

Conference Engrossed

abortion; unborn child; genetic abnormality

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

CHAPTER 286
SENATE BILL 1457

AN ACT

AMENDING TITLE 1, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 1-219; AMENDING SECTION 13-3603.02, ARIZONA REVISED STATUTES; REPEALING SECTION 13-3604, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-115.01; AMENDING SECTIONS 35-196.04, 36-449.01, 36-449.03, 36-2151, 36-2153, 36-2157 AND 36-2158, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 20, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-2160; AMENDING SECTION 36-2161, 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. Title 1, chapter 2, article 2, Arizona Revised Statutes,
3 is amended by adding section 1-219, to read:

4 1-219. Interpretation of laws; unborn child; definition

5 A. THE LAWS OF THIS STATE SHALL BE INTERPRETED AND CONSTRUED TO
6 ACKNOWLEDGE, ON BEHALF OF AN UNBORN CHILD AT EVERY STAGE OF DEVELOPMENT,
7 ALL RIGHTS, PRIVILEGES AND IMMUNITIES AVAILABLE TO OTHER PERSONS, CITIZENS
8 AND RESIDENTS OF THIS STATE, SUBJECT ONLY TO THE CONSTITUTION OF THE
9 UNITED STATES AND DECISIONAL INTERPRETATIONS THEREOF BY THE UNITED STATES
10 SUPREME COURT.

11 B. THIS SECTION DOES NOT CREATE A CAUSE OF ACTION AGAINST:

12 1. A PERSON WHO PERFORMS IN VITRO FERTILIZATION PROCEDURES AS
13 AUTHORIZED UNDER THE LAWS OF THIS STATE.

14 2. A WOMAN FOR INDIRECTLY HARMING HER UNBORN CHILD BY FAILING TO
15 PROPERLY CARE FOR HERSELF OR BY FAILING TO FOLLOW ANY PARTICULAR PROGRAM
16 OF PRENATAL CARE.

17 C. FOR THE PURPOSES OF THIS SECTION, "UNBORN CHILD" HAS THE SAME
18 MEANING PRESCRIBED IN SECTION 36-2151.

19 Sec. 2. Section 13-3603.02, Arizona Revised Statutes, is amended to
20 read:

21 13-3603.02. Abortion; sex and race selection; genetic
22 abnormality; injunctive and civil relief;
23 failure to report; definitions

24 A. EXCEPT IN A MEDICAL EMERGENCY, a person who knowingly does any
25 of the following is guilty of a class ~~5~~ 6 felony:

26 1. Performs an abortion knowing that the abortion is sought based
27 on the sex or race of the child or the race of a parent of that child.

28 2. PERFORMS AN ABORTION KNOWING THAT THE ABORTION IS SOUGHT SOLELY
29 BECAUSE OF A GENETIC ABNORMALITY OF THE CHILD.

30 B. A PERSON WHO KNOWINGLY DOES EITHER OF THE FOLLOWING IS GUILTY OF
31 A CLASS 3 FELONY:

32 ~~2.~~ 1. Uses force or the threat of force to intentionally injure or
33 intimidate any person for the purpose of coercing a sex-selection or
34 race-selection abortion OR AN ABORTION BECAUSE OF A GENETIC ABNORMALITY OF
35 THE CHILD.

36 ~~3.~~ 2. Solicits or accepts monies to finance a sex-selection or
37 race-selection abortion OR AN ABORTION BECAUSE OF A GENETIC ABNORMALITY OF
38 THE CHILD.

39 ~~B.~~ C. The attorney general or the county attorney may bring an
40 action in superior court to enjoin the activity described in subsection A
41 OR B of this section.

42 ~~C.~~ D. The father of the unborn child who is married to the mother
43 at the time she receives a sex-selection or race-selection abortion OR AN
44 ABORTION BECAUSE OF A GENETIC ABNORMALITY OF THE CHILD, or, if the mother
45 has not attained eighteen years of age at the time of the abortion, ~~the~~ A

1 maternal ~~grandparents~~ GRANDPARENT of the unborn child, may bring a civil
2 action on behalf of the unborn child to obtain appropriate relief with
3 respect to a violation of subsection A OR B of this section. The court
4 may award reasonable attorney fees as part of the costs in an action
5 brought pursuant to this subsection. For the purposes of this subsection,
6 "appropriate relief" includes monetary damages for all injuries, whether
7 psychological, physical or financial, including loss of companionship and
8 support, resulting from the violation of subsection A OR B of this
9 section.

10 ~~D.~~ E. A physician, physician's assistant, nurse, counselor or
11 other medical or mental health professional who knowingly does not report
12 known violations of this section to appropriate law enforcement
13 authorities shall be subject to a civil fine of not more than ~~ten thousand~~
14 ~~dollars~~ \$10,000.

15 ~~E.~~ F. A woman on whom a sex-selection or race-selection abortion
16 OR AN ABORTION BECAUSE OF A CHILD'S GENETIC ABNORMALITY is performed is
17 not subject to criminal prosecution or civil liability for any violation
18 of this section or for a conspiracy to violate this section.

