

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

CHAPTER 73
SENATE BILL 1439

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 C. THIS SECTION DOES NOT APPLY TO THE WITHHOLDING OF
6 CARDIOPULMONARY RESUSCITATION FOR A PATIENT WITH A VALID PREHOSPITAL
7 MEDICAL DIRECTIVE AS PROVIDED IN SECTION 36-3251 OR A SIMILAR MEDICAL
8 ORDER TO WITHHOLD CARDIOPULMONARY RESUSCITATION ISSUED BY A LICENSED
9 HEALTH CARE PROVIDER.

10 36-1323. Civil action; damages; injunctive relief; attorney
11 fees

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

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

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

19 1. ACTUAL AND COMPENSATORY DAMAGES, INCLUDING DAMAGES FOR EMOTIONAL
20 DISTRESS.

21 2. COURT COSTS AND ATTORNEY FEES.

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

25 Sec.2. Construction

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

APPROVED BY THE GOVERNOR MARCH 24, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 24, 2017.