED OR SUBSTANTIALLY CONTROLLED
28 BY A COMPANY THAT IS DOMICILED IN A FOREIGN ADVERSARY.
29 B. A DISABILITY INSURANCE POLICY MAY LIMIT COVERAGE TO AN INSURED
30 FOR A HUMAN ORGAN TRANSPLANT OR POST-TRANSPLANT CARE IF EITHER OF THE
31 FOLLOWING APPLIES:
32 1. THE TRANSPLANT OPERATION IS PERFORMED IN THE PEOPLE'S REPUBLIC
33 OF CHINA OR THE HONG KONG SPECIAL ADMINISTRATIVE REGION.
34 2. THE HUMAN ORGAN TO BE TRANSPLANTED WAS PROCURED BY A SALE OR
35 DONATION ORIGINATING IN THE PEOPLE'S REPUBLIC OF CHINA OR THE HONG KONG
36 SPECIAL ADMINISTRATIVE REGION.
37 C. THIS SECTION DOES NOT:
38 1. REQUIRE COVERAGE FOR GENETIC SEQUENCING OR HUMAN ORGAN
39 TRANSPLANTS.
40 2. LIMIT A DISABILITY INSURER FROM DENYING COVERAGE FOR ANY VALID
41 REASON.
42 D. FOR THE PURPOSES OF THIS SECTION:

1 1. "COMPANY" MEANS A FOR-PROFIT SOLE PROPRIETORSHIP, ORGANIZATION,
2 ASSOCIATION, CORPORATION, PARTNERSHIP, JOINT VENTURE, LIMITED PARTNERSHIP,
3 LIMITED LIABILITY PARTNERSHIP, LIMITED LIABILITY COMPANY, INCLUDING A
4 WHOLLY OWNED SUBSIDIARY, MAJORITY OWNED SUBSIDIARY, PARENT COMPANY OR
5 AFFILIATE OF THE ENTITIES OR BUSINESS ASSOCIATIONS, OR A NONPROFIT
6 ORGANIZATION.

7 2. "DOMICILED" MEANS EITHER OF THE FOLLOWING:

8 (a) THE COUNTRY IN WHICH A COMPANY IS REGISTERED.

9 (b) THE LOCATION IN WHICH THE COMPANY'S AFFAIRS ARE PRIMARILY
10 COMPLETED OR WHERE A MAJORITY OF THE OWNERSHIP SHARES IS HELD.

11 3. "FOREIGN ADVERSARY":

12 (a) MEANS THE PEOPLE'S REPUBLIC OF CHINA, RUSSIA, IRAN, NORTH
13 KOREA, CUBA, VENEZUELA OR SYRIA OR THE HONG KONG SPECIAL ADMINISTRATIVE
14 REGION.

15 (b) INCLUDES:

16 (i) A COUNTRY DESIGNATED AS A FOREIGN ADVERSARY BY THE FEDERAL
17 GOVERNMENT.

18 (ii) ANY AGENT OR ENTITY UNDER SIGNIFICANT CONTROL OF A FOREIGN
19 ADVERSARY.

20 (iii) ANY COUNTRY OR COMPANY THAT PROCURES ORGANS THROUGH FORCED
21 ORGAN HARVESTING. FOR THE PURPOSES OF THIS ITEM, "FORCED ORGAN
22 HARVESTING" MEANS EITHER THE REMOVAL OF ONE OR MORE ORGANS FROM A LIVING
23 PERSON BY MEANS OF COERCION, ABDUCTION, DECEPTION, FRAUD OR ABUSE OF POWER
24 OR A POSITION OF VULNERABILITY OR THE REMOVAL OF ORGANS FROM A PERSON WHO
25 WAS KILLED FOR THE PURPOSE OF REMOVING ONE OR MORE ORGANS.

26 4. "GENETIC SEQUENCING" MEANS ANY METHOD TO DETERMINE THE IDENTITY
27 AND ORDER OF NUCLEOTIDE BASES IN THE HUMAN GENOME.

28 Sec. 4. Title 20, chapter 6, article 5, Arizona Revised Statutes,
29 is amended by adding section 20-1406.06, to read:

30 20-1406.06. Genetic sequencing; organ harvesting; insurance
31 coverage prohibition; applicability;
32 definitions

33 A. A GROUP OR BLANKET DISABILITY INSURANCE POLICY MAY LIMIT
34 COVERAGE TO AN INSURED FOR GENETIC SEQUENCING IF THE GENETIC SEQUENCING IS
35 PERFORMED ON A DEVICE THAT IS EITHER OF THE FOLLOWING:

36 1. PRODUCED BY A COMPANY THAT IS DOMICILED IN A FOREIGN ADVERSARY.

