

Senate Engrossed

~~vaccinations; prohibitions; evidence of immunity~~  
(now: employers; vaccinations; religious exemption)

State of Arizona  
Senate  
Fifty-fifth Legislature  
Second Regular Session  
2022

# SENATE BILL 1567

AN ACT

AMENDING SECTION 23-206, ARIZONA REVISED STATUTES; AMENDING TITLE 36,  
CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION  
36-425.09; RELATING TO COVID-19 VACCINATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 23-206, Arizona Revised Statutes, is amended to  
3 read:

4 23-206. Employers; accommodations required; COVID-19  
5 vaccination; religious exemption; form; definitions

6 A. If an employer receives notice from an employee that the  
7 employee's sincerely held religious beliefs, practices or observances  
8 prevent the employee from taking the COVID-19 vaccination, the employer  
9 shall provide a reasonable accommodation unless the accommodation would  
10 pose an undue hardship and more than a de minimus cost to the operation of  
11 the employer's business.

12 B. AN EMPLOYER MAY NOT:

- 13 1. INQUIRE INTO THE VERACITY OF AN EMPLOYEE'S RELIGIOUS BELIEFS.
- 14 2. DISCRIMINATE AGAINST AN EMPLOYEE REGARDING EMPLOYMENT, WAGES OR  
15 BENEFITS BASED ON THE EMPLOYEE'S VACCINATION STATUS.

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

18 RELIGIOUS EXEMPTION FROM COVID-19 VACCINATION  
19 EMPLOYEE NAME \_\_\_\_\_  
20 DATE OF BIRTH \_\_\_\_\_  
21 TELEPHONE NUMBER \_\_\_\_\_  
22 EMPLOYER NAME \_\_\_\_\_

23 EXEMPTION STATEMENT:

24 PURSUANT TO SECTION 23-206, ARIZONA REVISED STATUTES, I  
25 HEREBY DECLARE THAT I AM DECLINING THE COVID-19 VACCINATION  
26 BECAUSE OF MY SINCERELY HELD RELIGIOUS BELIEFS.

27 EMPLOYEE SIGNATURE \_\_\_\_\_

28 DATE \_\_\_\_\_

29 EMPLOYEE NAME (PRINT) \_\_\_\_\_

30 NOTE: AN EMPLOYER MAY NOT INQUIRE INTO THE VERACITY OF THE  
31 EMPLOYEE'S SINCERELY HELD RELIGIOUS BELIEFS. THIS COMPLETED  
32 EXEMPTION STATEMENT REQUIRES THE EMPLOYER TO ALLOW THE  
33 EMPLOYEE TO OPT OUT OF THE EMPLOYER'S COVID-19 VACCINATION  
34 MANDATE.

35 D. IF AN EMPLOYER RECEIVES A COMPLETED EXEMPTION STATEMENT AS  
36 PRESCRIBED IN THIS SECTION, THE EMPLOYER MUST ALLOW THE EMPLOYEE TO OPT  
37 OUT OF THE EMPLOYER'S COVID-19 VACCINATION MANDATE. ANY EMPLOYER THAT  
38 RECEIVES A REQUEST FOR A RELIGIOUS EXEMPTION PURSUANT TO THIS SECTION  
39 SHALL KEEP THE REQUEST AND THE CONTENTS OF THE REQUEST IN STRICT  
40 CONFIDENCE AND MAY NOT SHARE THEM WITHIN THAT ORGANIZATION EXCEPT TO THE  
41 EXTENT ABSOLUTELY NECESSARY TO PROCESS THE REQUEST FOR EXEMPTION.  
42 EMPLOYERS MAY NOT CREATE A DATABASE OF RELIGIOUS EXEMPTION REQUESTS OR  
43 SHARE THE REQUESTS OR THE CONTENT OF THE REQUESTS WITH ANY OTHER ENTITY OR  
44 INDIVIDUAL, EXCEPT AS PROVIDED BY LAW.

