

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)

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. ~~THAT IS NECESSARY TO~~ save the life of the woman having the  
15 abortion.

16 2. ~~THAT IS NECESSARY TO~~ avert substantial and irreversible impairment  
17 of a major bodily function of the woman having the abortion.

18 3. ~~WHEN THE PREGNANCY IS THE RESULT OF RAPE OR INCEST.~~

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

21 36-449.02. Abortion clinics; licensure requirements; rules;  
22 inspections; standing to intervene; legal counsel

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

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

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

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

1 compliance with this article, rules adopted pursuant to this article, local  
2 fire ordinances or rules and any other law or rule relating to abortion.

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

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

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

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