

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

CHAPTER 172
HOUSE BILL 2564

AN ACT

RENUMBERING SECTION 36-2151, ARIZONA REVISED STATUTES, AS SECTION 36-2154; AMENDING TITLE 36, CHAPTER 20, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 36-2151; AMENDING SECTION 36-2152, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 20, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-2153; AMENDING SECTION 36-2154, ARIZONA REVISED STATUTES, AS RENUMBERED BY THIS ACT; 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. Renumber

3 Section 36-2151, Arizona Revised Statutes, is renumbered as section
4 36-2154.

5 Sec. 2. Title 36, chapter 20, article 1, Arizona Revised Statutes, is
6 amended by adding a new section 36-2151, to read:

7 36-2151. Definitions

8 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "ABORTION" MEANS THE USE OF ANY MEANS TO TERMINATE THE CLINICALLY
10 DIAGNOSABLE PREGNANCY OF A WOMAN WITH KNOWLEDGE THAT THE TERMINATION BY THOSE
11 MEANS WILL CAUSE, WITH REASONABLE LIKELIHOOD, THE DEATH OF THE UNBORN CHILD.
12 ABORTION DOES NOT INCLUDE BIRTH CONTROL DEVICES, ORAL CONTRACEPTIVES USED TO
13 INHIBIT OR PREVENT OVULATION, CONCEPTION OR THE IMPLANTATION OF A FERTILIZED
14 OVUM IN THE UTERUS OR THE USE OF ANY MEANS TO INCREASE THE PROBABILITY OF A
15 LIVE BIRTH, TO PRESERVE THE LIFE OR HEALTH OF THE CHILD AFTER A LIVE BIRTH,
16 TO TERMINATE AN ECTOPIC PREGNANCY OR TO REMOVE A DEAD FETUS.

17 2. "CONCEPTION" MEANS THE FUSION OF A HUMAN SPERMATOZOON WITH A HUMAN
18 OVUM.

19 3. "GESTATIONAL AGE" MEANS THE AGE OF THE UNBORN CHILD AS CALCULATED
20 FROM THE FIRST DAY OF THE LAST MENSTRUAL PERIOD OF THE PREGNANT WOMAN.

21 4. "HEALTH PROFESSIONAL" HAS THE SAME MEANING PRESCRIBED IN SECTION
22 32-3201.

23 5. "MEDICAL EMERGENCY" MEANS A CONDITION THAT, ON THE BASIS OF THE
24 PHYSICIAN'S GOOD FAITH CLINICAL JUDGMENT, SO COMPLICATES THE MEDICAL
25 CONDITION OF A PREGNANT WOMAN AS TO NECESSITATE THE IMMEDIATE ABORTION OF HER
26 PREGNANCY TO AVERT HER DEATH OR FOR WHICH A DELAY WILL CREATE SERIOUS RISK OF
27 SUBSTANTIAL AND IRREVERSIBLE IMPAIRMENT OF A MAJOR BODILY FUNCTION.

28 6. "PHYSICIAN" MEANS A PERSON WHO IS LICENSED PURSUANT TO TITLE 32,
29 CHAPTER 13 OR 17.

30 7. "PREGNANT" OR "PREGNANCY" MEANS A FEMALE REPRODUCTIVE CONDITION OF
31 HAVING A DEVELOPING UNBORN CHILD IN THE BODY AND THAT BEGINS WITH CONCEPTION.

32 8. "PROBABLE GESTATIONAL AGE" MEANS THE GESTATIONAL AGE OF THE UNBORN
33 CHILD AT THE TIME THE ABORTION IS PLANNED TO BE PERFORMED AND AS DETERMINED
34 WITH REASONABLE PROBABILITY BY THE ATTENDING PHYSICIAN.

