

REFERENCE TITLE: end-of-life; discrimination; prohibition

State of Arizona  
Senate  
Fifty-third Legislature  
First Regular Session  
2017

## **SB 1439**

Introduced by

Senators Barto: Allen S, Borrelli, Burges, Fann, Farnsworth D, Griffin,  
Kavanagh, Lesko, Montenegro, Petersen, Pratt, Smith, Worsley, Yee;  
Representatives Allen J, Barton, Bowers, Boyer, Campbell, Coleman, Cook,  
Finchem, Grantham, John, Lawrence, Leach, Livingston, Mesnard, Mitchell,  
Mosley, Norgaard, Nutt, Payne, Shooter, Shope, Stringer, Thorpe,  
Townsend

AN ACT

AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 11.2;  
RELATING TO HEALTH CARE ENTITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, Arizona Revised Statutes, is amended by adding  
3 chapter 11.2, to read:

4 CHAPTER 11.2

5 PROHIBITION ON DISCRIMINATION AGAINST HEALTH CARE ENTITIES

6 ARTICLE 1. GENERAL PROVISIONS

7 36-1321. Definitions

8 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "DISCRIMINATE" MEANS TAKING OR THREATENING ANY ADVERSE ACTION,  
10 INCLUDING ANY OF THE FOLLOWING:

- 11 (a) TERMINATION OF EMPLOYMENT.
- 12 (b) TRANSFER FROM CURRENT POSITION.
- 13 (c) DEMOTION FROM CURRENT POSITION.
- 14 (d) ADVERSE ADMINISTRATIVE ACTION.
- 15 (e) REASSIGNMENT TO A DIFFERENT SHIFT OR JOB TITLE.
- 16 (f) INCREASED ADMINISTRATIVE DUTIES.
- 17 (g) REFUSAL OF STAFF PRIVILEGES.
- 18 (h) REFUSAL OF BOARD CERTIFICATION.
- 19 (i) REDUCTION OF WAGES, BENEFITS OR PRIVILEGES.
- 20 (j) REFUSAL TO AWARD A GRANT, CONTRACT OR OTHER BENEFIT.
- 21 (k) REFUSAL TO PROVIDE RESIDENCY TRAINING OPPORTUNITIES.
- 22 (l) DENIAL, SUSPENSION OR REVOCATION OF A LICENSE.
- 23 (m) IMPEDIMENTS TO CREATING, EXPANDING OR IMPROVING A HEALTH CARE

24 ENTITY.

25 (n) IMPEDIMENTS TO ACQUIRING OR ASSOCIATING OR MERGING WITH ANY  
26 OTHER HEALTH CARE ENTITY.

27 (o) ANY OTHER PENALTY OR DISCIPLINARY OR RETALIATORY ACTION.

28 2. "HEALTH CARE ENTITY" MEANS ANY OF THE FOLLOWING OR AN EMPLOYEE  
29 OF ANY OF THE FOLLOWING:

30 (a) A HEALTH CARE INSTITUTION AS DEFINED IN SECTION 36-401.

31 (b) A HEALTH PROFESSIONAL AS DEFINED IN SECTION 32-3201.

32 (c) A HEALTH CARE SERVICES ORGANIZATION AS DEFINED IN SECTION  
33 20-1051.

34 (d) A HOSPITAL SERVICE CORPORATION OR MEDICAL SERVICE CORPORATION  
35 AS DEFINED IN SECTION 20-822.

36 (e) AN ACCOUNTABLE HEALTH PLAN AS DEFINED IN SECTION 20-2301.

37 3. "PERSON" INCLUDES THIS STATE AND ANY AGENCY OR POLITICAL  
38 SUBDIVISION OF THIS STATE.

39 36-1322. Discrimination prohibited; immunity

40 A. A PERSON MAY NOT DISCRIMINATE AGAINST A HEALTH CARE ENTITY ON  
41 THE BASIS THAT THE HEALTH CARE ENTITY DOES NOT PROVIDE, ASSIST IN  
42 PROVIDING OR FACILITATE IN PROVIDING ANY HEALTH CARE ITEM OR SERVICE FOR  
43 THE PURPOSE OF CAUSING OR ASSISTING IN CAUSING THE DEATH OF ANY  
44 INDIVIDUAL, SUCH AS BY ASSISTED SUICIDE, EUTHANASIA OR MERCY KILLING.

1 B. A HEALTH CARE ENTITY IS NOT LIABLE IN ANY CIVIL, CRIMINAL OR  
2 ADMINISTRATIVE ACTION FOR DECLINING TO PROVIDE ANY HEALTH CARE ITEM OR  
3 SERVICE FOR THE PURPOSE OF CAUSING OR ASSISTING IN CAUSING THE DEATH OF  
4 ANY INDIVIDUAL AS SPECIFIED IN SUBSECTION A OF THIS SECTION.

5 36-1323. Civil action; damages; injunctive relief; attorney  
6 fees

7 A. A HEALTH CARE ENTITY MAY BRING A CIVIL ACTION IN SUPERIOR COURT  
8 FOR A VIOLATION OF SECTION 36-1322.

9 B. AN ADDITIONAL BURDEN OR EXPENSE ON ANOTHER HEALTH CARE ENTITY  
10 ARISING FROM THE EXERCISE OF RIGHTS PURSUANT TO SECTION 36-1322 IS NOT A  
11 DEFENSE IN ANY CIVIL ACTION UNDER THIS SECTION.

12 C. IF THE SUPERIOR COURT FINDS THAT DISCRIMINATION IN VIOLATION OF  
13 SECTION 36-1322 OCCURRED, THE COURT MAY AWARD ANY OF THE FOLLOWING:

14 1. ACTUAL AND COMPENSATORY DAMAGES, INCLUDING DAMAGES FOR EMOTIONAL  
15 DISTRESS.

16 2. COURT COSTS AND ATTORNEY FEES.

17 3. PREVENTIVE RELIEF, INCLUDING A PERMANENT OR TEMPORARY  
18 INJUNCTION, A RESTRAINING ORDER OR ANY OTHER ORDER AGAINST THE PERSON  
19 RESPONSIBLE FOR A VIOLATION OF SECTION 36-1322.

20 Sec.2. Construction

21 This act does not create or recognize a right to assisted suicide,  
22 euthanasia or mercy killing. The legislature does not intend to make  
23 lawful any action intended to cause or assist in causing a person's death  
24 that is currently unlawful.