



ARIZONA STATE SENATE
Fifty-Fifth Legislature, First Regular Session

AMENDED
FACT SHEET FOR H.B. 2190

~~criminal justice case information; reporting~~
~~(NOW: reporting; criminal justice case information)~~
~~(NOW: vaccines; prohibitions; governments; businesses)~~

Purpose

Prohibits the state, a county or local government entity or official or a public university from conditioning a government benefit or service on disclosure of whether a person has received a COVID-19 vaccine and prohibits a business entity from conditioning a service, product or admission on disclosure of whether a person has received a COVID-19 vaccine.

Background

A student may not attend school without submitting documentary proof to the school administrator of required immunizations as prescribed by the Director of the Department of Health Services (DHS). Documentary proof of immunizations is not required for a pupil if: 1) a parent or guardian submits a signed statement that the parent or guardian has received DHS immunization information and does not consent to the pupil's immunization due to personal beliefs; or 2) the school administrator receives written certification that a required immunization may be detrimental to the pupil's health signed by the parent or guardian and a physician or registered nurse practitioner (A.R.S. §§ [15-872](#); [15-873](#); and [36-672](#)).

The Director of DHS must prescribe health, safety and wellbeing rules for the care of children in a child care facility. Any rule relating to educational activities, physical examination, medical treatment or immunization must include exemptions for children whose parents object due to the tenets and practices of a recognized church or religious denomination of which the parent or child is an adherent or member ([A.R.S. § 36-883](#)).

Statute outlines powers of the Governor during a state of emergency or state of war emergency. During a state of emergency or state of war emergency in which there is the occurrence or imminent threat of smallpox, plague, viral hemorrhagic fevers or a highly contagious and highly fatal disease with transmission characteristics similar to smallpox (public health emergency), the Governor may issue orders isolating and quarantining persons and mandating treatment or vaccination of persons diagnosed with illness resulting from exposure, believed to have been exposed or expected to be exposed ([A.R.S. § 36-787](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits the state, a county or local government entity or official or public university from conditioning a government benefit or service on disclosure of whether the person has received a COVID-19 vaccine or a vaccine to address any variant of COVID-19.

2. Prohibits a business entity doing business in Arizona from requiring a person, as a condition for receiving a service, product or admission to an event or venue, to disclose to the business or a third-party online application whether the person has or has not received a COVID-19 vaccine or a vaccine to address any COVID-19 variant.
3. Classifies, as a class 3 misdemeanor, a violation of the prohibitions.
4. Specifies that a government benefit or service includes services provided by a public university.
5. Specifies that the prohibitions on businesses, the state, county or local government entities or officials and public universities do not prohibit a health professional or a licensed health care institution from requiring documentation from a patient, resident, employee or visitor of whether the person has or has not received the COVID-19 vaccine or a vaccine to address any variant of COVID-19.
6. Prohibits a health care institution from denying a patient or resident health care services based on the person's vaccination status.
7. Becomes effective on the general effective date.

Amendments Adopted by Committee

1. Adopted the strike-everything amendment.
2. Removes the exemptions, from the prohibition on government-required vaccines, for:
 - a) public primary or secondary school faculty; and
 - b) employees of hospitals or other health care institutions.
3. Replaces the public school primary or secondary student exemption from the prohibition on government-required vaccines with an exemption for student immunizations as prescribed by existing statute.
4. Removes the Governor's authority during a public health emergency to issue orders mandating vaccination of persons diagnosed with, exposed to or expected to be exposed to the illness, rather than notwithstanding the Governor's statutory authority during a public health emergency.

Amendments Adopted by Committee of the Whole

1. Prohibits the state or a county or local government entity or official from conditioning a government benefit or service on disclosure of whether the person has received a COVID-19 vaccine or a vaccine to address any variant of COVID-19, rather than on receipt of any vaccine.
2. Applies, to any university under the jurisdiction of the Arizona Board of Regents, the prohibitions on the state or a county or local government entity or official conditioning services on receipt of a vaccine or providing incentives for receiving a vaccine.
3. Prohibits a business entity doing business in Arizona from conditioning a service, product or admission to an event or venue on disclosure to the business or a third-party online application whether the person has or has not received a COVID-19 vaccine or a vaccine to address any COVID-19 variant, rather than prohibiting refusal to provide a service, product, admission or transportation because a person has or has not received any vaccine.

4. Removes the prohibitions on the state or a county or local government entity or official in Arizona:
 - a) requiring a person to receive a vaccine; and
 - b) providing, to a person for receiving a vaccine, a special privilege, financial benefit or other incentive.
5. Removes the following from the list of services the state or a county or local government entity or official may not condition on receiving a vaccine:
 - a) receipt of a government-issued license, permit or certification;
 - b) entrance into a public building; and
 - c) use of public transportation.
6. Removes the prohibition on a ticket issuer penalizing, discriminating against or denying access to an entertainment event to a ticket holder because the ticket holder has or has not received a vaccine.
7. Reduces, from a class 5 felony to a class 3 misdemeanor, the penalty for a violation of the prohibitions.
8. Removes the requirement that a court suspend a business entity's state or political subdivision licenses, permits or certifications for a violation for between 30 days and one year.
9. Specifies that the prohibitions on businesses, the state, county or local government entities or officials and public universities do not prohibit a health professional or a licensed health care institution from requiring documentation from a patient, resident, employee or visitor of whether the person has or has not received the COVID-19 vaccine or a vaccine to address any variant of COVID-19.
10. Prohibits a health care institution from denying a patient or resident health care services based on the person's vaccination status.
11. Reinstates the Governor's statutory authority to issue orders mandating vaccination of persons diagnosed with illness, exposed or expected to be exposed during a state of emergency or state of war emergency in which there is the occurrence or imminent threat of smallpox, plague, viral hemorrhagic fevers or a highly contagious and highly fatal disease with transmission characteristics similar to smallpox.
12. Makes technical and conforming changes.

Senate Action

JUD	3/24/21	W/D	
APPROP	3/31/21	DPA/SE	6-4-0

Prepared by Senate Research

May 20, 2021

LB/gs