35 9. "SURGICAL ABORTION" MEANS THE USE OF A SURGICAL INSTRUMENT OR A
36 MACHINE TO TERMINATE THE CLINICALLY DIAGNOSABLE PREGNANCY OF A WOMAN WITH
37 KNOWLEDGE THAT THE TERMINATION BY THOSE MEANS WILL CAUSE, WITH REASONABLE
38 LIKELIHOOD, THE DEATH OF THE UNBORN CHILD. SURGICAL ABORTION DOES NOT
39 INCLUDE THE USE OF ANY MEANS TO INCREASE THE PROBABILITY OF A LIVE BIRTH, TO
40 PRESERVE THE LIFE OR HEALTH OF THE CHILD AFTER A LIVE BIRTH, TO TERMINATE AN
41 ECTOPIC PREGNANCY OR TO REMOVE A DEAD FETUS. SURGICAL ABORTION DOES NOT
42 INCLUDE PATIENT CARE INCIDENTAL TO THE PROCEDURE.

43 10. "UNBORN CHILD" MEANS THE OFFSPRING OF HUMAN BEINGS FROM CONCEPTION
44 UNTIL BIRTH.

1 Sec. 3. Section 36-2152, Arizona Revised Statutes, is amended to read:
2 36-2152. Parental consent; exception; hearings; time limits;
3 violation; classification; civil relief; statute of
4 limitations

5 A. IN ADDITION TO THE REQUIREMENTS OF SECTION 36-2153, a person shall
6 not knowingly perform an abortion on a pregnant unemancipated minor unless
7 the attending physician has secured the written AND NOTARIZED consent from
8 one of the minor's parents or the minor's guardian or conservator or unless a
9 judge of the superior court authorizes the physician to perform the abortion
10 pursuant to subsection B OF THIS SECTION. NOTWITHSTANDING SECTION 41-319,
11 THE NOTARIZED STATEMENT OF PARENTAL CONSENT AND THE DESCRIPTION OF THE
12 DOCUMENT OR NOTARIAL ACT RECORDED IN THE NOTARY JOURNAL ARE CONFIDENTIAL AND
13 ARE NOT PUBLIC RECORDS.

14 B. A judge of the superior court ~~shall~~, on petition or motion, and
15 after an appropriate hearing, SHALL authorize a physician to perform the
16 abortion if the judge determines that the pregnant minor is mature and
17 capable of giving informed consent to the proposed abortion. If the judge
18 determines that the pregnant minor is not mature or if the pregnant minor
19 does not claim to be mature, the judge shall determine whether the
20 performance of an abortion on her without the consent from one of her parents
21 or her guardian or conservator would be in her best interests and shall
22 authorize a physician to perform the abortion without consent if the judge
23 concludes that the pregnant minor's best interests would be served.

24 C. IF THE PREGNANT MINOR CLAIMS TO BE MATURE AT A PROCEEDING HELD
25 PURSUANT TO SUBSECTION B OF THIS SECTION, THE MINOR MUST PROVE BY CLEAR AND
26 CONVINCING EVIDENCE THAT SHE IS SUFFICIENTLY MATURE AND CAPABLE OF GIVING
27 INFORMED CONSENT WITHOUT CONSULTING HER PARENT OR LEGAL GUARDIAN BASED ON HER
28 EXPERIENCE LEVEL, PERSPECTIVE AND JUDGMENT. IN ASSESSING THE PREGNANT
29 MINOR'S EXPERIENCE LEVEL, THE COURT MAY CONSIDER, AMONG OTHER RELEVANT
30 FACTORS, THE MINOR'S AGE AND EXPERIENCES WORKING OUTSIDE THE HOME, LIVING
31 AWAY FROM HOME, TRAVELING ON HER OWN, HANDLING PERSONAL FINANCES AND MAKING
32 OTHER SIGNIFICANT DECISIONS. IN ASSESSING THE PREGNANT MINOR'S PERSPECTIVE,
33 THE COURT MAY CONSIDER, AMONG OTHER RELEVANT FACTORS, WHAT STEPS THE MINOR
34 TOOK TO EXPLORE HER OPTIONS AND THE EXTENT TO WHICH SHE CONSIDERED AND
35 WEIGHED THE POTENTIAL CONSEQUENCES OF EACH OPTION. IN ASSESSING THE PREGNANT
36 MINOR'S JUDGMENT, THE COURT MAY CONSIDER, AMONG OTHER RELEVANT FACTORS, THE
37 MINOR'S CONDUCT SINCE LEARNING OF HER PREGNANCY AND HER INTELLECTUAL ABILITY
38 TO UNDERSTAND HER OPTIONS AND TO MAKE AN INFORMED DECISION.

