

REFERENCE TITLE: forced organ harvesting; insurance; prohibition

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

## **HB 2504**

Introduced by  
Representatives Biasiucci: Gress, Martinez; Senator Rogers

### 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 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-116; 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; definitions

6 A. A SUBSCRIPTION CONTRACT MAY NOT PROVIDE COVERAGE TO A SUBSCRIBER  
7 FOR GENETIC SEQUENCING IF THE GENETIC SEQUENCING IS PERFORMED ON A DEVICE  
8 THAT 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. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, A SUBSCRIPTION  
13 CONTRACT MAY COVER GENETIC SEQUENCING IF BOTH OF THE FOLLOWING APPLY:

14 1. THE SUBSCRIBER MAY SUFFER AN IMMEDIATE HEALTH RISK IF GENETIC  
15 SEQUENCING IS NOT COVERED.

16 2. THERE IS NO OTHER REASONABLE OPTION FOR CONDUCTING THE GENETIC  
17 SEQUENCING.

18 C. A SUBSCRIPTION CONTRACT MAY NOT PROVIDE COVERAGE TO A SUBSCRIBER  
19 FOR A HUMAN ORGAN TRANSPLANT OR POST-TRANSPLANT CARE IF EITHER OF THE  
20 FOLLOWING APPLIES:

21 1. THE TRANSPLANT OPERATION IS PERFORMED IN A FOREIGN ADVERSARY.

22 2. THE HUMAN ORGAN TO BE TRANSPLANTED WAS PROCURED BY A SALE OR  
23 DONATION ORIGINATING IN A FOREIGN ADVERSARY.

24 D. FOR THE PURPOSES OF THIS SECTION:

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

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

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

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

35 3. "FOREIGN ADVERSARY":

36 (a) MEANS CHINA, RUSSIA, IRAN, NORTH KOREA, CUBA, VENEZUELA OR  
37 SYRIA OR THE HONG KONG SPECIAL ADMINISTRATIVE REGION.

38 (b) INCLUDES:

39 (i) A COUNTRY DESIGNATED AS A FOREIGN ADVERSARY BY THE DIRECTOR OF  
40 THE DEPARTMENT OF HEALTH SERVICES PURSUANT TO SECTION 36-116.

41 (ii) ANY AGENT OR ENTITY UNDER SIGNIFICANT CONTROL OF A FOREIGN  
42 ADVERSARY.

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









1 OPERATIONAL AND RESEARCH SOFTWARE USED FOR GENETIC SEQUENCERS OR GENETIC  
2 SEQUENCING DEVICES THAT ARE NOT PROHIBITED BY THIS SECTION.

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

7 D. A HEALTH CARE INSTITUTION OR RESEARCH FACILITY THAT SPENDS STATE  
8 MONIES IN VIOLATION OF THIS SECTION IS SUBJECT TO A CIVIL PENALTY OF  
9 \$20,000 FOR EACH VIOLATION. FOR THE PURPOSES OF THIS SUBSECTION,  
10 "VIOLATION" MEANS EACH INSTANCE OF AN INDIVIDUAL'S GENOME HAVING UNDERGONE  
11 GENETIC SEQUENCING USING PROHIBITED GENETIC SEQUENCERS OR OPERATIONAL AND  
12 RESEARCH SOFTWARE USED FOR GENETIC SEQUENCERS OR GENETIC SEQUENCING.

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

15 1. IF THE NOTIFYING INDIVIDUAL IS AN EMPLOYEE OF THE HEALTH CARE  
16 INSTITUTION OR RESEARCH FACILITY, THE EMPLOYEE HAS WHISTLEBLOWER  
17 PROTECTION.

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

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

26 G. HEALTH CARE INSTITUTIONS AND RESEARCH FACILITIES THAT STORE  
27 GENETIC SEQUENCING DATA, INCLUDING THROUGH CONTRACTS WITH THIRD-PARTY DATA  
28 STORAGE COMPANIES, SHALL ENSURE THAT THE DATA IS SECURED THROUGH  
29 REASONABLE ENCRYPTION METHODS, RESTRICTION ON ACCESS AND OTHER  
30 CYBERSECURITY METHODS.

31 H. FOR THE PURPOSES OF THIS SECTION, "FOREIGN ADVERSARY" HAS THE  
32 SAME MEANING PRESCRIBED IN SECTION 36-116.

33 Sec. 7. Section 36-857, Arizona Revised Statutes, is amended to  
34 read:

35 36-857. Choice of law; presumption of validity; exception

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

37 1. This article.

38 2. The laws of the state or country where it was executed UNLESS  
39 THE GIFT WAS RECEIVED FROM A FOREIGN ADVERSARY AS DEFINED IN SECTION  
40 36-116.

41 3. The laws of the state or country where the person making the  
42 anatomical gift was domiciled, has a place of residence or was a national  
43 at the time the document of gift was executed UNLESS THE GIFT WAS RECEIVED  
44 FROM A FOREIGN ADVERSARY AS DEFINED IN SECTION 36-116.

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

3 C. A person may presume that a document of gift or amendment of an  
4 anatomical gift is valid unless that person knows that it was not validly  
5 executed or was revoked. 7.

6 Sec. 8. Title 36, chapter 29, article 1, Arizona Revised Statutes,  
7 is amended by adding section 36-2907.16, to read:

8 36-2907.16. Genetic sequencing; organ harvesting; insurance  
9 coverage prohibition; definitions

10 A. THE ADMINISTRATION MAY NOT PROVIDE COVERAGE TO A MEMBER FOR  
11 GENETIC SEQUENCING IF THE GENETIC SEQUENCING IS PERFORMED ON A DEVICE THAT  
12 IS EITHER OF THE FOLLOWING:

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

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

16 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, THE ADMINISTRATION  
17 MAY COVER GENETIC SEQUENCING IF BOTH OF THE FOLLOWING APPLY:

18 1. THE MEMBER MAY SUFFER AN IMMEDIATE HEALTH RISK IF GENETIC  
19 SEQUENCING IS NOT COVERED.

20 2. THERE IS NO OTHER REASONABLE OPTION FOR CONDUCTING THE GENETIC  
21 SEQUENCING.

22 C. THE ADMINISTRATION MAY NOT PROVIDE COVERAGE TO A MEMBER FOR A  
23 HUMAN ORGAN TRANSPLANT OR POST-TRANSPLANT CARE IF EITHER OF THE FOLLOWING  
24 APPLIES:

25 1. THE TRANSPLANT OPERATION IS PERFORMED IN A FOREIGN ADVERSARY.

26 2. THE HUMAN ORGAN TO BE TRANSPLANTED WAS PROCURED BY A SALE OR  
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41 SYRIA OR THE HONG KONG SPECIAL ADMINISTRATIVE REGION.



1 (b) INCLUDES:

2 (i) A COUNTRY DESIGNATED AS A FOREIGN ADVERSARY BY THE DIRECTOR OF  
3 THE DEPARTMENT OF HEALTH SERVICES PURSUANT TO SECTION 36-116.

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

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

8 Sec. 9. Short title

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