



ARIZONA STATE SENATE
Fifty-Fifth Legislature, Second Regular Session

AMENDED
FACT SHEET FOR S.B. 1567

~~vaccinations; prohibitions; evidence of immunity~~
(NOW: employers; vaccinations; religious exemption)

Purpose

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. Requires employers to allow employees that complete a COVID-19 religious exemption form to opt out of vaccination requirements.

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

COVID-19 Vaccine Religious Exemption

1. 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.
2. Requires employers to allow employees that complete a COVID-19 religious exemption form to opt out of vaccination requirements.
3. Outlines the COVID-19 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 Complaints

6. Permits a terminated employee of a health care institution that did not offer or denied a COVID-19 vaccine religious exemption to file a complaint with DHS.
7. Requires DHS to investigate all complaints relating to vaccine religious exemptions.
8. Requires DHS investigations of religious exemption complaints to determine whether:
 - a) the health care institution imposed a COVID-19 vaccine mandate;
 - b) the employee was offered and submitted a proper exemption statement; and
 - c) the employee was terminated as a result of the institution's failure to allow a religious exemption.
9. Requires DHS to notify health care institutions that violate religious exemption requirements of their violation and provide the institution the opportunity to correct the noncompliance.

Miscellaneous

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

Amendments Adopted by Committee

- Adopted the strike-everything amendment.

Amendments Adopted by Committee of the Whole

1. Removes the prohibition on private employers from requiring any full-time, part-time or contract employee to be vaccinated for COVID-19 without providing an exemption for religious beliefs.
2. Reinserts the requirement for employers to accommodate an employee's sincerely held religious beliefs that prevent the employee from receiving the COVID-19 vaccine, unless the accommodation would cause an undue burden or more than de minimus cost to the employer.
3. Stipulates that health care institutions are only required to provide vaccination exemptions on religious grounds to the extent required under federal law.
4. Removes the ability for an employee to bring action against an employer in court and claim damages for violations of the exemption requirement.
5. Removes penalties for health care institutions for violation of the exemption requirement.
6. Removes the establishment of the Health Care Professionals Religious Exemption Fund and the Health Care Professionals Religious Exemption Committee.
7. Specifies that *sincerely held religious beliefs* includes sincerely held moral or ethical beliefs.

Senate Action

HHS 2/9/22 DPA/SE 5-3-0

Prepared by Senate Research

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