

REFERENCE TITLE: employers; COVID-19 vaccine mandate; prohibition

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2475

Introduced by
Representatives Carroll: Biasiucci, Blackman, Bolick, Burges, Diaz, Dunn,
Fillmore, Kavanagh, Nguyen, Parker, Payne, Pingerelli, Wilmeth, Senators
Barto, Gowan, Leach, Livingston

AN ACT

AMENDING TITLE 23, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 23-207; RELATING TO EMPLOYMENT PRACTICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 23, chapter 2, article 1, Arizona Revised
3 Statutes, is amended by adding section 23-207, to read:
4 23-207. Employers; COVID-19 vaccine mandate; prohibition;
5 violation; demand for jury; damages
6 A. NOTWITHSTANDING ANY OTHER LAW, AN EMPLOYER MAY NOT REQUIRE AN
7 EMPLOYEE TO RECEIVE THE COVID-19 VACCINE AS A CONDITION OR BENEFIT OF
8 EMPLOYMENT, PROMOTION OR ANY FORM OF COMPENSATION.
9 B. THIS SECTION DOES NOT PROHIBIT ANY EMPLOYER FROM PROVIDING A
10 ONETIME FINANCIAL INCENTIVE TO EMPLOYEES WHO RECEIVE THE COVID-19 VACCINE.
11 C. ANY EMPLOYEE WHO HAS AN INTEREST THAT IS OR MAY BE ADVERSELY
12 AFFECTED MAY COMMENCE A CIVIL ACTION IN SUPERIOR COURT ON THE PERSON'S OWN
13 BEHALF AGAINST AN EMPLOYER THAT VIOLATES THIS SECTION. IF A PERSON DOES
14 NOT COMMENCE A CIVIL ACTION, THE ATTORNEY GENERAL SHALL INVESTIGATE AND
15 TAKE APPROPRIATE ACTION FOR A VIOLATION OF THIS SECTION. A PARTY MAY
16 REQUEST A TRIAL BY JURY AND THE REQUEST, IF MADE, SHALL BE GRANTED. THIS
17 SECTION DOES NOT ABROGATE ANY OTHER RIGHT TO A TRIAL BY JURY.
18 D. AN EMPLOYER THAT VIOLATES THIS SECTION SHALL PAY STATUTORY
19 DAMAGES IN THE AMOUNT OF \$20,000 PER VIOLATION PER EMPLOYEE. A PREVAILING
20 PLAINTIFF IS ENTITLED TO REASONABLE ATTORNEY FEES AND COSTS.
21 E. FOR EACH CALENDAR YEAR BEGINNING FROM AND AFTER DECEMBER 31,
22 2022, THE ATTORNEY GENERAL SHALL ADJUST THE DOLLAR AMOUNT OF THE STATUTORY
23 DAMAGES IN SUBSECTION D OF THIS SECTION TO REFLECT THE PERCENTAGE CHANGE
24 FOR THE PREVIOUS YEAR IN THE AVERAGE CONSUMER PRICE INDEX AS PUBLISHED BY
25 THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS.