

REFERENCE TITLE: **abortion data; survivors act; supporting**

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

## **SCR 1009**

Introduced by  
Senators Kerr: Barto, Borrelli, Boyer, Fann, Gowan, Gray, Leach,  
Livingston, Mesnard, Pace, Petersen, Rogers, Shope, Townsend, Ugenti-Rita

### **A CONCURRENT RESOLUTION**

**SUPPORTING THE ENACTMENT OF THE BORN-ALIVE ABORTION SURVIVORS PROTECTION ACT AND THE ENSURING ACCURATE AND COMPLETE ABORTION DATA REPORTING ACT OF 2019.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1           Whereas, Congress and the State of Arizona have compelling interests  
2 in protecting all human life; and

3           Whereas, Congress passed by unanimous consent the Born-Alive Infants  
4 Protection Act "to repudiate the flawed notion that a child's entitlement  
5 to the protections of the law is dependent upon whether that child's  
6 mother or others want him or her" and "to repudiate the flawed notion that  
7 the right to an abortion means the right to a dead baby, regardless of  
8 where the killing takes place"; and

9           Whereas, to achieve these important objectives, the Born-Alive  
10 Infants Protection Act affirmatively recognizes that all infants born at  
11 any stage of development, regardless of the circumstances surrounding  
12 their births, are "persons" for purposes of federal law; and

13           Whereas, the Born-Alive Infants Protection Act became law in August  
14 2002; and

15           Whereas, the legal recognition provided by the Born-Alive Infants  
16 Protection Act has proved to be inadequate for providing necessary legal  
17 protections for infants born alive following attempted abortions and  
18 ensuring that they receive medically appropriate care and treatment; and

19           Whereas, to remedy this deficiency, Congress introduced the  
20 Born-Alive Abortion Survivors Protection Act, which would affirmatively  
21 require that medically appropriate care be given to any infant born alive  
22 following an abortion procedure; and

23           Whereas, the Born-Alive Abortion Survivors Protection Act  
24 supplements existing federal law to require that health care providers  
25 "exercise the same degree of professional skill, care and diligence to  
26 preserve the life and health of a child" born alive following an attempted  
27 abortion as the provider "would render to any other child born alive"; and

28           Whereas, a February 2017 poll by the Susan B. Anthony List found  
29 that 77% of Americans support legislation "that would ensure that a baby  
30 who survives a failed abortion would be given the same medical treatment  
31 as any other baby born prematurely at the same age"; and

32           Whereas, the citizens of this state strongly support laws providing  
33 legal recognition and protection for born-alive infants, including those  
34 who survive attempted abortions, as evidenced by Arizona's enactment of  
35 section 36-2301, Arizona Revised Statutes, which requires a physician  
36 performing an abortion and any other physician in attendance to use "all  
37 available means and medical skills" to "promote, preserve and maintain the  
38 life" of a fetus or embryo who is delivered alive; and

39           Whereas, the problem of born-alive infants being denied medically  
40 appropriate care following attempted abortions is a matter of official  
41 public record but still underreported; and

42           Whereas, to remedy the problem of underreporting of cases of infants  
43 born alive following attempted abortions, Congress introduced the Ensuring  
44 Accurate and Complete Abortion Data Reporting Act of 2019, which would  
45 make certain Medicaid family planning monies conditional on a state

1 gathering and reporting to the United States Centers for Disease Control  
2 and Prevention comprehensive abortion data, and affirmatively requires  
3 that states report instances of unborn children surviving abortion  
4 attempts.

5 Therefore

6 Be it resolved by the Senate of the State of Arizona, the House of  
7 Representatives concurring:

8 1. That the Legislature strongly supports the enactment of the  
9 Born-Alive Abortion Survivors Protection Act.

10 2. That the Legislature strongly supports the enactment of the  
11 Ensuring Accurate and Complete Abortion Data Reporting Act of 2019.

12 3. That the Secretary of State of the State of Arizona transmit  
13 copies of this Resolution to the Governor of the State of Arizona, the  
14 President of the United States, the President of the United States Senate,  
15 the Speaker of the United States House of Representatives and each Member  
16 of Congress from the State of Arizona.