REFERENCE TITLE: limited service pregnancy centers; regulation

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

HB 2227

Introduced by
Representative Meyer

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)

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

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

CHAPTER 19.1

LIMITED SERVICE PREGNANCY CENTERS

ARTICLE 1. GENERAL PROVISIONS

36-2111. Definitions

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

2. "LIMITED SERVICE PREGNANCY CENTER":

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

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

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

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

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

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

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

B. AN EMPLOYEE OF A LIMITED SERVICE PREGNANCY CENTER WHO VIOLATES SUBSECTION A OF THIS SECTION IS GUILTY OF A CLASS 1 MISDEMEANOR.

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

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

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

36-2115. Civil penalties; costs; attorney fees

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

1. THE SERIOUSNESS OF THE VIOLATION.

2. THE HISTORY OF PREVIOUS VIOLATIONS.

3. THE AMOUNT NECESSARY TO DETER A FUTURE VIOLATION.

4. ANY OTHER MATTER THAT JUSTICE MAY REQUIRE.

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

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

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