19 ~~F.~~ G. For the purposes of this section: ~~;~~

20 1. "Abortion" has the same meaning prescribed in section 36-2151.

21 2. "GENETIC ABNORMALITY":

22 (a) MEANS THE PRESENCE OR PRESUMED PRESENCE OF AN ABNORMAL GENE
23 EXPRESSION IN AN UNBORN CHILD, INCLUDING A CHROMOSOMAL DISORDER OR
24 MORPHOLOGICAL MALFORMATION OCCURRING AS THE RESULT OF ABNORMAL GENE
25 EXPRESSION.

26 (b) DOES NOT INCLUDE A LETHAL FETAL CONDITION. FOR THE PURPOSES OF
27 THIS SUBDIVISION, "LETHAL FETAL CONDITION" HAS THE SAME MEANING PRESCRIBED
28 IN SECTION 36-2158.

29 3. "MEDICAL EMERGENCY" HAS THE SAME MEANING PRESCRIBED IN SECTION
30 36-2151.

31 Sec. 3. Repeal

32 Section 13-3604, Arizona Revised Statutes, is repealed.

33 Sec. 4. Title 15, chapter 1, article 1, Arizona Revised Statutes,
34 is amended by adding section 15-115.01, to read:

35 15-115.01. Public educational institution facility;
36 prohibition; definitions

37 A. A FACILITY THAT IS RUN BY OR THAT OPERATES ON THE PROPERTY OF A
38 PUBLIC EDUCATIONAL INSTITUTION MAY NOT PERFORM OR PROVIDE AN ABORTION,
39 UNLESS THE ABORTION IS NECESSARY TO SAVE THE LIFE OF THE WOMAN HAVING THE
40 ABORTION.

41 B. FOR THE PURPOSES OF THIS SECTION:

42 1. "ABORTION" HAS THE SAME MEANING PRESCRIBED IN SECTION 36-2151.

43 2. "MEDICAL EMERGENCY" HAS THE SAME MEANING PRESCRIBED IN SECTION
44 36-2151.

45 3. "PUBLIC EDUCATIONAL INSTITUTION" MEANS ANY OF THE FOLLOWING:

- 1 (a) A COMMUNITY COLLEGE AS DEFINED IN SECTION 15-1401.
- 2 (b) A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF
- 3 REGENTS.
- 4 (c) A SCHOOL DISTRICT, INCLUDING ITS SCHOOLS.
- 5 (d) A CHARTER SCHOOL.
- 6 (e) AN ACCOMMODATION SCHOOL.
- 7 (f) THE ARIZONA STATE SCHOOLS FOR THE DEAF AND THE BLIND.

8 Sec. 5. Section 35-196.04, Arizona Revised Statutes, is amended to
9 read:

10 35-196.04. Use of public monies prohibited; human cloning
11 research involving fetal remains from abortion;
12 other prohibited research; definition

13 A. Notwithstanding any other law, tax monies of this state or any
14 political subdivision of this state, federal monies passing through the
15 state treasury or the treasury of any political subdivision of this state
16 or any other public monies shall not be used by any person or entity,
17 including any state funded institution or facility, for human somatic cell
18 nuclear transfer, commonly known as human cloning.

19 B. NOTWITHSTANDING ANY OTHER LAW, PUBLIC MONIES OR TAX MONIES OF
20 THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE, ANY FEDERAL MONIES
21 PASSING THROUGH THE STATE TREASURY OR THE TREASURY OF ANY POLITICAL
22 SUBDIVISION OF THIS STATE OR MONIES PAID BY STUDENTS AS PART OF TUITION OR
23 FEES TO A STATE UNIVERSITY OR A COMMUNITY COLLEGE SHALL NOT BE EXPENDED OR
24 ALLOCATED FOR OR GRANTED TO OR ON BEHALF OF AN EXISTING OR PROPOSED
25 RESEARCH PROJECT THAT INVOLVES FETAL REMAINS FROM AN ABORTION OR HUMAN
26 SOMATIC CELL NUCLEAR TRANSFER OR ANY RESEARCH THAT IS PROHIBITED BY TITLE
27 36, CHAPTER 23.

28 ~~B.~~ C. This section does not restrict areas of scientific research
29 that are not specifically prohibited by this section, including research
30 in the use of nuclear transfer or other cloning techniques to produce
31 molecules, deoxyribonucleic acid, cells other than human embryos, tissues,
32 organs, plants or animals other than humans.

33 ~~C.~~ D. For the purposes of this section, "human somatic cell
34 nuclear transfer" means human asexual reproduction that is accomplished by
35 introducing the genetic material from one or more human somatic cells into
36 a fertilized or unfertilized oocyte whose nuclear material has been
37 removed or inactivated so as to produce an organism, at any stage of
38 development, that is genetically virtually identical to an existing or
39 previously existing human organism.

