

REFERENCE TITLE: **medical records; parental rights**

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HCR 2010

Introduced by
Representative Willoughby

A CONCURRENT RESOLUTION

**ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING
TO PARENTS' RIGHTS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona,
2 the Senate concurring:

3 1. Under the power of the referendum, as vested in the Legislature,
4 the following measure, relating to parents' rights, is enacted to become
5 valid as a law if approved by the voters and on proclamation of the
6 Governor:

7 AN ACT

8 AMENDING SECTION 1-602, ARIZONA REVISED STATUTES; RELATING
9 TO PARENTS' RIGHTS.

10 Be it enacted by the Legislature of the State of Arizona:

11 Section 1. Section 1-602, Arizona Revised Statutes,
12 is amended to read:

13 1-602. Parents' bill of rights; governmental
14 interference restricted; burden of proof;
15 definition

16 A. All parental rights are exclusively reserved to a
17 parent of a minor child without obstruction or interference
18 from this state, any political subdivision of this state,
19 any other governmental entity or any other institution,
20 including:

21 1. The right to direct the education of the minor
22 child.

23 2. All rights of parents identified in title 15,
24 including the right to access and review all records
25 relating to the minor child.

26 3. The right to direct the upbringing of the minor
27 child.

28 4. The right to direct the moral or religious
29 training of the minor child.

30 5. The right to make all health care decisions for
31 the minor child, including rights pursuant to sections
32 15-873, 36-2271 and 36-2272, unless otherwise prohibited by
33 law. WHILE MAINTAINING ANY CONFIDENTIALITY THAT IS OWED TO
34 THE MINOR CHILD PURSUANT TO LAW OR A COURT ORDER, A HEALTH
35 CARE ENTITY SHALL GIVE A PARENT ACCESS TO ANY ELECTRONIC
36 PORTAL AND ANY OTHER HEALTH CARE DELIVERY PLATFORM THAT IS
37 SEPARATE BUT EQUAL TO THE MINOR CHILD'S ACCESS THROUGHOUT
38 THE MINORITY OF THE PARENT'S CHILD.

39 6. The right to request, access and review all
40 written and electronic medical records of the minor child
41 unless otherwise prohibited by law or unless the parent is
42 the subject of an investigation of a crime committed against
43 the minor child and a law enforcement official requests that
44 the information not be released. THIS RIGHT INCLUDES ACCESS
45 TO WRITTEN AND ELECTRONIC MEDICAL RECORDS FOR SERVICES THAT

1 DO NOT REQUIRE PARENTAL CONSENT, INCLUDING THOSE DESCRIBED
2 IN SECTIONS 36-2271, 36-2272, 44-133 AND 44-133.01.

3 7. The right to consent in writing before a biometric
4 scan of the minor child is made pursuant to section 15-109.

5 8. The right to consent in writing before any record
6 of the minor child's blood or deoxyribonucleic acid is
7 created, stored or shared, except as required by section
8 36-694, or before any genetic testing is conducted on the
9 minor child pursuant to section 12-2803 unless authorized
10 pursuant to section 13-610 or a court order.

11 9. The right to consent in writing before this state
12 or any of its political subdivisions makes a video or voice
13 recording of the minor child, unless the video or voice
14 recording is made during or as a part of a court proceeding,
15 by law enforcement officers during or as part of a law
16 enforcement investigation, during or as part of an interview
17 in a criminal or child safety services investigation or to
18 be used solely for any of the following:

19 (a) Safety demonstrations, including the maintenance
20 of order and discipline in the common areas of a school or
21 on pupil transportation vehicles.

22 (b) A purpose related to a legitimate academic or
23 extracurricular activity.

24 (c) A purpose related to regular classroom
25 instruction.

26 (d) Security or surveillance of buildings or grounds.

27 (e) A photo identification card.

28 10. The right to be notified promptly if an employee
29 of this state, any political subdivision of this state, any
30 other governmental entity or any other institution suspects
31 that a criminal offense has been committed against the minor
32 child by someone other than a parent, unless the incident
33 has first been reported to law enforcement and notifying the
34 parent would impede a law enforcement or child safety
35 services investigation. This paragraph does not ~~create~~
36 ~~ESTABLISH~~ any new obligation for school districts and
37 charter schools to report misconduct between students at
38 school, such as fighting or aggressive play, that is
39 routinely addressed as a student disciplinary matter by the
40 school.

41 11. The right to obtain information about a child
42 safety services investigation involving the parent pursuant
43 to section 8-807.

44 B. This section does not authorize or allow a parent
45 to engage in conduct that is unlawful or to abuse or neglect

a child in violation of the laws of this state. This section does not prohibit courts, law enforcement officers or employees of a government agency responsible for child welfare from acting in their official capacity within the scope of their authority. This section does not prohibit a court from issuing an order that is otherwise allowed by law.

C. Any attempt to encourage or coerce a minor child to withhold information from the child's parent is grounds for discipline of an employee of this state, any political subdivision of this state, any other governmental entity or any other institution, except for law enforcement personnel.

D. Unless those rights have been legally waived or legally terminated, parents have inalienable rights that are more comprehensive than those listed in this section. This chapter does not prescribe all rights of parents or preempt or foreclose claims or remedies in support of parental rights that are available under the constitution, statutes or common law of this state. Unless otherwise required by law, the rights of parents of minor children shall not be limited or denied.

E. Except as prescribed in subsections F and G of this section, this state, a political subdivision of this state or any other governmental entity, or any official of this state, a political subdivision of this state or any other governmental entity acting under color of law, shall not interfere with or usurp the fundamental right of parents to direct the upbringing, education, health care and mental health of their children. A parent may bring suit against a governmental entity or official described in this subsection based on any violation of the statutory rights set forth in this chapter or any other action that interferes with or usurps the fundamental right of parents to direct the upbringing, education, health care and mental health of their children in the superior court in the county in which the violation or other action occurs or in federal court, if authorized by federal law, or before an administrative tribunal of appropriate jurisdiction. A parent may raise a violation of this chapter as a claim or a defense.

F. In any action under subsection E of this section, the governmental entity or official described in subsection E of this section has the burden of proof to demonstrate both of the following:

1. That the interference or usurpation is essential to accomplish a compelling government interest of the

1 highest order, as long recognized in the history and
2 traditions of this state in the operation of its regulatory
3 powers.

4 2. That the method of interference or usurpation used
5 by the government is narrowly tailored and is not otherwise
6 served by a less restrictive means.

7 G. A governmental entity or official described in
8 subsection E of this section may interfere with or usurp the
9 fundamental right of parents to direct the upbringing,
10 education, health care and mental health of their children
11 only if the governmental entity or official successfully
12 demonstrates both elements described in subsection F of this
13 section. If the governmental entity or official is
14 unsuccessful, the court shall grant appropriate relief, such
15 as declaratory or injunctive relief, compensatory damages
16 and attorney fees, based on the facts of the case and the
17 law as applied to the facts.

18 H. For the purposes of this section, "parent" means
19 the natural or adoptive parent or legal guardian of a minor
20 child.

21 2. The Secretary of State shall submit this proposition to the
22 voters at the next general election as provided by article IV, part 1,
23 section 1, Constitution of Arizona.