37 2. PRODUCED BY A COMPANY THAT IS OWNED OR SUBSTANTIALLY CONTROLLED
38 BY A COMPANY THAT IS DOMICILED IN A FOREIGN ADVERSARY.

39 B. A GROUP OR BLANKET DISABILITY INSURANCE POLICY MAY LIMIT
40 COVERAGE TO AN INSURED FOR A HUMAN ORGAN TRANSPLANT OR POST-TRANSPLANT
41 CARE IF EITHER OF THE FOLLOWING APPLIES:

42 1. THE TRANSPLANT OPERATION IS PERFORMED IN THE PEOPLE'S REPUBLIC
43 OF CHINA OR THE HONG KONG SPECIAL ADMINISTRATIVE REGION.

1 2. THE HUMAN ORGAN TO BE TRANSPLANTED WAS PROCURED BY A SALE OR
2 DONATION ORIGINATING IN THE PEOPLE'S REPUBLIC OF CHINA OR THE HONG KONG
3 SPECIAL ADMINISTRATIVE REGION.

4 C. THIS SECTION DOES NOT:

5 1. REQUIRE COVERAGE FOR GENETIC SEQUENCING OR HUMAN ORGAN
6 TRANSPLANTS.

7 2. LIMIT A GROUP OR BLANKET DISABILITY INSURER FROM DENYING
8 COVERAGE FOR ANY VALID REASON.

9 D. FOR THE PURPOSES OF THIS SECTION:

10 1. "COMPANY" MEANS A FOR-PROFIT SOLE PROPRIETORSHIP, ORGANIZATION,
11 ASSOCIATION, CORPORATION, PARTNERSHIP, JOINT VENTURE, LIMITED PARTNERSHIP,
12 LIMITED LIABILITY PARTNERSHIP, LIMITED LIABILITY COMPANY, INCLUDING A
13 WHOLLY OWNED SUBSIDIARY, MAJORITY OWNED SUBSIDIARY, PARENT COMPANY OR
14 AFFILIATE OF THE ENTITIES OR BUSINESS ASSOCIATIONS, OR A NONPROFIT
15 ORGANIZATION.

16 2. "DOMICILED" MEANS EITHER OF THE FOLLOWING:

17 (a) THE COUNTRY IN WHICH A COMPANY IS REGISTERED.

18 (b) THE LOCATION IN WHICH THE COMPANY'S AFFAIRS ARE PRIMARILY
19 COMPLETED OR WHERE A MAJORITY OF THE OWNERSHIP SHARES IS HELD.

20 3. "FOREIGN ADVERSARY":

21 (a) MEANS THE PEOPLE'S REPUBLIC OF CHINA, RUSSIA, IRAN, NORTH
22 KOREA, CUBA, VENEZUELA OR SYRIA OR THE HONG KONG SPECIAL ADMINISTRATIVE
23 REGION.

24 (b) INCLUDES:

25 (i) A COUNTRY DESIGNATED AS A FOREIGN ADVERSARY BY THE FEDERAL
26 GOVERNMENT.

27 (ii) ANY AGENT OR ENTITY UNDER SIGNIFICANT CONTROL OF A FOREIGN
28 ADVERSARY.

29 (iii) ANY COUNTRY OR COMPANY THAT PROCURES ORGANS THROUGH FORCED
30 ORGAN HARVESTING. FOR THE PURPOSES OF THIS ITEM, "FORCED ORGAN
31 HARVESTING" MEANS EITHER THE REMOVAL OF ONE OR MORE ORGANS FROM A LIVING
32 PERSON BY MEANS OF COERCION, ABDUCTION, DECEPTION, FRAUD OR ABUSE OF POWER
33 OR A POSITION OF VULNERABILITY OR THE REMOVAL OF ORGANS FROM A PERSON WHO
34 WAS KILLED FOR THE PURPOSE OF REMOVING ONE OR MORE ORGANS.

35 4. "GENETIC SEQUENCING" MEANS ANY METHOD TO DETERMINE THE IDENTITY
36 AND ORDER OF NUCLEOTIDE BASES IN THE HUMAN GENOME.