39 ~~C.~~ D. The pregnant minor may participate in the court proceedings on
40 her own behalf. The court may appoint a guardian ad litem for her. The
41 court shall advise her that she has the right to court appointed counsel and
42 ~~shall~~, on her request, SHALL provide her with counsel unless she appears
43 through private counsel or she knowingly and intelligently waives her right
44 to counsel.

45 ~~D.~~ E. Proceedings in the court under this section are confidential
46 and have precedence over other pending matters. Members of the public shall

1 not inspect, obtain copies of or otherwise have access to records of court
2 proceedings under this section unless authorized by law. A judge who
3 conducts proceedings under this section shall make in writing specific
4 factual findings and legal conclusions supporting the decision and shall
5 order a confidential record of the evidence to be maintained, including the
6 judge's own findings and conclusions. The minor may file the petition using
7 a fictitious name. For purposes of this subsection, public does not include
8 judges, clerks, administrators, professionals or other persons employed by or
9 working under the supervision of the court or employees of other public
10 agencies who are authorized by state or federal rule or law to inspect and
11 copy closed court records.

12 ~~E.~~ F. The court shall hold the hearing and shall issue a ruling
13 within forty-eight hours, excluding weekends and holidays, after the petition
14 is filed. If the court fails to issue a ruling within this time period, the
15 petition is deemed to have been granted and the consent requirement is
16 waived.

17 ~~F.~~ G. An expedited confidential appeal is available to a pregnant
18 minor for whom the court denies an order authorizing an abortion without
19 parental consent. The appellate court shall hold the hearing and issue a
20 ruling within forty-eight hours, excluding weekends and holidays, after the
21 petition for appellate review is filed. Filing fees are not required of the
22 pregnant minor at either the trial or the appellate level.

23 ~~G.~~ H. Parental consent or judicial authorization is not required
24 under this section if either:

25 1. The pregnant minor certifies to the attending physician that the
26 pregnancy resulted from sexual conduct with a minor by the minor's parent,
27 stepparent, uncle, grandparent, sibling, adoptive parent, legal guardian or
28 foster parent or by a person who lives in the same household with the minor
29 and the minor's mother. The physician performing the abortion shall report
30 the sexual conduct with a minor to the proper law enforcement officials
31 pursuant to section 13-3620 and shall preserve and forward a sample of the
32 fetal tissue to these officials for use in a criminal investigation.

33 2. The attending physician certifies in the pregnant minor's medical
34 record that, on the basis of the physician's good faith clinical judgment,
35 the pregnant minor has a condition that so complicates her medical condition
36 as to necessitate the immediate abortion of her pregnancy to avert her death
37 or for which a delay will create serious risk of substantial and irreversible
38 impairment of major bodily function.

39 ~~H.~~ I. A person who performs an abortion in violation of this section
40 is guilty of a class 1 misdemeanor. A person is not subject to any liability
41 under this section if the person establishes by written evidence that the
42 person relied on evidence sufficient to convince a careful and prudent person
43 that the representations of the pregnant minor regarding information
44 necessary to comply with this section are true.

