

REFERENCE TITLE: **abortion; authorized providers; waiting period**

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

SB 1724

Introduced by
Senator Rios

AN ACT

AMENDING SECTIONS 32-1606, 32-2501, 32-2531, 32-2532, 32-2534, 36-449.01, 36-449.03, 36-2152, 36-2153, 36-2155, 36-2156, 36-2158, 36-2161 AND 36-2162.01, ARIZONA REVISED STATUTES; REPEALING SECTION 36-3604, 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 32-1606, Arizona Revised Statutes, is amended to
3 read:

4 32-1606. Powers and duties of board

5 A. The board may:

6 1. Adopt and revise rules necessary to carry into effect this
7 chapter.

8 2. Publish advisory opinions regarding registered and practical
9 nursing practice and nursing education.

10 3. Issue limited licenses or certificates if it determines that an
11 applicant or licensee cannot function safely in a specific setting or
12 within the full scope of practice.

13 4. Refer criminal violations of this chapter to the appropriate law
14 enforcement agency.

15 5. Establish a confidential program for monitoring licensees who
16 are chemically dependent and who enroll in rehabilitation programs that
17 meet the criteria established by the board. The board may take further
18 action if the licensee refuses to enter into a stipulated agreement or
19 fails to comply with its terms. In order to protect the public health and
20 safety, the confidentiality requirements of this paragraph do not apply if
21 the licensee does not comply with the stipulated agreement.

22 6. On the applicant's or regulated party's request, establish a
23 payment schedule with the applicant or regulated party.

24 7. Provide education regarding board functions.

25 8. Collect or assist in collecting workforce data.

26 9. Adopt rules to conduct pilot programs consistent with public
27 safety for innovative applications in nursing practice, education and
28 regulation.

29 10. Grant retirement status on request to retired nurses who are or
30 were licensed under this chapter, who have no open complaint or
31 investigation pending against them and who are not subject to discipline.

32 11. Accept and spend federal monies and private grants, gifts,
33 contributions and devises to assist in carrying out the purposes of this
34 chapter. These monies do not revert to the state general fund at the end
35 of the fiscal year.

36 B. The board shall:

37 1. Approve regulated training and educational programs that meet
38 the requirements of this chapter and rules adopted by the board.

39 2. By rule, establish approval and reapproval processes for nursing
40 and nursing assistant training programs that meet the requirements of this
41 chapter and board rules.

42 3. Prepare and maintain a list of approved nursing programs to
43 prepare registered and practical nurses whose graduates are eligible for
44 licensing under this chapter as registered nurses or as practical nurses
45 if they satisfy the other requirements of this chapter and board rules.

- 1 4. Examine qualified registered and practical nurse applicants.
- 2 5. License and renew the licenses of qualified registered and
- 3 practical nurse applicants and licensed nursing assistants who are not
- 4 qualified to be licensed by the executive director.
- 5 6. Adopt a seal, which the executive director shall keep.
- 6 7. Keep a record of all proceedings.
- 7 8. For proper cause, deny or rescind approval of a regulated
- 8 training or educational program for failure to comply with this chapter or
- 9 the rules of the board.
- 10 9. Adopt rules to approve credential evaluation services that
- 11 evaluate the qualifications of applicants who graduated from an
- 12 international nursing program.
- 13 10. Determine and administer appropriate disciplinary action
- 14 against all regulated parties who are found guilty of violating this
- 15 chapter or rules adopted by the board.
- 16 11. Perform functions necessary to carry out the requirements of
- 17 nursing assistant and nurse aide training and competency evaluation
- 18 program as set forth in the omnibus budget reconciliation act of 1987
- 19 (P.L. 100-203; 101 Stat. 1330), as amended by the medicare catastrophic
- 20 coverage act of 1988 (P.L. 100-360; 102 Stat. 683). These functions shall
- 21 include:
- 22 (a) Testing and registering certified nursing assistants.
- 23 (b) Testing and licensing licensed nursing assistants.
- 24 (c) Maintaining a list of board-approved training programs.
- 25 (d) Maintaining a registry of nursing assistants for all certified
- 26 nursing assistants and licensed nursing assistants.
- 27 (e) Assessing fees.
- 28 12. Adopt rules establishing those acts that may be performed by a
- 29 registered nurse practitioner or certified nurse midwife, ~~except that the~~
- 30 ~~board does not have authority to decide scope of practice relating to~~
- 31 ~~abortion as defined in section 36-2151.~~
- 32 13. Adopt rules that prohibit registered nurse practitioners,
- 33 clinical nurse specialists or certified nurse midwives from dispensing a
- 34 schedule II controlled substance that is an opioid, except for an
- 35 implantable device or an opioid that is for medication-assisted treatment
- 36 for substance use disorders.
- 37 14. Adopt rules establishing educational requirements to certify
- 38 school nurses.
- 39 15. Publish copies of board rules and distribute these copies on
- 40 request.
- 41 16. Require each applicant for initial licensure or certification
- 42 to submit a full set of fingerprints to the board for the purpose of
- 43 obtaining a state and federal criminal records check pursuant to section
- 44 41-1750 and Public Law 92-544. The department of public safety may
- 45 exchange this fingerprint data with the federal bureau of investigation.

1 17. Except for a licensee who has been convicted of a felony that
2 has been designated a misdemeanor pursuant to section 13-604, revoke a
3 license of a person, revoke the multistate licensure privilege of a person
4 pursuant to section 32-1669 or not issue a license or renewal to an
5 applicant who has one or more felony convictions and who has not received
6 an absolute discharge from the sentences for all felony convictions three
7 or more years before the date of filing an application pursuant to this
8 chapter.

9 18. Establish standards to approve and reapprove nurse practitioner
10 and clinical nurse specialist programs and provide for surveys of nurse
11 practitioner and clinical nurse specialist programs as it deems necessary.

12 19. Provide the licensing authorities of health care institutions,
13 facilities and homes with any information the board receives regarding
14 practices that place a patient's health at risk.

15 20. Limit the multistate licensure privilege of any person who
16 holds or applies for a license in this state pursuant to section 32-1668.

17 21. Adopt rules to establish competency standards for obtaining and
18 maintaining a license.

19 22. Adopt rules to qualify and certify clinical nurse specialists.

20 23. Adopt rules to approve and reapprove refresher courses for
21 nurses who are not currently practicing.

22 24. Maintain a list of approved medication assistant training
23 programs.

24 25. Test and certify medication assistants.

25 26. Maintain a registry and disciplinary record of medication
26 assistants who are certified pursuant to this chapter.

27 27. Adopt rules to establish the requirements for a clinical nurse
28 specialist to prescribe and dispense drugs and devices consistent with
29 section 32-1651 and within the clinical nurse specialist's population or
30 disease focus.

31 C. The board may conduct an investigation on receipt of information
32 that indicates that a person or regulated party may have violated this
33 chapter or a rule adopted pursuant to this chapter. Following the
34 investigation, the board may take disciplinary action pursuant to this
35 chapter.

36 D. The board may limit, revoke or suspend the privilege of a nurse
37 to practice in this state granted pursuant to section 32-1668.

38 E. Failure to comply with any final order of the board, including
39 an order of censure or probation, is cause for suspension or revocation of
40 a license or a certificate.

41 F. The president or a member of the board designated by the
42 president may administer oaths in transacting the business of the board.

1 Sec. 2. Section 32-2501, Arizona Revised Statutes, is amended to
2 read:

3 32-2501. Definitions

4 In this chapter, unless the context otherwise requires:

5 1. "Active license" means a regular license issued pursuant to this
6 chapter.

7 2. "Adequate records" means legible medical records containing, at
8 a minimum, sufficient information to identify the patient, support the
9 diagnosis, justify the treatment, accurately document the results,
10 indicate advice and cautionary warnings provided to the patient and
11 provide sufficient information for another practitioner to assume
12 continuity of the patient's care at any point in the course of treatment.

13 3. "Advisory letter" means a nondisciplinary letter to notify a
14 physician assistant that either:

15 (a) While there is insufficient evidence to support disciplinary
16 action, the board believes that continuation of the activities that led to
17 the investigation may result in further board action against the licensee.

18 (b) The violation is a minor or technical violation that is not of
19 sufficient merit to warrant disciplinary action.

20 (c) While the licensee has demonstrated substantial compliance
21 through rehabilitation or remediation that has mitigated the need for
22 disciplinary action, the board believes that repetition of the activities
23 that led to the investigation may result in further board action against
24 the licensee.

25 4. "Approved program" means a physician assistant educational
26 program accredited by the accreditation review commission on education for
27 physician assistants, or one of its predecessor agencies, the committee on
28 allied health education and accreditation or the commission on the
29 accreditation of allied health educational programs.

30 5. "Board" means the Arizona regulatory board of physician
31 assistants.

32 6. "Completed application" means an application for which the
33 applicant has supplied all required fees, information and correspondence
34 requested by the board on forms and in a manner acceptable to the board.

35 7. "Immediate family" means the spouse, natural or adopted
36 children, father, mother, brothers and sisters of the physician assistant
37 and the natural or adopted children, father, mother, brothers and sisters
38 of the physician assistant's spouse.

39 8. "Letter of reprimand" means a disciplinary letter that is issued
40 by the board and that informs the physician assistant that the physician
41 assistant's conduct violates state or federal law and may require the
42 board to monitor the physician assistant.

43 9. "Limit" means a nondisciplinary action that is taken by the
44 board and that alters a physician assistant's practice or medical

1 activities if there is evidence that the physician assistant is or may be
2 mentally or physically unable to safely engage in health care tasks.

3 10. "Medically incompetent" means that a physician assistant lacks
4 sufficient medical knowledge or skills, or both, in performing delegated
5 health care tasks to a degree likely to endanger the health or safety of
6 patients.

7 11. "Minor surgery" means those invasive procedures that may be
8 delegated to a physician assistant by a supervising physician, that are
9 consistent with the training and experience of the physician assistant,
10 that are normally taught in courses of training approved by the board and
11 that have been approved by the board as falling within a scope of practice
12 of a physician assistant. ~~Minor surgery does not include a surgical~~
13 ~~abortion.~~

14 12. "Physician" means a physician who is licensed pursuant to
15 chapter 13 or 17 of this title.

16 13. "Physician assistant" means a person who is licensed pursuant
17 to this chapter and who practices medicine with physician supervision.