37 Sec. 5. Title 36, chapter 4, article 1, Arizona Revised Statutes,
38 is amended by adding section 36-407.04, to read:

39 36-407.04. Prohibition on certain genetic sequencers;
40 compliance certification; penalties; storage;
41 definition

42 A. A HEALTH CARE INSTITUTION OR RESEARCH FACILITY SHALL NOT USE
43 GENETIC SEQUENCERS OR ANY OPERATIONAL OR RESEARCH SOFTWARE USED FOR
44 GENETIC SEQUENCING FOR THE PURPOSES OF CONDUCTING GENETIC SEQUENCING IF

1 THE GENETIC SEQUENCERS OR RESEARCH SOFTWARE IS PRODUCED IN OR BY ANY OF
2 THE FOLLOWING:

3 1. A FOREIGN ADVERSARY OR THE FOREIGN ADVERSARY'S AFFILIATE,
4 SUBSIDIARY OR COMPANY.

5 2. A COMPANY, SUBSIDIARY OR ENTERPRISE THAT IS DEEMED A CHINESE
6 MILITARY COMPANY OR AN AFFILIATE OF THE CHINESE MILITARY COMPANY PURSUANT
7 TO THE ANNUAL PUBLICATION REQUIREMENTS OF SECTION 1260H OF THE WILLIAM
8 M. THORNBERRY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2021
9 (P.L. 116-283; 134 STAT. 3965).

10 3. A COMPANY, SUBSIDIARY OR ENTERPRISE THAT IS DOMICILED WITHIN A
11 FOREIGN ADVERSARY OR THE FOREIGN ADVERSARY'S AFFILIATE.

12 4. A COMPANY OWNED OR CONTROLLED SUBSIDIARY OF A COMPANY THAT IS
13 DOMICILED IN A FOREIGN ADVERSARY OR THE FOREIGN ADVERSARY'S AFFILIATE.

14 B. ALL GENETIC SEQUENCERS AND OPERATIONAL AND RESEARCH SOFTWARE
15 USED FOR GENETIC SEQUENCERS OR GENETIC SEQUENCING DEVICES THAT ARE
16 PROHIBITED UNDER SUBSECTION A OF THIS SECTION AND THAT ARE NOT PERMANENTLY
17 DISABLED SHALL BE REMOVED AND REPLACED WITH GENETIC SEQUENCERS AND
18 OPERATIONAL AND RESEARCH SOFTWARE USED FOR GENETIC SEQUENCERS OR GENETIC
19 SEQUENCING DEVICES THAT ARE NOT PROHIBITED BY THIS SECTION.

20 C. ON OR BEFORE DECEMBER 31, 2025 AND EACH YEAR THEREAFTER, AN
21 ATTORNEY FOR THE HEALTH CARE INSTITUTION OR RESEARCH FACILITY SHALL
22 CERTIFY IN WRITING THAT THE HEALTH CARE INSTITUTION OR RESEARCH FACILITY
23 IS IN COMPLIANCE WITH THIS SECTION.

24 D. A HEALTH CARE INSTITUTION OR RESEARCH FACILITY THAT SPENDS STATE
25 MONIES IN VIOLATION OF THIS SECTION IS SUBJECT TO A CIVIL PENALTY OF
26 \$20,000 FOR EACH VIOLATION. FOR THE PURPOSES OF THIS SUBSECTION,
27 "VIOLATION" MEANS EACH INSTANCE OF AN INDIVIDUAL'S GENOME HAVING UNDERGONE
28 GENETIC SEQUENCING USING PROHIBITED GENETIC SEQUENCERS OR OPERATIONAL AND
29 RESEARCH SOFTWARE USED FOR GENETIC SEQUENCERS OR GENETIC SEQUENCING.

30 E. ANY INDIVIDUAL MAY NOTIFY THE ATTORNEY GENERAL OF A VIOLATION OR
31 SUSPECTED VIOLATION OF THIS SECTION AND THE FOLLOWING APPLY:

32 1. IF THE NOTIFYING INDIVIDUAL IS AN EMPLOYEE OF THE HEALTH CARE
33 INSTITUTION OR RESEARCH FACILITY, THE EMPLOYEE HAS WHISTLEBLOWER
34 PROTECTION.

35 2. IF THE NOTIFYING INDIVIDUAL IS A PATIENT OR RESEARCH SUBJECT AND
36 THE PROVIDER OF THE HUMAN GENOME USED IN THE VIOLATION, THAT INDIVIDUAL IS
37 ENTITLED TO RECOVER STATUTORY DAMAGES OF NOT LESS THAN \$1,000 FOR EACH
38 INSTANCE IN WHICH THAT INDIVIDUAL'S HUMAN GENOME WAS PROCESSED USING
39 PROHIBITED TECHNOLOGY.

