

REFERENCE TITLE: **limited service pregnancy centers; regulation**

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HB 2206

Introduced by
Representatives Meyer, Andrade, Cardenas, Fernandez, Senator Hobbs:
Representatives Gabaldón, Hale

AN ACT

AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 19.1; RELATING TO PREGNANCY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 36, Arizona Revised Statutes, is amended by adding
3 chapter 19.1, to read:

4 CHAPTER 19.1

5 LIMITED SERVICE PREGNANCY CENTERS

6 ARTICLE 1. GENERAL PROVISIONS

7 36-2111. Definitions

8 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "HEALTH CARE PROVIDER" MEANS AN INDIVIDUAL WHO IS LICENSED OR
10 CERTIFIED PURSUANT TO TITLE 32 TO PROVIDE HEALTH CARE SERVICES IN THIS STATE.

11 2. "LIMITED SERVICE PREGNANCY CENTER":

12 (a) MEANS AN ORGANIZATION, INCLUDING A PREGNANCY COUNSELING
13 ORGANIZATION OR CRISIS PREGNANCY CENTER, THAT FOR A FEE OR FREE OF CHARGE
14 PROVIDES PREGNANCY COUNSELING OR INFORMATION BUT DOES NOT PERFORM ABORTIONS
15 OR MAKE REFERRALS TO AN ABORTION PROVIDER AND IS NOT LICENSED OR CERTIFIED BY
16 THIS STATE OR THE FEDERAL GOVERNMENT TO PROVIDE MEDICAL OR HEALTH CARE
17 SERVICES.

18 (b) DOES NOT INCLUDE A HEALTH CARE PROVIDER, A HOSPITAL, AN ABORTION
19 CLINIC OR A FAMILY PLANNING CLINIC THAT PERFORMS ABORTIONS, PROVIDES
20 CONTRACEPTION OR PROVIDES ABORTION OR CONTRACEPTION REFERRALS.

21 36-2112. Requirements for materials provided; violation;
22 classification

23 A. ALL MATERIALS AND INFORMATION PROVIDED TO A PREGNANT WOMAN BY A
24 LIMITED SERVICE PREGNANCY CENTER SHALL BE SCIENTIFICALLY ACCURATE AND
25 EVIDENCE-BASED, AS DETERMINED BY A MEDICAL ORGANIZATION OR PHYSICIAN GROUP.

26 B. A VIOLATION OF THIS SECTION IS A CLASS 1 MISDEMEANOR.

27 36-2113. Nondirective counseling; information required;
28 violation; classification

29 A. A LIMITED SERVICE PREGNANCY CENTER THAT RECEIVES STATE MONEY SHALL
30 PROVIDE TO EACH CLIENT COMPREHENSIVE, NONDIRECTIVE REPRODUCTIVE HEALTH CARE
31 COUNSELING AND INFORMATION, INCLUDING INFORMATION ON PLANNING, BIRTH CONTROL,
32 PREGNANCY AND POSTPARTUM HEALTH.

33 B. AN EMPLOYEE OF A LIMITED SERVICE PREGNANCY CENTER WHO VIOLATES
34 SUBSECTION A OF THIS SECTION IS GUILTY OF A CLASS 1 MISDEMEANOR.

35 36-2114. Posted notice required; violation; unlawful practice

36 A. A LIMITED SERVICE PREGNANCY CENTER SHALL PROMINENTLY DISPLAY TWO
37 BLACK AND WHITE SIGNS AT THE ENTRANCE OF THE CENTER, ONE IN ENGLISH AND ONE
38 IN SPANISH, THAT CONTAIN THE FOLLOWING STATEMENT: "THIS CENTER IS NOT A
39 LICENSED MEDICAL FACILITY." EACH SIGN MUST BE AT LEAST EIGHT AND ONE-HALF BY
40 ELEVEN INCHES IN SIZE AND BE CLEARLY LEGIBLE FROM OUTSIDE OF THE CENTER. THE
41 TEXT FOR THE SIGN SHALL BE IN AT LEAST FORTY-EIGHT-POINT FONT SIZE.

42 B. A VIOLATION OF THIS SECTION IS AN UNLAWFUL PRACTICE PURSUANT TO
43 SECTION 44-1522. THE ATTORNEY GENERAL MAY INVESTIGATE AND TAKE APPROPRIATE
44 ACTION AS PRESCRIBED BY TITLE 44, CHAPTER 10, ARTICLE 7.

1 36-2115. Civil penalties; costs; attorney fees
2 A. IN ADDITION TO BEING SUBJECT TO A CRIMINAL PENALTY, A PERSON WHO
3 INTENTIONALLY VIOLATES SECTION 36-2112 OR 36-2113 IS SUBJECT TO A CIVIL
4 PENALTY IN AN AMOUNT OF NOT MORE THAN TEN THOUSAND DOLLARS FOR EACH
5 VIOLATION. THE AMOUNT SHALL BE BASED ON:
6 1. THE SERIOUSNESS OF THE VIOLATION.
7 2. THE HISTORY OF PREVIOUS VIOLATIONS.
8 3. THE AMOUNT NECESSARY TO DETER A FUTURE VIOLATION.
9 4. ANY OTHER MATTER THAT JUSTICE MAY REQUIRE.
10 B. THE ATTORNEY GENERAL OR COUNTY ATTORNEY OF THE COUNTY IN WHICH THE
11 VIOLATION IS ALLEGED TO HAVE OCCURRED MAY FILE AN ACTION IN SUPERIOR COURT TO
12 COLLECT A CIVIL PENALTY UNDER THIS SECTION. IN THE ACTION THE ATTORNEY
13 GENERAL OR COUNTY ATTORNEY MAY RECOVER REASONABLE EXPENSES INCURRED IN
14 OBTAINING THE PENALTY, INCLUDING INVESTIGATION AND COURT COSTS AND REASONABLE
15 ATTORNEY FEES.
16 C. A SEPARATE CIVIL PENALTY MAY BE ASSESSED FOR EACH DAY A CONTINUING
17 VIOLATION OCCURS.
18 D. THE PENALTIES PROVIDED BY THIS SECTION ARE IN ADDITION TO ANY OTHER
19 PENALTY PROVIDED BY LAW.