18 14. "Regular license" means a valid and existing license that is
19 issued pursuant to section 32-2521 to perform health care tasks.

20 15. "Restrict" means a disciplinary action that is taken by the
21 board and that alters a physician assistant's practice or medical
22 activities if there is evidence that the physician assistant is or may be
23 medically incompetent or guilty of unprofessional conduct.

24 16. "Supervising physician" means a physician who holds a current
25 unrestricted license, who supervises a physician assistant and who assumes
26 legal responsibility for health care tasks performed by the physician
27 assistant.

28 17. "Supervision" means a physician's opportunity or ability to
29 provide or exercise direction and control over the services of a physician
30 assistant. Supervision does not require a physician's constant physical
31 presence if the supervising physician is or can be easily in contact with
32 the physician assistant by telecommunication.

33 18. "Unprofessional conduct" includes the following acts by a
34 physician assistant that occur in this state or elsewhere:

35 (a) Violating any federal or state law or rule that applies to the
36 performance of health care tasks as a physician assistant. Conviction in
37 any court of competent jurisdiction is conclusive evidence of a violation.

38 (b) Claiming to be a physician or knowingly ~~permitting~~ **ALLOWING**
39 another person to represent that person as a physician.

40 (c) Performing health care tasks that have not been delegated by
41 the supervising physician.

42 (d) Exhibiting a pattern of using or being under the influence of
43 alcohol or drugs or a similar substance while performing health care tasks
44 or to the extent that judgment may be impaired and the ability to perform
45 health care tasks detrimentally affected.

- 1 (e) Signing a blank, undated or predated prescription form.
- 2 (f) Committing gross malpractice, repeated malpractice or any
3 malpractice resulting in the death of a patient.
- 4 (g) Representing that a manifestly incurable disease or infirmity
5 can be permanently cured or that a disease, ailment or infirmity can be
6 cured by a secret method, procedure, treatment, medicine or device, if
7 this is not true.
- 8 (h) Refusing to divulge to the board on demand the means, method,
9 procedure, modality of treatment or medicine used in the treatment of a
10 disease, injury, ailment or infirmity.
- 11 (i) Prescribing or dispensing controlled substances or
12 prescription-only drugs for which the physician assistant is not approved
13 or in excess of the amount authorized pursuant to this chapter.
- 14 (j) Committing any conduct or practice that is or might be harmful
15 or dangerous to the health of a patient or the public.
- 16 (k) Violating a formal order, probation or stipulation issued by
17 the board.
- 18 (l) Failing to clearly disclose the person's identity as a
19 physician assistant in the course of the physician assistant's employment.
- 20 (m) Failing to use and affix the initials "P.A." or "P.A.-C." after
21 the physician assistant's name or signature on charts, prescriptions or
22 professional correspondence.
- 23 (n) Procuring or attempting to procure a physician assistant
24 license by fraud, misrepresentation or knowingly taking advantage of the
25 mistake of another.
- 26 (o) Having professional connection with or lending the physician
27 assistant's name to an illegal practitioner of any of the healing arts.
- 28 (p) Failing or refusing to maintain adequate records on a patient.
- 29 (q) Using controlled substances that have not been prescribed by a
30 physician, physician assistant, dentist or nurse practitioner for use
31 during a prescribed course of treatment.
- 32 (r) Prescribing or dispensing controlled substances to members of
33 the physician assistant's immediate family.
- 34 (s) Prescribing, dispensing or administering any controlled
35 substance or prescription-only drug for other than accepted therapeutic
36 purposes.
- 37 (t) Dispensing a schedule II controlled substance that is an
38 opioid, except as provided in section 32-2532.
- 39 (u) Knowingly making any written or oral false or fraudulent
40 statement in connection with the performance of health care tasks or when
41 applying for privileges or renewing an application for privileges at a
42 health care institution.
- 43 (v) Committing a felony, whether or not involving moral turpitude,
44 or a misdemeanor involving moral turpitude. In either case, conviction by

1 a court of competent jurisdiction or a plea of no contest is conclusive
2 evidence of the commission.

3 (w) Having a certification or license refused, revoked, suspended,
4 limited or restricted by any other licensing jurisdiction for the
5 inability to safely and skillfully perform health care tasks or for
6 unprofessional conduct as defined by that jurisdiction that directly or
7 indirectly corresponds to any act of unprofessional conduct as prescribed
8 by this paragraph.

9 (x) Having sanctions including restriction, suspension or removal
10 from practice imposed by an agency of the federal government.

11 (y) Violating or attempting to violate, directly or indirectly, or
12 assisting in or abetting the violation of or conspiring to violate a
13 provision of this chapter.

14 (z) Using the term "doctor" or the abbreviation "Dr." on a name tag
15 or in a way that leads the public to believe that the physician assistant
16 is licensed to practice as an allopathic or an osteopathic physician in
17 this state.

18 (aa) Failing to furnish legally requested information to the board
19 or its investigator in a timely manner.

20 (bb) Failing to allow properly authorized board personnel to
21 examine on demand documents, reports and records of any kind relating to
22 the physician assistant's performance of health care tasks.

23 (cc) Knowingly making a false or misleading statement on a form
24 required by the board or in written correspondence or attachments
25 furnished to the board.

26 (dd) Failing to submit to a body fluid examination and other
27 examinations known to detect the presence of alcohol or other drugs
28 pursuant to an agreement with the board or an order of the board.

29 (ee) Violating a formal order, probation agreement or stipulation
30 issued or entered into by the board or its executive director.

31 (ff) Except as otherwise required by law, intentionally betraying a
32 professional secret or intentionally violating a privileged
33 communication.

34 (gg) Allowing the use of the licensee's name in any way to enhance
35 or ~~permit~~ ALLOW the continuance of the activities of, or maintaining a
36 professional connection with, an illegal practitioner of medicine or the
37 performance of health care tasks by a person who is not licensed pursuant
38 to this chapter.

39 (hh) Committing false, fraudulent, deceptive or misleading
40 advertising by a physician assistant or the physician assistant's staff or
41 representative.

42 (ii) Knowingly failing to disclose to a patient on a form that is
43 prescribed by the board and that is dated and signed by the patient or
44 guardian acknowledging that the patient or guardian has read and
45 understands that the licensee has a direct financial interest in a

1 separate diagnostic or treatment agency or in nonroutine goods or services
2 that the patient is being prescribed and if the prescribed treatment,
3 goods or services are available on a competitive basis. This subdivision
4 does not apply to a referral by one physician assistant to another
5 physician assistant or to a doctor of medicine or a doctor of osteopathic
6 medicine within a group working together.

7 (jj) With the exception of heavy metal poisoning, using chelation
8 therapy in the treatment of arteriosclerosis or as any other form of
9 therapy without adequate informed patient consent or without conforming to
10 generally accepted experimental criteria including protocols, detailed
11 records, periodic analysis of results and periodic review by a medical
12 peer review committee, or without approval by the United States food and
13 drug administration or its successor agency.

14 (kk) Prescribing, dispensing or administering anabolic or
15 androgenic steroids for other than therapeutic purposes.

16 (ll) Prescribing, dispensing or furnishing a prescription
17 medication or a prescription-only device as defined in section 32-1901 to
18 a person unless the licensee first conducts a physical examination of that
19 person or has previously established a professional relationship with the
20 person. This subdivision does not apply to:

21 (i) A physician assistant who provides temporary patient care on
22 behalf of the patient's regular treating licensed health care
23 professional.

24 (ii) Emergency medical situations as defined in section 41-1831.

25 (iii) Prescriptions written to prepare a patient for a medical
26 examination.

27 (iv) Prescriptions written or antimicrobials dispensed to a contact
28 as defined in section 36-661 who is believed to have had significant
29 exposure risk as defined in section 36-661 with another person who has
30 been diagnosed with a communicable disease as defined in section 36-661 by
31 the prescribing or dispensing physician assistant.

32 (mm) Engaging in sexual conduct with a current patient or with a
33 former patient within six months after the last medical consultation
34 unless the patient was the licensee's spouse at the time of the contact
35 or, immediately preceding the professional relationship, was in a dating
36 or engagement relationship with the licensee. For the purposes of this
37 subdivision, "sexual conduct" includes:

38 (i) Engaging in or soliciting sexual relationships, whether
39 consensual or nonconsensual.

40 (ii) Making sexual advances, requesting sexual favors or engaging
41 in other verbal conduct or physical contact of a sexual nature with a
42 patient.

43 (iii) Intentionally viewing a completely or partially disrobed
44 patient in the course of treatment if the viewing is not related to
45 patient diagnosis or treatment under current practice standards.

1 (nn) Performing health care tasks under a false or assumed name in
2 this state.

3 Sec. 3. Section 32-2531, Arizona Revised Statutes, is amended to
4 read:

5 32-2531. Physician assistant scope of practice; health care
6 tasks; supervising physician duties; civil penalty

7 A. A supervising physician may delegate health care tasks to a
8 physician assistant.

9 ~~B. A physician assistant shall not perform surgical abortions as~~
10 ~~defined in section 36-2151.~~

11 ~~C.~~ B. The physician assistant may perform those duties and
12 responsibilities, including ~~the~~ ordering, prescribing, dispensing and
13 ~~administration of~~ ADMINISTERING drugs and medical devices, that are
14 delegated by the supervising physician.

15 ~~D.~~ C. The physician assistant may provide any medical service that
16 is delegated by the supervising physician if the service is within the
17 physician assistant's skills, is within the physician's scope of practice
18 and is supervised by the physician.

19 ~~E.~~ D. The physician assistant may pronounce death and, if
20 delegated, may authenticate by the physician assistant's signature any
21 form that may be authenticated by a physician's signature.

22 ~~F.~~ E. The physician assistant is the agent of the physician
23 assistant's supervising physician in ~~the performance of~~ PERFORMING all
24 practice related activities, including ~~the~~ ordering ~~of~~ diagnostic,
25 therapeutic and other medical services.

