



People wait after receiving a COVID-19 vaccine at State Farm Stadium in Glendale, Ariz., on Feb. 11, 2021. (Courtesy Pedroza/Getty Images)

ARIZONA PREMIUM

# Tucson Pauses COVID-19 Vaccine Mandate After Arizona Attorney General Deems It Illegal

BY ZACHARY STIEBER September 8, 2021 Updated: September 8, 2021

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The city of Tucson, [Arizona](#), has paused a mandate that ordered employees to get a COVID-19 vaccine or face five days of suspension and other discipline.

The state's attorney general, Mark Brnovich, [said on Sept. 7](#) that the mandate, imposed last month, is illegal because it violates an executive order by Gov. Doug Ducey earlier this year, in addition to a state law that is set to go into effect later this month.

Brnovich warned Tucson officials that unless the mandate was rescinded, he would proceed with directing the state treasurer to withhold the city's portion of state shared revenue until officials halted the policy.

The revenue for the current fiscal year was estimated at more than \$175 million by the Arizona League of Cities and Towns.

Tucson officials, in statements released by the city, criticized the finding by Brnovich's office but said they'll pause the policy, at least for now.

Tucson Mayor Regina Romero, a Democrat, claimed that Brnovich, a Republican who is running for the U.S. Senate, "is prioritizing his political ambitions over his responsibility to objectively interpret the law."

But Tucson City Manager Michael Ortega conceded that officials aren't sure whether the mandate was legal.

"Until we have a better understanding of our legal position in relation to today's report, I have instructed staff to pause on the implementation of the policy," he said.

Ducey, a Republican, issued an order in April banning so-called vaccine passports. The order prohibited state agencies, counties, cities, and towns from requiring proof of COVID-19 vaccination in order to enter or receive a government service.

Arizona Attorney General Mark Brnovich speaks at a news conference in Phoenix, on Jan. 7, 2020. (Bob Christie/AP Photo)

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Tucson officials, though, imposed their mandate on Aug. 13, ordering all employees to provide proof of vaccination by Aug. 24 or face discipline.

In response, Ducey on Aug. 16 said in a new order that state law doesn't allow a city, town, or county to impose vaccine mandates and said his previous order made clear such policies weren't allowed.

Arizona Republicans this year approved Senate Bill 1824, which prohibits vaccine mandates, but the law doesn't take effect until Sept. 29.

Ducey's order, though, took effect immediately and expressly says that cities cannot implement a vaccine requirement in violation of the bill, the investigation report from Brnovich's office noted.

Tucson officials in their response ignored the finding that their mandate violated Ducey's order, instead focusing on how the law hasn't taken effect.

"We are evaluating the implications of the Attorney General's opinion that the City's vaccine requirement violates a statute that does not yet have legal effect," said Mike Rankin, the city attorney.

Brnovich's office didn't immediately respond to a request for comment.

His investigation was triggered by a complaint filed by state Sen. Kelly Townsend, a Republican.

In a statement after the mandate was deemed illegal, Townsend described herself as relieved, adding that public employees "have further grounds to not only preserve their ability to make medical decisions for themselves without illegal coercion from the government, but that they have a stronger defense when seeking damages, if necessary."



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