

REFERENCE TITLE: banks; discrimination prohibition; social criteria

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

SB 1138

Introduced by
Senators Hoffman: Borrelli, Kern, Wadsack; Representatives Chaplik, Heap,
Jones, Kolodin, McGarr, Parker B, Parker J, Pingerelli, Smith

AN ACT

AMENDING TITLE 6, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 6-194; RELATING TO BANKS AND FINANCIAL INSTITUTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 6, chapter 2, article 1, Arizona Revised Statutes,
3 is amended by adding section 6-194, to read:
4 6-194. Certain affiliations; discrimination prohibited;
5 statewide concern
6 A. A FINANCIAL INSTITUTION DOING BUSINESS IN THIS STATE, EITHER
7 DIRECTLY OR THROUGH A CONTRACTOR, MAY NOT DISCRIMINATE AGAINST ANY PERSON
8 BASED ON EITHER:
9 1. A POLITICAL AFFILIATION.
10 2. OTHER SOCIAL CREDIT, ENVIRONMENTAL, SOCIAL, GOVERNANCE OR
11 SIMILAR VALUES-BASED OR IMPACT CRITERIA.
12 B. NOTWITHSTANDING ANY OTHER LAW, A FINANCIAL INSTITUTION MAY OFFER
13 INVESTMENTS, PRODUCTS OR SERVICES TO A POTENTIAL CUSTOMER OR INVESTOR THAT
14 INCLUDE SUBJECTIVE STANDARDS IF THE STANDARDS ARE FULLY DISCLOSED AND
15 EXPLAINED TO THE POTENTIAL CUSTOMER OR INVESTOR BEFORE ENTERING INTO A
16 CONTRACT FOR THE INVESTMENTS, PRODUCTS OR SERVICES.
17 C. THIS SECTION DOES NOT INTERFERE WITH A FINANCIAL INSTITUTION'S
18 ABILITY TO DISCONTINUE OR REFUSE TO CONDUCT BUSINESS WITH A PERSON WHEN
19 THE ACTION IS NECESSARY FOR THE PHYSICAL SAFETY OF THE FINANCIAL
20 INSTITUTION'S EMPLOYEES.
21 D. THE LEGISLATURE DECLARES THAT THE PRACTICE OF DISCRIMINATION
22 AGAINST PERSONS OR ENTITIES IN THIS STATE BY USING THEIR SOCIAL CREDIT OR
23 ENVIRONMENTAL, SOCIAL JUSTICE AND GOVERNMENTAL SCORE IS A MATTER OF
24 STATEWIDE CONCERN, THAT DISCRIMINATION BASED ON SUCH SCORES NOT ONLY
25 THREATENS THE RIGHTS AND PROPER PRIVILEGES OF THIS STATE'S INHABITANTS BUT
26 MENACES THE INSTITUTIONS AND FOUNDATION OF A FREE DEMOCRATIC STATE AND
27 THREATENS THE PEACE, ORDER, HEALTH, SAFETY AND GENERAL WELFARE OF THIS
28 STATE AND ITS INHABITANTS.