State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

HOUSE BILL 2443

AN ACT

AMENDING TITLE 13, CHAPTER 36, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3603.02; AMENDING TITLE 36, CHAPTER 20, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-2156; RELATING TO ABORTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 13, chapter 36, Arizona Revised Statutes, is amended by adding section 13-3603.02, to read:

A. A person who knowingly does any of the following is guilty of a class 3 felony:
1. Performs an abortion knowing that the abortion is sought based on the sex or race of the child or the race of a parent of that child.
2. Uses force or the threat of force to intentionally injure or intimidate any person for the purpose of coercing a sex-selection or race-selection abortion.
3. Solicits or accepts monies to finance a sex-selection or race-selection abortion.

B. The attorney general or the county attorney may bring an action in superior court to enjoin the activity described in subsection A of this section.

C. The father of the unborn child who is married to the mother at the time she receives a sex-selection or race-selection abortion, or, if the mother has not attained eighteen years of age at the time of the abortion, the maternal grandparents of the unborn child, may bring a civil action on behalf of the unborn child to obtain appropriate relief with respect to a violation of subsection A of this section. The court may award reasonable attorney fees as part of the costs in an action brought pursuant to this subsection. For the purposes of this subsection, "appropriate relief" includes monetary damages for all injuries, whether psychological, physical or financial, including loss of companionship and support, resulting from the violation of subsection A of this section.

D. A physician, physician's assistant, nurse, counselor or other medical or mental health professional who knowingly does not report known violations of this section to appropriate law enforcement authorities shall be subject to a civil fine of not more than ten thousand dollars.

E. A woman on whom a sex-selection or race-selection abortion is performed is not subject to criminal prosecution or civil liability for any violation of this section or for a conspiracy to violate this section.

F. For the purposes of this section, "abortion" has the same meaning prescribed in section 36-2151.

Sec. 2. Title 36, chapter 20, article 1, Arizona Revised Statutes, is amended by adding section 36-2156, to read:

A person shall not knowingly perform or induce an abortion before that person completes an affidavit that:
1. STATES THAT THE PERSON MAKING THE AFFIDAVIT IS NOT ABORTING THE
CHILD BECAUSE OF THE CHILD'S SEX OR RACE AND HAS NO KNOWLEDGE THAT THE CHILD
TO BE ABORTED IS BEING ABORTED BECAUSE OF THE CHILD'S SEX OR RACE.
2. IS SIGNED BY THE PERSON PERFORMING OR INDUCING THE ABORTION.

Sec. 3. **Purpose**
Evidence shows that minorities are targeted for abortion and that
sex-selection abortion is also occurring in our country. There is no place
for such discrimination and inequality in human society. Sex-selection and
race-selection abortions are elective procedures that do not in any way
implicate a woman's health. The purpose of this legislation is to protect
unborn children from prenatal discrimination in the form of being subjected
to abortion based on the child's sex or race by prohibiting sex-selection or
race-selection abortions.

Sec. 4. **Construction**
This act does not establish or recognize a right to an abortion and
does not make lawful an abortion that is currently unlawful.

Sec. 5. **Severability**
If a provision of this act or its application to any person or
circumstance is held invalid, the invalidity does not affect other provisions
or applications of the act that can be given effect without the invalid
provision or application, and to this end the provisions of this act are
severable.

Sec. 6. **Short title**
This act may be cited as the "Susan B. Anthony and Frederick Douglass
Prenatal Nondiscrimination Act of 2011".