

REFERENCE TITLE: **abortion clinics; inspection; repeal**

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

HB 2638

Introduced by
Representatives Sherwood, Alston, Cardenas, Clark, Gonzales, Larkin,
Mendez, Wheeler, Senator Quezada: Representatives Frieese, Otondo, Rios,
Senator Farley

AN ACT

AMENDING SECTION 36-449.02, ARIZONA REVISED STATUTES; RELATING TO ABORTION CLINICS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 36-449.02, Arizona Revised Statutes, is amended to
3 read:

4 36-449.02. Abortion clinics; licensure requirements; rules

5 A. Beginning on April 1, 2000, an abortion clinic shall meet the same
6 licensure requirements as prescribed in article 2 of this chapter for health
7 care institutions.

8 B. An abortion clinic that holds an unclassified health care facility
9 license issued before August 6, 1999 may retain that classification until
10 April 1, 2000 subject to compliance with all laws that relate to unclassified
11 health care facilities.

12 C. Beginning on April 1, 2000, abortion clinics shall comply with
13 department requirements for abortion clinics and department rules that govern
14 abortion clinics.

15 ~~D. If the director determines that there is reasonable cause to~~
16 ~~believe an abortion clinic is not adhering to the licensing requirements of~~
17 ~~this article or any other law or rule concerning abortion, the director and~~
18 ~~any duly designated employee or agent of the director, including county~~
19 ~~health representatives and county or municipal fire inspectors, consistent~~
20 ~~with standard medical practices, may enter on and into the premises of the~~
21 ~~abortion clinic that is licensed or required to be licensed pursuant to this~~
22 ~~article during regular business hours of the abortion clinic to determine~~
23 ~~compliance with this article, rules adopted pursuant to this article, local~~
24 ~~fire ordinances or rules and any other law or rule relating to abortion.~~

25 ~~E. An application for licensure pursuant to this article constitutes~~
26 ~~permission for, and complete acquiescence in, an entry or inspection of the~~
27 ~~premises during the pendency of the application and, if licensed, during the~~
28 ~~term of the license.~~

29 ~~F. If an inspection conducted pursuant to this section reveals that an~~
30 ~~abortion clinic is not adhering to the licensing requirements prescribed~~
31 ~~pursuant to this article or any other law or rule concerning abortion, the~~
32 ~~director may take action authorized by this article.~~

33 ~~G. An abortion clinic whose license has been suspended or revoked~~
34 ~~pursuant to this article or section 36-424 is subject to inspection on~~
35 ~~application for relicensure or reinstatement of the license.~~

36 ~~H. In any proceeding in which the constitutionality, legality or~~
37 ~~application of this section is challenged, the attorney general or any county~~
38 ~~or city attorney who wishes to defend the law has the right to intervene as a~~
39 ~~party and is deemed to have proper standing in the matter. The only~~
40 ~~objection that may be raised to a motion to intervene as of right pursuant to~~
41 ~~this subsection is that the proposed intervenor does not have a good faith~~
42 ~~intention to defend the law. Any party or proposed intervenor may raise this~~
43 ~~objection. Notwithstanding section 41-192, the department may employ legal~~
44 ~~counsel and make an expenditure or incur an indebtedness for legal services~~
45 ~~for the purposes of defending this section.~~