

REFERENCE TITLE: **medical mandates; right to refuse**

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

HCR 2056

Introduced by
Representative Kupper

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE II, CONSTITUTION OF ARIZONA, BY ADDING SECTION 38; RELATING TO DECLARATION OF RIGHTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona,
2 the Senate concurring:

3 1. Article II, Constitution of Arizona, is proposed to be amended
4 by adding section 38 as follows if approved by the voters and on
5 proclamation of the Governor:

6 38. Right to refuse medical mandate, product or
7 treatment; definition

8 SECTION 38. A. THE RIGHT TO REFUSE MEDICAL MANDATES IS
9 HEREBY RECOGNIZED AND PROTECTED AS A FUNDAMENTAL AND INHERENT
10 RIGHT OF EVERY INDIVIDUAL. A GOVERNMENT ENTITY MAY NOT
11 MANDATE, REQUIRE, COERCE OR COMPEL ANY INDIVIDUAL TO ACCEPT,
12 RECEIVE OR ADMINISTER ANY MEDICAL PRODUCT OR TREATMENT THAT
13 INVOLVES INVASION OF OR AFFIXING ANY ITEM OR ARTICLE TO THE
14 BODY FOR ANY REASON OR PURPOSE, INCLUDING AS A CONDITION OF
15 EMPLOYMENT, EDUCATION, ENTRY OR ACCESS TO ANY PUBLIC FACILITY
16 OR SPACE, PARTICIPATION IN SERVICES OR THE EXERCISE OF ANY
17 RIGHT, PRIVILEGE OR BENEFIT.

18 B. THIS SECTION DOES NOT:

19 1. LIMIT A COURT OF COMPETENT JURISDICTION IN A
20 SPECIFIC INDIVIDUAL'S CASE BASED ON A FINDING OF CLEAR AND
21 CONVINCING EVIDENCE THAT THE INDIVIDUAL IS A DANGER TO SELF OR
22 OTHERS, INCLUDING THE ORDERING OF TREATMENT FOR A MENTAL
23 HEALTH OR SUBSTANCE USE DISORDER INVOLVING THE ADMINISTRATION
24 OF MEDICATIONS OR OTHER TREATMENTS TO ADDRESS MENTAL HEALTH OR
25 A SUBSTANCE USE DISORDER.

26 2. APPLY TO PERSONS WHO ARE IN THE CUSTODY OF A LAW
27 ENFORCEMENT AGENCY OR ON PROBATION FOR AN OFFENSE OR LIMIT OR
28 INTERFERE WITH THE COLLECTION OF EVIDENCE PURSUANT TO A BONA
29 FIDE CRIMINAL INVESTIGATION.

30 3. LIMIT OR INTERFERE WITH THE RIGHTS OF PARENTS OR
31 LEGAL GUARDIANS TO MAKE MEDICAL MANDATE DECISIONS FOR THEIR
32 MINOR CHILDREN FROM BIRTH TO EIGHTEEN YEARS OF AGE.

33 4. LIMIT A LICENSED HEALTH CARE PROVIDER OR HEALTH CARE
34 INSTITUTION FROM PERFORMING LEGALLY REQUIRED DUTIES RELATED TO
35 THE REPORTING OR TRACKING OF MEDICAL PRODUCTS OR TREATMENTS OR
36 FROM ADMINISTERING MEDICAL CARE THAT IS NECESSARY TO SAVE THE
37 LIFE OF AN INDIVIDUAL WHEN CONSENT CANNOT BE OBTAINED FROM THE
38 INDIVIDUAL, THE INDIVIDUAL'S PARENT OR LEGAL GUARDIAN OR THE
39 INDIVIDUAL'S AUTHORIZED REPRESENTATIVE.

40 5. LIMIT ANY REQUIREMENT UNDER FEDERAL LAW.

1 6. LIMIT ANY EXISTING STATE LAW REQUIREMENTS FOR
2 DIAGNOSTIC TESTS OR PROCEDURES.

3 C. FOR THE PURPOSES OF THIS SECTION, "COERCE OR COMPEL"
4 MEANS TO TAKE ANY ACTION THAT IMPOSES A PENALTY, DENIAL OF
5 BENEFIT OR ADVERSE CONSEQUENCE FOR NONCOMPLIANCE.

6 2. The Secretary of State shall submit this proposition to the
7 voters at the next general election as provided by article XXI,
8 Constitution of Arizona.