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

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

CHAPTER 11.2
PROHIBITION ON DISCRIMINATION AGAINST HEALTH CARE ENTITIES

ARTICLE 1. GENERAL PROVISIONS

36-1321. Definitions

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "DISCRIMINATE" MEANS TAKING OR THREATENING ANY ADVERSE ACTION, INCLUDING ANY OF THE FOLLOWING:
   (a) TERMINATION OF EMPLOYMENT.
   (b) TRANSFER FROM CURRENT POSITION.
   (c) DEMOTION FROM CURRENT POSITION.
   (d) ADVERSE ADMINISTRATIVE ACTION.
   (e) REASSIGNMENT TO A DIFFERENT SHIFT OR JOB TITLE.
   (f) INCREASED ADMINISTRATIVE DUTIES.
   (g) REFUSAL OF STAFF PRIVILEGES.
   (h) REFUSAL OF BOARD CERTIFICATION.
   (i) REDUCTION OF WAGES, BENEFITS OR PRIVILEGES.
   (j) REFUSAL TO AWARD A GRANT, CONTRACT OR OTHER BENEFIT.
   (k) REFUSAL TO PROVIDE RESIDENCY TRAINING OPPORTUNITIES.
   (l) DENIAL, SUSPENSION OR REVOCATION OF A LICENSE.
   (m) IMPEDIMENTS TO CREATING, EXPANDING OR IMPROVING A HEALTH CARE ENTITY.
   (n) IMPEDIMENTS TO ACQUIRING OR ASSOCIATING OR MERGING WITH ANY OTHER HEALTH CARE ENTITY.

2. "HEALTH CARE ENTITY" MEANS ANY OF THE FOLLOWING OR AN EMPLOYEE OF ANY OF THE FOLLOWING:
   (a) A HEALTH CARE INSTITUTION AS DEFINED IN SECTION 36-401.
   (b) A HEALTH PROFESSIONAL AS DEFINED IN SECTION 32-3201.
   (c) A HEALTH CARE SERVICES ORGANIZATION AS DEFINED IN SECTION 20-1051.
   (d) A HOSPITAL SERVICE CORPORATION OR MEDICAL SERVICE CORPORATION AS DEFINED IN SECTION 20-822.
   (e) AN ACCOUNTABLE HEALTH PLAN AS DEFINED IN SECTION 20-2301.

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

36-1322. Discrimination prohibited; immunity

A. A PERSON MAY NOT DISCRIMINATE AGAINST A HEALTH CARE ENTITY ON THE BASIS THAT THE HEALTH CARE ENTITY DOES NOT PROVIDE, ASSIST IN PROVIDING OR FACILITATE IN PROVIDING ANY HEALTH CARE ITEM OR SERVICE FOR THE PURPOSE OF CAUSING OR ASSISTING IN CAUSING THE DEATH OF ANY INDIVIDUAL, SUCH AS BY ASSISTED SUICIDE, EUTHANASIA OR MERCY KILLING.
B. A HEALTH CARE ENTITY IS NOT LIABLE IN ANY CIVIL, CRIMINAL OR
ADMINISTRATIVE ACTION FOR DECLINING TO PROVIDE ANY HEALTH CARE ITEM OR
SERVICE FOR THE PURPOSE OF CAUSING OR ASSISTING IN CAUSING THE DEATH OF
ANY INDIVIDUAL AS SPECIFIED IN SUBSECTION A OF THIS SECTION.

36-1323. Civil action; damages; injunctive relief; attorney fees
A. A HEALTH CARE ENTITY MAY BRING A CIVIL ACTION IN SUPERIOR COURT
FOR A VIOLATION OF SECTION 36-1322.
B. AN ADDITIONAL BURDEN OR EXPENSE ON ANOTHER HEALTH CARE ENTITY
ARISING FROM THE EXERCISE OF RIGHTS PURSUANT TO SECTION 36-1322 IS NOT A
DEFENSE IN ANY CIVIL ACTION UNDER THIS SECTION.
C. IF THE SUPERIOR COURT FINDS THAT DISCRIMINATION IN VIOLATION OF
SECTION 36-1322 OCCURRED, THE COURT MAY AWARD ANY OF THE FOLLOWING:
1. ACTUAL AND COMPENSATORY DAMAGES, INCLUDING DAMAGES FOR EMOTIONAL
DISTRESS.
2. COURT COSTS AND ATTORNEY FEES.
3. PREVENTIVE RELIEF, INCLUDING A PERMANENT OR TEMPORARY
INJUNCTION, A RESTRAINING ORDER OR ANY OTHER ORDER AGAINST THE PERSON
RESPONSIBLE FOR A VIOLATION OF SECTION 36-1322.

Sec.2. Construction
This act does not create or recognize a right to assisted suicide,
euthanasia or mercy killing. The legislature does not intend to make
lawful any action intended to cause or assist in causing a person’s death
that is currently unlawful.