

Senate Engrossed
abortion; refusal to assist

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

SENATE BILL 1362

AN ACT

AMENDING SECTIONS 36-1321, 36-1322 AND 36-2154, 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 36-1321, Arizona Revised Statutes, is amended to
3 read:

4 36-1321. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Discriminate" means taking or threatening any adverse action,
7 including any of the following:

- 8 (a) Termination of employment.
- 9 (b) Transfer from current position.
- 10 (c) Demotion from current position.
- 11 (d) Adverse administrative action.
- 12 (e) Reassignment to a different shift or job title.
- 13 (f) Increased administrative duties.
- 14 (g) Refusal of staff privileges.
- 15 (h) Refusal of board certification.
- 16 (i) Reduction of wages, benefits or privileges.
- 17 (j) Refusal to award a grant, contract or other benefit.
- 18 (k) Refusal to provide residency training opportunities.
- 19 (l) Denial, suspension or revocation of a license.
- 20 (m) Impediments to creating, expanding or improving a health care

21 entity.

22 (n) Impediments to acquiring or associating or merging with any
23 other health care entity.

24 (o) Any other penalty or disciplinary or retaliatory action.

25 2. "Health care entity" means any of the following or an employee
26 OR STUDENT of any of the following:

- 27 (a) A health care institution as defined in section 36-401.
- 28 (b) A health professional as defined in section 32-3201.
- 29 (c) A health care services organization as defined in section
30 20-1051.
- 31 (d) A hospital service corporation or medical service corporation
32 as defined in section 20-822.
- 33 (e) An accountable health plan as defined in section 20-2301.

34 3. "Person" includes this state and any agency or political
35 subdivision of this state.

36 Sec. 2. Section 36-1322, Arizona Revised Statutes, is amended to
37 read:

38 36-1322. Discrimination prohibited; immunity

39 A. A person may not discriminate against a health care entity on
40 the basis that the health care entity does not provide, assist in
41 providing or facilitate in providing any health care item or service for
42 the purpose of causing or assisting in causing the death of any
43 individual, such as by MEANS OF ABORTION, EMERGENCY CONTRACEPTION,
44 assisted suicide, euthanasia or mercy killing.

1 B. A health care entity is not liable in any civil, criminal or
2 administrative action for declining to provide any health care item or
3 service for the purpose of causing or assisting in causing the death of
4 any individual as specified in subsection A of this section.

5 C. This section does not apply to the withholding of
6 cardiopulmonary resuscitation for a patient with a valid prehospital
7 medical CARE directive as provided in section 36-3251 or a similar medical
8 order to withhold cardiopulmonary resuscitation issued by a licensed
9 health care provider.

10 Sec. 3. Section 36-2154, Arizona Revised Statutes, is amended to
11 read:

12 36-2154. Right to refuse to participate in abortion; abortion
13 medication or emergency contraception

14 A. A hospital is not required to admit any patient for the purpose
15 of performing an abortion. A physician, or any other person who is a
16 member of or associated with the staff of a hospital, or any employee OR
17 STUDENT of a hospital, doctor, clinic or other medical or surgical
18 facility in which an abortion has been authorized, who states in writing
19 an objection to the abortion on moral, ETHICAL or religious grounds is not
20 required to facilitate or participate in the medical or surgical
21 procedures that will result in the abortion.

22 B. A pharmacy, hospital, ☐ health professional, SCHOOL OR STUDENT
23 or any employee of a pharmacy, hospital or health professional, who states
24 in writing an objection to abortion, abortion medication, emergency
25 contraception or any medication or device intended to inhibit or prevent
26 implantation of a fertilized ovum on moral, ETHICAL or religious grounds
27 is not required to facilitate or participate in the provision of an
28 abortion, abortion medication, emergency contraception or any medication
29 or device intended to inhibit or prevent implantation of a fertilized
30 ovum. The pharmacy, hospital, ☐ health professional, SCHOOL OR STUDENT,
31 or an employee of the pharmacy, hospital or health professional, shall
32 return to the patient the patient's written prescription order.