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

42 36-449.01. Definitions

43 In this article, unless the context otherwise requires:

44 1. "Abortion" means the use of any means with the intent to
45 terminate a woman's pregnancy for reasons other than to increase the

1 probability of a live birth, to preserve the life or health of the child
2 after a live birth, to terminate an ectopic pregnancy or to remove a dead
3 fetus. Abortion does not include birth control devices or oral
4 contraceptives.

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

8 3. "BODILY REMAINS" HAS THE SAME MEANING PRESCRIBED IN SECTION
9 36-2151.

10 ~~3.~~ 4. "Director" means the director of the department of health
11 services.

12 5. "FINAL DISPOSITION" HAS THE SAME MEANING PRESCRIBED IN SECTION
13 36-301.

14 ~~4.~~ 6. "Medication abortion" means the use of any medication, drug
15 or other substance that is intended to cause or induce an abortion.

16 ~~5.~~ 7. "Perform" includes the initial administration of any
17 medication, drug or other substance intended to cause or induce an
18 abortion.

19 ~~6.~~ 8. "Surgical abortion" has the same meaning prescribed in
20 section 36-2151.

21 ~~7.~~ 9. "Viable fetus" has the same meaning prescribed in section
22 36-2301.01.

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

25 36-449.03. Abortion clinics; rules; civil penalties

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

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

30 2. Dressing rooms for staff and patients.

31 3. Appropriate lavatory areas.

32 4. Areas for preprocedure hand washing.

33 5. Private procedure rooms.

34 6. Adequate lighting and ventilation for abortion procedures.

35 7. Surgical or gynecologic examination tables and other fixed
36 equipment.

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

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

40 10. Areas for cleaning and sterilizing instruments.

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

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

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

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

10 2. Require that the number or amount of equipment and supplies at
11 the clinic is adequate at all times to ~~assure~~ ENSURE sufficient quantities
12 of clean and sterilized durable equipment and supplies to meet the needs
13 of each patient.

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

18 4. Prescribe required equipment and supplies for required
19 laboratory tests and requirements for protocols to calibrate and maintain
20 laboratory equipment at the abortion clinic or operated by clinic staff.

21 5. Require ultrasound equipment.

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

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

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

29 2. Physicians performing abortions are licensed pursuant to title
30 32, chapter 13 or 17, demonstrate competence in the procedure involved and
31 are acceptable to the medical director of the abortion clinic.

32 3. A physician is available:

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

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

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

1 5. Surgical assistants receive training in counseling, patient
2 advocacy and the specific responsibilities of the services the surgical
3 assistants provide.

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

8 D. The director shall adopt rules relating to the medical screening
9 and evaluation of each abortion clinic patient. At a minimum these rules
10 shall require:

11 1. A medical history, including the following:

12 (a) Reported allergies to medications, antiseptic solutions or
13 latex.

14 (b) Obstetric and gynecologic history.

15 (c) Past surgeries.

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

18 3. The appropriate laboratory tests, including:

19 (a) Urine or blood tests for pregnancy performed before the
20 abortion procedure.

21 (b) A test for anemia.

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

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

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

33 5. That the physician is responsible for estimating the gestational
34 age of the fetus based on the ultrasound examination and obstetric
35 standards in keeping with established standards of care regarding the
36 estimation of fetal age as defined in rule and shall write the estimate in
37 the patient's medical history. The physician shall keep original prints
38 of each ultrasound examination of a patient in the patient's medical
39 history file.

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

42 1. That medical personnel is available to all patients throughout
43 the abortion procedure.

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

4 3. Appropriate use of local anesthesia, analgesia and sedation if
5 ordered by the physician.

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

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

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

18 **F. THE DIRECTOR SHALL ADOPT RULES RELATING TO THE FINAL DISPOSITION**
19 **OF BODILY REMAINS. AT A MINIMUM THESE RULES SHALL REQUIRE THAT:**

20 1. **THE FINAL DISPOSITION OF BODILY REMAINS FROM A SURGICAL ABORTION**
21 **BE BY CREMATION OR INTERMENT.**

22 2. **FOR A SURGICAL ABORTION, THE WOMAN ON WHOM THE ABORTION IS**
23 **PERFORMED HAS THE RIGHT TO DETERMINE THE METHOD AND LOCATION FOR FINAL**
24 **DISPOSITION OF BODILY REMAINS.**

25 ~~F.~~ **G.** The director shall adopt rules that prescribe minimum
26 recovery room standards. At a minimum these rules shall require that:

27 1. For a surgical abortion, immediate postprocedure care, or care
28 provided after inducing a medication abortion, consists of observation in
29 a supervised recovery room for as long as the patient's condition
30 warrants.

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

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

37 4. For a surgical abortion, a physician with admitting privileges
38 at a health care institution that is classified by the director as a
39 hospital pursuant to section 36-405, subsection B and that is within
40 thirty miles of the abortion clinic remains on the premises of the
41 abortion clinic until all patients are stable and are ready to leave the
42 recovery room and to facilitate the transfer of emergency cases if
43 hospitalization of the patient or viable fetus is necessary. A physician
44 shall sign the discharge order and be readily accessible and available
45 until the last patient is discharged.

