

Senate Engrossed

employers; vaccines; religious exemption

State of Arizona  
Senate  
Fifty-sixth Legislature  
First Regular Session  
2023

# SENATE BILL 1250

AN ACT

AMENDING SECTION 23-206, ARIZONA REVISED STATUTES; AMENDING TITLE 23, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 23-207; RELATING TO 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 vaccinations;  
5 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, INFLUENZA A OR  
9 B VACCINATION OR FLU VACCINATION OR ANY VACCINATION AUTHORIZED BY THE  
10 UNITED STATES FOOD AND DRUG ADMINISTRATION FOR EMERGENCY USE ONLY, the  
11 employer shall provide a reasonable accommodation unless the accommodation  
12 would pose an undue hardship ~~and more than a de minimus cost to the~~  
13 ~~operation of the employer's business.~~

14 B. AN EMPLOYER MAY NOT:

15 1. INQUIRE INTO THE VERACITY OF AN EMPLOYEE'S RELIGIOUS  
16 BELIEFS, PRACTICES OR OBSERVANCES TO THE EXTENT BEYOND WHAT IS ALLOWED  
17 UNDER FEDERAL LAW.

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

20 C. AN EMPLOYER SHALL ALLOW AN EMPLOYEE TO REQUEST A RELIGIOUS  
21 EXEMPTION FROM THE COVID-19 VACCINATION, INFLUENZA A OR B VACCINATION OR  
22 FLU VACCINATION MANDATE OR ANY MANDATE FOR A VACCINATION AUTHORIZED BY THE  
23 UNITED STATES FOOD AND DRUG ADMINISTRATION ONLY FOR EMERGENCY USE BY USING  
24 A FORM THAT MEETS THE FOLLOWING MINIMUM REQUIREMENTS:

25 RELIGIOUS EXEMPTION FROM COVID-19 VACCINATION,  
26 INFLUENZA A OR B VACCINATION, FLU VACCINATION OR  
27 VACCINATION AUTHORIZED BY THE UNITED STATES FOOD  
28 AND DRUG ADMINISTRATION FOR EMERGENCY USE ONLY

29 EMPLOYEE NAME \_\_\_\_\_  
30 DATE OF BIRTH \_\_\_\_\_  
31 TELEPHONE NUMBER \_\_\_\_\_  
32 EMPLOYER NAME \_\_\_\_\_

33 EXEMPTION STATEMENT:

34 PURSUANT TO SECTION 23-206, ARIZONA REVISED STATUTES, I  
35 HEREBY DECLARE THAT I AM REQUESTING AN EXEMPTION FROM THE  
36 COVID-19 VACCINATION, INFLUENZA A OR B VACCINATION, FLU  
37 VACCINATION OR VACCINATION AUTHORIZED BY THE UNITED STATES  
38 FOOD AND DRUG ADMINISTRATION FOR EMERGENCY USE ONLY BECAUSE OF  
39 MY SINCERELY HELD RELIGIOUS BELIEFS.

40 EMPLOYEE STATEMENT OF SINCERELY HELD RELIGIOUS BELIEFS

41 \_\_\_\_\_  
42 EMPLOYEE STATEMENT OF CONFLICT BETWEEN RELIGIOUS BELIEFS  
43 AND VACCINE \_\_\_\_\_

44 REQUESTED ACCOMMODATION AND ALTERNATIVE ACCOMMODATIONS  
45 \_\_\_\_\_

1 I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING  
2 INFORMATION IS TRUE AND CORRECT.

3 EMPLOYEE SIGNATURE \_\_\_\_\_

4 DATE \_\_\_\_\_

5 EMPLOYEE NAME (PRINT) \_\_\_\_\_

6 NOTE: AN EMPLOYER MAY NOT INQUIRE INTO THE VERACITY OF THE  
7 EMPLOYEE'S SINCERELY HELD RELIGIOUS BELIEFS, PRACTICES OR  
8 OBSERVANCES TO THE EXTENT BEYOND WHAT IS ALLOWED UNDER FEDERAL  
9 LAW.