45 ~~I. For purposes of this section:~~

1 ~~1. "Abortion" means the use of an instrument, medicine or drug or~~
2 ~~other substance or device with the intent to terminate a pregnancy for~~
3 ~~reasons other than to increase the probability of a live birth, to preserve~~
4 ~~the life or health of the child after a live birth, to terminate an ectopic~~
5 ~~pregnancy or to remove a dead fetus. Abortion does not include birth control~~
6 ~~devices or oral contraceptives that inhibit or prevent ovulation,~~
7 ~~fertilization or the implantation of a fertilized ovum within the uterus.~~

8 ~~2. "Fetus" means any individual human organism from fertilization~~
9 ~~until birth.~~

10 J. IN ADDITION TO OTHER REMEDIES AVAILABLE UNDER THE COMMON OR
11 STATUTORY LAW OF THIS STATE, ONE OR BOTH OF THE MINOR'S PARENTS OR THE
12 MINOR'S GUARDIAN MAY BRING A CIVIL ACTION IN THE SUPERIOR COURT IN THE COUNTY
13 IN WHICH THE PARENTS OR THE GUARDIAN RESIDES TO OBTAIN APPROPRIATE RELIEF FOR
14 A VIOLATION OF THIS SECTION, UNLESS THE PREGNANCY RESULTED FROM THE CRIMINAL
15 CONDUCT OF THE PARENT OR GUARDIAN. THE CIVIL ACTION MAY BE BASED ON A CLAIM
16 THAT FAILURE TO OBTAIN CONSENT WAS A RESULT OF SIMPLE NEGLIGENCE, GROSS
17 NEGLIGENCE, WANTONNESS, WILFULNESS, INTENTION OR ANY OTHER LEGAL STANDARD OF
18 CARE. RELIEF PURSUANT TO THIS SUBSECTION INCLUDES THE FOLLOWING:

19 1. MONEY DAMAGES FOR ALL PSYCHOLOGICAL, EMOTIONAL AND PHYSICAL
20 INJURIES THAT RESULT FROM THE VIOLATION OF THIS SECTION.

21 2. STATUTORY DAMAGES IN AN AMOUNT EQUAL TO FIVE THOUSAND DOLLARS OR
22 THREE TIMES THE COST OF THE ABORTION, WHICHEVER IS GREATER.

23 3. REASONABLE ATTORNEY FEES AND COSTS.

24 K. A CIVIL ACTION BROUGHT PURSUANT TO THIS SECTION MUST BE INITIATED
25 WITHIN SIX YEARS AFTER THE VIOLATION OCCURRED.

26 Sec. 4. Title 36, chapter 20, article 1, Arizona Revised Statutes, is
27 amended by adding section 36-2153, to read:

28 36-2153. Informed consent; requirements; information;
29 violation; civil relief; statute of limitations

30 A. AN ABORTION SHALL NOT BE PERFORMED OR INDUCED WITHOUT THE VOLUNTARY
31 AND INFORMED CONSENT OF THE WOMAN ON WHOM THE ABORTION IS TO BE PERFORMED OR
32 INDUCED. EXCEPT IN THE CASE OF A MEDICAL EMERGENCY, CONSENT TO AN ABORTION
33 IS VOLUNTARY AND INFORMED ONLY IF ALL OF THE FOLLOWING ARE TRUE:

34 1. AT LEAST TWENTY-FOUR HOURS BEFORE THE ABORTION, THE PHYSICIAN WHO
35 IS TO PERFORM THE ABORTION OR THE REFERRING PHYSICIAN HAS INFORMED THE WOMAN,
36 ORALLY AND IN PERSON, OF:

37 (a) THE NAME OF THE PHYSICIAN WHO WILL PERFORM THE ABORTION.

38 (b) THE NATURE OF THE PROPOSED PROCEDURE OR TREATMENT.

39 (c) THE IMMEDIATE AND LONG-TERM MEDICAL RISKS ASSOCIATED WITH THE
40 PROCEDURE THAT A REASONABLE PATIENT WOULD CONSIDER MATERIAL TO THE DECISION
41 OF WHETHER OR NOT TO UNDERGO THE ABORTION.

