

REFERENCE TITLE: public safety employees; counseling; wellness

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

SB 1400

Introduced by
Senator Payne

AN ACT

AMENDING TITLE 38, CHAPTER 8, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 38-1121; AMENDING TITLE 41, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-710.04; RELATING TO PUBLIC SAFETY EMPLOYEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 38, chapter 8, article 1, Arizona Revised
3 Statutes, is amended by adding section 38-1121, to read:

4 38-1121. Law enforcement agency; wellness program;
5 confidentiality; definition

6 A. A LAW ENFORCEMENT AGENCY IN THIS STATE MAY ESTABLISH A WELLNESS
7 PROGRAM TO SUPPORT THE MENTAL HEALTH AND WELL-BEING OF THE LAW ENFORCEMENT
8 AGENCY'S EMPLOYEES. THE WELLNESS PROGRAM MAY INCLUDE ALL OF THE
9 FOLLOWING:

10 1. ACCESS TO MENTAL HEALTH COUNSELING.

11 2. CRISIS COUNSELING.

12 3. TRAINING, EQUIPMENT AND TECHNOLOGY NECESSARY FOR AN EMPLOYEE TO
13 PERFORM THE EMPLOYEE'S JOB.

14 4. ANY OTHER SUPPORT SYSTEMS.

15 B. IF A LAW ENFORCEMENT AGENCY CREATES A WELLNESS PROGRAM FOR THE
16 LAW ENFORCEMENT AGENCY'S EMPLOYEES, THE LAW ENFORCEMENT AGENCY SHALL
17 ESTABLISH WRITTEN POLICIES AND PROCEDURES FOR THE PROGRAM.

18 C. ALL PROCEEDINGS, RECORDS, OPINIONS, CONCLUSIONS AND
19 RECOMMENDATIONS ARISING FROM ANY ASPECT OF THE WELLNESS PROGRAM PURSUANT
20 TO THIS SECTION ARE CONFIDENTIAL AND PRIVILEGED FROM DISCLOSURE EXCEPT FOR
21 ANY OF THE FOLLOWING:

22 1. THE DISCLOSURE OF RELEVANT INFORMATION IN RESPONSE TO A CLAIM
23 MADE BY THE HOLDER OF THE PRIVILEGE AGAINST A LAW ENFORCEMENT AGENCY
24 RELATED TO ANY PROGRAMS OR SERVICES PROVIDED BY THE WELLNESS PROGRAM.

25 2. IF A PARTICIPANT'S COMMUNICATION IN THE WELLNESS PROGRAM
26 CONTAINS ANY OF THE FOLLOWING:

27 (a) A THREAT OF SUICIDE OR A PLAN TO CARRY OUT A SUICIDE ATTEMPT.
28 THIS SUBDIVISION DOES NOT APPLY TO ANY PEER SUPPORT COMMUNICATION IN WHICH
29 THE PARTICIPANT SOLELY SHARES THAT THE PARTICIPANT IS EXPERIENCING
30 SUICIDAL THOUGHTS.

31 (b) A THREAT OF IMMINENT AND SERIOUS PHYSICAL AND BODILY HARM OR
32 DEATH TO A CLEARLY IDENTIFIED OR REASONABLY IDENTIFIABLE VICTIM.

33 (c) INFORMATION RELATED TO THE ABUSE OR NEGLECT OF A CHILD OR A
34 VULNERABLE ADULT THAT IS REQUIRED TO BE REPORTED BY SECTION 13-3620 OR
35 46-454.

36 (d) AN ADMISSION OF ANY CRIMINAL CONDUCT.

37 (e) ANY INFORMATION THAT IS REQUIRED TO BE DISCLOSED BY LAW.

38 D. THIS SECTION DOES NOT RESTRICT OR LIMIT THE RIGHT TO DISCOVER OR
39 USE IN ANY CIVIL ACTION ANY EVIDENCE, DOCUMENT OR RECORD THAT IS SUBJECT
40 TO DISCOVERY INDEPENDENTLY OF THE PROCEEDINGS OF THE WELLNESS PROGRAM.

41 E. FOR THE PURPOSES OF THIS SECTION, "LAW ENFORCEMENT AGENCY" MEANS
42 A MUNICIPAL POLICE DEPARTMENT, A COUNTY SHERIFF'S OFFICE, A PUBLICLY
43 FUNDED LAW ENFORCEMENT DEPARTMENT AND THE DEPARTMENT OF PUBLIC SAFETY.

1 2. "PEER SUPPORT COUNSELING SESSION" MEANS ANY COUNSELING FORMALLY
2 PROVIDED THROUGH A PEER SUPPORT COUNSELING PROGRAM BETWEEN A PEER SUPPORT
3 SPECIALIST AND ONE OR MORE PUBLIC SAFETY EMPLOYEES.

4 3. "PEER SUPPORT SPECIALIST" MEANS A PUBLIC SAFETY EMPLOYEE WHO IS
5 DESIGNATED BY THE AGENCY TO PROVIDE PEER SUPPORT COUNSELING AND WHO HAS
6 RECEIVED TRAINING IN BOTH PEER SUPPORT COUNSELING AND IN PROVIDING
7 EMOTIONAL AND MORAL SUPPORT TO PUBLIC SAFETY EMPLOYEES WHO HAVE BEEN IN OR
8 EXPOSED TO AN EMOTIONALLY TRAUMATIC EXPERIENCE IN THE COURSE OF
9 EMPLOYMENT.