

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

**CHAPTER 9**  
**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)

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

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

4 13-3603.02. Abortion; sex and race selection; injunctive and  
5 civil relief; failure to report; definition

6 A. A PERSON WHO KNOWINGLY DOES ANY OF THE FOLLOWING IS GUILTY OF A  
7 CLASS 3 FELONY:

8 1. PERFORMS AN ABORTION KNOWING THAT THE ABORTION IS SOUGHT BASED ON  
9 THE SEX OR RACE OF THE CHILD OR THE RACE OF A PARENT OF THAT CHILD.

10 2. USES FORCE OR THE THREAT OF FORCE TO INTENTIONALLY INJURE OR  
11 INTIMIDATE ANY PERSON FOR THE PURPOSE OF COERCING A SEX-SELECTION OR  
12 RACE-SELECTION ABORTION.

13 3. SOLICITS OR ACCEPTS MONIES TO FINANCE A SEX-SELECTION OR  
14 RACE-SELECTION ABORTION.

15 B. THE ATTORNEY GENERAL OR THE COUNTY ATTORNEY MAY BRING AN ACTION IN  
16 SUPERIOR COURT TO ENJOIN THE ACTIVITY DESCRIBED IN SUBSECTION A OF THIS  
17 SECTION.

18 C. THE FATHER OF THE UNBORN CHILD WHO IS MARRIED TO THE MOTHER AT THE  
19 TIME SHE RECEIVES A SEX-SELECTION OR RACE-SELECTION ABORTION, OR, IF THE  
20 MOTHER HAS NOT ATTAINED EIGHTEEN YEARS OF AGE AT THE TIME OF THE ABORTION,  
21 THE MATERNAL GRANDPARENTS OF THE UNBORN CHILD, MAY BRING A CIVIL ACTION ON  
22 BEHALF OF THE UNBORN CHILD TO OBTAIN APPROPRIATE RELIEF WITH RESPECT TO A  
23 VIOLATION OF SUBSECTION A OF THIS SECTION. THE COURT MAY AWARD REASONABLE  
24 ATTORNEY FEES AS PART OF THE COSTS IN AN ACTION BROUGHT PURSUANT TO THIS  
25 SUBSECTION. FOR THE PURPOSES OF THIS SUBSECTION, "APPROPRIATE RELIEF"  
26 INCLUDES MONETARY DAMAGES FOR ALL INJURIES, WHETHER PSYCHOLOGICAL, PHYSICAL  
27 OR FINANCIAL, INCLUDING LOSS OF COMPANIONSHIP AND SUPPORT, RESULTING FROM THE  
28 VIOLATION OF SUBSECTION A OF THIS SECTION.

29 D. A PHYSICIAN, PHYSICIAN'S ASSISTANT, NURSE, COUNSELOR OR OTHER  
30 MEDICAL OR MENTAL HEALTH PROFESSIONAL WHO KNOWINGLY DOES NOT REPORT KNOWN  
31 VIOLATIONS OF THIS SECTION TO APPROPRIATE LAW ENFORCEMENT AUTHORITIES SHALL  
32 BE SUBJECT TO A CIVIL FINE OF NOT MORE THAN TEN THOUSAND DOLLARS.

33 E. A WOMAN ON WHOM A SEX-SELECTION OR RACE-SELECTION ABORTION IS  
34 PERFORMED IS NOT SUBJECT TO CRIMINAL PROSECUTION OR CIVIL LIABILITY FOR ANY  
35 VIOLATION OF THIS SECTION OR FOR A CONSPIRACY TO VIOLATE THIS SECTION.

36 F. FOR THE PURPOSES OF THIS SECTION, "ABORTION" HAS THE SAME MEANING  
37 PRESCRIBED IN SECTION 36-2151.

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

40 36-2156. Affidavit

41 A PERSON SHALL NOT KNOWINGLY PERFORM OR INDUCE AN ABORTION BEFORE THAT  
42 PERSON COMPLETES AN AFFIDAVIT THAT:

1           1. STATES THAT THE PERSON MAKING THE AFFIDAVIT IS NOT ABORTING THE  
2 CHILD BECAUSE OF THE CHILD'S SEX OR RACE AND HAS NO KNOWLEDGE THAT THE CHILD  
3 TO BE ABORTED IS BEING ABORTED BECAUSE OF THE CHILD'S SEX OR RACE.

4           2. IS SIGNED BY THE PERSON PERFORMING OR INDUCING THE ABORTION.

5           Sec. 3. Purpose

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

14          Sec. 4. Construction

15          This act does not establish or recognize a right to an abortion and  
16 does not make lawful an abortion that is currently unlawful.

17          Sec. 5. Severability

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

23          Sec. 6. Short title

24          This act may be cited as the "Susan B. Anthony and Frederick Douglass  
25 Prenatal Nondiscrimination Act of 2011".

APPROVED BY THE GOVERNOR MARCH 29, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 29, 2011.