



## Arizona Gov. Ducey Bans Universities from Mandating COVID-19 Vaccines, Tests, and Masks

Arizona Republican Governor Doug Ducey signed an executive order on Tuesday stating that public colleges and universities cannot require students to receive the COVID-19 vaccine or to submit proof that they received the vaccine to attend in-person classes. Colleges and universities are also prohibited from enforcing students to wear masks or be tested for COVID-19.

“The vaccine works, and we encourage Arizonans to take it. But it is a choice and we need to keep it that way,” Ducey [said](#) on Tuesday, announcing the [order](#) “Protecting Student Access to Public Higher Education.”

“Public education is a public right, and taxpayers are paying for it. We need to make our public universities available for students to return to learning. They have already missed out on too much learning,” said the governor.

Gov. Doug Ducey /AP Images

The order specifies that while the Food and Drug Administration (FDA) has granted multiple Emergency Use Authorizations (EUAs) to the COVID-19 vaccinations, none has been given a full approval. At the same time, a significant portion of the Arizona population has already been inoculated, therefore “the risk previously posed by COVID-19 that our healthcare institutions will exceed capacity is decreasing as Arizona has seen the number of cases, hospitalizations and deaths continue to decrease over the past few months.”

It is also observed that although highly contagious, COVID-19 has not demonstrated to have transmission characteristics that meet the requirements for contagious diseases, which provide for mandated vaccines in some narrow circumstances. Therefore, no one should be compelled to disclose their vaccination status as a condition of attending classes, receiving services, or participating in activities without demonstrating “compelling need” to do so.

Ducey’s order also mandates that students cannot be required to get a COVID-19 test or be required to wear a mask in order to be on campus.

Exemptions are given for those students working inside hospitals, clinics, group homes, and other health-care facilities, that may require students or staff to show proof that they have been vaccinated.

A college or university can only require a COVID-19 test in the event of a “significant COVID-19 outbreak in a shared student housing setting that poses a risk to the students or staff,” a move that would require prior approval from the Arizona Department of Health Services, according to



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the executive order.

The order does not prevent schools from encouraging vaccinations, providing testing or allowing students to wear masks voluntarily.

Governor Ducey's action appears to be in response to Arizona State University's (ASU) updated [policy](#) that all students are expected — though not required — to have the COVID-19 vaccine prior to the start of the fall semester. Students were also expected to upload proof of their vaccination to the University's online health portal.

The policy would also require students who were not vaccinated to submit a daily health check, to get a COVID-19 test twice a week, and to wear a mask in both indoor and outdoor spaces on campus.

Vaccinated students would not have to abide by those rules, according to ASU's policy.

The university believes "it is imperative for the health and well-being of our community for all to be vaccinated," ASU said in the [statement](#) on Monday.

On Tuesday, ASU issued a [statement](#) that it would comply with the governor's executive order and pushed back on the notion that there had been any vaccine mandate in the first place without mentioning the special treatment of those unvaccinated.

In April, Ducey signed an executive [order](#) "Prohibiting Political Jurisdictions of the State from Requiring the Disclosure of an Individual's COVID-19 Vaccination Status" to prevent political subdivisions from requiring information about people's vaccination status.

[According](#) to *Ballotopedia*, at present, 15 states — Alabama, Alaska, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Montana, South Carolina, South Dakota, Texas, Utah, and Wyoming — have prohibited proof-of-vaccination requirements at all or some levels of government. All 15 jurisdictions have Republican governors. In Alabama, Iowa, Montana, Texas, and Florida, bans on proof-of-vaccination requirements extend to some private businesses.

Three states — New York, Hawaii, and Oregon — exempt fully vaccinated individuals from some COVID-19 restrictions if they can provide proof of vaccination. All three states have Democratic governors.

The number of schools that will require students to be fully vaccinated against COVID-19 is growing. *University Business* magazine posted a regularly updated [list](#) of colleges and universities that require COVID-19 vaccinations in some form for the start of the 2021-22 academic year. Some are mandating that faculty and students be vaccinated as well, while others are only requiring that students living on campus receive vaccines. It is noted that almost all of those listed are accepting religious and medical exemptions.



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