



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: HHS DPA 4-3-0-0 | 3rd Read 16-13-1-0

House: HHS DP 5-4-0-0

SB1250: employers; vaccines; religious exemption

Sponsor: Senator Shamp, LD 29

Caucus & COW

Overview

Requires employers to provide reasonable accommodations to an employee that requests a religious exemption from taking an influenza A or B, flu or U.S. Food and Drug Administration (FDA) emergency use authorized vaccine and provides a vaccine exemption form. Directs the Arizona Attorney General (AG) to investigate vaccine exemption complaints.

History

Currently, if an employer receives notice from an employee that their sincerely held religious beliefs, practices or observances prevent the employee from taking the COVID-19 vaccination, the employer must provide a reasonable accommodation unless the accommodation poses an undue hardship and more than a de minimus cost to the operation of the employer's business ([A.R.S. § 23-206](#)).

Provisions

1. Adds that an employer must provide a reasonable accommodation, unless it poses an undue hardship, to an employee that gives notice to them that due to their sincerely held religious beliefs, practices or observances prevents them from taking the influenza A or B vaccine, flu vaccine or any FDA emergency use authorized vaccine. (Sec. 1)
2. Removes the exception that allows an employer to not provide an accommodation if it poses more than a de minimus cost to the operation of the employer's business. (Sec. 1)
3. Forbids an employer from inquiring into the veracity of an employee's religious beliefs, practices or observances beyond what is allowed under federal law and discriminating against an employee regarding employment, wages or benefits based on the employee's vaccination status. (Sec. 1)
4. Requires an employer to allow an employee to request a religious exemption from the COVID-19, influenza A or B, flu or FDA emergency use authorized vaccinations through a religious exemption form that meets certain minimum requirements. (Sec. 1)
5. Stipulates that any employer that receives a request for a religious exemption must keep the request and its contents confidential and cannot share them within the organization unless it is necessary to process the request for exemption, accommodation or other operational necessity. (Sec. 1)
6. Allows employers to create a database of religious exemption requests for internal use only unless otherwise required by law. (Sec. 1)

Prop 105 (45 votes)

Prop 108 (40 votes)

Emergency (40 votes)

Fiscal Note

7. Permits an employee to file a complaint with the AG if the employer did not offer the employee a form that meets the prescribed requirements or if the employer improperly applied or denied the employee's religious exemption and the employee's employment was terminated. (Sec. 2)
8. Requires an employer to apply the religious exemption only to the extent required under federal law. (Sec. 2)
9. Instructs the AG to investigate complaints received regarding an employer failing to provide a religious exemption form, improperly applying or denying an employee's religious exemption and terminating them. (Sec. 2)
10. Outlines that the investigation, at minimum, must determine:
 - a) whether the employer imposed a COVID-19, influenza A or B, flu or FDA emergency use authorized vaccine;
 - b) whether the employee was offered and submitted a proper exemption statement; and
 - c) whether the employee was terminated because of the employer not providing them a religious exemption. (Sec. 2)
11. Directs the AG to notify the employer of its determination if it is found that the religious exemption was not offered, was improperly applied or denied and the employee's employment was terminated. (Sec. 2)
12. Requires the AG to allow the employer to correct the noncompliance within 10 days. (Sec. 2)
13. Instructs the AG to assess a civil penalty of \$5,000 on any employer that does not correct the noncompliance within 10 days. (Sec. 2)
14. Defines terms. (Sec. 1)