

COMMITTEE ON HEALTH AND HUMAN SERVICES

SENATE AMENDMENTS TO S.B. 1567

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Repeal

3 Section 23-206, Arizona Revised Statutes, is repealed.

4 Sec. 2. Title 23, chapter 2, article 1, Arizona Revised Statutes, is
5 amended by adding a new section 23-206, to read:

6 23-206. Employers; COVID-19 vaccination mandates; religious
7 exemption; form; civil action; damages; definition

8 A. A PRIVATE EMPLOYER, INCLUDING A HEALTH CARE INSTITUTION AS
9 DEFINED IN SECTION 36-401, MAY NOT IMPOSE A COVID-19 VACCINATION MANDATE
10 FOR ANY FULL-TIME, PART-TIME OR CONTRACT EMPLOYEE WITHOUT PROVIDING A
11 RELIGIOUS EXEMPTION THAT ALLOWS AN EMPLOYEE TO OPT OUT OF THE VACCINATION
12 MANDATE ON THE BASIS OF RELIGIOUS BELIEFS, INCLUDING A SINCERELY HELD MORAL
13 OR ETHICAL BELIEF.

14 B. AN EMPLOYER MAY NOT:

15 1. INQUIRE INTO THE VERACITY OF AN EMPLOYEE'S RELIGIOUS, MORAL OR
16 ETHICAL BELIEFS.

17 2. DISCRIMINATE AGAINST AN EMPLOYEE REGARDING EMPLOYMENT, WAGES OR
18 BENEFITS BASED ON THE EMPLOYEE'S VACCINATION STATUS.

19 C. AN EMPLOYER SHALL ALLOW AN EMPLOYEE TO CLAIM A RELIGIOUS
20 EXEMPTION FROM THE COVID-19 VACCINATION MANDATE USING THE FOLLOWING FORM:

21 RELIGIOUS EXEMPTION FROM COVID-19 VACCINATION

22 EMPLOYEE NAME _____

23 DATE OF BIRTH _____

24 TELEPHONE NUMBER _____

25 EMPLOYER NAME _____

1 EXEMPTION STATEMENT:

2 PURSUANT TO SECTION 23-206, ARIZONA REVISED STATUTES, I
3 HEREBY DECLARE THAT I AM DECLINING THE COVID-19 VACCINATION
4 BECAUSE OF MY SINCERELY HELD RELIGIOUS BELIEF.

5 EMPLOYEE SIGNATURE _____

6 DATE _____

7 EMPLOYEE NAME (PRINT) _____

8 NOTE: AN EMPLOYER MAY NOT INQUIRE INTO THE VERACITY OF THE
9 EMPLOYEE'S RELIGIOUS BELIEFS. THIS COMPLETED EXEMPTION
10 STATEMENT REQUIRES THE EMPLOYER TO ALLOW THE EMPLOYEE TO OPT
11 OUT OF THE EMPLOYER'S COVID-19 VACCINATION MANDATE.

12 D. IF AN EMPLOYER RECEIVES A COMPLETED EXEMPTION STATEMENT AS
13 PRESCRIBED IN THIS SECTION, THE EMPLOYER MUST ALLOW THE EMPLOYEE TO OPT OUT
14 OF THE EMPLOYER'S COVID-19 VACCINATION MANDATE. ANY EMPLOYER THAT RECEIVES
15 A REQUEST FOR A RELIGIOUS EXEMPTION PURSUANT TO THIS SECTION SHALL KEEP THE
16 REQUEST AND THE CONTENTS OF THE REQUEST IN STRICT CONFIDENCE AND MAY NOT
17 SHARE THEM WITHIN THAT ORGANIZATION EXCEPT TO THE EXTENT ABSOLUTELY
18 NECESSARY TO PROCESS THE REQUEST FOR EXEMPTION. EMPLOYERS MAY NOT CREATE A
19 DATABASE OF RELIGIOUS EXEMPTION REQUESTS OR SHARE THE REQUESTS OR THE
20 CONTENT OF THE REQUESTS WITH ANY OTHER ENTITY OR INDIVIDUAL, EXCEPT AS
21 PROVIDED BY LAW.

22 E. NOTWITHSTANDING ANY OTHER LAW, IF AN EMPLOYER DENIES A RELIGIOUS
23 EXEMPTION AND REQUIRES AN EMPLOYEE TO RECEIVE A COVID-19 VACCINATION AS A
24 PREREQUISITE TO OR REQUIREMENT FOR MAINTAINING EMPLOYMENT, THE EMPLOYER IS
25 LIABLE TO THE EMPLOYEE FOR DAMAGES THAT RESULT FROM A SIGNIFICANT INJURY
26 THAT IS CAUSED BY RECEIVING THE COVID-19 VACCINATION.

27 F. A CLAIMANT WHO PREVAILS UNDER THIS SECTION:

28 1. SHALL BE AWARDED ACTUAL DAMAGES, COURT COSTS AND REASONABLE
29 ATTORNEY FEES OR STATUTORY DAMAGES OF \$500,000, WHICHEVER IS GREATER.

30 2. IN ADDITION TO AN AWARD UNDER PARAGRAPH 1 OF THIS SUBSECTION, MAY
31 RECOVER EXEMPLARY DAMAGES.

