



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-seventh Legislature
First Regular Session

HB 2012: emergency use products; employers; prohibition

Sponsor: Representative Kupper, LD 25

Committee on Health & Human Services

Overview

Prohibits an employer, government entity or health care entity from requiring the administration of an *emergency use product* as defined in the Federal Food, Drug, and Cosmetic Act (FD&C) Act.

History

The U.S. Secretary of Health & Human Services (Secretary) may authorize the introduction into interstate commerce, during the effective period of a declaration, of a drug, device or biological product intended for use in an actual or potential emergency.

The Secretary may make a declaration of emergency or threat justifying emergency authorized use on the basis of: 1) a determination by the Secretary of Homeland Security that there is a domestic emergency, or a significant potential for a domestic emergency, involving a heightened risk of attack with a biological, chemical, radiological or nuclear agent or agents; 2) a determination by the Secretary of Defense that there is a military emergency, or a significant potential for a military emergency, involving a heightened risk to United States (U.S.) military forces, including personnel operating under the authority of various titles of attack with a biological, chemical, radiological or nuclear agent or agents; or an agent or agents that may cause, or are otherwise associated with, an imminently life-threatening and specific risk to U.S. military forces; 3) a determination by the Secretary that there is a public health emergency, or a significant potential for public health emergency, that affects, or has significant potential to affect, national security or the health and security of U.S. citizens living abroad, and that involves a biological, chemical, radiological or nuclear agent or agents, or a disease or condition that may be attributable to such agent or agents; or 4) the identification of a material threat sufficient to affect national security or the health and security of U.S. citizens living abroad ([21 U.S.C § 360bbb-3](#)).

Health Care Entity means any of the following: 1) a licensed health care provider; 2) an entity that provides health care services through one or more licensed health care providers; 3) an entity that contracts to provide or pays for health care services; 4) a professional organization of licensed health care providers; 5) a utilization or quality control peer review organization; 6) a state health care provider; 7) a component of the statewide emergency medical services and trauma system; 8) a qualifying community health center; and 9) a committee or other organizational structure of a health care entity ([A.R.S § 36-2401](#)).

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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Provisions

1. Prohibits an employer from requiring the administration of an *emergency use product* as defined in federal law to the employer's employees or as a condition of employment. (Sec. 1)
2. Prohibits a government entity or health care entity from requiring the administration of an *emergency use product* as defined in federal law. (Sec. 2, 3)
3. Defines *health care entity* and *government entity*. (Sec. 3)