10 D. ANY EMPLOYER THAT RECEIVES A REQUEST FOR A RELIGIOUS EXEMPTION  
11 PURSUANT TO THIS SECTION SHALL KEEP THE REQUEST AND ITS CONTENTS  
12 CONFIDENTIAL AND MAY NOT SHARE THEM WITHIN THAT ORGANIZATION EXCEPT TO THE  
13 EXTENT NECESSARY TO PROCESS THE REQUEST FOR EXEMPTION, ACCOMMODATION OR  
14 OTHER OPERATIONAL NECESSITY. EMPLOYERS MAY CREATE A DATABASE OF RELIGIOUS  
15 EXEMPTION REQUESTS FOR INTERNAL USE ONLY UNLESS OTHERWISE REQUIRED BY LAW.

16 E. FOR THE PURPOSES OF THIS SECTION:

17 1. "COVID-19" MEANS:

18 (a) THE NOVEL CORONAVIRUS IDENTIFIED AS SARS-COV-2.

19 (b) ANY DISEASE CAUSED BY SARS-COV-2, ITS VIRAL FRAGMENTS OR A  
20 VIRUS MUTATING THEREFROM.

21 (c) ALL CONDITIONS ASSOCIATED WITH THE DISEASE THAT ARE CAUSED BY  
22 SARS-COV-2, ITS VIRAL FRAGMENTS OR A VIRUS MUTATING THEREFROM.

23 2. "SINCERELY HELD RELIGIOUS BELIEFS, PRACTICES OR OBSERVANCES"  
24 INCLUDES A SINCERELY HELD MORAL OR ETHICAL BELIEF.

25 Sec. 2. Title 23, chapter 2, article 1, Arizona Revised Statutes,  
26 is amended by adding section 23-207, to read:

27 23-207. Employers; complaints; religious exemptions;  
28 investigations; noncompliance; civil penalty;  
29 definition

30 A. AN EMPLOYEE MAY FILE A COMPLAINT WITH THE ATTORNEY GENERAL IF  
31 THE EMPLOYER DID NOT OFFER THE EMPLOYEE A FORM THAT MEETS THE REQUIREMENTS  
32 OF SECTION 23-206 OR IMPROPERLY APPLIED OR DENIED THE EMPLOYEE'S RELIGIOUS  
33 EXEMPTION AND THE EMPLOYEE'S EMPLOYMENT WAS TERMINATED. AN EMPLOYER IS  
34 REQUIRED TO APPLY THE RELIGIOUS EXEMPTION PRESCRIBED IN SECTION 23-206  
35 ONLY TO THE EXTENT REQUIRED UNDER FEDERAL LAW.

36 B. THE ATTORNEY GENERAL SHALL INVESTIGATE ALL COMPLAINTS RECEIVED  
37 PURSUANT TO SUBSECTION A OF THIS SECTION. THE INVESTIGATION, AT A  
38 MINIMUM, SHALL DETERMINE WHETHER THE EMPLOYER IMPOSED A COVID-19  
39 VACCINATION, INFLUENZA A OR B VACCINATION OR FLU VACCINATION MANDATE OR  
40 ANY MANDATE FOR A VACCINATION AUTHORIZED BY THE UNITED STATES FOOD AND  
41 DRUG ADMINISTRATION FOR EMERGENCY USE ONLY, WHETHER THE EMPLOYEE WAS  
42 OFFERED AND SUBMITTED A PROPER EXEMPTION STATEMENT PURSUANT TO SECTION  
43 23-206 AND WHETHER THE EMPLOYEE WAS TERMINATED AS A RESULT OF THE EMPLOYER  
44 NOT PROVIDING THE EMPLOYEE A RELIGIOUS EXEMPTION FROM THE VACCINATION  
45 MANDATE. IF THE ATTORNEY GENERAL FINDS THAT THE RELIGIOUS EXEMPTION WAS

1 NOT OFFERED OR WAS IMPROPERLY APPLIED OR DENIED AND THE EMPLOYEE'S  
2 EMPLOYMENT WAS TERMINATED, THE ATTORNEY GENERAL SHALL NOTIFY THE EMPLOYER  
3 OF ITS DETERMINATION AND ALLOW THE EMPLOYER THE OPPORTUNITY TO CORRECT THE  
4 NONCOMPLIANCE WITHIN TEN DAYS. THE ATTORNEY GENERAL SHALL ASSESS A CIVIL  
5 PENALTY OF \$5,000 ON ANY EMPLOYER THAT DOES NOT CORRECT THE NONCOMPLIANCE  
6 WITHIN THE PRESCRIBED TIME FRAME.  
7 C. FOR THE PURPOSES OF THIS SECTION, "COVID-19" HAS THE SAME  
8 MEANING PRESCRIBED IN SECTION 23-206.