



**ARIZONA STATE SENATE**  
***Fifty-Fifth Legislature, First Regular Session***

**FACT SHEET FOR H.B. 2570**

licenses; pandemics; revocation prohibition

Purpose

Specifies that statutory state of emergency and public health emergency powers do not allow a state agency, city, town or county to revoke a license required to operate a business for a failure to comply with a Governor's order, unless the business was the actual cause of transmission of the disease that is the subject of the order.

Background

The Governor may declare a state of emergency if the Governor finds that there exist conditions of disaster or extreme peril to the safety of persons or property within the state caused by air pollution, fire, flood, epidemic, riot, earthquake or other causes that are likely to be beyond the control of any single county or municipality ([A.R.S. § 26-301](#)). During a state of emergency, the Governor has complete authority over all agencies of the state government and the right to exercise all police power vested in the state by the Arizona Constitution. Additionally, the Governor may direct all agencies to utilize and employ personnel, equipment and facilities for the performance of activities designed to prevent or alleviate actual or threatened damage due to the emergency. The Governor's state of emergency powers end when the state of emergency proclamation has been terminated by proclamation of the Governor or Concurrent Resolution of the Legislature ([A.R.S. § 26-303](#)).

During a state of emergency or state of war emergency in which there is an occurrence or imminent threat of an illness or health condition caused by bioterrorism, epidemic or pandemic disease or a highly fatal infectious agent or biological toxin that poses a substantial risk of a significant number of human fatalities (public health emergency) the Department of Health Services (DHS) must coordinate all matters pertaining to the state response. During a public health emergency, DHS has primary jurisdiction, responsibility and authority for certain duties, including: 1) planning and executing the public health emergency assessment, mitigation, preparedness response and recover of the state; 2) coordinating the response among state, local and tribal authorities; and 3) coordinating recovery operations and mitigation initiatives ([A.R.S. § 36-787](#)).

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

Provisions

1. Specifies that statutory state of emergency and public health emergency powers do not allow a state agency, city, town or county to permanently revoke any license required to operate a business for a failure to comply with an order issued by the Governor related to the emergency, unless the state agency, city, town or county can demonstrate by clear and convincing evidence that the business was the actual cause of transmission of the disease that is the subject of the order.
2. Makes technical changes.
3. Becomes effective on the general effective date.

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House Action

|                      |         |    |         |
|----------------------|---------|----|---------|
| GE                   | 2/18/21 | DP | 7-6-0-0 |
| 3 <sup>rd</sup> Read | 3/15/21 |    | 31-29-0 |

Prepared by Senate Research

March 18, 2021

MH/gs