

Senate Engrossed

death benefits; burial costs

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SENATE BILL 1156

AN ACT

AMENDING SECTION 23-1046, ARIZONA REVISED STATUTES; RELATING TO WORKERS'
COMPENSATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 23-1046, Arizona Revised Statutes, is amended to
3 read:

4 23-1046. Death benefits

5 A. In case of an injury causing death, the compensation therefor
6 shall be known as a death benefit and shall be payable in the amount, for
7 the period, and to and for the benefit of the following:

8 1. Burial expenses, ~~OF~~ not ~~to exceed five thousand dollars~~ MORE
9 THAN \$10,000, in addition to the compensation.

10 2. To the surviving spouse, if there are no children, sixty-six and
11 two-thirds ~~per cent~~ PERCENT of the average monthly wage of the deceased,
12 to be paid until such spouse's death or remarriage, with two years'
13 compensation in one sum ~~upon~~ ON remarriage. To the surviving spouse if
14 there are surviving children, thirty-five ~~per cent~~ PERCENT of the average
15 monthly wage of the deceased, to be paid until such spouse's death or
16 remarriage with two years' compensation in one sum ~~upon~~ ON remarriage, and
17 to the surviving children, an additional thirty-one and two-thirds ~~per~~
18 ~~cent~~ PERCENT of the average monthly wage, to be divided equally among them
19 until the age of eighteen years, until the age of twenty-two years if the
20 child is enrolled as a full-time student in any accredited educational
21 institution, or if over eighteen years and incapable of self-support when
22 the child becomes capable of self-support. When all surviving children
23 are no longer eligible for benefits, the surviving spouse's benefits shall
24 be paid as if there were no children. In the event of the subsequent
25 death or remarriage of the surviving spouse, the surviving child's or
26 children's benefits shall be computed pursuant to paragraph 3 OF THIS
27 SUBSECTION.

28 3. To a single surviving child, in the case of the subsequent death
29 or remarriage of a surviving husband or wife, or if there is no surviving
30 husband or wife, sixty-six and two-thirds ~~per cent~~ PERCENT of the average
31 monthly wage of the deceased, or if there is more than one surviving
32 child, sixty-six and two-thirds ~~per cent~~ PERCENT to be divided equally
33 among the surviving children. Compensation to any such child shall cease
34 ~~upon~~ ON death, ~~upon~~ ON marriage or ~~upon~~ ON reaching the age of eighteen
35 years, except, if over eighteen years and incapable of self-support, when
36 ~~he~~ THE CHILD becomes capable of self-support, or if over eighteen years of
37 age and enrolled as a full-time student in any accredited educational
38 institution, when the child reaches age twenty-two.

39 4. To a parent, if there is no surviving husband, wife or child
40 under the age of eighteen years, if wholly dependent for support ~~upon~~ ON
41 the deceased employee at the time of his death, twenty-five ~~per cent~~
42 PERCENT of the average monthly wage of the deceased during dependency,
43 with an added allowance of fifteen ~~per cent~~ PERCENT if two dependent
44 parents survive, and, if neither parent is wholly dependent, but one or

1 both partly dependent, fifteen ~~per cent~~ PERCENT divided between them share
2 and share alike.

3 5. To brothers or sisters under the age of eighteen years, if there
4 is no surviving husband or wife, dependent children under the age of
5 eighteen years or dependent parent, the following shall govern:

6 (a) If one of the brothers or sisters is wholly dependent ~~upon~~ ON
7 the deceased employee for support at the time of injury causing death,
8 twenty-five ~~per cent~~ PERCENT of the average monthly wage until the age of
9 eighteen years.

10 (b) If more than one brother or sister is wholly dependent,
11 thirty-five ~~per cent~~ PERCENT of the average monthly wage at the time of
12 injury causing death, divided among such dependents share and share alike.

13 (c) If none of the brothers or sisters is wholly dependent, but one
14 or more are partly dependent, fifteen ~~per cent~~ PERCENT divided among such
15 dependents share and share alike.

16 B. If the deceased employee leaves dependents only partially
17 dependent ~~upon~~ ON his earnings for support at the time of the injury, the
18 monthly compensation shall be equal to such proportion of the monthly
19 payments for the benefit of persons totally dependent as the amount
20 contributed by the employee to such partial dependents bears to the
21 average wage of the deceased at the time of the injury resulting in his
22 death. The duration of compensation to partial dependents shall be fixed
23 by the commission in accordance with the facts shown, and in accordance
24 with the provisions of section 23-1047, but shall in no case exceed
25 compensation for one hundred months.

26 C. In the event of death of a dependent before expiration of the
27 time named in the award, the funeral expenses of such person, OF not ~~to~~
28 ~~exceed eight hundred dollars~~ MORE THAN \$800, shall be paid.

29 Sec. 2. Retroactivity; definition

30 A. Section 23-1046, Arizona Revised Statutes, as amended by this
31 act, applies retroactively to from and after December 31, 2023 for the
32 spouses of first responders.

33 B. For the purposes of this section, "first responder":

34 1. Means a law enforcement officer, a firefighter or a paramedic as
35 defined in section 36-2201, Arizona Revised Statutes.

36 2. Includes a person who is a volunteer first responder and who is
37 operating in an official capacity on behalf of a governmental entity that
38 is involved in an emergency or law enforcement response.