26 ~~G.~~ F. The physician assistant may perform health care tasks in any
27 setting authorized by the supervising physician, including physician
28 offices, clinics, hospitals, ambulatory surgical centers, patient homes,
29 nursing homes and other health care institutions. These tasks may
30 include:

- 31 1. Obtaining patient histories.
- 32 2. Performing physical examinations.
- 33 3. Ordering and performing diagnostic and therapeutic procedures.
- 34 4. Formulating a diagnostic impression.
- 35 5. Developing and implementing a treatment plan.
- 36 6. Monitoring the effectiveness of therapeutic interventions.
- 37 7. Assisting in surgery.
- 38 8. Offering counseling and education to meet patient needs.
- 39 9. Making appropriate referrals.
- 40 10. Prescribing schedule IV or V controlled substances as defined in
41 the federal controlled substances act of 1970 (P.L. 91-513; 84 Stat. 1242;
42 21 United States Code section 802) and prescription-only medications.
- 43 11. Prescribing schedule II and III controlled substances as defined
44 in the federal controlled substances act of 1970.
- 45 12. Performing minor surgery as defined in section 32-2501.

1 13. Performing other nonsurgical health care tasks that are normally
2 taught in courses of training approved by the board, that are consistent
3 with the training and experience of the physician assistant and that have
4 been properly delegated by the supervising physician.

5 ~~H.~~ G. The supervising physician shall:

6 1. Meet the requirements established by the board for supervising a
7 physician assistant.

8 2. Accept responsibility for all tasks and duties the physician
9 delegates to a physician assistant.

10 3. Notify the board and the physician assistant in writing if the
11 physician assistant exceeds the scope of the delegated health care tasks.

12 4. Maintain a written agreement with the physician assistant. The
13 agreement must state that the physician will exercise supervision over the
14 physician assistant and retains professional and legal responsibility for
15 the care rendered by the physician assistant. The agreement must be
16 signed by the supervising physician and the physician assistant and
17 updated annually. The agreement must be kept on file at the practice site
18 and made available to the board on request. Each year the board shall
19 randomly audit at least five ~~percent~~ PERCENT of these agreements for
20 compliance.

21 ~~F.~~ H. A physician's ability to supervise a physician assistant is
22 not affected by restrictions imposed by the board on a physician assistant
23 pursuant to disciplinary action taken by the board.

24 ~~G.~~ I. Supervision must be continuous but does not require the
25 personal presence of the physician at the place where health care tasks
26 are performed if the physician assistant is in contact with the
27 supervising physician by telecommunication. If the physician assistant
28 practices in a location where a supervising physician is not routinely
29 present, the physician assistant must meet in person or by
30 telecommunication with a supervising physician at least once each week to
31 ensure ongoing direction and oversight of the physician assistant's work.
32 The board by order may require the personal presence of a supervising
33 physician when designated health care tasks are performed.

34 ~~K.~~ J. At all times while a physician assistant is on duty, the
35 physician assistant shall wear a name tag with the designation "physician
36 assistant" on it.

37 ~~L.~~ K. The board by rule may prescribe a civil penalty for a
38 violation of this article. The penalty shall not exceed ~~fifty dollars~~ \$50
39 for each violation. The board shall deposit, pursuant to sections 35-146
40 and 35-147, all monies it receives from this penalty in the state general
41 fund. A physician assistant and the supervising physician may contest the
42 imposition of this penalty pursuant to board rule. The imposition of a
43 civil penalty is public information, and the board may use this
44 information in any future disciplinary actions.

1 Sec. 4. Section 32-2532, Arizona Revised Statutes, is amended to
2 read:

3 32-2532. Prescribing, administering and dispensing drugs;
4 limits and requirements; notice

5 A. Except as provided in subsection F of this section, a physician
6 assistant shall not prescribe, dispense or administer:

7 1. A schedule II or schedule III controlled substance as defined in
8 the federal controlled substances act of 1970 (P.L. 91-513; 84 Stat. 1242;
9 21 United States Code section 802) without delegation by the supervising
10 physician, board approval and United States drug enforcement
11 administration registration.

12 2. A schedule IV or schedule V controlled substance as defined in
13 the federal controlled substances act of 1970 without United States drug
14 enforcement administration registration and delegation by the supervising
15 physician.

16 3. Prescription-only medication without delegation by the
17 supervising physician.

18 ~~4. Prescription medication intended to perform or induce an~~
19 ~~abortion.~~

20 B. All prescription orders issued by a physician assistant shall
21 contain the name, address and telephone number of the physician assistant.
22 A physician assistant shall issue prescription orders for controlled
23 substances under the physician assistant's own United States drug
24 enforcement administration registration number.

25 C. If certified for prescription privileges pursuant to section
26 32-2504, subsection A, initial prescriptions for schedule II controlled
27 substances that are opioids are subject to the limits prescribed in
28 sections 32-3248 and 32-3248.01 if the physician assistant has been
29 delegated to prescribe schedule II controlled substances by the
30 supervising physician pursuant to this section. For each schedule IV or
31 schedule V controlled substance, the physician assistant may not prescribe
32 the controlled substance more than five times in a six-month period for
33 each patient.

34 D. A prescription for a schedule III controlled substance that is
35 an opioid or benzodiazepine is not refillable without the written consent
36 of the supervising physician.

37 E. Prescription-only drugs shall not be dispensed, prescribed or
38 refillable for a period exceeding one year.

39 F. Except in an emergency, a physician assistant may dispense
40 schedule II or schedule III controlled substances for a period of use of
41 not to exceed seventy-two hours with board approval or any other
42 controlled substance for a period of use of not to exceed ninety days and
43 may administer controlled substances without board approval if it is
44 medically indicated in an emergency dealing with potential loss of life or
45 limb or major acute traumatic pain. Notwithstanding the authority granted

1 in this subsection, a physician assistant may not dispense a schedule II
2 controlled substance that is an opioid, except for an implantable device
3 or an opioid that is for medication-assisted treatment for substance use
4 disorders.

5 G. Except for samples provided by manufacturers, all drugs
6 dispensed by a physician assistant shall be labeled to show the name of
7 the physician assistant.

8 H. A physician assistant shall not obtain a drug from any source
9 other than the supervising physician or a pharmacist. A physician
10 assistant may receive manufacturers' samples if delegated to do so by the
11 supervising physician.

12 I. If a physician assistant is approved by the board to prescribe,
13 administer or dispense schedule II and schedule III controlled substances,
14 the physician assistant shall maintain an up-to-date and complete log of
15 all schedule II and schedule III controlled substances the physician
16 assistant administers or dispenses. The board may not grant a physician
17 assistant the authority to dispense schedule II controlled substances that
18 are opioids, except for implantable devices or opioids that are for
19 medication-assisted treatment for substance use disorders.

20 J. The ARIZONA REGULATORY board OF PHYSICIAN ASSISTANTS shall
21 advise the Arizona state board of pharmacy and the United States drug
22 enforcement administration of all physician assistants who are authorized
23 to prescribe or dispense drugs and any modification of their authority.

24 K. The Arizona state board of pharmacy shall notify all pharmacies
25 at least quarterly of physician assistants who are authorized to prescribe
26 or dispense drugs.

27 Sec. 5. Section 32-2534, Arizona Revised Statutes, is amended to
28 read:

29 32-2534. Initiation of practice

30 A physician assistant may not perform health care tasks until the
31 physician assistant has completed and signed a written agreement with a
32 supervising physician pursuant to section 32-2531, subsection ~~H~~ G,
33 paragraph 4.

34 Sec. 6. Section 36-449.01, Arizona Revised Statutes, is amended to
35 read:

36 36-449.01. Definitions

37 In this article, unless the context otherwise requires:

38 1. "Abortion" means the use of any means with the intent to
39 terminate a woman's pregnancy for reasons other than to increase the
40 probability of a live birth, to preserve the life or health of the child
41 after a live birth, to terminate an ectopic pregnancy or to remove a dead
42 fetus. Abortion does not include birth control devices or oral
43 contraceptives.

1 2. "Abortion clinic" means a facility, other than a hospital, in
2 which five or more first trimester abortions in any month or any second or
3 third trimester abortions are performed.

4 ~~3. "Director" means the director of the department of health~~
5 ~~services.~~

6 3. "HEALTH CARE PROVIDER" MEANS A PHYSICIAN WHO IS LICENSED
7 PURSUANT TO TITLE 32, CHAPTER 13 OR 17, A PHYSICIAN ASSISTANT WHO IS
8 LICENSED PURSUANT TO TITLE 32, CHAPTER 25 OR A NURSE PRACTITIONER WHO IS
9 LICENSED PURSUANT TO TITLE 32, CHAPTER 15.

10 4. "Medication abortion" means the use of any medication, drug or
11 other substance that is intended to cause or induce an abortion.

12 5. "Perform" includes the initial administration of any medication,
13 drug or other substance intended to cause or induce an abortion.

14 6. "Surgical abortion" has the same meaning prescribed in section
15 36-2151.

16 7. "Viable fetus" has the same meaning prescribed in section
17 36-2301.01.

18 Sec. 7. Section 36-449.03, Arizona Revised Statutes, is amended to
19 read:

20 36-449.03. Abortion clinics; rules; civil penalties

21 A. The director shall adopt rules for an abortion clinic's physical
22 facilities. At a minimum these rules shall prescribe standards for:

23 1. Adequate private space that is specifically designated for
24 interviewing, counseling and medical evaluations.

25 2. Dressing rooms for staff and patients.

26 3. Appropriate lavatory areas.

27 4. Areas for preprocedure hand washing.

28 5. Private procedure rooms.

29 6. Adequate lighting and ventilation for abortion procedures.

30 7. Surgical or gynecologic examination tables and other fixed
31 equipment.

32 8. Postprocedure recovery rooms that are supervised, staffed and
33 equipped to meet the patients' needs.

34 9. Emergency exits to accommodate a stretcher or gurney.

35 10. Areas for cleaning and sterilizing instruments.

36 11. Adequate areas ~~for the secure storage of~~ TO SECURELY STORE
37 medical records and necessary equipment and supplies.

38 12. The display in the abortion clinic, in a place that is
39 conspicuous to all patients, of the clinic's current license issued by the
40 department.

41 B. The director shall adopt rules to prescribe abortion clinic
42 supplies and equipment standards, including supplies and equipment that
43 are required to be immediately available for use or in an emergency. At a
44 minimum these rules shall:

1 1. Prescribe required equipment and supplies, including
2 medications, required ~~for the~~ TO conduct, in an appropriate fashion, ~~of~~
3 any abortion procedure that the medical staff of the clinic anticipates
4 performing and ~~for monitoring~~ TO MONITOR the progress of each patient
5 throughout the procedure and recovery period.