42 (d) ALTERNATIVES TO THE PROCEDURE OR TREATMENT THAT A REASONABLE
43 PATIENT WOULD CONSIDER MATERIAL TO THE DECISION OF WHETHER OR NOT TO UNDERGO
44 THE ABORTION.

45 (e) THE PROBABLE GESTATIONAL AGE OF THE UNBORN CHILD AT THE TIME THE
46 ABORTION IS TO BE PERFORMED.

1 (f) THE PROBABLE ANATOMICAL AND PHYSIOLOGICAL CHARACTERISTICS OF THE
2 UNBORN CHILD AT THE TIME THE ABORTION IS TO BE PERFORMED.

3 (g) THE MEDICAL RISKS ASSOCIATED WITH CARRYING THE CHILD TO TERM.

4 2. AT LEAST TWENTY-FOUR HOURS BEFORE THE ABORTION, THE PHYSICIAN WHO
5 IS TO PERFORM THE ABORTION, THE REFERRING PHYSICIAN OR A QUALIFIED PHYSICIAN,
6 PHYSICIAN ASSISTANT, NURSE, PSYCHOLOGIST OR LICENSED BEHAVIORAL HEALTH
7 PROFESSIONAL TO WHOM THE RESPONSIBILITY HAS BEEN DELEGATED BY EITHER
8 PHYSICIAN HAS INFORMED THE WOMAN, ORALLY AND IN PERSON, THAT:

9 (a) MEDICAL ASSISTANCE BENEFITS MAY BE AVAILABLE FOR PRENATAL CARE,
10 CHILDBIRTH AND NEONATAL CARE.

11 (b) THE FATHER OF THE UNBORN CHILD IS LIABLE TO ASSIST IN THE SUPPORT
12 OF THE CHILD, EVEN IF HE HAS OFFERED TO PAY FOR THE ABORTION. IN THE CASE OF
13 RAPE OR INCEST, THIS INFORMATION MAY BE OMITTED.

14 (c) PUBLIC AND PRIVATE AGENCIES AND SERVICES ARE AVAILABLE TO ASSIST
15 THE WOMAN DURING HER PREGNANCY AND AFTER THE BIRTH OF HER CHILD IF SHE
16 CHOOSES NOT TO HAVE AN ABORTION, WHETHER SHE CHOOSES TO KEEP THE CHILD OR
17 PLACE THE CHILD FOR ADOPTION.

18 (d) IT IS UNLAWFUL FOR ANY PERSON TO COERCE A WOMAN TO UNDERGO AN
19 ABORTION.

20 (e) THE WOMAN IS FREE TO WITHHOLD OR WITHDRAW HER CONSENT TO THE
21 ABORTION AT ANY TIME WITHOUT AFFECTING HER RIGHT TO FUTURE CARE OR TREATMENT
22 AND WITHOUT THE LOSS OF ANY STATE OR FEDERALLY FUNDED BENEFITS TO WHICH SHE
23 MIGHT OTHERWISE BE ENTITLED.

24 3. THE INFORMATION IN PARAGRAPHS 1 AND 2 OF THIS SUBSECTION IS
25 PROVIDED TO THE WOMAN INDIVIDUALLY AND IN A PRIVATE ROOM TO PROTECT HER
26 PRIVACY AND TO ENSURE THAT THE INFORMATION FOCUSES ON HER INDIVIDUAL
27 CIRCUMSTANCES AND THAT SHE HAS ADEQUATE OPPORTUNITY TO ASK QUESTIONS.

28 4. THE WOMAN CERTIFIES IN WRITING BEFORE THE ABORTION THAT THE
29 INFORMATION REQUIRED TO BE PROVIDED PURSUANT TO PARAGRAPHS 1 AND 2 OF THIS
30 SUBSECTION HAS BEEN PROVIDED.

