



ARIZONA STATE SENATE
Fifty-Fifth Legislature, First Regular Session

FACT SHEET FOR H.B. 2770

mask mandates; business exception

Purpose

Asserts a business is not required to enforce a state, city, town, county or other jurisdiction's mask mandate on the businesses' premises.

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 ([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 ([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 that meets certain criteria, the Department of Health Services must coordinate all matters pertaining to the state response ([A.R.S. § 36-787](#)). Additionally, the mayor of a city or town or chair of a county board of supervisors may declare an emergency or local emergency if it is deemed that an emergency exists due to fire, conflagration, flood, earthquake, explosion, war, bombing, acts of the enemy or any other natural or man-made calamity or disaster ([A.R.S. § 26-311](#)).

On June 17, 2020, the Governor issued Executive Order 2020-40 authorizing a county, city or town, based on conditions in the jurisdiction, to adopt policies regarding the wearing of face coverings in public for the purpose of mitigating the spread of COVID-19. Any enforcement of a face covering policy enacted under the authority of the Executive Order must focus first on educating and working to promote best practices to accomplish the goal of mitigation ([EO 2020-40](#)).

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

Provisions

1. Asserts a business is not required to enforce a mask mandate established by the state or a city, town, county or other jurisdiction on the businesses' premises.
2. Becomes effective on the general effective date.

House Action

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| COM | 2/16/21 | DP | 6-4-0-0 |
| 3 rd Read | 3/3/21 | | 31-28-1 |

Prepared by Senate Research
 March 18, 2021
 MH/gs