

REFERENCE TITLE: employers; vaccines; religious exemption

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

SB 1250

Introduced by
Senators Shamp: Kaiser; Representatives Montenegro, Smith

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 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 APPROVED BY THE UNITED
10 STATES FOOD AND DRUG ADMINISTRATION FOR EMERGENCY USE, the employer shall
11 provide a reasonable accommodation unless the accommodation would pose an
12 undue hardship and more than a de minimus cost to the operation of the
13 employer's business.

14 B. AN EMPLOYER MAY NOT:

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

18 C. AN EMPLOYER SHALL ALLOW AN EMPLOYEE TO CLAIM A RELIGIOUS
19 EXEMPTION FROM THE COVID-19 VACCINATION, INFLUENZA A OR B VACCINATION OR
20 FLU VACCINATION MANDATE OR ANY MANDATE FOR A VACCINATION APPROVED BY THE
21 UNITED STATES FOOD AND DRUG ADMINISTRATION FOR EMERGENCY USE USING THE
22 FOLLOWING FORM:

RELIGIOUS EXEMPTION FROM COVID-19 VACCINATION,
INFLUENZA A OR B VACCINATION, FLU VACCINATION OR
VACCINATION APPROVED BY THE UNITED STATES FOOD
AND DRUG ADMINISTRATION FOR EMERGENCY USE

EMPLOYEE NAME _____
DATE OF BIRTH _____
TELEPHONE NUMBER _____
EMPLOYER NAME _____

EXEMPTION STATEMENT:

PURSUANT TO SECTION 23-206, ARIZONA REVISED STATUTES, I
HEREBY DECLARE THAT I AM DECLINING THE COVID-19 VACCINATION,
INFLUENZA A OR B VACCINATION, FLU VACCINATION OR VACCINATION
APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION FOR
EMERGENCY USE BECAUSE OF MY SINCERELY HELD RELIGIOUS BELIEFS.

EMPLOYEE SIGNATURE _____
DATE _____
EMPLOYEE NAME (PRINT) _____

NOTE: AN EMPLOYER MAY NOT INQUIRE INTO THE VERACITY OF THE
EMPLOYEE'S SINCERELY HELD RELIGIOUS BELIEFS. THIS COMPLETED
EXEMPTION STATEMENT REQUIRES THE EMPLOYER TO ALLOW THE
EMPLOYEE TO OPT OUT OF THE EMPLOYER'S COVID-19 VACCINATION,
INFLUENZA A OR B VACCINATION, FLU VACCINATION OR VACCINATION

1 APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION FOR
2 EMERGENCY USE MANDATE.

3 D. IF AN EMPLOYER RECEIVES A COMPLETED EXEMPTION STATEMENT AS
4 PRESCRIBED IN THIS SECTION, THE EMPLOYER MUST ALLOW THE EMPLOYEE TO OPT
5 OUT OF THE EMPLOYER'S COVID-19 VACCINATION, INFLUENZA A OR B VACCINATION
6 OR FLU VACCINATION MANDATE OR ANY MANDATE FOR A VACCINATION APPROVED BY
7 THE UNITED STATES FOOD AND DRUG ADMINISTRATION FOR EMERGENCY USE. ANY
8 EMPLOYER THAT RECEIVES A REQUEST FOR A RELIGIOUS EXEMPTION PURSUANT TO
9 THIS SECTION SHALL KEEP THE REQUEST AND THE CONTENTS OF THE REQUEST IN
10 STRICT CONFIDENCE AND MAY NOT SHARE THEM WITHIN THAT ORGANIZATION EXCEPT
11 TO THE EXTENT ABSOLUTELY NECESSARY TO PROCESS THE REQUEST FOR EXEMPTION.
12 EMPLOYERS MAY NOT CREATE A DATABASE OF RELIGIOUS EXEMPTION REQUESTS OR
13 SHARE THE REQUESTS OR THE CONTENT OF THE REQUESTS WITH ANY OTHER ENTITY OR
14 INDIVIDUAL, EXCEPT AS PROVIDED BY LAW.

15 E. FOR THE PURPOSES OF THIS SECTION:

16 1. "COVID-19" MEANS:

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

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

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

22 2. "SINCERELY HELD RELIGIOUS BELIEFS" INCLUDES A SINCERELY HELD
23 MORAL OR ETHICAL BELIEF.

24 Sec. 2. Title 36, chapter 4, article 2, Arizona Revised Statutes,
25 is amended by adding section 36-425.09, to read:

26 36-425.09. Health care institutions; complaints; religious
27 exemptions; investigations; noncompliance; civil
28 penalty; definitions

29 A. AN EMPLOYEE OF A HEALTH CARE INSTITUTION MAY FILE A COMPLAINT
30 WITH THE ATTORNEY GENERAL IF THE HEALTH CARE INSTITUTION DID NOT OFFER THE
31 EMPLOYEE THE FORM PRESCRIBED IN SECTION 23-206 OR IMPROPERLY APPLIED OR
32 DENIED THE EMPLOYEE'S RELIGIOUS EXEMPTION AND THE EMPLOYEE'S EMPLOYMENT
33 WAS TERMINATED, INCLUDING THE FUNCTIONAL EQUIVALENT OF TERMINATION. A
34 HEALTH CARE INSTITUTION IS REQUIRED TO APPLY THE RELIGIOUS EXEMPTION
35 PRESCRIBED IN SECTION 23-206 ONLY TO THE EXTENT REQUIRED UNDER FEDERAL
36 LAW.

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

1 VACCINATION MANDATE. IF THE ATTORNEY GENERAL FINDS THAT THE RELIGIOUS
2 EXEMPTION WAS NOT OFFERED OR WAS IMPROPERLY APPLIED OR DENIED AND THE
3 EMPLOYEE'S EMPLOYMENT WAS TERMINATED, INCLUDING THE FUNCTIONAL EQUIVALENT
4 OF TERMINATION, THE ATTORNEY GENERAL SHALL NOTIFY THE HEALTH CARE
5 INSTITUTION OF ITS DETERMINATION AND ALLOW THE EMPLOYER THE OPPORTUNITY TO
6 CORRECT THE NONCOMPLIANCE WITHIN TEN DAYS. THE ATTORNEY GENERAL SHALL
7 ASSESS A CIVIL PENALTY OF \$5,000 ON A HEALTH CARE INSTITUTION THAT DOES
8 NOT CORRECT THE NONCOMPLIANCE WITHIN THE PROVIDED TIME FRAME.

9 C. FOR THE PURPOSES OF THIS SECTION:

10 1. "COVID-19" HAS THE SAME MEANING PRESCRIBED IN SECTION 23-206.

11 2. "FUNCTIONAL EQUIVALENT OF TERMINATION" MEANS IT IS DETERMINED
12 THAT EITHER:

13 (a) THE EMPLOYEE RESIGNED UNDER DURESS.

14 (b) THE EMPLOYER, THROUGH ITS ACTIONS, MADE WORKING CONDITIONS SO
15 DIFFICULT OR INTOLERABLE THAT A REASONABLE PERSON IN THE EMPLOYEE'S
16 POSITION WOULD FEEL COMPELLED TO RESIGN.