

Senate Engrossed

workers' compensation; death benefits; remarriage

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

CHAPTER 146

SENATE BILL 1136

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; definition

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 \$5,000~~, 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
18 ~~per cent~~ PERCENT of the average monthly wage, to be divided equally among
19 them until ~~the age of~~ eighteen years OF AGE, until ~~the age of~~ twenty-two
20 years OF AGE if the child is enrolled as a full-time student in any
21 accredited educational institution, or if over eighteen years OF AGE and
22 incapable of self-support when the child becomes capable of
23 self-support. When all surviving children are no longer eligible for
24 benefits, the surviving spouse's benefits shall be paid as if there were
25 no children. In the event of the subsequent death or remarriage of the
26 surviving spouse, the surviving child's or children's benefits shall be
27 computed pursuant to paragraph ~~3~~ 4 OF THIS SUBSECTION.

28 3. TO THE SURVIVING SPOUSE OF A FIRST RESPONDER, IF THERE ARE NO
29 CHILDREN, SIXTY-SIX AND TWO-THIRDS PERCENT OF THE AVERAGE MONTHLY WAGE OF
30 THE DECEASED, TO BE PAID UNTIL THE SPOUSE'S DEATH. TO THE SURVIVING
31 SPOUSE IF THERE ARE SURVIVING CHILDREN, THIRTY-FIVE PERCENT OF THE AVERAGE
32 MONTHLY WAGE OF THE DECEASED, TO BE PAID UNTIL THE SPOUSE'S DEATH AND TO
33 THE SURVIVING CHILDREN, AN ADDITIONAL THIRTY-ONE AND TWO-THIRDS PERCENT OF
34 THE AVERAGE MONTHLY WAGE, TO BE DIVIDED EQUALLY AMONG THE SURVIVING
35 CHILDREN UNTIL EIGHTEEN YEARS OF AGE, UNTIL TWENTY-TWO YEARS OF AGE IF THE
36 CHILD IS ENROLLED AS A FULL-TIME STUDENT IN ANY ACCREDITED EDUCATIONAL
37 INSTITUTION, OR IF OVER EIGHTEEN YEARS OF AGE AND INCAPABLE OF
38 SELF-SUPPORT WHEN THE CHILD BECOMES CAPABLE OF SELF-SUPPORT. WHEN ALL
39 SURVIVING CHILDREN ARE NO LONGER ELIGIBLE FOR BENEFITS, THE SURVIVING
40 SPOUSE'S BENEFITS SHALL BE PAID AS IF THERE WERE NO CHILDREN. IN THE
41 EVENT OF THE SUBSEQUENT DEATH OF THE SURVIVING SPOUSE, THE SURVIVING
42 CHILD'S OR CHILDREN'S BENEFITS SHALL BE COMPUTED PURSUANT TO PARAGRAPH 5
43 OF THIS SUBSECTION.

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

5. TO A SINGLE SURVIVING CHILD OF A FIRST RESPONDER, IN THE CASE OF THE SUBSEQUENT DEATH OF THE SURVIVING HUSBAND OR WIFE, OR IF THERE IS NO SURVIVING HUSBAND OR WIFE, SIXTY-SIX AND TWO-THIRDS PERCENT OF THE AVERAGE MONTHLY WAGE OF THE DECEASED, OR IF THERE IS MORE THAN ONE SURVIVING CHILD, SIXTY-SIX AND TWO-THIRDS PERCENT TO BE DIVIDED EQUALLY AMONG THE SURVIVING CHILDREN. COMPENSATION TO ANY SUCH CHILD SHALL CEASE ON DEATH, ON MARRIAGE OR ON REACHING EIGHTEEN YEARS OF AGE, EXCEPT, IF OVER EIGHTEEN YEARS OF AGE AND INCAPABLE OF SELF-SUPPORT, WHEN THE CHILD BECOMES CAPABLE OF SELF-SUPPORT, OR IF OVER EIGHTEEN YEARS OF AGE AND ENROLLED AS A FULL-TIME STUDENT IN ANY ACCREDITED EDUCATIONAL INSTITUTION, WHEN THE CHILD REACHES TWENTY-TWO YEARS OF AGE.

4. 6. To a parent, if there is no surviving husband, wife or child under ~~the age of~~ eighteen years OF AGE, if wholly dependent for support ~~upon~~ ON the deceased employee at the time of ~~his~~ THE EMPLOYEE'S death, twenty-five ~~per cent~~ PERCENT of the average monthly wage of the deceased during dependency, with an added allowance of fifteen ~~per cent~~ PERCENT if two dependent parents survive, and, if neither parent is wholly dependent, but one or both partly dependent, fifteen ~~per cent~~ PERCENT divided between them share and share alike.

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

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

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

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

4 B. If the deceased employee leaves dependents only partially
5 dependent ~~upon his~~ ON THE DECEASED EMPLOYEE'S earnings for support at the
6 time of the injury, the monthly compensation shall be equal to such
7 proportion of the monthly payments for the benefit of persons totally
8 dependent as the amount contributed by the employee to such partial
9 dependents bears to the average wage of the deceased at the time of the
10 injury resulting in ~~his~~ ON THE EMPLOYEE'S death. The duration of
11 compensation to partial dependents shall be fixed by the commission in
12 accordance with the facts shown, and in accordance with ~~the provisions of~~
13 section 23-1047, but ~~shall in no case~~ MAY NOT exceed compensation for one
14 hundred months.

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

18 D. FOR THE PURPOSES OF THIS SECTION, "FIRST RESPONDER":

19 1. MEANS A PEACE OFFICER, A FIREFIGHTER OR A PARAMEDIC AS DEFINED
20 IN SECTION 36-2201.

21 2. INCLUDES A PERSON WHO IS A VOLUNTEER FIRST RESPONDER AND WHO IS
22 OPERATING IN AN OFFICIAL CAPACITY ON BEHALF OF A GOVERNMENTAL ENTITY THAT
23 IS INVOLVED IN AN EMERGENCY OR LAW ENFORCEMENT RESPONSE.

24 Sec. 2. Applicability; definition

25 A. Section 23-1046, Arizona Revised Statutes, as amended by this
26 act, applies to spouses of first responders who lost benefits due to
27 remarriage on or after January 1, 2000.

28 B. On the effective date of this section, spouses of first
29 responders who previously lost benefits due to remarriage on or after
30 January 1, 2000 are eligible to receive benefits prospectively but may not
31 receive retroactive benefit payments.

32 C. For the purposes of this section, "first responder":

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

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

APPROVED BY THE GOVERNOR JUNE 19, 2026.

S.B. 1136

PASSED by THE HOUSEPASSED BY THE SENATEFILED IN THE OFFICE OF THE
SECRETARY OF STATE JUNE 22, 2026.