

REFERENCE TITLE: nonsurgical abortions; regulation

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

HB 2487

Introduced by
Representatives Seel: Judd

AN ACT

AMENDING SECTIONS 36-449.01 AND 36-2161, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 20, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-2158; RELATING TO ABORTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 36-449.01, Arizona Revised Statutes, is amended to
3 read:

4 36-449.01. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Abortion" means the use of any SURGICAL OR NONSURGICAL means with
7 the intent to terminate a woman's pregnancy for reasons other than to
8 increase the probability of a live birth, to preserve the life or health of
9 the child after a live birth, to terminate an ectopic pregnancy or to remove
10 a dead fetus. Abortion does not include birth control devices or oral
11 contraceptives.

12 2. "Abortion clinic" means a facility, other than a hospital, in which
13 five or more first trimester abortions in any month or any second or third
14 trimester abortions are performed.

15 3. "Director" means the director of the department of health services.

16 4. "Perform" includes the initial administration of any medication,
17 drug or other substance intended to cause or induce an abortion.

18 5. "Viable fetus" has the same meaning prescribed in section
19 36-2301.01.

20 Sec. 2. Section 36-2161, Arizona Revised Statutes, is amended to read:

21 36-2161. Abortions; reporting requirements; definition

22 A. A hospital or facility in this state where abortions are performed
23 must submit to the department of health services on a form prescribed by the
24 department a report of each abortion performed in the hospital or facility.
25 The report shall not identify the individual patient by name but must include
26 the following information:

27 1. The name and address of the facility where the abortion was
28 performed.

29 2. The type of facility where the abortion was performed.

30 3. The county where the abortion was performed.

31 4. The woman's age.

32 5. The woman's educational background by highest grade completed and,
33 if applicable, level of college completed.

34 6. The county and state in which the woman resides.

35 7. The woman's race and ethnicity.

36 8. The woman's marital status.

37 9. The number of prior pregnancies and prior abortions of the woman.

38 10. The number of previous spontaneous terminations of pregnancy of the
39 woman.

40 11. The gestational age of the unborn child at the time of the
41 abortion.

42 12. The reason for the abortion, including whether the abortion is
43 elective or due to maternal or fetal health considerations.

44 13. The type of procedure performed or prescribed and the date of the
45 abortion.

1 14. Any preexisting medical conditions of the woman that would
2 complicate pregnancy and any known medical complication that resulted from
3 the abortion.

4 15. The basis for any medical judgment that a medical emergency existed
5 that excused the physician from compliance with the requirements of this
6 chapter.

7 16. The physician's statement if required pursuant to section
8 36-2301.01.

9 17. If applicable, the weight of the aborted fetus for any abortion
10 performed pursuant to section 36-2301.01.

11 B. The report must be signed by the physician who performed the
12 abortion or, if a health professional other than a physician is authorized by
13 law to prescribe or administer abortion medication, the signature and title
14 of the person who prescribed or administered the abortion medication. The
15 form may be signed electronically and shall indicate that the person who
16 signs the report is attesting that the information in the report is correct
17 to the best of the person's knowledge. The hospital or facility must
18 transmit the report to the department within fifteen days after the last day
19 of each reporting month.

20 C. Any report filed pursuant to this section shall be filed
21 electronically at an internet website that is designated by the department
22 unless the person required to file the report applies for a waiver from
23 electronic reporting by submitting a written request to the department.

24 D. FOR THE PURPOSES OF THIS SECTION, "ABORTION" INCLUDES SURGICAL AND
25 NONSURGICAL ABORTIONS.

26 Sec. 3. Title 36, chapter 20, article 1, Arizona Revised Statutes, is
27 amended by adding section 36-2158, to read:

28 36-2158. Nonsurgical abortions; physicians; licensure

29 IN ADDITION TO THE LICENSURE REQUIREMENTS OF TITLE 32, CHAPTER 13 OR
30 17, A PHYSICIAN WHO PERFORMS NONSURGICAL ABORTIONS MUST BE LICENSED BY THE
31 DEPARTMENT OF HEALTH SERVICES ON AN ANNUAL BASIS PURSUANT TO RULES ADOPTED BY
32 THE DIRECTOR. AT A MINIMUM, THESE RULES SHALL SPECIFY LICENSURE FEES AND
33 REQUIRE THAT THE PHYSICIAN DEMONSTRATE A KNOWLEDGE AND UNDERSTANDING OF THE
34 REQUIREMENTS OF THIS CHAPTER.