

REFERENCE TITLE: **limited service pregnancy centers; regulation**

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

HB 2572

Introduced by
Representatives Meyer, Mendez, Sherwood, Steele: Alston

AN ACT

**AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 19.1; RELATING
TO LIMITED SERVICE PREGNANCY CENTERS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 36, Arizona Revised Statutes, is amended by adding
3 chapter 19.1, to read:

4 CHAPTER 19.1

5 LIMITED SERVICE PREGNANCY CENTERS

6 ARTICLE 1. GENERAL PROVISIONS

7 36-2111. Definitions

8 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "COMPREHENSIVE BIRTH CONTROL SERVICES" MEANS ALL DRUGS AND MEDICAL
10 DEVICES THAT HAVE BEEN APPROVED BY THE UNITED STATES FOOD AND DRUG
11 ADMINISTRATION FOR BIRTH CONTROL.

12 2. "HEALTH CARE PROVIDER" MEANS AN INDIVIDUAL WHO IS LICENSED OR
13 CERTIFIED PURSUANT TO TITLE 32 TO PROVIDE HEALTH CARE SERVICES IN THIS STATE.

14 3. "LIMITED SERVICE PREGNANCY CENTER":

15 (a) MEANS AN ORGANIZATION, INCLUDING A PREGNANCY COUNSELING
16 ORGANIZATION OR CRISIS PREGNANCY CENTER, THAT FOR A FEE OR FREE OF CHARGE
17 PROVIDES PREGNANCY COUNSELING OR INFORMATION BUT DOES NOT PERFORM ABORTIONS
18 OR MAKE REFERRALS TO AN ABORTION PROVIDER AND IS NOT LICENSED OR CERTIFIED BY
19 THIS STATE OR THE FEDERAL GOVERNMENT TO PROVIDE MEDICAL OR HEALTH CARE
20 SERVICES.

21 (b) DOES NOT INCLUDE A HEALTH CARE PROVIDER, A HOSPITAL, AN ABORTION
22 CLINIC OR A FAMILY PLANNING CLINIC THAT PERFORMS ABORTIONS, PROVIDES
23 CONTRACEPTION OR PROVIDES ABORTION OR CONTRACEPTION REFERRALS.

24 36-2112. Requirements for materials provided; violation;
25 classification

26 A. ALL MATERIALS AND INFORMATION PROVIDED TO A PREGNANT WOMAN BY A
27 LIMITED SERVICE PREGNANCY CENTER MUST BE SCIENTIFICALLY ACCURATE AND
28 EVIDENCE-BASED, AS DETERMINED BY A MEDICAL ORGANIZATION OR PHYSICIAN GROUP.

29 B. A VIOLATION OF THIS SECTION IS A CLASS 1 MISDEMEANOR.

30 36-2113. Nondirective counseling; information required;
31 violation; classification

32 A. A LIMITED SERVICE PREGNANCY CENTER THAT RECEIVES STATE MONEY SHALL
33 PROVIDE TO EACH CLIENT COMPREHENSIVE, NONDIRECTIVE REPRODUCTIVE HEALTH CARE
34 COUNSELING AND INFORMATION, INCLUDING INFORMATION ON PLANNING, BIRTH CONTROL,
35 PREGNANCY AND POSTPARTUM HEALTH.

36 B. A VIOLATION OF THIS SECTION IS A CLASS 1 MISDEMEANOR.

37 36-2114. Posted notice required; violation; unlawful practice

38 A. A LIMITED SERVICE PREGNANCY CENTER SHALL PROMINENTLY DISPLAY TWO
39 BLACK AND WHITE SIGNS AT THE ENTRANCE OF THE CENTER, ONE IN ENGLISH AND ONE
40 IN SPANISH, THAT CONTAIN THE FOLLOWING STATEMENT: "THIS CENTER IS NOT A
41 LICENSED MEDICAL FACILITY." EACH SIGN MUST BE AT LEAST EIGHT AND ONE-HALF BY
42 ELEVEN INCHES IN SIZE AND CLEARLY LEGIBLE FROM OUTSIDE OF THE CENTER. THE
43 TEXT FOR THE SIGN MUST BE IN AT LEAST FORTY-EIGHT-POINT FONT SIZE.

1 B. A VIOLATION OF THIS SECTION IS AN UNLAWFUL PRACTICE PURSUANT TO
2 SECTION 44-1522. THE ATTORNEY GENERAL MAY INVESTIGATE AND TAKE APPROPRIATE
3 ACTION AS PRESCRIBED BY TITLE 44, CHAPTER 10, ARTICLE 7.

4 ~~36-2115. Civil penalties; costs; attorney fees~~

5 A. IN ADDITION TO BEING SUBJECT TO A CRIMINAL PENALTY, A PERSON WHO
6 INTENTIONALLY VIOLATES SECTION 36-2112 OR 36-2113 IS SUBJECT TO A CIVIL
7 PENALTY IN AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS FOR EACH VIOLATION.
8 THE AMOUNT SHALL BE BASED ON:

- 9 1. THE SERIOUSNESS OF THE VIOLATION.
- 10 2. THE HISTORY OF PREVIOUS VIOLATIONS.
- 11 3. THE AMOUNT NECESSARY TO DETER A FUTURE VIOLATION.
- 12 4. ANY OTHER MATTER THAT JUSTICE MAY REQUIRE.

13 B. THE ATTORNEY GENERAL OR COUNTY ATTORNEY OF THE COUNTY IN WHICH THE
14 VIOLATION IS ALLEGED TO HAVE OCCURRED MAY FILE AN ACTION IN SUPERIOR COURT TO
15 COLLECT A CIVIL PENALTY UNDER THIS SECTION. IN THE ACTION THE ATTORNEY
16 GENERAL OR COUNTY ATTORNEY MAY RECOVER REASONABLE EXPENSES INCURRED IN
17 OBTAINING THE PENALTY, INCLUDING INVESTIGATION AND COURT COSTS AND REASONABLE
18 ATTORNEY FEES.

19 C. A SEPARATE CIVIL PENALTY MAY BE ASSESSED FOR EACH DAY A CONTINUING
20 VIOLATION OCCURS.

21 D. THE PENALTIES PROVIDED BY THIS SECTION ARE IN ADDITION TO ANY OTHER
22 PENALTY PROVIDED BY LAW.