1 5. A physician discusses Rh0(d) immune globulin with each patient
2 for whom it is indicated and ~~assures~~ ENSURES THAT it is offered to the
3 patient in the immediate postoperative period or that it will be available
4 to her within seventy-two hours after completion of the abortion
5 procedure. If the patient refuses, a refusal form approved by the
6 department shall be signed by the patient and a witness and included in
7 the medical record.

8 6. Written instructions with regard to postabortion coitus, signs
9 of possible problems and general aftercare are given to each patient.
10 Each patient shall have specific instructions regarding access to medical
11 care for complications, including a telephone number to call for medical
12 emergencies.

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

16 8. The physician ~~assures~~ ENSURES that a licensed health
17 professional from the abortion clinic makes a good faith effort to contact
18 the patient by telephone, with the patient's consent, within twenty-four
19 hours after a surgical abortion to assess the patient's recovery.

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

23 ~~G.~~ H. The director shall adopt rules that prescribe standards for
24 follow-up visits. At a minimum these rules shall require that:

25 1. For a surgical abortion, a postabortion medical visit is offered
26 and, if requested, scheduled for three weeks after the abortion, including
27 a medical examination and a review of the results of all laboratory tests.
28 For a medication abortion, the rules shall require that a postabortion
29 medical visit is scheduled between one week and three weeks after the
30 initial dose for a medication abortion to confirm the pregnancy is
31 completely terminated and to assess the degree of bleeding.

32 2. A urine pregnancy test is obtained at the time of the follow-up
33 visit to rule out continuing pregnancy. If a continuing pregnancy is
34 suspected, the patient shall be evaluated and a physician who performs
35 abortions shall be consulted.

36 ~~H.~~ I. The director shall adopt rules to prescribe minimum abortion
37 clinic incident reporting. At a minimum these rules shall require that:

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

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

4 3. Incident reports are filed with the department and appropriate
5 professional regulatory boards.

6 ~~I.~~ J. The director shall adopt rules relating to enforcement of
7 this article. At a minimum, these rules shall require that:

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

- 14 (a) Assess a civil penalty pursuant to section 36-431.01.
- 15 (b) Impose an intermediate sanction pursuant to section 36-427.
- 16 (c) Suspend or revoke a license pursuant to section 36-427.
- 17 (d) Deny a license.
- 18 (e) Bring an action for an injunction pursuant to section 36-430.

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

- 22 (a) Whether the abortion clinic has repeated violations of statutes
23 or rules.
- 24 (b) Whether the abortion clinic has engaged in a pattern of
25 noncompliance.
- 26 (c) The type, severity and number of violations.

27 ~~J.~~ K. The department shall not release personally identifiable
28 patient or physician information.

29 ~~K.~~ L. The rules adopted by the director pursuant to this section
30 do not limit the ability of a physician or other health professional to
31 advise a patient on any health issue.

32 Sec. 8. Section 36-2151, Arizona Revised Statutes, is amended to
33 read:

34 36-2151. Definitions

35 In this article, unless the context otherwise requires:

36 1. "Abortion" means the use of any means to terminate the
37 clinically diagnosable pregnancy of a woman with knowledge that the
38 termination by those means will cause, with reasonable likelihood, the
39 death of the unborn child. Abortion does not include birth control
40 devices, oral contraceptives used to inhibit or prevent ovulation,
41 conception or the implantation of a fertilized ovum in the uterus or the
42 use of any means to save the life or preserve the health of the unborn
43 child, to preserve the life or health of the child after a live birth, to
44 terminate an ectopic pregnancy or to remove a dead fetus.

1 2. "Auscultation" means the act of listening for sounds made by
2 internal organs of the unborn child, specifically for a heartbeat, using
3 an ultrasound transducer and fetal heart rate monitor.

4 3. "BODILY REMAINS" MEANS THE PHYSICAL REMAINS, CORPSE OR BODY
5 PARTS OF AN UNBORN CHILD WHO HAS BEEN EXPELLED OR EXTRACTED FROM HIS OR
6 HER MOTHER THROUGH ABORTION.

7 ~~3.~~ 4. "Conception" means the fusion of a human spermatozoon with a
8 human ovum.

9 5. "FINAL DISPOSITION" HAS THE SAME MEANING PRESCRIBED IN SECTION
10 36-301.

11 6. "GENETIC ABNORMALITY" HAS THE SAME MEANING PRESCRIBED IN SECTION
12 13-3603.02.

13 ~~4.~~ 7. "Gestational age" means the age of the unborn child as
14 calculated from the first day of the last menstrual period of the pregnant
15 woman.

16 ~~5.~~ 8. "Health professional" has the same meaning prescribed in
17 section 32-3201.

18 ~~6.~~ 9. "Medical emergency" means a condition that, on the basis of
19 the physician's good faith clinical judgment, so complicates the medical
20 condition of a pregnant woman as to necessitate the immediate abortion of
21 her pregnancy to avert her death or for which a delay will create serious
22 risk of substantial and irreversible impairment of a major bodily
23 function.

