

# Arizona AG rules COVID-19 vaccine mandate for public employees illegal



*In this Jan. 7, 2020, photo, Arizona Attorney General Mark Brnovich speaks at a news conference in Phoenix. Brnovich says Tucson's vaccine mandate for city employees is illegal. Brnovich's decision Tuesday, Sept. 7, 2021, gives Tucson 30 days to repeal ... more >*

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By Shen Wu Tan - *The Washington Times* - Tuesday, September 7, 2021

Arizona Attorney General Mark Brnovich said on Tuesday that the city of Tucson's COVID-19 vaccine mandate for public employees violates state law and the governor's executive order.

The city must either revoke or amend the ordinance to align with state law or risk losing millions in state funding, the attorney general's office said in a statement.

"Tucson's vaccine mandate is illegal, and the city could be held liable for attempting to force employees to take it against their beliefs," said Mr. Brnovich, a Republican. "COVID-19 vaccinations should be a choice, not a government mandate."

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Arizona lawmakers passed a law during this year's legislative session that prohibits city governments from requiring COVID-19 vaccines for its employees. But last month, Tucson adopted an ordinance mandating public employees provide proof of COVID-19 vaccination by 4 p.m. on Aug. 24 or face an unpaid five-day suspension.

The attorney general's office said Tucson's city council exploited a loophole in the state law that postponed it from taking effect until Sept. 29.

Arizona Gov. Doug Ducey, a Republican, in August issued an executive order to prevent cities from mandating COVID-19 vaccine mandates until the law went into effect.

However, Tucson refuses to rescind its ordinance, according to Mr. Brnovich. The attorney general's office said it officially notified Tucson that its COVID-19 vaccine mandate violates state law and that it must be rescinded or amended. If the policy is not rescinded within the next 30 days, then the office said it will alert the Arizona treasurer to withhold the city's portion of state shared revenue until it complies with state law.

Mr. Brnovich's office also warned that Tucson could face potential liability claims if it were to "take adverse action" against any employee who refuses to get the vaccine under the provisions of the state law and

governor's executive order.

The Washington Times has sent a request for comment to Tucson's Mayor Regina Romero, a Democrat.

Sen. Kelly Townsend, a Republican, last month filed a complaint asking the attorney general's office to investigate if Tucson's COVID-19 vaccine mandate violated the governor's executive order.

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**Active on Page: 3**