SENATE BILL 1250

AN ACT

AMENDING SECTION 23-206, ARIZONA REVISED STATUTES; AMENDING TITLE 23, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 23-207; RELATING TO VACCINATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 23-206, Arizona Revised Statutes, is amended to read:

23-206. Employers; accommodations required vaccinations; religious exemption; form; definitions

A. If an employer receives notice from an employee that the employee's sincerely held religious beliefs, practices or observances prevent the employee from taking the COVID-19 vaccination, INFLUENZA A OR B VACCINATION OR FLU VACCINATION OR ANY VACCINATION AUTHORIZED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION FOR EMERGENCY USE ONLY, the employer shall provide a reasonable accommodation unless the accommodation would pose an undue hardship and more than a de minimus cost to the operation of the employer's business.

B. An employer may not:

1. Inquire into the veracity of an employee's religious beliefs, practices or observances to the extent beyond what is allowed under federal law.

2. Discriminate against an employee regarding employment, wages or benefits based on the employee's vaccination status.

C. An employer shall allow an employee to request a religious exemption from the COVID-19 vaccination, INFLUENZA A OR B VACCINATION OR FLU VACCINATION MANDATE OR ANY MANDATE FOR A VACCINATION AUTHORIZED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION ONLY FOR EMERGENCY USE BY USING A FORM THAT MEETS THE FOLLOWING MINIMUM REQUIREMENTS:

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

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 REQUESTING AN EXEMPTION FROM THE COVID-19 VACCINATION, INFLUENZA A OR B VACCINATION, FLU VACCINATION OR VACCINATION AUTHORIZED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION FOR EMERGENCY USE ONLY BECAUSE OF MY SINCERELY HELD RELIGIOUS BELIEFS.

EMPLOYEE STATEMENT OF SINCERELY HELD RELIGIOUS BELIEFS

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EMPLOYEE STATEMENT OF CONFLICT BETWEEN RELIGIOUS BELIEFS AND VACCINE ______________

REQUESTED ACCOMMODATION AND ALTERNATIVE ACCOMMODATIONS  

_______________________
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING
INFORMATION IS TRUE AND CORRECT.

EMPLOYEE SIGNATURE _______________________________

DATE _______________________________

EMPLOYEE NAME (PRINT) _______________________________

NOTE: AN EMPLOYER MAY NOT INQUIRE INTO THE VERACITY OF THE
EMPLOYEE'S SINCERELY HELD RELIGIOUS BELIEFS, PRACTICES OR
OBSERVANCES TO THE EXTENT BEYOND WHAT IS ALLOWED UNDER FEDERAL
LAW.

D. ANY EMPLOYER THAT RECEIVES A REQUEST FOR A RELIGIOUS EXEMPTION
PURSUANT TO THIS SECTION SHALL KEEP THE REQUEST AND ITS CONTENTS
CONFIDENTIAL AND MAY NOT SHARE THEM WITHIN THAT ORGANIZATION EXCEPT TO THE
EXTENT NECESSARY TO PROCESS THE REQUEST FOR EXEMPTION, ACCOMMODATION OR
OTHER OPERATIONAL NECESSITY. EMPLOYERS MAY CREATE A DATABASE OF RELIGIOUS
EXEMPTION REQUESTS FOR INTERNAL USE ONLY UNLESS OTHERWISE REQUIRED BY LAW.

E. FOR THE PURPOSES OF THIS SECTION:
1. "COVID-19" MEANS:
   (a) THE NOVEL CORONAVIRUS IDENTIFIED AS SARS-COV-2.
   (b) ANY DISEASE CAUSED BY SARS-COV-2, ITS VIRAL FRAGMENTS OR A
       VIRUS MUTATING THEREFROM.
   (c) ALL CONDITIONS ASSOCIATED WITH THE DISEASE THAT ARE CAUSED BY
       SARS-COV-2, ITS VIRAL FRAGMENTS OR A VIRUS MUTATING THEREFROM.
2. "SINCERELY HELD RELIGIOUS BELIEFS, PRACTICES OR OBSERVANCES"
   INCLUDES A SINCERELY HELD MORAL OR ETHICAL BELIEF.

Sec. 2. Title 23, chapter 2, article 1, Arizona Revised Statutes, is amended by adding section 23-207, to read:

23-207. Employers; complaints; religious exemptions; investigations; noncompliance; civil penalty; definition

A. AN EMPLOYEE MAY FILE A COMPLAINT WITH THE ATTORNEY GENERAL IF
THE EMPLOYER DID NOT OFFER THE EMPLOYEE A FORM THAT MEETS THE REQUIREMENTS
OF SECTION 23-206 OR IMPROPERLY APPLIED OR DENIED THE EMPLOYEE'S RELIGIOUS
EXEMPTION AND THE EMPLOYEE'S EMPLOYMENT WAS TERMINATED. AN EMPLOYER IS
REQUIRED TO APPLY THE RELIGIOUS EXEMPTION PRESCRIBED IN SECTION 23-206
ONLY TO THE EXTENT REQUIRED UNDER FEDERAL LAW.

B. THE ATTORNEY GENERAL SHALL INVESTIGATE ALL COMPLAINTS RECEIVED
PURSUANT TO SUBSECTION A OF THIS SECTION. THE INVESTIGATION, AT A
MINIMUM, SHALL DETERMINE WHETHER THE EMPLOYER IMPOSED A COVID-19
VACCINATION, INFLUENZA A OR B VACCINATION OR FLU VACCINATION MANDATE OR
ANY MANDATE FOR A VACCINATION AUTHORIZED BY THE UNITED STATES FOOD AND
DRUG ADMINISTRATION FOR EMERGENCY USE ONLY, WHETHER THE EMPLOYEE WAS
OFFERED AND SUBMITTED A PROPER EXEMPTION STATEMENT PURSUANT TO SECTION
23-206 AND WHETHER THE EMPLOYEE WAS TERMINATED AS A RESULT OF THE EMPLOYER
NOT PROVIDING THE EMPLOYEE A RELIGIOUS EXEMPTION FROM THE VACCINATION
MANDATE. IF THE ATTORNEY GENERAL FINDS THAT THE RELIGIOUS EXEMPTION WAS
NOT OFFERED OR WAS IMPROPERLY APPLIED OR DENIED AND THE EMPLOYEE'S EMPLOYMENT WAS TERMINATED, THE ATTORNEY GENERAL SHALL NOTIFY THE EMPLOYER OF ITS DETERMINATION AND ALLOW THE EMPLOYER THE OPPORTUNITY TO CORRECT THE NONCOMPLIANCE WITHIN TEN DAYS. THE ATTORNEY GENERAL SHALL ASSESS A CIVIL PENALTY OF $5,000 ON ANY EMPLOYER THAT DOES NOT CORRECT THE NONCOMPLIANCE WITHIN THE PRESCRIBED TIME FRAME.