



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

House: GE DP 7-6-0-0 | 3rd Read 31-29-0-0
Senate: GOV DPA 4-3-1-0 | 3rd Read 16-14-0-0

HB 2570: licenses; pandemics; revocation prohibition

Sponsor: Representative Hoffman, LD 12

Senate Engrossed

Overview

Prohibits a state agency, municipality or county from revoking any license that is required to operate a business for not complying with a state of emergency order that is issued.

History

During a state of emergency, the Governor has several statutorily prescribed powers and duties. The Governor has complete authority over all agencies of state government and the right to exercise all police power vested in the state by the constitution and laws of this state. Additionally, the Governor is authorized to direct all agencies of state government to use and employ state personnel, facilities and equipment to perform any activities designed to alleviate or prevent damage due to the emergency ([A.R.S. § 26-303](#)).

The Arizona Department of Health Services (DHS) additionally has powers and duties during a state of emergency that is declared by the Governor. DHS has primary jurisdiction, responsibility and authority for planning and executing public health emergency assessment, mitigation, response and recovery for the state. Additionally, DHS is tasked with establishing a process to grant a temporary waiver of professional licensure requirements necessary to implement any measures required to address the state of emergency ([A.R.S. § 36-787](#)).

Provisions

1. Stipulates that a state agency, DHS, a city, town or county may not permanently revoke a license that is required to operate a business for not complying with an order issued with respect to a state of emergency proclaimed by the Governor. (Sec. 1, 2)
2. Allows a state agency, DHS, a city, town or county to permanently revoke a license required to operate a business if there is clear and convincing evidence that the business was the actual cause of transmission of the disease that is the subject of the order. (Sec. 1, 2)
3. Makes technical and conforming changes. (Sec. 1, 2)

Senate Amendments

1. Permits a state agency, DHS, a city, town or county to permanently revoke a license held by a business or used to operate a business if there is clear and convincing evidence that the business caused the transmission of the disease that is subject of the order due to the business's willful misconduct or gross negligence.
2. Stipulates that a state agency, city, town or county must provide to a business the following before suspending or permanently revoking a license held by a business or used to operate a business:
 - a) A written notice of noncompliance delivered by personal service or certified mail; and

- b) A written notice of intent to suspend or permanently revoke the license at least 30 days after the date of the notice of noncompliance and present any new evidence of grounds for suspension or revocation in the written notice.
- 3. Requires a business that disputes a claim in a written notice of intent to suspend or permanently revoke a license to respond to the state agency, city, town or county within 20 days of receiving the notice.
- 4. Specifies that any dispute relating to the suspension or permanent revocation of a license held by a business or used to operate a business must be resolved by a court of competent jurisdiction.
- 5. Prohibits a state agency, city, town or county from suspending or permanently revoking a license held by a business or used to operate a business until the business has received both written notices and all appeals have been exhausted.
- 6. Permits a court to award reasonable attorney fees and damages to a business in an action relating to the suspension or permanent revocation of a license held by a business or used to operate a business.
- 7. Prohibits the Department of Liquor Licenses and Control (DLLC) from assessing or collecting a civil penalty of more than \$500 for a violation of an executive order pursuant to the state of emergency related to COVID-19 that was proclaimed on March 11, 2020.
- 8. Directs DLLC to refund the payor of any amount collected above \$500 for a violation of an executive order proclaimed on March 11, 2020 within 10 business days after the general effective date of this legislation.
- 9. Makes technical and conforming changes.

<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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