

REFERENCE TITLE: **medical examiners; vaccine; reporting**

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

HB 2774

Introduced by
Representative Powell

AN ACT

**AMENDING SECTIONS 11-597 AND 36-104, ARIZONA REVISED STATUTES; RELATING TO
THE COUNTY MEDICAL EXAMINER.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 11-597, Arizona Revised Statutes, is amended to
3 read:

4 11-597. Autopsies; reports; exemption from liability

5 A. The county medical examiner or alternate medical examiner shall
6 conduct a death investigation to determine whether or not the public
7 interest requires an external examination, autopsy or other special
8 investigation.

9 B. An external examination or autopsy is not required for deaths
10 due to natural diseases that occur during surgical or anesthetic
11 procedures unless the medical examiner or alternate medical examiner
12 determines that an external examination or autopsy is necessary.

13 C. In the determination of the need for an autopsy, the county
14 medical examiner or alternate medical examiner may consider the request
15 for an autopsy made by private persons or public officials. If the county
16 attorney or a superior court judge of the county where the death occurred
17 requests an autopsy, the county medical examiner shall perform the
18 autopsy, or, in the case of an alternate medical examiner, an autopsy
19 shall be performed by a forensic pathologist.

20 D. A forensic pathologist shall perform an autopsy in cases of
21 sudden and unexplained infant death in accordance with protocols adopted
22 by the director of the department of health services. If the medical
23 examiner or forensic pathologist determines that the infant died of sudden
24 infant death syndrome, the medical examiner or forensic pathologist shall
25 notify the department of health services. The medical examiner or
26 forensic pathologist may retain tissue samples, specimens and other
27 biological materials for diagnostic purposes.

28 E. If an autopsy is performed, a full record or report of the facts
29 developed by the autopsy in the findings of the person performing the
30 autopsy shall be properly made and filed in the office of the county
31 medical examiner or the board of supervisors. If the person performing
32 the autopsy determines that the report should be forwarded to the county
33 where the death occurred or the county in which any injury contributing to
34 or causing the death was sustained, the report shall be forwarded to the
35 county attorney.

36 F. A county attorney may request and on request shall receive from
37 the county medical examiner or alternate medical examiner a copy of the
38 report on any autopsy performed.

39 G. IF A COUNTY MEDICAL EXAMINER, ALTERNATE MEDICAL EXAMINER OR
40 FORENSIC PATHOLOGIST PERFORMS AN AUTOPSY AND DETERMINES THAT THE CAUSE OF
41 DEATH WAS DUE TO A CONDITION OR SIDE EFFECT ASSOCIATED WITH THE
42 ADMINISTRATION OF A VACCINE, THE COUNTY MEDICAL EXAMINER, ALTERNATE
43 MEDICAL EXAMINER OR FORENSIC PATHOLOGIST SHALL SUBMIT A COPY OF THE REPORT
44 TO THE DEPARTMENT OF HEALTH SERVICES.

1 ~~G.~~ H. The county medical examiner or alternate medical examiner
2 may perform other tests deemed necessary to determine identity and the
3 cause and manner of death and may retain tissues, specimens and other
4 biological materials for subsequent examination.

5 ~~H.~~ I. When a death investigation, including an external
6 examination, autopsy or other tests are performed by ~~the~~ A county medical
7 examiner, alternate medical examiner or ~~a~~ forensic pathologist, no cause
8 of action shall lie against the physician or any other person for:

9 1. Requesting, performing, participating in or determining the
10 cause and manner of death or otherwise reporting the results from the
11 external examination, death investigation, autopsy or other tests or for
12 retaining specimens, tissues or other biological materials.

13 2. DETERMINING IN GOOD FAITH THAT THE CAUSE OF DEATH WAS DUE TO A
14 CONDITION OR SIDE EFFECT ASSOCIATED WITH THE ADMINISTRATION OF A VACCINE.

15 Sec. 2. Section 36-104, Arizona Revised Statutes, is amended to
16 read:

17 36-104. Powers and duties

18 This section is not to be construed as a statement of the
19 department's organization. This section is intended to be a statement of
20 powers and duties in addition to the powers and duties granted by section
21 36-103. The director shall:

22 1. Administer the following services:

23 (a) Administrative services, which shall include at a minimum the
24 functions of accounting, personnel, standards certification, electronic
25 data processing, vital statistics and the development, operation and
26 maintenance of buildings and grounds used by the department.

27 (b) Public health support services, which shall include at a
28 minimum:

29 (i) Consumer health protection programs, consistent with paragraph
30 25 of this section, that include at least the functions of community water
31 supplies, general sanitation, vector control and food and drugs.