6 2. Require that the number or amount of equipment and supplies at
7 the clinic is adequate at all times to ~~assure~~ ENSURE sufficient quantities
8 of clean and sterilized durable equipment and supplies to meet the needs
9 of each patient.

10 3. Prescribe required equipment, supplies and medications that
11 shall be available and ready for immediate use in an emergency and
12 requirements for written protocols and procedures to be followed by staff
13 in an emergency, such as the loss of electrical power.

14 4. Prescribe required equipment and supplies for required
15 laboratory tests and requirements for protocols to calibrate and maintain
16 laboratory equipment at the abortion clinic or operated by clinic staff.

17 5. Require ultrasound equipment.

18 6. Require that all equipment is safe for the patient and the
19 staff, meets applicable federal standards and is checked annually to
20 ensure safety and appropriate calibration.

21 C. The director shall adopt rules relating to abortion clinic
22 personnel. At a minimum these rules shall require that:

23 1. The abortion clinic designate a medical director of the abortion
24 clinic who is licensed pursuant to title 32, chapter 13, 17 or 29.

25 2. ~~Physicians~~ HEALTH CARE PROVIDERS performing abortions ~~are~~
26 ~~licensed pursuant to title 32, chapter 13 or 17,~~ demonstrate competence in
27 the procedure involved and are acceptable to the medical director of the
28 abortion clinic.

29 3. A physician is available:

30 (a) For a surgical abortion who has admitting privileges at a
31 health care institution that is classified by the director as a hospital
32 pursuant to section 36-405, subsection B and that is within thirty miles
33 of the abortion clinic.

34 (b) For a medication abortion who has admitting privileges at a
35 health care institution that is classified by the director as a hospital
36 pursuant to section 36-405, subsection B.

37 4. If a physician is not present, a registered nurse, nurse
38 practitioner, licensed practical nurse or physician assistant is present
39 and remains at the clinic when abortions are performed to provide
40 postoperative monitoring and care, or monitoring and care after inducing a
41 medication abortion, until each patient who had an abortion that day is
42 discharged.

43 5. Surgical assistants receive training in counseling, patient
44 advocacy and the specific responsibilities of the services the surgical
45 assistants provide.

1 6. Volunteers receive training in the specific responsibilities of
2 the services the volunteers provide, including counseling and patient
3 advocacy as provided in the rules adopted by the director for different
4 types of volunteers based on their responsibilities.

5 D. The director shall adopt rules relating to ~~the medical~~ MEDICALLY
6 screening and ~~evaluation of~~ EVALUATING each abortion clinic patient. At a
7 minimum these rules shall require:

8 1. A medical history, including the following:

9 (a) Reported allergies to medications, antiseptic solutions or
10 latex.

11 (b) Obstetric and gynecologic history.

12 (c) Past surgeries.

13 2. A physical examination, including a bimanual examination
14 estimating uterine size and palpation of the adnexa.

15 3. The appropriate laboratory tests, including:

16 (a) Urine or blood tests for pregnancy performed before the
17 abortion procedure.

18 (b) A test for anemia.

19 (c) Rh typing, unless reliable written documentation of blood type
20 is available.

21 (d) Other tests as indicated from the physical examination.

22 4. An ultrasound evaluation for all patients. The rules shall
23 require that if a person who is not a physician performs an ultrasound
24 examination, that person shall have documented evidence that the person
25 completed a course in ~~the operation of~~ OPERATING ultrasound equipment as
26 prescribed in rule. The physician or other health care professional shall
27 review, at the request of the patient, the ultrasound evaluation results
28 with the patient before the abortion procedure is performed, including the
29 probable gestational age of the fetus.

30 5. That ~~the~~ A physician, NURSE PRACTITIONER OR PHYSICIAN ASSISTANT
31 is responsible for estimating the gestational age of the fetus based on
32 the ultrasound examination and obstetric standards in keeping with
33 established standards of care regarding the estimation of fetal age as
34 defined in rule and shall write the estimate in the patient's medical
35 history. The physician, NURSE PRACTITIONER OR PHYSICIAN ASSISTANT shall
36 keep original prints of each ultrasound examination of a patient in the
37 patient's medical history file.

38 E. The director shall adopt rules relating to the abortion
39 procedure. At a minimum these rules shall require:

40 1. That medical personnel is available to all patients throughout
41 the abortion procedure.

42 2. Standards for the safe conduct of abortion procedures that
43 conform to obstetric standards in keeping with established standards of
44 care regarding the estimation of fetal age as defined in rule.

1 3. Appropriate use of local anesthesia, analgesia and sedation if
2 ordered by the physician, **NURSE PRACTITIONER OR PHYSICIAN ASSISTANT**.

3 4. The use of appropriate precautions, such as ~~the establishment of~~
4 **ESTABLISHING** intravenous access at least for patients undergoing second or
5 third trimester abortions.

6 5. The use of appropriate monitoring of the vital signs and other
7 defined signs and markers of the patient's status throughout the abortion
8 procedure and during the recovery period until the patient's condition is
9 deemed to be stable in the recovery room.

10 6. For abortion clinics performing or inducing an abortion for a
11 woman whose unborn child is the gestational age of twenty weeks or more,
12 minimum equipment standards to assist the physician in complying with
13 section 36-2301. For the purposes of this paragraph, "abortion" and
14 "gestational age" have the same meanings prescribed in section 36-2151.

15 F. The director shall adopt rules that prescribe minimum recovery
16 room standards. At a minimum these rules shall require that:

17 1. For a surgical abortion, immediate postprocedure care, or care
18 provided after inducing a medication abortion, consists of observation in
19 a supervised recovery room for as long as the patient's condition
20 warrants.

21 2. The clinic arrange hospitalization if any complication beyond
22 the management capability of the staff occurs or is suspected.

23 3. A licensed health professional who is trained in ~~the management~~
24 **of MANAGING** the recovery area and **WHO** is capable of providing basic
25 cardiopulmonary resuscitation and related emergency procedures remains on
26 the premises of the abortion clinic until all patients are discharged.

27 4. For a surgical abortion, a physician with admitting privileges
28 at a health care institution that is classified by the director as a
29 hospital pursuant to section 36-405, subsection B and that is within
30 thirty miles of the abortion clinic remains on the premises of the
31 abortion clinic until all patients are stable and are ready to leave the
32 recovery room and to facilitate the transfer of emergency cases if
33 hospitalization of the patient or viable fetus is necessary. A physician,
34 **NURSE PRACTITIONER OR PHYSICIAN ASSISTANT** shall sign the discharge order
35 and be readily accessible and available until the last patient is
36 discharged.

37 5. A physician, **NURSE PRACTITIONER OR PHYSICIAN ASSISTANT** discusses
38 RhO(d) immune globulin with each patient for whom it is indicated and
39 ~~assures~~ **ENSURES THAT** it is offered to the patient in the immediate
40 postoperative period or that it will be available to her within
41 seventy-two hours after completion of the abortion procedure. If the
42 patient refuses, a refusal form approved by the department shall be signed
43 by the patient and a witness and included in the medical record.

44 6. Written instructions with regard to postabortion coitus, signs
45 of possible problems and general aftercare are given to each patient.

1 Each patient shall have specific instructions regarding access to medical
2 care for complications, including a telephone number to call for medical
3 emergencies.

4 7. There is a specified minimum length of time that a patient
5 remains in the recovery room by type of abortion procedure and duration of
6 gestation.

7 8. The physician, ~~assures~~ NURSE PRACTITIONER OR PHYSICIAN ASSISTANT
8 ENSURES that a licensed health professional from the abortion clinic makes
9 a good faith effort to contact the patient by telephone, with the
10 patient's consent, within twenty-four hours after a surgical abortion to
11 assess the patient's recovery.

12 9. Equipment and services are located in the recovery room to
13 provide appropriate emergency resuscitative and life support procedures
14 pending the transfer of the patient or viable fetus to the hospital.

15 G. The director shall adopt rules that prescribe standards for
16 follow-up visits. At a minimum these rules shall require that:

17 1. For a surgical abortion, a postabortion medical visit is offered
18 and, if requested, scheduled for three weeks after the abortion, including
19 a medical examination and a review of the results of all laboratory tests.
20 For a medication abortion, the rules shall require that a postabortion
21 medical visit is scheduled between one week and three weeks after the
22 initial dose for a medication abortion to confirm the pregnancy is
23 completely terminated and to assess the degree of bleeding.

24 2. A urine pregnancy test is obtained at the time of the follow-up
25 visit to rule out continuing pregnancy. If a continuing pregnancy is
26 suspected, the patient shall be evaluated and a physician, NURSE
27 PRACTITIONER OR PHYSICIAN ASSISTANT who performs abortions shall be
28 consulted.

29 H. The director shall adopt rules to prescribe minimum abortion
30 clinic incident reporting. At a minimum these rules shall require that:

31 1. The abortion clinic records each incident resulting in a
32 patient's or viable fetus' serious injury occurring at an abortion clinic
33 and shall report them in writing to the department within ten days after
34 the incident. For the purposes of this paragraph, "serious injury" means
35 an injury that occurs at an abortion clinic and that creates a serious
36 risk of substantial impairment of a major body organ and includes any
37 injury or condition that requires ambulance transportation of the patient.

38 2. If a patient's death occurs, other than a fetal death properly
39 reported pursuant to law, the abortion clinic reports it to the department
40 not later than the next department work day.

41 3. Incident reports are filed with the department and appropriate
42 professional regulatory boards.

43 I. The director shall adopt rules relating to enforcement of this
44 article. At a minimum, these rules shall require that:

1 1. For an abortion clinic that is not in substantial compliance
2 with this article and the rules adopted pursuant to this article and
3 section 36-2301 or that is in substantial compliance but refuses to carry
4 out a plan of correction acceptable to the department of any deficiencies
5 that are listed on the department's statement of deficiency, the
6 department may do any of the following:

- 7 (a) Assess a civil penalty pursuant to section 36-431.01.
- 8 (b) Impose an intermediate sanction pursuant to section 36-427.
- 9 (c) Suspend or revoke a license pursuant to section 36-427.
- 10 (d) Deny a license.
- 11 (e) Bring an action for an injunction pursuant to section 36-430.

