

House Engrossed

license; driver; nonoperating; medical indicia

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HOUSE BILL 2772

AN ACT

AMENDING SECTIONS 28-440, 28-3167 AND 36-3251, ARIZONA REVISED STATUTES;
RELATING TO DRIVER AND NONOPERATING IDENTIFICATION LICENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-440, Arizona Revised Statutes, is amended to
3 read:

4 28-440. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Bulk records" means multiple records that are retrieved
7 collectively from the department's database as a result of a single
8 request. Bulk records does not include retrieving one record at a time
9 from a single request.

10 2. "Duplicate" means a counterpart produced by any of the
11 following:

12 (a) The same impression or from the same matrix as the original.

13 (b) Means of photography, including enlargements and miniatures.

14 (c) Mechanical or electronic rerecording.

15 (d) Chemical reproduction.

16 (e) Any other equivalent technique that accurately reproduces the
17 original.

18 3. "Electronic signature" means an electronic sound, symbol or
19 process attached to or logically associated with a document and executed
20 or adopted by a person with the intent to sign the document.

21 4. "Express consent" means consent in writing, including consent
22 that is conveyed electronically and that bears an electronic signature.

23 5. "Highly restricted personal information" means an individual's
24 photograph or image, social security number and medical or disability
25 information.

26 6. "Insurance support organization" has the same meaning prescribed
27 in section 20-2102.

28 7. "Medical or disability information" means a restriction or
29 medical ~~code~~ INDICATOR placed on a person's motor vehicle record pursuant
30 to section 28-3159, subsection A, paragraph 1 or section 28-3167.

31 8. "Motor vehicle record" means any record that pertains to a
32 driver license or permit, vehicle registration, vehicle title or
33 identification document issued by the department or its duly authorized
34 third parties, agents or contractors that are authorized to issue any of
35 those documents.

36 9. "Opt in" means a customer of the department has provided express
37 consent to the department to allow the release of the customer's personal
38 information, including highly restricted personal information, in a form
39 prescribed by the director.

40 10. "Original":

41 (a) Of a record means the record itself or any counterpart intended
42 to have the same effect by the person executing or issuing it.

43 (b) Of a photograph means the negative or a print from the
44 negative.

1 (c) Of data stored in a computer or similar device means a printout
2 or other output that is readable by sight and that is shown to reflect the
3 data accurately.

4 11. "Personal information" means information that identifies an
5 individual and that includes an individual's photograph, social security
6 number, driver identification number, name, address, telephone number and
7 medical or disability information. Personal information does not include
8 an individual's five-digit zip code and information about vehicular
9 accidents, driving violations and driver status.

10 12. "Photographs" includes still photographs, x-ray films,
11 videotapes, motion pictures and digitized electronic images.

12 13. "Records" has the same meaning prescribed in section 41-151.

13 14. "Vehicle history report" means a report that is developed to
14 track the registration and total loss history of a particular vehicle and
15 includes odometer readings and brand codes, title brand codes and any
16 related vehicle data. Vehicle history report does not include names and
17 addresses.

18 Sec. 2. Section 28-3167, Arizona Revised Statutes, is amended to
19 read:

20 28-3167. Indicator information on license; health care
21 directive; living wills; immunity

22 A. The department shall provide on each driver license and on each
23 nonoperating identification license a space where a licensee may indicate
24 that the licensee suffers from some type of adverse medical condition
25 using a medical ~~code prescribed by the department~~ INDICATOR if the
26 licensee presents a signed statement from a physician who is licensed
27 pursuant to title 32, chapter 13, 14 or 17 or a registered nurse
28 practitioner who is licensed pursuant to title 32, chapter 15 stating that
29 the person suffers from the condition.