32 (ii) Epidemiology and disease control programs that include at
33 least the functions of chronic disease, accident and injury control,
34 communicable diseases, tuberculosis, venereal disease and others.

35 (iii) Laboratory services programs.

36 (iv) Health education and training programs.

37 (v) Disposition of human bodies programs.

38 (c) Community health services, which shall include at a minimum:

39 (i) Medical services programs that include at least the functions
40 of maternal and child health, preschool health screening, family planning,
41 public health nursing, premature and newborn program, immunizations,
42 nutrition, dental care prevention and migrant health.

43 (ii) Dependency health care services programs that include at least
44 the functions of need determination, availability of health resources to

1 medically dependent individuals, quality control, utilization control and
2 industry monitoring.

3 (iii) Children with physical disabilities services programs.

4 (iv) Programs for the prevention and early detection of an
5 intellectual disability.

6 (d) Program planning, which shall include at least the following:

7 (i) An organizational unit for comprehensive health planning
8 programs.

9 (ii) Program coordination, evaluation and development.

10 (iii) Need determination programs.

11 (iv) Health information programs.

12 2. Include and administer, within the office of the director, staff
13 services, which shall include at a minimum budget preparation, public
14 information, appeals, hearings, legislative and federal government
15 liaison, grant development and management and departmental and interagency
16 coordination.

17 3. Make rules for the organization and proper and efficient
18 operation of the department.

19 4. Determine when a health care emergency or medical emergency
20 situation exists or occurs within this state that cannot be satisfactorily
21 controlled, corrected or treated by the health care delivery systems and
22 facilities available. When such a situation is determined to exist, the
23 director shall immediately report that situation to the legislature and
24 the governor. The report shall include information on the scope of the
25 emergency, recommendations for solution of the emergency and estimates of
26 costs involved.

27 5. Provide a system of unified and coordinated health services and
28 programs between this state and county governmental health units at all
29 levels of government.

30 6. Formulate policies, plans and programs to effectuate the
31 missions and purposes of the department.

32 7. Make contracts and incur obligations within the general scope of
33 the department's activities and operations subject to the availability of
34 monies.

35 8. Be designated as the single state agency for the purposes of
36 administering and in furtherance of each federally supported state plan.

37 9. Provide information and advice on request by local, state and
38 federal agencies and by private citizens, business enterprises and
39 community organizations on matters within the scope of the department's
40 duties subject to the departmental rules and regulations on the
41 confidentiality of information.

42 10. Establish and maintain separate financial accounts as required
43 by federal law or regulations.

44 11. Advise with and make recommendations to the governor and the
45 legislature on all matters concerning the department's objectives.

1 12. Take appropriate steps to reduce or contain costs in the field
2 of health services.

3 13. Encourage and assist in the adoption of practical methods of
4 improving systems of comprehensive planning, of program planning, of
5 priority setting and of allocating resources.

6 14. Encourage an effective use of available federal resources in
7 this state.

8 15. Research, recommend, advise and assist in the establishment of
9 community or area health facilities, both public and private, and
10 encourage the integration of planning, services and programs for the
11 development of the state's health delivery capability.

12 16. Promote the effective use of health manpower and health
13 facilities that provide health care for the citizens of this state.

14 17. Take appropriate steps to provide health care services to the
15 medically dependent citizens of this state.

16 18. Certify training on the nature of sudden infant death syndrome,
17 which shall include information on the investigation and handling of cases
18 involving sudden and unexplained infant death for use by law enforcement
19 officers as part of their basic training requirement.

20 19. Adopt protocols on the manner in which an autopsy shall be
21 conducted under section 11-597, subsection D in cases of sudden and
22 unexplained infant death.

23 20. Cooperate with the Arizona-Mexico commission in the governor's
24 office and with researchers at universities in this state to collect data
25 and conduct projects in the United States and Mexico on issues that are
26 within the scope of the department's duties and that relate to quality of
27 life, trade and economic development in this state in a manner that will
28 help the Arizona-Mexico commission to assess and enhance the economic
29 competitiveness of this state and of the Arizona-Mexico region.

30 21. Administer the federal family violence prevention and services
31 act grants, and the department is designated as this state's recipient of
32 federal family violence prevention and services act grants.

33 22. Accept and spend private grants of monies, gifts and devises
34 for the purposes of methamphetamine education. The department shall
35 disburse these monies to local prosecutorial or law enforcement agencies
36 with existing programs, faith-based organizations and nonprofit entities
37 that are qualified under section 501(c)(3) of the United States internal
38 revenue code, including nonprofit entities providing services to women
39 with a history of dual diagnosis disorders, and that provide educational
40 programs on the repercussions of methamphetamine use. State general fund
41 monies shall not be spent for the purposes of this paragraph. If the
42 director does not receive sufficient monies from private sources to carry
43 out the purposes of this paragraph, the director shall not provide the
44 educational programs prescribed in this paragraph. Grant monies received

pursuant to this paragraph are not lapsing and do not revert to the state general fund at the close of the fiscal year.