40 F. ALL GENETIC SEQUENCING DATA SHALL BE STORED IN THE UNITED
41 STATES. ANY REMOTE ACCESS OF DATA STORAGE, OTHER THAN OPEN DATA, IS
42 PROHIBITED UNLESS APPROVED IN WRITING BY THE DIRECTOR.

43 G. HEALTH CARE INSTITUTIONS AND RESEARCH FACILITIES THAT STORE
44 GENETIC SEQUENCING DATA, INCLUDING THROUGH CONTRACTS WITH THIRD-PARTY DATA
45 STORAGE COMPANIES, SHALL ENSURE THAT THE DATA IS SECURED THROUGH

1 REASONABLE ENCRYPTION METHODS, RESTRICTION ON ACCESS AND OTHER
2 CYBERSECURITY METHODS.

3 H. FOR THE PURPOSES OF THIS SECTION, "FOREIGN ADVERSARY":

4 1. MEANS THE PEOPLE'S REPUBLIC OF CHINA, RUSSIA, IRAN, NORTH KOREA,
5 CUBA, VENEZUELA OR SYRIA OR THE HONG KONG SPECIAL ADMINISTRATIVE REGION.

6 2. INCLUDES:

7 (a) A COUNTRY DESIGNATED AS A FOREIGN ADVERSARY OF THE FEDERAL
8 GOVERNMENT.

9 (b) ANY AGENT OR ENTITY UNDER SIGNIFICANT CONTROL OF A FOREIGN
10 ADVERSARY.

11 Sec. 6. Section 36-857, Arizona Revised Statutes, is amended to
12 read:

13 36-857. Choice of law; presumption of validity; exception;
14 definition

15 A. A document of gift is valid if executed in accordance with:

16 1. This article.

17 2. The laws of the state or country where it was executed **UNLESS**
18 **THE GIFT WAS RECEIVED FROM A FOREIGN ADVERSARY.**

19 3. The laws of the state or country where the person making the
20 anatomical gift was domiciled, has a place of residence or was a national
21 at the time the document of gift was executed **UNLESS THE GIFT WAS RECEIVED**
22 **FROM A FOREIGN ADVERSARY.**

23 B. If a document of gift is valid under this section, the laws of
24 this state govern the interpretation of the document of gift.

25 C. A person may presume that a document of gift or amendment of an
26 anatomical gift is valid unless that person knows that it was not validly
27 executed or was revoked.

28 D. FOR THE PURPOSES OF THIS SECTION, "FOREIGN ADVERSARY":

29 1. MEANS THE PEOPLE'S REPUBLIC OF CHINA, RUSSIA, IRAN, NORTH KOREA,
30 CUBA, VENEZUELA OR SYRIA OR THE HONG KONG SPECIAL ADMINISTRATIVE REGION.

31 2. INCLUDES:

32 (a) A COUNTRY DESIGNATED AS A FOREIGN ADVERSARY OF THE FEDERAL
33 GOVERNMENT.

34 (b) ANY AGENT OR ENTITY UNDER SIGNIFICANT CONTROL OF A FOREIGN
35 ADVERSARY.

36 (c) ANY COUNTRY OR COMPANY THAT PROCURES ORGANS THROUGH FORCED
37 ORGAN HARVESTING. FOR THE PURPOSES OF THIS SUBDIVISION, "FORCED ORGAN
38 HARVESTING" MEANS EITHER THE REMOVAL OF ONE OR MORE ORGANS FROM A LIVING
39 PERSON BY MEANS OF COERCION, ABDUCTION, DECEPTION, FRAUD OR ABUSE OF POWER
40 OR A POSITION OF VULNERABILITY OR THE REMOVAL OF ORGANS FROM A PERSON WHO
41 WAS KILLED FOR THE PURPOSE OF REMOVING ONE OR MORE ORGANS.

1 Sec. 7. Title 36, chapter 29, article 1, Arizona Revised Statutes,
2 is amended by adding section 36-2907.16, to read:

3 36-2907.16. Genetic sequencing; organ harvesting; insurance
4 coverage prohibition; applicability;
5 definitions

6 A. SUBJECT TO THE APPROVAL OF THE CENTERS FOR MEDICARE AND MEDICAID
7 SERVICES, THE ADMINISTRATION MAY LIMIT COVERAGE TO A MEMBER FOR GENETIC
8 SEQUENCING IF THE GENETIC SEQUENCING IS PERFORMED ON A DEVICE THAT IS
9 EITHER OF THE FOLLOWING:

10 1. PRODUCED BY A COMPANY THAT IS DOMICILED IN A FOREIGN ADVERSARY.