24 ~~7.~~ 10. "Medication abortion" means the use of any medication, drug
25 or other substance that is intended to cause or induce an abortion.

26 ~~8.~~ 11. "Physician" means a person who is licensed pursuant to
27 title 32, chapter 13 or 17.

28 ~~9.~~ 12. "Pregnant" or "pregnancy" means a female reproductive
29 condition of having a developing unborn child in the body and that begins
30 with conception.

31 ~~10.~~ 13. "Probable gestational age" means the gestational age of the
32 unborn child at the time the abortion is planned to be performed and as
33 determined with reasonable probability by the attending physician.

34 ~~11.~~ 14. "Surgical abortion" means the use of a surgical instrument
35 or a machine to terminate the clinically diagnosable pregnancy of a woman
36 with knowledge that the termination by those means will cause, with
37 reasonable likelihood, the death of the unborn child. Surgical abortion
38 does not include the use of any means to increase the probability of a
39 live birth, to preserve the life or health of the child after a live
40 birth, to terminate an ectopic pregnancy or to remove a dead fetus.
41 Surgical abortion does not include patient care incidental to the
42 procedure.

43 ~~12.~~ 15. "Ultrasound" means the use of ultrasonic waves for
44 diagnostic or therapeutic purposes to monitor a developing unborn child.

1 ~~13.~~ 16. "Unborn child" means the offspring of human beings from
2 conception until birth.

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

5 36-2153. Informed consent; requirements; information;
6 website; signage; violation; civil relief; statute
7 of limitations

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

13 1. At least twenty-four hours before the abortion, the physician
14 who is to perform the abortion or the referring physician has informed the
15 woman, orally and in person, of:

16 (a) The name of the physician who will perform the abortion.

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

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

21 (d) Alternatives to the procedure or treatment that a reasonable
22 patient would consider material to the decision of whether or not to
23 undergo the abortion.

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

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

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

29 2. At least twenty-four hours before the abortion, the physician
30 who is to perform the abortion, the referring physician or a qualified
31 physician, physician assistant, nurse, psychologist or licensed behavioral
32 health professional to whom the responsibility has been delegated by
33 either physician has informed the woman, orally and in person, that:

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

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

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

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

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

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

8 (g) The woman has ~~a~~ THE right to review the website and that a
9 printed copy of the materials on the website will be provided to her free
10 of charge if she chooses to review these materials.

11 (h) IN THE CASE OF A SURGICAL ABORTION, THE WOMAN HAS THE RIGHT TO
12 DETERMINE FINAL DISPOSITION OF BODILY REMAINS AND TO BE INFORMED OF THE
13 AVAILABLE OPTIONS FOR LOCATIONS AND METHODS FOR DISPOSITION OF BODILY
14 REMAINS.

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

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

22 5. IN THE CASE OF A SURGICAL ABORTION, IF THE WOMAN DESIRES TO
23 EXERCISE HER RIGHT TO DETERMINE FINAL DISPOSITION OF BODILY REMAINS, THE
24 WOMAN INDICATES IN WRITING HER CHOICE FOR THE LOCATION AND METHOD OF FINAL
25 DISPOSITION OF BODILY REMAINS.

26 B. If a woman has taken mifepristone as part of a two-drug regimen
27 to terminate her pregnancy, has not yet taken the second drug and consults
28 an abortion clinic questioning her decision to terminate her pregnancy or
29 seeking information regarding the health of her fetus or the efficacy of
30 mifepristone alone to terminate a pregnancy, the abortion clinic staff
31 shall inform the woman that the use of mifepristone alone to end a
32 pregnancy is not always effective and that she should immediately consult
33 a physician if she would like more information.

34 C. If a medical emergency compels the performance of an abortion,
35 the physician shall inform the woman, before the abortion if possible, of
36 the medical indications supporting the physician's judgment that an
37 abortion is necessary to avert the woman's death or to avert substantial
38 and irreversible impairment of a major bodily function.

39 D. The department of health services shall establish and shall
40 annually update a website that includes a link to a printable version of
41 all materials listed on the website. The materials must be written in an
42 easily understood manner and printed in a typeface that is large enough to
43 be clearly legible. The website must include all of the following
44 materials:

1 1. Information that is organized geographically by location and
2 that is designed to inform the woman about public and private agencies and
3 services that are available to assist a woman through pregnancy, at
4 childbirth and while her child is dependent, including adoption agencies.
5 The materials shall include a comprehensive list of the agencies, a
6 description of the services they offer and the manner in which these
7 agencies may be contacted, including the agencies' telephone numbers and
8 website addresses.

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

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

13 4. A statement that any physician who performs an abortion on a
14 woman without obtaining the woman's voluntary and informed consent or
15 without affording her a private medical consultation may be liable to the
16 woman for damages in a civil action.

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

21 6. Information that is designed to inform the woman of the probable
22 anatomical and physiological characteristics of the unborn child at
23 two-week gestational increments from fertilization to full term, including
24 pictures or drawings representing the development of unborn children at
25 two-week gestational increments and any relevant information on the
26 possibility of the unborn child's survival. The pictures or drawings must
27 contain the dimensions of the unborn child and must be realistic and
28 appropriate for each stage of pregnancy. The information provided
29 pursuant to this paragraph must be objective, nonjudgmental and designed
30 to convey only accurate scientific information about the unborn child at
31 the various gestational ages.