23. Identify successful methamphetamine prevention programs in other states that may be implemented in this state.

24. Pursuant to chapter 13, article 8 of this title, coordinate all public health and risk assessment issues associated with a chemical or other toxic fire event if a request for the event is received from the incident commander, the emergency response commission or the department of public safety and if funding is available. Coordination of public health issues shall include general environmental health consultation and risk assessment services consistent with chapter 13, article 8 of this title and, in consultation with the Arizona poison control system, informing the public as to potential public health risks from the environmental exposure. Pursuant to chapter 13, article 8 of this title, the department of health services shall also prepare a report, in consultation with appropriate state, federal and local governmental agencies, that evaluates the public health risks from the environmental exposure. The department of health services' report shall include any department of environmental quality report and map of smoke dispersion from the fire, the results of any environmental samples taken by the department of environmental quality and the toxicological implications and public health risks of the environmental exposure. The department of health services shall consult with the Arizona poison control system regarding toxicology issues and shall prepare and produce its report for the public as soon as practicable after the event. The department of health services shall not use any monies pursuant to section 49-282, subsection E to implement this paragraph.

25. Consult, cooperate, collaborate and, if necessary, enter into interagency agreements and memoranda of understanding with the Arizona department of agriculture concerning its administration, pursuant to title 3, chapter 3, article 4.1, of this state's authority under the United States food and drug administration produce safety rule (21 Code of Federal Regulations part 112) and any other federal produce safety regulation, order or guideline or other requirement adopted pursuant to the FDA food safety modernization act (P.L. 111-353; 21 United States Code sections 2201 through 2252).

26. Adopt rules pursuant to title 32, chapter 32, article 5 prescribing the designated database information to be collected by health profession regulatory boards for the health professionals workforce database.

27. ESTABLISH AND MAINTAIN A SECURE METHOD FOR RECEIVING REPORTS SUBMITTED PURSUANT TO SECTION 11-597, SUBSECTION G AND PUBLISH QUARTERLY SUMMARIES OF ALL REPORTS RECEIVED PURSUANT TO SECTION 11-597, SUBSECTION G.

1 Sec. 3. Legislative findings

2 A. The legislature finds that:

3 1. Public health and safety depend on full, honest and unimpeded
4 reporting of findings relating to a cause of death.

5 2. There have been increased reports from medical professionals of
6 abnormal blood clotting and other anomalies that warrant further study and
7 reporting.

8 3. Fear of retaliation, reputational harm or regulatory sanctions
9 may discourage a county medical examiner, an alternate medical examiner or
10 a forensic pathologist from making good faith reports of findings in death
11 investigations and autopsies.

12 4. The COVID-19 pandemic introduced widespread vaccination
13 programs. It is important to monitor, report and analyze possible adverse
14 effects of vaccines, including adverse effects detected as part of a death
15 investigation or autopsy.

16 5. A county medical examiner, an alternate medical examiner or a
17 forensic pathologist who conducts death investigations and autopsies can
18 detect anomalies and report public health data.

19 6. This state has a compelling interest in ensuring that no law,
20 policy or workplace culture prevents or discourages the transparent
21 scientific and nonpolitical reporting of medical and pathological
22 information that is relevant to public health and safety.

23 7. Legal protections are necessary to encourage honest, good faith
24 reporting without fear from the county medical examiner, alternate medical
25 examiner or forensic pathologist of reprisal, censorship or disciplinary
26 action.

27 B. The legislature intends to do the following:

28 1. Create a legal safe harbor for a county medical examiner, an
29 alternate medical examiner or a forensic pathologist who reports good
30 faith pathological findings related to suspected vaccine related effects.

31 2. Protect a county medical examiner, an alternate medical examiner
32 or a forensic pathologist from professional or legal repercussions when
33 the county medical examiner, alternate medical examiner or forensic
34 pathologist report findings that are relevant to public health and safety.

35 3. Encourage transparent and honest reporting of any anomalies
36 found in the course of a death investigation or autopsy.

37 4. Ensure that all death investigation and autopsy reports are
38 treated confidentially and seriously and are provided to appropriate
39 health authorities for evaluating public health concerns.

40 5. Establish that there will be no fear of retaliation,
41 reputational harm or regulatory sanctions against a county medical
42 examiner, an alternate medical examiner or a forensic pathologist who
43 makes good faith death investigation reports or autopsy reports.