30 ~~B. The department shall prescribe by rule a medical code to~~
31 ~~identify the medical conditions using a system of numerals or letters~~
32 ~~commonly accepted by the medical profession.~~ Except for the purposes of
33 entering the medical ~~code~~ INDICATOR on the driver license or nonoperating
34 identification license, ~~and unless the person affirmatively requests in~~
35 ~~writing that the person wants the medical code as part of the computer~~
36 ~~record,~~ the department shall not maintain the medical ~~code~~ INDICATOR in
37 the department computer after the department issues the driver license or
38 nonoperating identification license. ~~THE PERSON SHALL AFFIRM TO THE~~
39 ~~DEPARTMENT AT EACH RENEWAL OF THE DRIVER LICENSE OR NONOPERATING~~
40 ~~IDENTIFICATION LICENSE THAT THE MEDICAL INDICATOR REMAINS IN EFFECT FOR~~
41 ~~THE LICENSEE.~~

42 C. THE DEPARTMENT SHALL PROVIDE ON EACH DRIVER LICENSE AND ON EACH
43 NONOPERATING IDENTIFICATION LICENSE A SPACE WHERE A LICENSEE MAY INDICATE
44 THAT THE LICENSEE HAS AN ADVANCED HEALTH CARE DIRECTIVE, INCLUDING A
45 HEALTH CARE POWER OF ATTORNEY AS PRESCRIBED BY TITLE 36, CHAPTER 32,

1 ARTICLE 2, A PREHOSPITAL MEDICAL CARE DIRECTIVE THAT FULFILLS THE
2 REQUIREMENTS OF TITLE 36, CHAPTER 32, ARTICLE 4, A LIVING WILL AS
3 PRESCRIBED BY TITLE 36, CHAPTER 32, ARTICLE 5 OR A MENTAL HEALTH CARE
4 POWER OF ATTORNEY AS PRESCRIBED BY TITLE 36, CHAPTER 32, ARTICLE
5 6. EXCEPT FOR THE PURPOSES OF ENTERING THE INDICATOR ON THE DRIVER
6 LICENSE OR NONOPERATING IDENTIFICATION LICENSE, THE DEPARTMENT MAY NOT
7 MAINTAIN ANY DOCUMENT PROVIDED PURSUANT TO THIS SUBSECTION IN THE
8 DEPARTMENT'S COMPUTER RECORDS AFTER THE DEPARTMENT ISSUES THE DRIVER
9 LICENSE OR NONOPERATING IDENTIFICATION LICENSE. THE DEPARTMENT IS NOT
10 REQUIRED TO ACCEPT OR INTERPRET MEDICAL CARE DIRECTIVES THAT DO NOT MEET
11 THE REQUIREMENTS OF TITLE 36, CHAPTER 32. THE LICENSEE SHALL AFFIRM TO THE
12 DEPARTMENT AT EACH RENEWAL OF THE DRIVER LICENSE OR NONOPERATING
13 IDENTIFICATION LICENSE THAT AN ADVANCED HEALTH CARE DIRECTIVE, A
14 PREHOSPITAL MEDICAL CARE DIRECTIVE, A LIVING WILL OR A MENTAL HEALTH CARE
15 POWER OF ATTORNEY REMAINS IN EFFECT FOR THE LICENSEE.

16 ~~C.~~ D. The department and this state are exempt from liability for
17 damages from the use of ~~medical code~~ INDICATOR information provided on a
18 license pursuant to this section.

19 Sec. 3. Section 36-3251, Arizona Revised Statutes, is amended to
20 read:

21 36-3251. Prehospital medical care directives; form; effect;
22 immunity; definitions

23 A. Notwithstanding any law or a health care directive to the
24 contrary, a person may execute a prehospital medical care directive that,
25 in the event of cardiac or respiratory arrest, directs the withholding of
26 cardiopulmonary resuscitation by emergency medical system personnel,
27 hospital emergency department personnel and, as provided in subsection L
28 of this section, direct care staff persons. For the purposes of this
29 article, "cardiopulmonary resuscitation" includes cardiac compression,
30 endotracheal intubation and other advanced airway management, artificial
31 ventilation, defibrillation, administration of advanced cardiac life
32 support drugs and related emergency medical procedures. Authorization for
33 the withholding of cardiopulmonary resuscitation does not include the
34 withholding of other medical interventions, such as intravenous fluids,
35 oxygen or other therapies deemed necessary to provide comfort care or to
36 alleviate pain.

37 B. A prehospital medical care directive shall be printed on an
38 orange background and may be used in either letter or wallet size. The
39 directive shall be in the following form:

40 Prehospital Medical Care Directive

41 (side one)

42 In the event of cardiac or respiratory arrest, I refuse
43 any resuscitation measures, including cardiac compression,
44 endotracheal intubation and other advanced airway management,
45 artificial ventilation, defibrillation, administration of

advanced cardiac life support drugs and related emergency medical procedures.