32 7. Objective information that describes the methods of abortion
33 procedures commonly employed, the medical risks commonly associated with
34 each procedure, the possible detrimental psychological effects of abortion
35 and the medical risks commonly associated with carrying a child to term.

36 8. Information explaining the efficacy of mifepristone taken alone,
37 without a follow-up drug as part of a two-drug regimen, to terminate a
38 pregnancy and advising a woman to immediately contact a physician if the
39 woman has taken only mifepristone and questions her decision to terminate
40 her pregnancy or seeks information regarding the health of her fetus.

41 E. An individual who is not a physician shall not perform a
42 surgical abortion.

43 F. A person shall not write or communicate a prescription for a
44 drug or drugs to induce an abortion or require or obtain payment for a
45 service provided to a patient who has inquired about an abortion or

1 scheduled an abortion until the ~~expiration of the~~ twenty-four-hour
2 reflection period required by subsection A of this section **EXPIRES**.

3 G. A person shall not intimidate or coerce in any way any person to
4 obtain an abortion. A parent, a guardian or any other person shall not
5 coerce a minor to obtain an abortion. If a minor is denied financial
6 support by the minor's parents, guardians or custodian due to the minor's
7 refusal to have an abortion performed, the minor is deemed emancipated for
8 the purposes of eligibility for public assistance benefits, except that
9 the emancipated minor may not use these benefits to obtain an abortion.

10 H. An abortion clinic as defined in section 36-449.01 shall
11 conspicuously post signs that are visible to all who enter the abortion
12 clinic, that are clearly readable and that state it is unlawful for any
13 person to force a woman to have an abortion and a woman who is being
14 forced to have an abortion has the right to contact any local or state law
15 enforcement or social service agency to receive protection from any actual
16 or threatened physical, emotional or psychological abuse. The signs shall
17 be posted in the waiting room, consultation rooms and procedure rooms.

18 I. A person shall not require a woman to obtain an abortion as a
19 provision in a contract or as a condition of employment.

20 J. A physician who knowingly violates this section commits an act
21 of unprofessional conduct and is subject to license suspension or
22 revocation pursuant to title 32, chapter 13 or 17.

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

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

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

31 3. ~~The A maternal grandparents~~ **GRANDPARENT** of the unborn child if
32 the mother was not at least eighteen years of age at the time of the
33 abortion, unless the pregnancy resulted from the plaintiff's criminal
34 conduct.

35 L. A civil action filed pursuant to subsection K of this section
36 shall be brought in the superior court in the county in which the woman on
37 whom the abortion was performed resides and may be based on a claim that
38 failure to obtain informed consent was a result of simple negligence,
39 gross negligence, wantonness, wilfulness, intention or any other legal
40 standard of care. Relief pursuant to subsection K of this section
41 includes the following:

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

44 2. Statutory damages in an amount equal to ~~five thousand dollars~~
45 **\$5,000** or three times the cost of the abortion, whichever is greater.

1 3. Reasonable attorney fees and costs.

2 M. A civil action brought pursuant to this section must be
3 initiated within six years after the violation occurred.

4 Sec. 10. Section 36-2157, Arizona Revised Statutes, is amended to
5 read:

6 36-2157. Affidavit

7 A person shall not knowingly perform or induce an abortion before
8 that person completes an affidavit that:

9 1. States that the person making the affidavit is not aborting the
10 child because of the child's sex or race **OR BECAUSE OF A GENETIC**
11 **ABNORMALITY OF THE CHILD** and has no knowledge that the child to be aborted
12 is being aborted because of the child's sex or race **OR BECAUSE OF A**
13 **GENETIC ABNORMALITY OF THE CHILD**.

14 2. Is signed by the person performing or inducing the abortion.

15 Sec. 11. Section 36-2158, Arizona Revised Statutes, is amended to
16 read:

17 36-2158. Informed consent; fetal condition; website;
18 unprofessional conduct; civil relief; statute of
19 limitations; definitions

20 A. A person shall not perform or induce an abortion without first
21 obtaining the voluntary and informed consent of the woman on whom the
22 abortion is to be performed or induced. Except in the case of a medical
23 emergency and in addition to the other requirements of this chapter,
24 consent to an abortion is voluntary and informed only if all of the
25 following occur:

26 1. In the case of a woman seeking an abortion of her unborn child
27 diagnosed with a lethal fetal condition, at least twenty-four hours before
28 the abortion the physician who is to perform the abortion or the referring
29 physician has informed the woman, orally and in person, that:

30 (a) Perinatal hospice services are available and the physician has
31 offered this care as an alternative to abortion.