11 2. PRODUCED BY A COMPANY THAT IS OWNED OR SUBSTANTIALLY CONTROLLED
12 BY A COMPANY THAT IS DOMICILED IN A FOREIGN ADVERSARY.

13 B. SUBJECT TO THE APPROVAL OF THE CENTERS FOR MEDICARE AND MEDICAID
14 SERVICES, THE ADMINISTRATION MAY LIMIT COVERAGE TO A MEMBER FOR A HUMAN
15 ORGAN TRANSPLANT OR POST-TRANSPLANT CARE IF EITHER OF THE FOLLOWING
16 APPLIES:

17 1. THE TRANSPLANT OPERATION IS PERFORMED IN THE PEOPLE'S REPUBLIC
18 OF CHINA OR THE HONG KONG SPECIAL ADMINISTRATIVE REGION.

19 2. THE HUMAN ORGAN TO BE TRANSPLANTED WAS PROCURED BY A SALE OR
20 DONATION ORIGINATING IN THE PEOPLE'S REPUBLIC OF CHINA OR THE HONG KONG
21 SPECIAL ADMINISTRATIVE REGION.

22 C. THIS SECTION DOES NOT:

23 1. REQUIRE COVERAGE FOR GENETIC SEQUENCING OR HUMAN ORGAN
24 TRANSPLANTS.

25 2. LIMIT THE ADMINISTRATION FROM DENYING COVERAGE FOR ANY VALID
26 REASON.

27 D. FOR THE PURPOSES OF THIS SECTION:

28 1. "COMPANY" MEANS A FOR-PROFIT SOLE PROPRIETORSHIP, ORGANIZATION,
29 ASSOCIATION, CORPORATION, PARTNERSHIP, JOINT VENTURE, LIMITED PARTNERSHIP,
30 LIMITED LIABILITY PARTNERSHIP, LIMITED LIABILITY COMPANY, INCLUDING A
31 WHOLLY OWNED SUBSIDIARY, MAJORITY OWNED SUBSIDIARY, PARENT COMPANY OR
32 AFFILIATE OF THE ENTITIES OR BUSINESS ASSOCIATIONS, OR A NONPROFIT
33 ORGANIZATION.

34 2. "DOMICILED" MEANS EITHER OF THE FOLLOWING:

35 (a) THE COUNTRY IN WHICH A COMPANY IS REGISTERED.

36 (b) THE LOCATION IN WHICH THE COMPANY'S AFFAIRS ARE PRIMARILY
37 COMPLETED OR WHERE A MAJORITY OF THE OWNERSHIP SHARES IS HELD.

38 3. "FOREIGN ADVERSARY":

39 (a) MEANS THE PEOPLE'S REPUBLIC OF CHINA, RUSSIA, IRAN, NORTH
40 KOREA, CUBA, VENEZUELA OR SYRIA OR THE HONG KONG SPECIAL ADMINISTRATIVE
41 REGION.

1 (b) INCLUDES:

2 (i) A COUNTRY DESIGNATED AS A FOREIGN ADVERSARY BY THE FEDERAL
3 GOVERNMENT.

4 (ii) ANY AGENT OR ENTITY UNDER SIGNIFICANT CONTROL OF A FOREIGN
5 ADVERSARY.

6 (iii) ANY COUNTRY OR COMPANY THAT PROCURES ORGANS THROUGH FORCED
7 ORGAN HARVESTING. FOR THE PURPOSES OF THIS ITEM, "FORCED ORGAN
8 HARVESTING" MEANS EITHER THE REMOVAL OF ONE OR MORE ORGANS FROM A LIVING
9 PERSON BY MEANS OF COERCION, ABDUCTION, DECEPTION, FRAUD OR ABUSE OF POWER
10 OR A POSITION OF VULNERABILITY OR THE REMOVAL OF ORGANS FROM A PERSON WHO
11 WAS KILLED FOR THE PURPOSE OF REMOVING ONE OR MORE ORGANS.

12 4. "GENETIC SEQUENCING" MEANS ANY METHOD TO DETERMINE THE IDENTITY
13 AND ORDER OF NUCLEOTIDE BASES IN THE HUMAN GENOME.

14 Sec. 8. Short title

15 This act may be cited as the "Arizona End Organ Harvesting Act".