12 2. In determining the appropriate enforcement action, the
13 department consider the threat to the health, safety and welfare of the
14 abortion clinic's patients or the general public, including:

- 15 (a) Whether the abortion clinic has repeated violations of statutes
16 or rules.
- 17 (b) Whether the abortion clinic has engaged in a pattern of
18 noncompliance.
- 19 (c) The type, severity and number of violations.

20 J. The department shall not release personally identifiable patient
21 or ~~physician~~ HEALTH CARE PROVIDER information.

22 K. The rules adopted by the director pursuant to this section do
23 not limit the ability of a physician or other health professional to
24 advise a patient on any health issue.

25 Sec. 8. Section 36-2152, Arizona Revised Statutes, is amended to
26 read:

27 36-2152. Parental consent; exception; hearings; time limits;
28 violations; classification; civil relief; statute
29 of limitations

30 A. In addition to the other requirements of this chapter, a person
31 shall not knowingly perform an abortion on a pregnant unemancipated minor
32 unless the attending physician, NURSE PRACTITIONER OR PHYSICIAN ASSISTANT
33 has secured the written and notarized consent from one of the minor's
34 parents or the minor's guardian or conservator or unless a judge of the
35 superior court authorizes the physician to perform the abortion pursuant
36 to subsection B of this section. Notwithstanding section 41-319, the
37 notarized statement of parental consent and the description of the
38 document or notarial act recorded in the notary journal are confidential
39 and are not public records.

40 B. A judge of the superior court, on petition or motion, and after
41 an appropriate hearing, shall authorize a physician, NURSE PRACTITIONER OR
42 PHYSICIAN ASSISTANT to perform the abortion if the judge determines that
43 the pregnant minor is mature and capable of giving informed consent to the
44 proposed abortion. If the judge determines that the pregnant minor is not
45 mature or if the pregnant minor does not claim to be mature, the judge

1 shall determine whether the performance of an abortion on her without the
2 consent from one of her parents or her guardian or conservator would be in
3 her best interests and shall authorize a physician, NURSE PRACTITIONER OR
4 PHYSICIAN ASSISTANT to perform the abortion without consent if the judge
5 concludes that the pregnant minor's best interests would be served.

6 C. If the pregnant minor claims to be mature at a proceeding held
7 pursuant to subsection B of this section, the minor must prove by clear
8 and convincing evidence that she is sufficiently mature and capable of
9 giving informed consent without consulting her parent or legal guardian
10 based on her experience level, perspective and judgment. In assessing the
11 pregnant minor's experience level, the court may consider, among other
12 relevant factors, the minor's age and experiences working outside the
13 home, living away from home, traveling on her own, handling personal
14 finances and making other significant decisions. In assessing the
15 pregnant minor's perspective, the court may consider, among other relevant
16 factors, what steps the minor took to explore her options and the extent
17 to which she considered and weighed the potential consequences of each
18 option. In assessing the pregnant minor's judgment, the court may
19 consider, among other relevant factors, the minor's conduct since learning
20 of her pregnancy and her intellectual ability to understand her options
21 and to make an informed decision.

22 D. The pregnant minor may participate in the court proceedings on
23 her own behalf. The court shall appoint a guardian ad litem for her. The
24 court shall advise her that she has the right to ~~court-appointed~~
25 COURT-APPOINTED counsel and, on her request, shall provide her with
26 counsel unless she appears through private counsel or she knowingly and
27 intelligently waives her right to counsel.

28 E. Proceedings in the court under this section are confidential and
29 have precedence over other pending matters. Members of the public shall
30 not inspect, obtain copies of or otherwise have access to records of court
31 proceedings under this section unless authorized by law. A judge who
32 conducts proceedings under this section shall make in writing specific
33 factual findings and legal conclusions supporting the decision and shall
34 order a confidential record of the evidence to be maintained, including
35 the judge's own findings and conclusions. The minor may file the petition
36 using a fictitious name. For THE purposes of this subsection, public does
37 not include judges, clerks, administrators, professionals or other persons
38 employed by or working under the supervision of the court or employees of
39 other public agencies who are authorized by state or federal rule or law
40 to inspect and copy closed court records.

41 F. The court shall hold the hearing and shall issue a ruling within
42 forty-eight hours, excluding weekends and holidays, after the petition is
43 filed. If the court fails to issue a ruling within this time period, the
44 petition is deemed to have been granted and the consent requirement is
45 waived.

1 G. An expedited confidential appeal is available to a pregnant
2 minor for whom the court denies an order authorizing an abortion without
3 parental consent. The appellate court shall hold the hearing and issue a
4 ruling within forty-eight hours, excluding weekends and holidays, after
5 the petition for appellate review is filed. Filing fees are not required
6 of the pregnant minor at either the trial or the appellate level.

7 H. Parental consent or judicial authorization is not required under
8 this section if either:

9 1. The pregnant minor certifies to the attending physician, NURSE
10 PRACTITIONER OR PHYSICIAN ASSISTANT that the pregnancy resulted from
11 sexual conduct with a minor by the minor's parent, stepparent, uncle,
12 grandparent, sibling, adoptive parent, legal guardian or foster parent or
13 by a person who lives in the same household with the minor and the minor's
14 mother. The ~~physician~~ HEALTH CARE PROVIDER performing the abortion shall
15 report the sexual conduct with a minor to the proper law enforcement
16 officials pursuant to section 13-3620 and shall preserve and forward a
17 sample of the fetal tissue to these officials for use in a criminal
18 investigation.

19 2. The attending physician, NURSE PRACTITIONER OR PHYSICIAN
20 ASSISTANT certifies in the pregnant minor's medical record that, on the
21 basis of the ~~physician's~~ HEALTH CARE PROVIDER'S good faith clinical
22 judgment, the pregnant minor has a condition that so complicates her
23 medical condition as to necessitate the immediate abortion of her
24 pregnancy to avert her death or for which a delay will create serious risk
25 of substantial and irreversible impairment of major bodily function.

26 I. A person who performs an abortion in violation of this section
27 is guilty of a class 1 misdemeanor. A person who intentionally causes,
28 aids or assists a minor in obtaining an abortion in violation of this
29 section is guilty of a class 1 misdemeanor. A person is not subject to
30 any liability under this section if the person establishes by written
31 evidence that the person relied on evidence sufficient to convince a
32 careful and prudent person that the representations of the pregnant minor
33 regarding information necessary to comply with this section are true.

34 J. In addition to other remedies available under the common or
35 statutory law of this state, one or both of the minor's parents or the
36 minor's guardian may bring a civil action in the superior court in the
37 county in which the parents or the guardian resides to obtain appropriate
38 relief for a violation of this section, unless the pregnancy resulted from
39 the criminal conduct of the parent or guardian. The civil action may be
40 based on a claim that failure to obtain consent was a result of simple
41 negligence, gross negligence, wantonness, wilfulness, intention or any
42 other legal standard of care. The civil action may be brought against the
43 person who performs the abortion in violation of this section and any
44 person who causes, aids or assists a minor to obtain an abortion without

1 meeting the requirements of this section. Relief pursuant to this
2 subsection includes the following:

3 1. Money damages for all psychological, emotional and physical
4 injuries that result from the violation of this section.

5 2. Statutory damages in an amount equal to ~~five thousand dollars~~
6 \$5,000 or three times the cost of the abortion, whichever is greater.

7 3. Reasonable attorney fees and costs.

8 K. A civil action brought pursuant to this section must be
9 initiated within six years after the violation occurred.

10 L. The consent required by this section must be obtained on a form
11 prescribed by the department of health services. At a minimum, the form
12 must:

13 1. List the possible medical risks that may occur with any
14 surgical, medical or diagnostic procedure, including the potential for
15 infection, blood clots, hemorrhage, allergic reactions and death.

16 2. List the possible medical risks that may occur with a surgical
17 abortion, including hemorrhage, uterine perforation, sterility, injury to
18 the bowel or bladder, a possible hysterectomy as a result of a
19 complication or injury during the procedure and failure to remove all
20 products of conception that may result in an additional procedure.

21 3. List the possible medical risks that may occur with a medication
22 abortion, including hemorrhage, infection, failure to remove all products
23 of conception that may result in an additional procedure, sterility and
24 the possible continuation of the pregnancy.

25 4. Require the pregnant minor's and the pregnant minor's parent's
26 initials on each page of the form and a full signature on the final page
27 of the form.

28 5. Include a space for the notary's signature and seal on the final
29 page of the form.

30 M. The physician, NURSE PRACTITIONER OR PHYSICIAN ASSISTANT must
31 maintain the form in the pregnant minor's records for seven years after
32 the date of the procedure or five years after the date of the minor's
33 maturity, whichever is longer.

34 Sec. 9. Section 36-2153, Arizona Revised Statutes, is amended to
35 read:

36 36-2153. Informed consent; requirements; information;
37 website; signage; violation; civil relief; statute
38 of limitations

39 A. An abortion shall not be performed or induced without the
40 voluntary and informed consent of the woman on whom the abortion is to be
41 performed or induced. Except in the case of a medical emergency and in
42 addition to the other requirements of this chapter, consent to an abortion
43 is voluntary and informed only if all of the following are true:

44 1. ~~At least twenty-four hours~~ Before the abortion, the physician,
45 NURSE PRACTITIONER OR PHYSICIAN ASSISTANT who is to perform the abortion

1 or the referring physician, NURSE PRACTITIONER OR PHYSICIAN ASSISTANT has
2 informed the woman, orally and in person, of:

3 (a) The name of the physician, NURSE PRACTITIONER OR PHYSICIAN
4 ASSISTANT who will perform the abortion.

5 (b) The nature of the proposed procedure or treatment.

6 (c) The immediate and long-term medical risks associated with the
7 procedure that a reasonable patient would consider material to the
8 decision of whether or not to undergo the abortion.

9 (d) Alternatives to the procedure or treatment that a reasonable
10 patient would consider material to the decision of whether or not to
11 undergo the abortion.

12 (e) The probable gestational age of the unborn child at the time
13 the abortion is to be performed.

14 (f) The probable anatomical and physiological characteristics of
15 the unborn child at the time the abortion is to be performed.

16 (g) The medical risks associated with carrying the child to term.