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

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

38 2. In the case of a woman seeking an abortion of her unborn child
39 diagnosed with a nonlethal fetal condition, at least twenty-four hours
40 before the abortion the physician who is to perform the abortion or the
41 referring physician has informed the woman, orally and in person:

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

1 (b) That the department of health services maintains a website that
2 lists information regarding support services, hotlines, resource centers
3 or clearinghouses, national and local peer support groups and other
4 education and support programs available to assist the woman and her
5 unborn child, any national or local registries of families willing to
6 adopt newborns with the nonlethal fetal condition and contact information
7 for adoption agencies willing to place newborns with the nonlethal fetal
8 condition with families willing to adopt.

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

12 (d) THAT SECTION 13-3603.02 PROHIBITS ABORTION BECAUSE OF THE
13 UNBORN CHILD'S SEX OR RACE OR BECAUSE OF A GENETIC ABNORMALITY.

14 3. The woman certifies in writing before the abortion that the
15 information required to be provided pursuant to this subsection has been
16 provided.

17 B. The department of health services shall establish ~~a website~~
18 ~~within ninety days after the effective date of this section~~ and shall
19 annually update ~~the A website. The website shall include~~ THAT INCLUDES
20 the information prescribed in subsection A, paragraph 1, subdivision (b)
21 and paragraph 2, subdivision (b) of this section.

22 C. A physician who knowingly violates this section commits an act
23 of unprofessional conduct and is subject to license suspension or
24 revocation pursuant to title 32, chapter 13 or 17.

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

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

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

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

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

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

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

3 3. Reasonable attorney fees and costs.

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

6 G. For the purposes of this section:

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

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

14 3. "Perinatal hospice" means comprehensive support to the pregnant
15 woman and her family that includes supportive care from the time of
16 diagnosis through the time of birth and death of the infant and through
17 the postpartum period. Supportive care may include counseling and medical
18 care by maternal-fetal medical specialists, obstetricians, neonatologists,
19 anesthesia specialists, clergy, social workers and specialty nurses who
20 are focused on alleviating fear and ensuring that the woman and her family
21 experience the life and death of the child in a comfortable and supportive
22 environment.

23 Sec. 12. Title 36, chapter 20, article 1, Arizona Revised Statutes,
24 is amended by adding section 36-2160, to read:

25 36-2160. Abortion-inducing drugs; definition

26 A. AN ABORTION-INDUCING DRUG MAY BE PROVIDED ONLY BY A QUALIFIED
27 PHYSICIAN IN ACCORDANCE WITH THE REQUIREMENTS OF THIS CHAPTER.

28 B. A MANUFACTURER, SUPPLIER OR PHYSICIAN OR ANY OTHER PERSON IS
29 PROHIBITED FROM PROVIDING AN ABORTION-INDUCING DRUG VIA COURIER, DELIVERY
30 OR MAIL SERVICE.

31 C. THIS SECTION DOES NOT APPLY TO DRUGS THAT MAY BE KNOWN TO CAUSE
32 AN ABORTION BUT THAT ARE PRESCRIBED FOR OTHER MEDICAL INDICATIONS.

33 D. FOR THE PURPOSES OF THIS SECTION, "ABORTION-INDUCING DRUG" MEANS
34 A MEDICINE OR DRUG OR ANY OTHER SUBSTANCE USED FOR A MEDICATION ABORTION.

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

37 36-2161. Abortions; reporting requirements

38 A. A hospital or facility in this state where abortions are
39 performed must submit to the department of health services on a form
40 prescribed by the department a report of each abortion performed in the
41 hospital or facility. The report shall not identify the individual
42 patient by name or include any other information or identifier that would
43 make it possible to identify, in any manner or under any circumstances, a
44 woman who has obtained or sought to obtain an abortion. The report must
45 include the following information:

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

- 1 14. Any preexisting medical conditions of the woman that would
2 complicate pregnancy.
- 3 15. Any known medical complication that resulted from the abortion,
4 including at least one of the following:
- 5 (a) Shock.
- 6 (b) Uterine perforation.
- 7 (c) Cervical laceration requiring suture or repair.
- 8 (d) Heavy bleeding or hemorrhage with estimated blood loss of at
9 least five hundred cubic centimeters.
- 10 (e) Aspiration or allergic response.
- 11 (f) Postprocedure infection.
- 12 (g) Sepsis.
- 13 (h) Incomplete abortion retaining part of the fetus requiring
14 reevacuation.
- 15 (i) Damage to the uterus.
- 16 (j) Failed termination of pregnancy.
- 17 (k) Death of the patient.
- 18 (l) Other.
- 19 (m) None.
- 20 16. The basis for any medical judgment that a medical emergency
21 existed that excused the physician from compliance with the requirements
22 of this chapter.
- 23 17. The physician's statement if required pursuant to section
24 36-2301.01.
- 25 18. If applicable, the weight of the aborted fetus for any abortion
26 performed pursuant to section 36-2301.01.
- 27 19. Whether a fetus or embryo was delivered alive as defined in
28 section 36-2301 during or immediately after an attempted abortion and the
29 efforts made to promote, preserve and maintain the life of the fetus or
30 embryo pursuant to section 36-2301.
- 31 20. Statements by the physician and all clinical staff who observed
32 the fetus or embryo during or immediately after the abortion certifying
33 under penalty of perjury that, to the best of their knowledge, the aborted
34 fetus or embryo was not delivered alive as defined in section 36-2301.
- 35 21. The medical specialty of the physician performing the abortion,
36 including one of the following:
- 37 (a) Obstetrics-gynecology.
- 38 (b) General or family practice.
- 39 (c) Emergency medicine.
- 40 (d) Other.
- 41 22. The type of admission for the patient, including whether the
42 abortion was performed:
- 43 (a) As an outpatient procedure in an abortion clinic.
- 44 (b) As an outpatient procedure at a hospital.
- 45 (c) As an inpatient procedure at a hospital.