31 B. IF A MEDICAL EMERGENCY COMPELS THE PERFORMANCE OF AN ABORTION, THE
32 PHYSICIAN SHALL INFORM THE WOMAN, BEFORE THE ABORTION IF POSSIBLE, OF THE
33 MEDICAL INDICATIONS SUPPORTING THE PHYSICIAN'S JUDGMENT THAT AN ABORTION IS
34 NECESSARY TO AVERT THE WOMAN'S DEATH OR TO AVERT SUBSTANTIAL AND IRREVERSIBLE
35 IMPAIRMENT OF A MAJOR BODILY FUNCTION.

36 C. AN INDIVIDUAL WHO IS NOT A PHYSICIAN SHALL NOT PERFORM A SURGICAL
37 ABORTION.

38 D. A PERSON SHALL NOT WRITE OR COMMUNICATE A PRESCRIPTION FOR A DRUG
39 OR DRUGS TO INDUCE AN ABORTION OR REQUIRE OR OBTAIN PAYMENT FOR A SERVICE
40 PROVIDED TO A PATIENT WHO HAS INQUIRED ABOUT AN ABORTION OR SCHEDULED AN
41 ABORTION UNTIL THE EXPIRATION OF THE TWENTY-FOUR HOUR REFLECTION PERIOD
42 REQUIRED BY SUBSECTION A.

43 E. A PERSON SHALL NOT INTIMIDATE OR COERCE IN ANY WAY ANY PERSON TO
44 OBTAIN AN ABORTION. A PARENT, GUARDIAN OR ANY OTHER PERSON SHALL NOT COERCE
45 A MINOR TO OBTAIN AN ABORTION. IF A MINOR IS DENIED FINANCIAL SUPPORT BY THE
46 MINOR'S PARENTS, GUARDIANS OR CUSTODIAN DUE TO THE MINOR'S REFUSAL TO HAVE AN

1 ABORTION PERFORMED, THE MINOR IS DEEMED EMANCIPATED FOR THE PURPOSES OF
2 ELIGIBILITY FOR PUBLIC ASSISTANCE BENEFITS, EXCEPT THAT THE EMANCIPATED MINOR
3 MAY NOT USE THESE BENEFITS TO OBTAIN AN ABORTION.

4 F. A PHYSICIAN WHO KNOWINGLY VIOLATES THIS SECTION COMMITS AN ACT OF
5 UNPROFESSIONAL CONDUCT AND IS SUBJECT TO LICENSE SUSPENSION OR REVOCATION
6 PURSUANT TO TITLE 32, CHAPTER 13 OR 17.

7 G. IN ADDITION TO OTHER REMEDIES AVAILABLE UNDER THE COMMON OR
8 STATUTORY LAW OF THIS STATE, ANY OF THE FOLLOWING MAY FILE A CIVIL ACTION TO
9 OBTAIN APPROPRIATE RELIEF FOR A VIOLATION OF THIS SECTION:

10 1. A WOMAN ON WHOM AN ABORTION HAS BEEN PERFORMED WITHOUT HER INFORMED
11 CONSENT AS REQUIRED BY THIS SECTION.

12 2. THE FATHER OF THE UNBORN CHILD IF MARRIED TO THE MOTHER AT THE TIME
13 SHE RECEIVED THE ABORTION, UNLESS THE PREGNANCY RESULTED FROM THE PLAINTIFF'S
14 CRIMINAL CONDUCT.

15 3. THE MATERNAL GRANDPARENTS OF THE UNBORN CHILD IF THE MOTHER WAS NOT
16 AT LEAST EIGHTEEN YEARS OF AGE AT THE TIME OF THE ABORTION, UNLESS THE
17 PREGNANCY RESULTED FROM THE PLAINTIFF'S CRIMINAL CONDUCT.

