



**ARIZONA STATE SENATE**  
*Fifty-Sixth Legislature, First Regular Session*

FACT SHEET FOR S.B. 1250

employers; vaccines; religious exemption

Purpose

Requires employers to allow employees that complete a religious exemption form to opt out of vaccination requirements for COVID-19, influenza A, influenza B, flu or any vaccine approved by the U.S. Food and Drug Administration (FDA) for emergency use. Prohibits employers from discriminating against an employee regarding employment, wages or benefits based on vaccination status and from inquiring into the veracity of an employee's religious beliefs. Allows a terminated employee of a health care institution that did not offer or denied a vaccination religious exemption to file a complaint with the Attorney General (AG).

Background

Employers that receive notice from an employee that taking the COVID-19 vaccination conflicts with a sincerely held religious belief, practice or observance must provide the employee a reasonable accommodation, unless the accommodation would pose an undue hardship and more than de minimus cost to the employer ([A.R.S. § 23-206](#)).

Current statute requires the Department of Health Services (DHS) to license and oversee all health care institutions in Arizona, including enforcing health care institution statutes, rules and regulations. DHS must: 1) review and approve plans and specifications for institution construction or modification; 2) have access to books, records, accounts and any other necessary health care institution information; and 3) require nursing care institutions and assisted living facilities to provide annual influenza and pneumonia vaccines to residents. Additionally, DHS may: 1) inspect every part of a health care institution to ensure compliance with standard medical practice; 2) conduct investigations of health care institution conditions and problems with noncompliance; and 3) develop facility manuals and guides to health care institutions and the general public ([A.R.S. § 36-406](#)).

A *health care institution* is a place, institution, building or agency that provides facilities with medical services, nursing services, behavioral health services, health screening and other health related services, supervisory care services, personal care services, direct care services, as well as home health agencies, outdoor behavioral health care programs and hospice service agencies ([A.R.S. § 36-401](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

***Employer Vaccination Religious Exemption***

1. Requires employers to allow employees that complete a religious exemption form to opt out of vaccination requirements for COVID-19, influenza A, influenza B, flu or any vaccine approved by the FDA for emergency use.

2. Prohibits employers from:
  - a) inquiring into the veracity of an employee's religious beliefs; and
  - b) discriminating against an employee regarding employment, wages or benefits based on vaccination status.
3. Outlines the vaccination religious exemption form.
4. Requires employers to keep religious exemption claims in strict confidence within the organization, except to the extent absolutely necessary to process the claim.
5. Prohibits employers from creating a database of religious exemption requests or sharing the requests with any other entity or individual.

#### *Health Care Institution Violations*

6. Allows a terminated, or the functional equivalent of terminated, employee of a health care institution that did not offer or denied a vaccination religious exemption to file a complaint with the AG.
7. Stipulates that health care institutions are only required to apply religious vaccination exemptions to the extent required under federal law.
8. Requires the AG to investigate all complaints relating to vaccination religious exemptions.
9. Requires AG investigations of religious exemption complaints to determine whether the:
  - a) health care institution imposed a vaccine mandate;
  - b) employee was offered and submitted a proper exemption statement; and
  - c) employee was terminated, or the functional equivalent of terminated, as a result of the institution's failure to allow a religious exemption.
10. Requires the AG to notify health care institutions that violate vaccination religious exemption requirements of their violation and provide the institution the opportunity to correct the noncompliance within 10 days.
11. Directs the AG to assess a civil penalty of \$5,000 on a health care institution that does not correct noncompliance with vaccination religious exemption requirements within 10 days.

#### *Miscellaneous*

12. Defines *COVID-19*, *sincerely held religious beliefs* and *functional equivalent termination*.
13. Makes a conforming change.
14. Becomes effective on the general effective date.