Patient: _____ date: _____

(Signature or mark)

Attach recent photograph here or provide all of the following information below:

Date of birth _____ sex _____

Eye color _____ hair color _____ race _____

Hospice program (if any) _____

Name and telephone number of patient's physician

(side two)

I have explained this form and its consequences to the signer and obtained assurance that the signer understands that death may result from any refused care listed above.

_____ date _____

(Licensed health care provider)

I was present when this was signed (or marked). The patient then appeared to be of sound mind and free from duress.

_____ date _____

(Witness)

C. A person who has a valid prehospital medical care directive pursuant to this section may wear an identifying bracelet on either the wrist or the ankle. The bracelet shall be substantially similar to identification bracelets worn in hospitals. The bracelet shall be on an orange background and state the following in bold type:

Do Not Resuscitate

Patient: _____

Patient's physician: _____

D. If the person has designated an agent to make health care decisions under section 36-3221 or has been appointed a guardian for health care decisions pursuant to title 14, that agent or guardian shall sign if the person is no longer competent to do so.

E. A prehospital medical care directive is effective until it is revoked or superseded by a new document.

F. Emergency medical system personnel, hospital emergency department personnel, ~~and~~ direct care staff persons **AND ANY CIVILIAN BYSTANDERS** who make a good faith effort to identify the patient and who rely on an apparently genuine directive, **AN INDICATOR AS PRESCRIBED IN SECTION 28-3167 ON THE PATIENT'S DRIVER LICENSE OR NONOPERATING IDENTIFICATION LICENSE** or a photocopy of a directive on orange paper are immune from liability to the same extent and under the same conditions as prescribed in section 36-3205. If a person has any doubt as to the validity of a directive or the medical situation, that person shall

1 proceed with resuscitative efforts as otherwise required by law. Emergency
2 medical system personnel and direct care staff persons are not required to
3 accept or interpret medical care directives that do not meet the
4 requirements of this section.

5 G. In the absence of a physician, a person without vital signs who
6 is not resuscitated pursuant to a prehospital medical care directive may
7 be pronounced dead by any peace officer of this state, a professional
8 nurse licensed pursuant to title 32, chapter 15 or an emergency medical
9 technician certified pursuant to this title.

10 H. This section does not apply to situations involving mass
11 casualties or to medical emergencies involving children and adults with
12 disabilities in public or private schools that are not licensed health
13 care institutions as defined in section 36-401.

14 I. After being notified of a death by emergency medical system
15 personnel, the person's physician or the county medical examiner is then
16 responsible for signing the death certificate.

17 J. The office of emergency medical services in the department of
18 health services shall print prehospital medical care directive forms and
19 make them available to the public. The department may charge a fee that
20 covers the department's costs to prepare the form. The department and its
21 employees are immune from civil liability for issuing prehospital medical
22 care directive forms that meet the requirements of this section. A person
23 may use a form that is not prepared by the department of health services
24 if that form meets the requirements of this section. If an organization
25 distributes a prehospital medical care directive form that meets the
26 requirements of this section, that organization and its employees are also
27 immune from civil liability.

28 K. Any prehospital medical care directive prepared before April 24,
29 1994 is valid if it was valid at the time it was prepared.

30 L. A direct care staff person may comply with a prehospital medical
31 care directive pursuant to this section if the physician of the person who
32 has the valid prehospital medical care directive has ordered a hospice
33 plan of care.

34 M. The department of economic security or the Arizona health care
35 cost containment system administration may prescribe guidance for training
36 and education of direct care staff persons regarding the requirements of
37 this section.

38 N. For the purposes of this section:

39 1. "Direct care staff person" means a person who is employed or
40 contracted to provide direct services pursuant to title 36, chapter 5.1.

41 2. "Emergency medical system personnel" includes emergency medical
42 technicians at all levels who are certified by the department of health
43 services and medical personnel who are licensed by this state and who are
44 operating outside of an acute care hospital under the direction of an

1 emergency medical system agency recognized by the department of health
2 services.

3 Sec. 4. Legislative intent

4 The legislature intends that the department of transportation
5 coordinate with the Arizona health care directives registry established
6 pursuant to section 36-3291, Arizona Revised Statutes, to implement this
7 act and to advance public awareness of advanced health care directives and
8 the Arizona health care directives registry.

9 Sec. 5. Effective date

10 This act is effective from and after December 31, 2026.