17 2. ~~At least twenty-four hours~~ Before the abortion, the physician,
18 NURSE PRACTITIONER OR PHYSICIAN ASSISTANT who is to perform the abortion,
19 the referring physician, NURSE PRACTITIONER OR PHYSICIAN ASSISTANT or a
20 qualified physician, physician assistant, nurse, psychologist or licensed
21 behavioral health professional to whom the responsibility has been
22 delegated by either physician, NURSE PRACTITIONER OR PHYSICIAN ASSISTANT
23 has informed the woman, orally and in person, that:

24 (a) Medical assistance benefits may be available for prenatal care,
25 childbirth and neonatal care.

26 (b) The father of the unborn child is liable to assist in the
27 support of the child, even if he has offered to pay for the abortion. In
28 the case of rape or incest, this information may be omitted.

29 (c) Public and private agencies and services are available to
30 assist the woman during her pregnancy and after the birth of her child if
31 she chooses not to have an abortion, whether she chooses to keep the child
32 or place the child for adoption.

33 (d) It is unlawful for any person to coerce a woman to undergo an
34 abortion.

35 (e) The woman is free to withhold or withdraw her consent to the
36 abortion at any time without affecting her right to future care or
37 treatment and without the loss of any state or federally funded benefits
38 to which she might otherwise be entitled.

39 (f) The department of health services maintains a website that
40 describes the unborn child and lists the agencies that offer alternatives
41 to abortion.

42 (g) The woman has a right to review the website and that a printed
43 copy of the materials on the website will be provided to her free of
44 charge if she chooses to review these materials.

1 3. The information in paragraphs 1 and 2 of this subsection is
2 provided to the woman individually and in a private room to protect her
3 privacy and to ensure that the information focuses on her individual
4 circumstances and that she has adequate opportunity to ask questions.

5 4. The woman certifies in writing before the abortion that the
6 information required to be provided pursuant to paragraphs 1 and 2 of this
7 subsection has been provided.

8 B. If a woman has taken mifepristone as part of a two-drug regimen
9 to terminate her pregnancy, has not yet taken the second drug and consults
10 an abortion clinic questioning her decision to terminate her pregnancy or
11 seeking information regarding the health of her fetus or the efficacy of
12 mifepristone alone to terminate a pregnancy, the abortion clinic staff
13 shall inform the woman that the use of mifepristone alone to end a
14 pregnancy is not always effective and that she should immediately consult
15 a physician, **NURSE PRACTITIONER OR PHYSICIAN ASSISTANT** if she would like
16 more information.

17 C. If a medical emergency compels the performance of an abortion,
18 the physician, **NURSE PRACTITIONER OR PHYSICIAN ASSISTANT** shall inform the
19 woman, before the abortion if possible, of the medical indications
20 supporting the physician's, **NURSE PRACTITIONER'S OR PHYSICIAN ASSISTANT'S**
21 judgment that an abortion is necessary to avert the woman's death or to
22 avert substantial and irreversible impairment of a major bodily function.

23 D. The department of health services shall establish and shall
24 annually update a website that includes a link to a printable version of
25 all materials listed on the website. The materials must be written in an
26 easily understood manner and printed in a typeface that is large enough to
27 be clearly legible. The website must include all of the following
28 materials:

29 1. Information that is organized geographically by location and
30 that is designed to inform the woman about public and private agencies and
31 services that are available to assist a woman through pregnancy, at
32 childbirth and while her child is dependent, including adoption agencies.
33 The materials shall include a comprehensive list of the agencies, a
34 description of the services they offer and the manner in which these
35 agencies may be contacted, including the agencies' telephone numbers and
36 website addresses.

37 2. Information on the availability of medical assistance benefits
38 for prenatal care, childbirth and neonatal care.

39 3. A statement that it is unlawful for any person to coerce a woman
40 to undergo an abortion.

41 4. A statement that any physician, **NURSE PRACTITIONER OR PHYSICIAN**
42 **ASSISTANT** who performs an abortion on a woman without obtaining the
43 woman's voluntary and informed consent or without affording her a private
44 medical consultation may be liable to the woman for damages in a civil
45 action.

1 5. A statement that the father of a child is liable to assist in
2 the support of that child, even if the father has offered to pay for an
3 abortion, and that the law allows adoptive parents to pay costs of
4 prenatal care, childbirth and neonatal care.

5 6. Information that is designed to inform the woman of the probable
6 anatomical and physiological characteristics of the unborn child at
7 two-week gestational increments from fertilization to full term, including
8 pictures or drawings representing the development of unborn children at
9 two-week gestational increments and any relevant information on the
10 possibility of the unborn child's survival. The pictures or drawings must
11 contain the dimensions of the unborn child and must be realistic and
12 appropriate for each stage of pregnancy. The information provided
13 pursuant to this paragraph must be objective, nonjudgmental and designed
14 to convey only accurate scientific information about the unborn child at
15 the various gestational ages.

16 7. Objective information that describes the methods of abortion
17 procedures commonly employed, the medical risks commonly associated with
18 each procedure, the possible detrimental psychological effects of abortion
19 and the medical risks commonly associated with carrying a child to term.

20 8. Information explaining the efficacy of mifepristone taken alone,
21 without a follow-up drug as part of a two-drug regimen, to terminate a
22 pregnancy and advising a woman to immediately contact a physician, **NURSE**
23 **PRACTITIONER OR PHYSICIAN ASSISTANT** if the woman has taken only
24 mifepristone and questions her decision to terminate her pregnancy or
25 seeks information regarding the health of her fetus.

26 E. An individual who is not a physician, **NURSE PRACTITIONER OR**
27 **PHYSICIAN ASSISTANT** shall not perform a surgical abortion.

28 ~~F. A person shall not write or communicate a prescription for a~~
29 ~~drug or drugs to induce an abortion or require or obtain payment for a~~
30 ~~service provided to a patient who has inquired about an abortion or~~
31 ~~scheduled an abortion until the expiration of the twenty-four-hour~~
32 ~~reflection period required by subsection A of this section.~~

33 ~~G.~~ F. A person shall not intimidate or coerce in any way any
34 person to obtain an abortion. A parent, a guardian or any other person
35 shall not coerce a minor to obtain an abortion. If a minor is denied
36 financial support by the minor's parents, guardians or custodian due to
37 the minor's refusal to have an abortion performed, the minor is deemed
38 emancipated for the purposes of eligibility for public assistance
39 benefits, except that the emancipated minor may not use these benefits to
40 obtain an abortion.

41 ~~H.~~ G. An abortion clinic as defined in section 36-449.01 shall
42 conspicuously post signs that are visible to all who enter the abortion
43 clinic, that are clearly readable and that state it is unlawful for any
44 person to force a woman to have an abortion and a woman who is being
45 forced to have an abortion has the right to contact any local or state law

1 enforcement or social service agency to receive protection from any actual
2 or threatened physical, emotional or psychological abuse. The signs shall
3 be posted in the waiting room, consultation rooms and procedure rooms.

4 ~~I.~~ H. A person shall not require a woman to obtain an abortion as
5 a provision in a contract or as a condition of employment.

6 ~~J.~~ I. A physician, NURSE PRACTITIONER OR PHYSICIAN ASSISTANT who
7 knowingly violates this section commits an act of unprofessional conduct
8 and is subject to license suspension or revocation ~~pursuant to title 32,~~
9 ~~chapter 13 or 17~~ BY THAT HEALTH CARE PROVIDER'S REGULATORY BOARD.

10 ~~K.~~ J. In addition to other remedies available under the common or
11 statutory law of this state, any of the following may file a civil action
12 to obtain appropriate relief for a violation of this section:

13 1. A woman on whom an abortion has been performed without her
14 informed consent as required by this section.

15 2. The father of the unborn child if the father was married to the
16 mother at the time she received the abortion, unless the pregnancy
17 resulted from the plaintiff's criminal conduct.

18 3. ~~The~~ A maternal ~~grandparents~~ GRANDPARENT of the unborn child if
19 the mother was not at least eighteen years of age at the time of the
20 abortion, unless the pregnancy resulted from the plaintiff's criminal
21 conduct.

22 ~~L.~~ K. A civil action filed pursuant to subsection ~~K~~ J of this
23 section shall be brought in the superior court in the county in which the
24 woman on whom the abortion was performed resides and may be based on a
25 claim that failure to obtain informed consent was a result of simple
26 negligence, gross negligence, wantonness, wilfulness, intention or any
27 other legal standard of care. Relief pursuant to subsection ~~K~~ J of this
28 section includes the following:

29 1. Money damages for all psychological, emotional and physical
30 injuries resulting from the violation of this section.

31 2. Statutory damages in an amount equal to ~~five thousand dollars~~
32 \$5,000 or three times the cost of the abortion, whichever is greater.

33 3. Reasonable attorney fees and costs.

34 ~~M.~~ L. A civil action brought pursuant to this section must be
35 initiated within six years after the violation occurred.

36 Sec. 10. Section 36-2155, Arizona Revised Statutes, is amended to
37 read:

38 36-2155. Performance of an abortion by individual who is not
39 a health care provider; prohibition; definitions

40 A. An individual who is not a ~~physician~~ HEALTH CARE PROVIDER shall
41 not perform a surgical abortion.

42 B. For the purposes of this section:

43 1. ~~"Physician" means a person who is~~ "HEALTH CARE PROVIDER" MEANS A
44 PHYSICIAN WHO IS licensed pursuant to title 32, chapter 13 or 17, A NURSE

1 PRACTITIONER WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 15 OR A
2 PHYSICIAN ASSISTANT WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 25.

3 2. "Surgical abortion":

4 (a) Means the use of a surgical instrument or a machine to
5 terminate the clinically diagnosable pregnancy of a woman with knowledge
6 that the termination by those means will cause, with reasonable
7 likelihood, the death of the unborn child. ~~Surgical abortion~~

8 (b) Does not include:

9 (i) The use of any means to increase the probability of a live
10 birth, to preserve the life or health of the child after a live birth, to
11 terminate an ectopic pregnancy or to remove a dead fetus. ~~Surgical~~
12 ~~abortion does not include~~

13 (ii) Patient care incidental to the procedure.