1 E. FOR THE PURPOSES OF THIS SECTION:  
2 1. "COVID-19" MEANS:  
3 (a) THE NOVEL CORONAVIRUS IDENTIFIED AS SARS-COV-2.  
4 (b) ANY DISEASE CAUSED BY SARS-COV-2, ITS VIRAL FRAGMENTS OR A  
5 VIRUS MUTATING THEREFROM.  
6 (c) ALL CONDITIONS ASSOCIATED WITH THE DISEASE THAT ARE CAUSED BY  
7 SARS-COV-2, ITS VIRAL FRAGMENTS OR A VIRUS MUTATING THEREFROM.  
8 2. "SINCERELY HELD RELIGIOUS BELIEFS" INCLUDES A SINCERELY HELD  
9 MORAL OR ETHICAL BELIEF.  
10 Sec. 2. Title 36, chapter 4, article 2, Arizona Revised Statutes,  
11 is amended by adding section 36-425.09, to read:  
12 36-425.09. Health care institutions; complaints; religious  
13 exemptions; investigations; definitions  
14 A. AN EMPLOYEE OF A HEALTH CARE INSTITUTION MAY FILE A COMPLAINT  
15 WITH THE DEPARTMENT IF THE HEALTH CARE INSTITUTION DID NOT OFFER THE  
16 EMPLOYEE THE FORM PRESCRIBED IN SECTION 23-206 OR IMPROPERLY APPLIED OR  
17 DENIED THE EMPLOYEE'S RELIGIOUS EXEMPTION AND THE EMPLOYEE'S EMPLOYMENT  
18 WAS TERMINATED, INCLUDING THE FUNCTIONAL EQUIVALENT OF TERMINATION. A  
19 HEALTH CARE INSTITUTION IS REQUIRED TO APPLY THE RELIGIOUS EXEMPTION  
20 PRESCRIBED IN SECTION 23-206 ONLY TO THE EXTENT REQUIRED UNDER FEDERAL  
21 LAW.  
22 B. THE DEPARTMENT SHALL INVESTIGATE ALL COMPLAINTS RECEIVED  
23 PURSUANT TO SUBSECTION A OF THIS SECTION. THE INVESTIGATION, AT A  
24 MINIMUM, SHALL DETERMINE WHETHER THE HEALTH CARE INSTITUTION IMPOSED A  
25 COVID-19 VACCINATION MANDATE, WHETHER THE EMPLOYEE WAS OFFERED AND  
26 SUBMITTED A PROPER EXEMPTION STATEMENT PURSUANT TO SECTION 23-206 AND  
27 WHETHER THE EMPLOYEE WAS TERMINATED AS A RESULT OF THE HEALTH CARE  
28 INSTITUTION NOT PROVIDING THE EMPLOYEE A RELIGIOUS EXEMPTION FROM THE  
29 VACCINATION MANDATE. IF THE DEPARTMENT FINDS THAT THE RELIGIOUS EXEMPTION  
30 WAS NOT OFFERED OR WAS IMPROPERLY APPLIED OR DENIED AND THE EMPLOYEE'S  
31 EMPLOYMENT WAS TERMINATED, INCLUDING THE FUNCTIONAL EQUIVALENT OF  
32 TERMINATION, THE DEPARTMENT SHALL NOTIFY THE HEALTH CARE INSTITUTION OF  
33 ITS DETERMINATION AND ALLOW THE EMPLOYER THE OPPORTUNITY TO CORRECT THE  
34 NONCOMPLIANCE.  
35 C. FOR THE PURPOSES OF THIS SECTION:  
36 1. "COVID-19" HAS THE SAME MEANING PRESCRIBED IN SECTION 23-206.  
37 2. "FUNCTIONAL EQUIVALENT OF TERMINATION" MEANS IT IS DETERMINED  
38 THAT EITHER:  
39 (a) THE EMPLOYEE RESIGNED UNDER DURESS.  
40 (b) THE EMPLOYER, THROUGH ITS ACTIONS, MADE WORKING CONDITIONS SO  
41 DIFFICULT OR INTOLERABLE THAT A REASONABLE PERSON IN THE EMPLOYEE'S  
42 POSITION WOULD FEEL COMPELLED TO RESIGN.