1 G. FOR THE PURPOSES OF THIS SECTION, "COVID-19" MEANS:

2 1. THE NOVEL CORONAVIRUS IDENTIFIED AS SARS-COV-2.

3 2. ANY DISEASE CAUSED BY SARS-COV-2, ITS VIRAL FRAGMENTS OR A VIRUS
4 MUTATING THEREFROM.

5 3. ALL CONDITIONS ASSOCIATED WITH THE DISEASE THAT ARE CAUSED BY
6 SARS-COV-2, ITS VIRAL FRAGMENTS OR A VIRUS MUTATING THEREFROM.

7 Sec. 3. Title 36, chapter 4, article 2, Arizona Revised Statutes, is
8 amended by adding sections 36-425.09 and 36-425.10, to read:

9 36-425.09. Health care institutions; complaints; religious
10 exemptions; investigations; civil penalties;
11 definitions

12 A. AN EMPLOYEE OF A HEALTH CARE INSTITUTION MAY FILE A COMPLAINT
13 WITH THE DEPARTMENT IF THE HEALTH CARE INSTITUTION DID NOT OFFER THE
14 EMPLOYEE THE FORM PRESCRIBED IN SECTION 23-206 OR IMPROPERLY APPLIED OR
15 DENIED THE EMPLOYEE'S RELIGIOUS EXEMPTION AND THE EMPLOYEE'S EMPLOYMENT WAS
16 TERMINATED, INCLUDING THE FUNCTIONAL EQUIVALENT OF TERMINATION.

17 B. THE DEPARTMENT SHALL INVESTIGATE ALL COMPLAINTS RECEIVED PURSUANT
18 TO SUBSECTION A OF THIS SECTION. THE INVESTIGATION, AT A MINIMUM, SHALL
19 DETERMINE WHETHER THE HEALTH CARE INSTITUTION IMPOSED A COVID-19
20 VACCINATION MANDATE, WHETHER THE EMPLOYEE WAS OFFERED AND SUBMITTED A
21 PROPER EXEMPTION STATEMENT PURSUANT TO SECTION 23-206 AND WHETHER THE
22 EMPLOYEE WAS TERMINATED AS A RESULT OF THE HEALTH CARE INSTITUTION NOT
23 PROVIDING THE EMPLOYEE A RELIGIOUS EXEMPTION FROM THE VACCINATION MANDATE.
24 IF THE DEPARTMENT FINDS THAT THE RELIGIOUS EXEMPTION WAS NOT OFFERED OR WAS
25 IMPROPERLY APPLIED OR DENIED AND THE EMPLOYEE'S EMPLOYMENT WAS TERMINATED,
26 INCLUDING THE FUNCTIONAL EQUIVALENT OF TERMINATION, THE DEPARTMENT SHALL
27 NOTIFY THE HEALTH CARE INSTITUTION OF ITS DETERMINATION AND ALLOW THE
28 EMPLOYER THE OPPORTUNITY TO CORRECT THE NONCOMPLIANCE. IF THE HEALTH CARE
29 INSTITUTION DOES NOT CORRECT THE NONCOMPLIANCE, THE DEPARTMENT SHALL IMPOSE
30 THE FOLLOWING CIVIL PENALTIES:

31 1. FOR A HEALTH CARE INSTITUTION WITH FEWER THAN ONE HUNDRED
32 EMPLOYEES, NOT MORE THAN \$1,000 PER VIOLATION.

1 as a direct result of being denied a religious exemption from a COVID-19
2 vaccination mandate within the health care system in this state.

3 2. Four members who are appointed by the governor and who are
4 licensed pursuant to title 32, chapter 15, Arizona Revised Statutes, two of
5 whom have been denied a religious exemption from a COVID-19 vaccination
6 mandate by their employers.

7 3. One member of the senate health and human services committee who
8 is appointed by the president of the senate.

9 4. One member of the house of representatives health and human
10 services committee who is appointed by the speaker of the house of
11 representatives.

12 5. One member who is a representative of an organization that has
13 experience litigating and representing health care professionals who are
14 licensed pursuant to title 32, chapter 15, Arizona Revised Statutes, in
15 challenging vaccine mandates and supporting religious rights, who is
16 appointed by the president of the senate.

17 B. The committee shall elect a chairperson at its first meeting.

18 C. The committee shall:

19 1. Examine the challenges of this state's health care professionals
20 who were residents of this state at the time of termination of or coercion
21 to resign from their employment with a health care institution as defined
22 in section 36-401, Arizona Revised Statutes, as a direct result of being
23 denied a religious exemption from a COVID-19 vaccination mandate.

24 2. Make recommendations to the legislature regarding how the civil
25 penalties collected pursuant to section 36-425.09, Arizona Revised
26 Statutes, as added by this act, should be spent.

27 3. On or before November 1, 2022, submit a report of the committee's
28 findings and recommendations to the governor, the president of the senate
29 and the speaker of the house of representatives and shall provide a copy of
30 the report to the secretary of state.

1 D. Members of the committee are not eligible to receive compensation
2 but are eligible for reimbursement of expenses pursuant to title 38,
3 chapter 4, article 2, Arizona Revised Statutes.

4 E. This section is repealed from and after October 31, 2023."

5 Amend title to conform

1567HHS
02/04/2022
5:46 PM
C: MH