14 Sec. 11. Section 36-2156, Arizona Revised Statutes, is amended to
15 read:

16 36-2156. Informed consent; ultrasound required; violation;
17 civil relief; statute of limitations

18 A. An abortion shall not be performed or induced without the
19 voluntary and informed consent of the woman on whom the abortion is to be
20 performed or induced. Except in the case of a medical emergency and in
21 addition to the other requirements of this chapter, consent to an abortion
22 is voluntary and informed only if both of the following are true:

23 1. ~~At least twenty-four hours~~ Before the woman having any part of
24 an abortion performed or induced, and before the administration of any
25 anesthesia or medication in preparation for the abortion on the woman, the
26 physician, NURSE PRACTITIONER OR PHYSICIAN ASSISTANT who is to perform the
27 abortion, the referring physician, NURSE PRACTITIONER OR PHYSICIAN
28 ASSISTANT or a qualified person working in conjunction with either
29 physician, NURSE PRACTITIONER OR PHYSICIAN ASSISTANT shall:

30 (a) Perform fetal ultrasound imaging and auscultation of fetal
31 heart tone services on the woman undergoing the abortion.

32 (b) Offer to provide the woman with an opportunity to view the
33 active ultrasound image of the unborn child and hear the heartbeat of the
34 unborn child if the heartbeat is audible. The active ultrasound image
35 must be of a quality consistent with standard medical practice in the
36 community, contain the dimensions of the unborn child and accurately
37 portray the presence of external members and internal organs, if present
38 or viewable, of the unborn child. The auscultation of fetal heart tone
39 must be of a quality consistent with standard medical practice in the
40 community.

41 (c) Offer to provide the woman with a simultaneous explanation of
42 what the ultrasound is depicting, including the presence and location of
43 the unborn child within the uterus, the number of unborn children
44 depicted, the dimensions of the unborn child and the presence of any
45 external members and internal organs, if present or viewable.

1 (d) Offer to provide the patient with a physical picture of the
2 ultrasound image of the unborn child.

3 2. The woman certifies in writing before the abortion that she has
4 been given the opportunity to view the active ultrasound image and hear
5 the heartbeat of the unborn child if the heartbeat is audible and that she
6 opted to view or not view the active ultrasound image and hear or not hear
7 the heartbeat of the unborn child.

8 B. A physician, NURSE PRACTITIONER OR PHYSICIAN ASSISTANT who
9 knowingly violates this section commits an act of unprofessional conduct
10 and is subject to license suspension or revocation ~~pursuant to title 32,~~
11 ~~chapter 13 or 17~~ BY THAT HEALTH CARE PROVIDER'S REGULATORY BOARD.

12 C. In addition to other remedies available under the common or
13 statutory law of this state, any of the following may file a civil action
14 to obtain appropriate relief for a violation of this section:

15 1. A woman on whom an abortion has been performed without her
16 informed consent as required by this section.

17 2. The father of the unborn child if THE FATHER WAS married to the
18 mother at the time she received the abortion, unless the pregnancy
19 resulted from the plaintiff's criminal conduct.

20 3. ~~The~~ A maternal ~~grandparents~~ GRANDPARENT of the unborn child if
21 the mother was not at least eighteen years of age at the time of the
22 abortion, unless the pregnancy resulted from the plaintiff's criminal
23 conduct.

24 D. A civil action filed pursuant to subsection C of this section
25 shall be brought in the superior court in the county in which the woman on
26 whom the abortion was performed resides and may be based on a claim that
27 failure to obtain informed consent was a result of simple negligence,
28 gross negligence, wantonness, wilfulness, intention or any other legal
29 standard of care. Relief pursuant to subsection C of this section
30 includes any of the following:

31 1. Money damages for all psychological, emotional and physical
32 injuries resulting from the violation of this section.

33 2. Statutory damages in an amount equal to ~~five thousand dollars~~
34 \$5,000 or three times the cost of the abortion, whichever is greater.

35 3. Reasonable attorney fees and costs.

36 E. A civil action brought pursuant to this section must be
37 initiated within six years after the violation occurred.

38 Sec. 12. Section 36-2158, Arizona Revised Statutes, is amended to
39 read:

40 36-2158. Informed consent; fetal condition; website;
41 unprofessional conduct; civil relief; statute of
42 limitations; definitions

43 A. A person shall not perform or induce an abortion without first
44 obtaining the voluntary and informed consent of the woman on whom the
45 abortion is to be performed or induced. Except in the case of a medical

1 emergency and in addition to the other requirements of this chapter,
2 consent to an abortion is voluntary and informed only if all of the
3 following occur:

4 1. In the case of a woman seeking an abortion of her unborn child
5 diagnosed with a lethal fetal condition, ~~at least twenty-four hours~~ before
6 the abortion the physician, NURSE PRACTITIONER OR PHYSICIAN ASSISTANT who
7 is to perform the abortion or the referring physician, NURSE PRACTITIONER
8 OR PHYSICIAN ASSISTANT has informed the woman, orally and in person, that:

9 (a) Perinatal hospice services are available and the physician,
10 NURSE PRACTITIONER OR PHYSICIAN ASSISTANT has offered this care as an
11 alternative to abortion.

12 (b) The department of health services maintains a website that
13 lists perinatal hospice programs that are available both in this state and
14 nationally and that are organized geographically by location.

15 (c) The woman has a right to review the website and that a printed
16 copy of the materials on the website will be provided to her free of
17 charge if she chooses to review these materials.

18 2. In the case of a woman seeking an abortion of her unborn child
19 diagnosed with a nonlethal fetal condition, ~~at least twenty-four hours~~
20 before the abortion the physician, NURSE PRACTITIONER OR PHYSICIAN
21 ASSISTANT who is to perform the abortion or the referring physician, NURSE
22 PRACTITIONER OR PHYSICIAN ASSISTANT has informed the woman, orally and in
23 person:

24 (a) Of up-to-date, evidence-based information concerning the range
25 of outcomes for individuals living with the diagnosed condition, including
26 physical, developmental, educational and psychosocial outcomes.

27 (b) That the department of health services maintains a website that
28 lists information regarding support services, hotlines, resource centers
29 or clearinghouses, national and local peer support groups and other
30 education and support programs available to assist the woman and her
31 unborn child, any national or local registries of families willing to
32 adopt newborns with the nonlethal fetal condition and contact information
33 for adoption agencies willing to place newborns with the nonlethal fetal
34 condition with families willing to adopt.

35 (c) That the woman has a right to review the website and that a
36 printed copy of the materials on the website will be provided to her free
37 of charge if she chooses to review these materials.

38 3. The woman certifies in writing before the abortion that the
39 information required to be provided pursuant to this subsection has been
40 provided.

41 B. The department of health services shall establish a website
42 ~~within ninety days after the effective date of this section~~ and shall
43 annually update the website, ~~The website~~ WHICH shall include the
44 information prescribed in subsection A, paragraph 1, subdivision (b) and
45 paragraph 2, subdivision (b) of this section.

1 C. A physician, NURSE PRACTITIONER OR PHYSICIAN ASSISTANT who
2 knowingly violates this section commits an act of unprofessional conduct
3 and is subject to license suspension or revocation ~~pursuant to title 32,~~
4 ~~chapter 13 or 17~~ BY THAT HEALTH CARE PROVIDER'S REGULATORY BOARD.

5 D. In addition to other remedies available under the common or
6 statutory law of this state, any of the following individuals may file a
7 civil action to obtain appropriate relief for a violation of this section:

8 1. A woman on whom an abortion has been performed without her
9 informed consent as required by this section.

10 2. The father of the unborn child if the father ~~is~~ WAS married to
11 the mother at the time she received the abortion, unless the pregnancy
12 resulted from the father's criminal conduct.

13 3. ~~The A~~ maternal ~~grandparents~~ GRANDPARENT of the unborn child if
14 the mother was not at least eighteen years of age at the time of the
15 abortion, unless the pregnancy resulted from ~~either of~~ the maternal
16 grandparent's criminal conduct.

17 E. A civil action filed pursuant to subsection D of this section
18 shall be brought in the superior court in the county in which the woman on
19 whom the abortion was performed resides and may be based on a claim that
20 failure to obtain informed consent was a result of simple negligence,
21 gross negligence, wantonness, wilfulness, intention or any other legal
22 standard of care. Relief pursuant to this subsection includes the
23 following:

24 1. Money damages for all psychological, emotional and physical
25 injuries resulting from the violation of this section.

26 2. Statutory damages in an amount equal to ~~five thousand dollars~~
27 \$5,000 or three times the cost of the abortion, whichever is greater.

28 3. Reasonable attorney fees and costs.

29 F. A civil action brought pursuant to this section must be
30 initiated within six years after the violation occurred.

31 G. For the purposes of this section:

32 1. "Lethal fetal condition" means a fetal condition that is
33 diagnosed before birth and that will result, with reasonable certainty, in
34 the death of the unborn child within three months after birth.

35 2. "Nonlethal fetal condition" means a fetal condition that is
36 diagnosed before birth and that will not result in the death of the unborn
37 child within three months after birth but may result in physical or mental
38 disability or abnormality.

39 3. "Perinatal hospice" means comprehensive support to the pregnant
40 woman and her family that includes supportive care from the time of
41 diagnosis through the time of birth and death of the infant and through
42 the postpartum period. Supportive care may include counseling and medical
43 care by maternal-fetal medical specialists, obstetricians, neonatologists,
44 anesthesia specialists, clergy, social workers and specialty nurses who
45 are focused on alleviating fear and ensuring that the woman and her family

1 experience the life and death of the child in a comfortable and supportive
2 environment.