18 H. A CIVIL ACTION FILED PURSUANT TO SUBSECTION G SHALL BE BROUGHT IN
19 THE SUPERIOR COURT IN THE COUNTY IN WHICH THE WOMAN ON WHOM THE ABORTION WAS
20 PERFORMED RESIDES AND MAY BE BASED ON A CLAIM THAT FAILURE TO OBTAIN INFORMED
21 CONSENT WAS A RESULT OF SIMPLE NEGLIGENCE, GROSS NEGLIGENCE, WANTONNESS,
22 WILFULNESS, INTENTION OR ANY OTHER LEGAL STANDARD OF CARE. RELIEF PURSUANT
23 TO SUBSECTION G INCLUDES THE FOLLOWING:

24 1. MONEY DAMAGES FOR ALL PSYCHOLOGICAL, EMOTIONAL AND PHYSICAL
25 INJURIES RESULTING FROM THE VIOLATION OF THIS SECTION.

26 2. STATUTORY DAMAGES IN AN AMOUNT EQUAL TO FIVE THOUSAND DOLLARS OR
27 THREE TIMES THE COST OF THE ABORTION, WHICHEVER IS GREATER.

28 3. REASONABLE ATTORNEY FEES AND COSTS.

29 I. A CIVIL ACTION BROUGHT PURSUANT TO THIS SECTION MUST BE INITIATED
30 WITHIN SIX YEARS AFTER THE VIOLATION OCCURRED.

31 Sec. 5. Section 36-2154, Arizona Revised Statutes, as renumbered by
32 this act, is amended to read:

33 36-2154. Right to refuse to participate in abortion; abortion
34 medication or emergency contraception

35 A. ~~No~~ A hospital is NOT required to admit any patient for the purpose
36 of performing an abortion. A physician, or any other person who is a member
37 of or associated with the staff of a hospital, or any employee of a hospital,
38 doctor, clinic, ~~or~~ or other medical or surgical facility in which an abortion
39 has been authorized, who ~~shall state~~ STATES in writing an objection to ~~such~~
40 THE abortion on moral or religious grounds ~~shall~~ IS not ~~be~~ required to
41 FACILITATE OR participate in the medical or surgical procedures ~~which~~ THAT
42 will result in the abortion.

43 B. A PHARMACY, HOSPITAL OR HEALTH PROFESSIONAL, OR ANY EMPLOYEE OF A
44 PHARMACY, HOSPITAL OR HEALTH PROFESSIONAL, WHO STATES IN WRITING AN OBJECTION
45 TO ABORTION, ABORTION MEDICATION, EMERGENCY CONTRACEPTION OR ANY MEDICATION
46 OR DEVICE INTENDED TO INHIBIT OR PREVENT IMPLANTATION OF A FERTILIZED OVUM ON

1 MORAL OR RELIGIOUS GROUNDS IS NOT REQUIRED TO FACILITATE OR PARTICIPATE IN
2 THE PROVISION OF AN ABORTION, ABORTION MEDICATION, EMERGENCY CONTRACEPTION OR
3 ANY MEDICATION OR DEVICE INTENDED TO INHIBIT OR PREVENT IMPLANTATION OF A
4 FERTILIZED OVUM. THE PHARMACY, HOSPITAL OR HEALTH PROFESSIONAL, OR AN
5 EMPLOYEE OF THE PHARMACY, HOSPITAL OR HEALTH PROFESSIONAL, SHALL RETURN TO
6 THE PATIENT THE PATIENT'S WRITTEN PRESCRIPTION ORDER.

7 Sec. 6. Construction

8 This act does not create or recognize a right to an abortion and does
9 not make lawful an abortion that is currently unlawful.

10 Sec. 7. Severability

11 If a provision of this act or its application to any person or
12 circumstance is held invalid, the invalidity does not affect other provisions
13 or applications of the act that can be given effect without the invalid
14 provision or application, and to this end the provisions of this act are
15 severable.

APPROVED BY THE GOVERNOR JULY 13, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 13, 2009.