

REFERENCE TITLE: death benefits; burial costs

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

SB 1135

Introduced by
Senators Gowan: Carroll, Shamp

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 OF AGE, until ~~the age of~~ twenty-two years
20 OF AGE if the child is enrolled as a full-time student in any accredited
21 educational institution, or if over eighteen years OF AGE and incapable of
22 self-support when the child becomes capable of self-support. When all
23 surviving children are no longer eligible for benefits, the surviving
24 spouse's benefits shall be paid as if there were no children. In the
25 event of the subsequent death or remarriage of the surviving spouse, the
26 surviving child's or children's benefits shall be computed pursuant to
27 paragraph 3 OF THIS 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 OF AGE, except, if over eighteen years OF AGE and incapable of
36 self-support, when ~~he~~ THE CHILD becomes capable of self-support, or if
37 over eighteen years of age and enrolled as a full-time student in any
38 accredited educational institution, when the child reaches ~~age~~ twenty-two
39 YEARS OF AGE.

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

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

3 5. To brothers or sisters under ~~the age of~~ eighteen years OF AGE,
4 if there is no surviving husband or wife, dependent children under ~~the age~~
5 ~~of~~ eighteen years OF AGE 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 OF AGE.

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 his~~ ON THE DECEASED EMPLOYEE'S earnings for support at the
18 time of the injury, the monthly compensation shall be equal to such
19 proportion of the monthly payments for the benefit of persons totally
20 dependent as the amount contributed by the employee to such partial
21 dependents bears to the average wage of the deceased at the time of the
22 injury resulting in ~~his~~ THE EMPLOYEE'S death. The duration of
23 compensation to partial dependents shall be fixed by the commission in
24 accordance with the facts shown, and in accordance with ~~the provisions of~~
25 section 23-1047, but ~~shall in no case~~ MAY NOT exceed compensation for one
26 hundred months.

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