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

SENATE BILL 1318

AN ACT

AMENDING SECTIONS 20-121 AND 36-449.02, ARIZONA REVISED STATUTES; RELATING TO ABORTION.

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

Section 1. Section 20-121, Arizona Revised Statutes, is amended to read:

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

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

B. Subsection A OF THIS SECTION does not apply to coverage for any abortion that is necessary to either:
   1. THAT IS NECESSARY TO save the life of the woman having the abortion.
   2. THAT IS NECESSARY TO avert substantial and irreversible impairment of a major bodily function of the woman having the abortion.
   3. WHEN THE PREGNANCY IS THE RESULT OF RAPE OR INCEST.

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

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

A. Beginning on April 1, 2000, an abortion clinic shall meet the same licensure requirements as prescribed in article 2 of this chapter for health 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 ARE REQUIRED TO BE AVAILABLE HAVE ADMITTING PRIVILEGES AT A HEALTH CARE INSTITUTION AS REQUIRED BY SECTION 36-449.03, SUBSECTION C, PARAGRAPH 3.

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

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

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

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

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

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

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