3 Sec. 13. Section 36-2161, Arizona Revised Statutes, is amended to
4 read:

5 36-2161. Abortions; reporting requirements

6 A. A hospital or facility in this state where abortions are
7 performed must submit to the department of health services on a form
8 prescribed by the department a report of each abortion performed in the
9 hospital or facility. The report shall not identify the individual
10 patient by name or include any other information or identifier that would
11 make it possible to identify, in any manner or under any circumstances, a
12 woman who has obtained or sought to obtain an abortion. The report must
13 include the following information:

- 14 1. The name and address of the facility where the abortion was
15 performed.
- 16 2. The type of facility where the abortion was performed.
- 17 3. The county where the abortion was performed.
- 18 4. The woman's age.
- 19 5. The woman's educational background by highest grade completed
20 and, if applicable, level of college completed.
- 21 6. The county and state in which the woman resides.
- 22 7. The woman's race and ethnicity.
- 23 8. The woman's marital status.
- 24 9. The number of prior pregnancies and prior abortions of the
25 woman.
- 26 10. The number of previous spontaneous terminations of pregnancy of
27 the woman.
- 28 11. The gestational age of the unborn child at the time of the
29 abortion.
- 30 12. The reason for the abortion, including at least one of the
31 following:
 - 32 (a) The abortion is elective.
 - 33 (b) The abortion is due to maternal health considerations,
34 including one of the following:
 - 35 (i) A premature rupture of membranes.
 - 36 (ii) An anatomical abnormality.
 - 37 (iii) Chorioamnionitis.
 - 38 (iv) Preeclampsia.
 - 39 (v) Other.
 - 40 (c) The abortion is due to fetal health considerations, including
41 the fetus being diagnosed with at least one of the following:
 - 42 (i) A lethal anomaly.
 - 43 (ii) A central nervous system anomaly.
 - 44 (iii) Trisomy 18.

- 1 (iv) Trisomy 21.
- 2 (v) Triploidy.
- 3 (vi) Other.
- 4 (d) The pregnancy is the result of a sexual assault.
- 5 (e) The pregnancy is the result of incest.
- 6 (f) The woman is being coerced into obtaining an abortion.
- 7 (g) The woman is a victim of sex trafficking.
- 8 (h) The woman is a victim of domestic violence.
- 9 (i) Other.
- 10 (j) The woman declined to answer.
- 11 13. The type of procedure performed or prescribed and the date of
- 12 the abortion.
- 13 14. Any preexisting medical conditions of the woman that would
- 14 complicate pregnancy.
- 15 15. Any known medical complication that resulted from the abortion,
- 16 including at least one of the following:
- 17 (a) Shock.
- 18 (b) Uterine perforation.
- 19 (c) Cervical laceration requiring suture or repair.
- 20 (d) Heavy bleeding or hemorrhage with estimated blood loss of at
- 21 least five hundred cubic centimeters.
- 22 (e) Aspiration or allergic response.
- 23 (f) Postprocedure infection.
- 24 (g) Sepsis.
- 25 (h) Incomplete abortion retaining part of the fetus requiring
- 26 reevacuation.
- 27 (i) Damage to the uterus.
- 28 (j) Failed termination of pregnancy.
- 29 (k) Death of the patient.
- 30 (l) Other.
- 31 (m) None.
- 32 16. The basis for any medical judgment that a medical emergency
- 33 existed that excused the physician, **NURSE PRACTITIONER OR PHYSICIAN**
- 34 **ASSISTANT** from compliance with the requirements of this chapter.
- 35 17. The physician's statement if required pursuant to section
- 36 36-2301.01.
- 37 18. If applicable, the weight of the aborted fetus for any abortion
- 38 performed pursuant to section 36-2301.01.
- 39 19. Whether a fetus or embryo was delivered alive as defined in
- 40 section 36-2301 during or immediately after an attempted abortion and the
- 41 efforts made to promote, preserve and maintain the life of the fetus or
- 42 embryo pursuant to section 36-2301.

1 20. Statements by the physician and all clinical staff who observed
2 the fetus or embryo during or immediately after the abortion certifying
3 under penalty of perjury that, to the best of their knowledge, the aborted
4 fetus or embryo was not delivered alive as defined in section 36-2301.

5 21. The medical specialty of the physician, **NURSE PRACTITIONER OR**
6 **PHYSICIAN ASSISTANT** performing the abortion, including one of the
7 following:

- 8 (a) Obstetrics-gynecology.
- 9 (b) General or family practice.
- 10 (c) Emergency medicine.
- 11 (d) Other.

12 22. The type of admission for the patient, including whether the
13 abortion was performed:

- 14 (a) As an outpatient procedure in an abortion clinic.
- 15 (b) As an outpatient procedure at a hospital.
- 16 (c) As an inpatient procedure at a hospital.
- 17 (d) As an outpatient procedure at a health care institution other
18 than an abortion clinic or hospital.

19 23. Whether anesthesia was administered to the mother.

20 24. Whether anesthesia was administered to the unborn child.

21 B. The hospital or facility shall request the information specified
22 in subsection A, paragraph 12 of this section at the same time the
23 information pursuant to section 36-2153 is provided to the woman
24 individually and in a private room to protect the woman's privacy. The
25 information requested pursuant to subsection A, paragraph 12 of this
26 section may be obtained on a medical form provided to the woman to
27 complete if the woman completes the form individually and in a private
28 room.

29 C. If the woman who is seeking the abortion discloses that the
30 abortion is being sought because of a reason described in subsection A,
31 paragraph 12, subdivision (d), (e), (f), (g) or (h) of this section, the
32 hospital or facility shall provide the woman with information regarding
33 the woman's right to report a crime to law enforcement and resources
34 available for assistance and services, including a national human
35 trafficking resource hotline.

36 D. The report must be signed by the physician, **NURSE PRACTITIONER**
37 **OR PHYSICIAN ASSISTANT** who performed the abortion or, if a health
38 professional other than a physician, **NURSE PRACTITIONER OR PHYSICIAN**
39 **ASSISTANT** is authorized by law to prescribe or administer abortion
40 medication, the signature and title of the person who prescribed or
41 administered the abortion medication. The form may be signed
42 electronically and shall indicate that the person who signs the report is
43 attesting that the information in the report is correct to the best of the
44 person's knowledge. The hospital or facility must transmit the report to

1 the department within fifteen days after the last day of each reporting
2 month.

3 E. Any report filed pursuant to this section shall be filed
4 electronically at an internet website that is designated by the department
5 unless the person required to file the report applies for a waiver from
6 electronic reporting by submitting a written request to the department.

7 Sec. 14. Section 36-2162.01, Arizona Revised Statutes, is amended
8 to read:

9 36-2162.01. Informed consent; reporting requirements

10 A. A physician, NURSE PRACTITIONER OR PHYSICIAN ASSISTANT in this
11 state who provides informed consent information regarding abortion
12 pursuant to section 36-2153 or performs fetal ultrasound imaging and
13 auscultation of fetal heart tone services pursuant to section 36-2156 or
14 who delegates to a person authorized by section 36-2153 or 36-2156 the
15 duty to provide the information or services required by those sections
16 shall submit to the department of health services on a form prescribed by
17 the department a report that includes the following information:

18 1. The number of women to whom the physician, NURSE PRACTITIONER OR
19 PHYSICIAN ASSISTANT provided the information described in section 36-2153,
20 subsection A, paragraph 1, and, of those women, the number provided in the
21 capacity of a referring physician, NURSE PRACTITIONER OR PHYSICIAN
22 ASSISTANT and the number provided in the capacity of a physician, NURSE
23 PRACTITIONER OR PHYSICIAN ASSISTANT who is to perform the abortion.

24 2. The number of women to whom the physician, physician assistant,
25 nurse, psychologist or licensed behavioral health professional provided
26 the information described in section 36-2153, subsection A, paragraph 2,
27 and, of those women, the number provided in the capacity of a referring
28 physician, NURSE PRACTITIONER OR PHYSICIAN ASSISTANT and the number
29 provided in the capacity of a physician, NURSE PRACTITIONER OR PHYSICIAN
30 ASSISTANT who is to perform the abortion, and, of each of those numbers,
31 the number provided by the physician, NURSE PRACTITIONER OR PHYSICIAN
32 ASSISTANT and the number provided by a physician assistant, nurse,
33 psychologist or licensed behavioral health professional.

34 3. The number of women for whom the physician, NURSE PRACTITIONER
35 OR PHYSICIAN ASSISTANT or qualified person working in conjunction with the
36 physician, NURSE PRACTITIONER OR PHYSICIAN ASSISTANT performed fetal
37 ultrasound imaging and auscultation of fetal heart tone services described
38 in section 36-2156, subsection A, paragraph 1, and, of those numbers, the
39 number provided in the capacity of a referring physician, NURSE
40 PRACTITIONER OR PHYSICIAN ASSISTANT and the number provided in the
41 capacity of a physician, NURSE PRACTITIONER OR PHYSICIAN ASSISTANT who is
42 to perform the abortion, and, of each of those numbers, the number
43 provided by the physician, NURSE PRACTITIONER OR PHYSICIAN ASSISTANT and
44 the number provided by a qualified person working in conjunction with the
45 physician, NURSE PRACTITIONER OR PHYSICIAN ASSISTANT.

1 4. The number of abortions performed by the physician, NURSE
2 PRACTITIONER OR PHYSICIAN ASSISTANT in which information required by
3 sections 36-2153 and 36-2156 to be provided ~~at least twenty-four hours~~
4 before the abortion was not provided because a medical emergency compelled
5 the performance of an abortion to avert the woman's death and the number
6 of abortions in which this required information was not provided because a
7 medical emergency compelled the performance of an abortion to avert
8 substantial and irreversible impairment of a major bodily function of the
9 woman.

10 B. The report may not identify the individual patient by name or
11 include any other information or identifier that would make it possible to
12 identify, in any manner or under any circumstances, a woman who has
13 obtained or sought to obtain an abortion.

14 C. The report shall be signed by the physician, NURSE PRACTITIONER
15 OR PHYSICIAN ASSISTANT who provided to the woman the information required
16 by section 36-2153, subsection A, paragraph 1 or the physician, NURSE
17 PRACTITIONER OR PHYSICIAN ASSISTANT who delegated the duty to another
18 person authorized by law to provide to the woman the information required
19 by section 36-2153, subsection A, paragraph 2 or section 36-2156,
20 subsection A, paragraph 1. The form may be signed electronically and
21 shall indicate that the physician, NURSE PRACTITIONER OR PHYSICIAN
22 ASSISTANT who signs the report is attesting that the information in the
23 report is correct to the best of the ~~physician's~~ HEALTH CARE PROVIDER'S
24 knowledge. The physician, NURSE PRACTITIONER OR PHYSICIAN ASSISTANT must
25 transmit the report to the department within fifteen days after the last
26 day of each reporting month.

27 D. Any report filed pursuant to this section shall be filed
28 electronically at an internet website that is designated by the department
29 unless the person required to file the report applies for a waiver from
30 electronic reporting by submitting a written request to the department.

31 Sec. 15. Repeal

32 Section 36-3604, Arizona Revised Statutes, is repealed.