

REFERENCE TITLE: **abortion; health care exchange; licensure**

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

SB 1318

Introduced by

Senators Barto, Allen, Burges, Kavanagh, Lesko, Shooter; Representatives
Allen J, Boyer, Kern, Montenegro, Olson, Petersen, Townsend: Senators
Dial, Farnsworth D, Griffin, Miranda, Pierce, Ward, Worsley, Yee;
Representatives Bowers, Finchem, Gray, Leach, Livingston, Mesnard, Shope

AN ACT

**AMENDING SECTIONS 20-121 AND 36-449.02, ARIZONA REVISED STATUTES; 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 20-121, Arizona Revised Statutes, is amended to
3 read:

4 20-121. Health care exchange; abortion coverage; prohibition;
5 exceptions

6 A. Consistent with the provisions of the patient protection and
7 affordable care act (P.L. 111-148), any qualified health insurance policy,
8 contract or plan offered through any ~~state~~ health care exchange ~~established~~
9 ~~OPERATING~~ in this state shall not provide coverage for abortions ~~unless the~~
10 ~~coverage is offered as a separate optional rider for which an additional~~
11 ~~insurance premium is charged.~~

12 B. Subsection A ~~OF THIS SECTION~~ does not apply to coverage for any
13 abortion that is necessary to either:

- 14 1. Save the life of the woman having the abortion.
- 15 2. Avert substantial and irreversible impairment of a major bodily
16 function of the woman having the abortion.

17 Sec. 2. Section 36-449.02, Arizona Revised Statutes, is amended to
18 read:

19 36-449.02. Abortion clinics; licensure requirements; rules;
20 inspections; standing to intervene; legal counsel

21 A. Beginning on April 1, 2000, an abortion clinic shall meet the same
22 licensure requirements as prescribed in article 2 of this chapter for health
23 care institutions. ~~ON INITIAL LICENSURE AND ANY SUBSEQUENT RENEWAL, AN~~
~~ABORTION CLINIC SHALL SUBMIT TO THE DIRECTOR ALL DOCUMENTATION REQUIRED BY~~
~~THIS ARTICLE, INCLUDING VERIFICATION THAT THE CLINIC'S PHYSICIANS WHO PERFORM~~
~~ABORTIONS HAVE ADMITTING PRIVILEGES AT A HEALTH CARE INSTITUTION AS REQUIRED~~
~~BY SECTION 36-449.03, SUBSECTION C, PARAGRAPH 3.~~

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

28 C. Beginning on April 1, 2000, abortion clinics shall comply with
29 department requirements for abortion clinics and department rules that govern
30 abortion clinics.

31 D. If the director determines that there is reasonable cause to
32 believe an abortion clinic is not adhering to the licensing requirements of
33 this article or any other law or rule concerning abortion, the director and
34 any duly designated employee or agent of the director, including county
35 health representatives and county or municipal fire inspectors, consistent
36 with standard medical practices, may enter on and into the premises of the
37 abortion clinic that is licensed or required to be licensed pursuant to this
38 article during regular business hours of the abortion clinic to determine
39 compliance with this article, rules adopted pursuant to this article, local
40 fire ordinances or rules and any other law or rule relating to abortion.

1 E. An application for licensure pursuant to this article constitutes
2 permission for, and complete acquiescence in, an entry or inspection of the
3 premises during the pendency of the application and, if licensed, during the
4 term of the license.

5 F. If an inspection conducted pursuant to this section reveals that an
6 abortion clinic is not adhering to the licensing requirements prescribed
7 pursuant to this article or any other law or rule concerning abortion, the
8 director may take action authorized by this article.

9 G. An abortion clinic whose license has been suspended or revoked
10 pursuant to this article or section 36-424 is subject to inspection on
11 application for re licensure or reinstatement of the license.

12 H. In any proceeding in which the constitutionality, legality or
13 application of this section is challenged, the attorney general or any county
14 or city attorney who wishes to defend the law has the right to intervene as a
15 party and is deemed to have proper standing in the matter. The only
16 objection that may be raised to a motion to intervene as of right pursuant to
17 this subsection is that the proposed intervenor does not have a good faith
18 intention to defend the law. Any party or proposed intervenor may raise this
19 objection. Notwithstanding section 41-192, the department may employ legal
20 counsel and make an expenditure or incur an indebtedness for legal services
21 for the purposes of defending this section.