1 (d) As an outpatient procedure at a health care institution other
2 than an abortion clinic or hospital.

3 23. Whether anesthesia was administered to the mother.

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

5 25. WHETHER ANY GENETIC ABNORMALITY OF THE UNBORN CHILD WAS
6 DETECTED AT OR BEFORE THE TIME OF THE ABORTION BY GENETIC TESTING, SUCH AS
7 MATERNAL SERUM TESTS, OR BY ULTRASOUND, SUCH AS NUCHAL TRANSLUCENCY
8 SCREENING, OR BY OTHER FORMS OF TESTING.

9 26. IF A SURGICAL ABORTION WAS PERFORMED, THE METHOD OF FINAL
10 DISPOSITION OF BODILY REMAINS AND WHETHER THE WOMAN EXERCISED HER RIGHT TO
11 CHOOSE THE FINAL DISPOSITION OF BODILY REMAINS.

12 B. The hospital or facility shall request the information specified
13 in subsection A, paragraph 12 of this section at the same time the
14 information pursuant to section 36-2153 is provided to the woman
15 individually and in a private room to protect the woman's privacy. The
16 information requested pursuant to subsection A, paragraph 12 of this
17 section may be obtained on a medical form provided to the woman to
18 complete if the woman completes the form individually and in a private
19 room.

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

27 D. The report must be signed by the physician who performed the
28 abortion or, if a health professional other than a physician is authorized
29 by law to prescribe or administer abortion medication, the signature and
30 title of the person who prescribed or administered the abortion
31 medication. The form may be signed electronically and shall indicate that
32 the person who signs the report is attesting that the information in the
33 report is correct to the best of the person's knowledge. The hospital or
34 facility must transmit the report to the department within fifteen days
35 after the last day of each reporting month.

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

40 Sec. 14. Exemption from rulemaking

41 For the purposes of this act, the department of health services is
42 exempt from the rulemaking requirements of title 41, chapter 6, Arizona
43 Revised Statutes, for one year after the effective date of this act.

1 Sec. 15. Legislative findings and intent

2 The Legislature finds that prohibiting persons from performing
3 abortions knowing that the abortion is sought because of a genetic
4 abnormality of the child advances at least three compelling state
5 interests. First, this act protects the disability community from
6 discriminatory abortions, including for example Down-syndrome-selective
7 abortions. The Legislature finds that in the United States and abroad
8 fetuses with Down syndrome are disproportionately targeted for abortions,
9 with between 61 percent and 91 percent choosing abortion when it is
10 discovered on a prenatal test. See Box v. Planned Parenthood of Indiana
11 and Kentucky, Inc., 139 S. Ct. 1780, 1790-91 (2019) (Thomas, J.,
12 concurring). The Legislature intends to send an unambiguous message that
13 children with genetic abnormalities, whether born or unborn, are equal in
14 dignity and value to their peers without genetic abnormalities, born or
15 unborn. Second, this act protects against coercive health care practices
16 that encourage selective abortions of persons with genetic abnormalities.
17 The Sixth Circuit Court of Appeals recently found that empirical reports
18 from parents of children with Down syndrome attest that their doctors
19 explicitly encouraged abortion or emphasized the challenges of raising
20 children with Down syndrome, and there is medical literature to that
21 effect. See Preterm-Cleveland v. McCloud, No. 18-3329, ___ F.3d ___, 2021
22 WL 1377279, at *2 (6th Cir. Apr. 13, 2021) (citing David A. Savitz, How
23 Far Can Prenatal Screening Go in Preventing Birth Defects, 152 J. of
24 Pediatrics 3, 3 (2008) (arguing that "selective pregnancy terminations and
25 reduced birth prevalence [of Down syndrome is] a desirable and attainable
26 goal")). Third, this act protects the integrity and ethics of the medical
27 profession by preventing doctors from becoming witting participants in
28 genetic-abnormality-selective abortions. The Legislature finds that an
29 industry that is associated with the view that some lives or potential
30 lives are worth more than others is less likely to earn or retain the
31 public's trust. All three of these purposes are also present for the
32 similar prohibition in Arizona law on performing abortions knowing that
33 the abortion is sought based on the sex or race of the child or the race
34 of a parent of that child. The Legislature incorporates into its findings
35 the statistics recently provided by this state and other states to the
36 Supreme Court of the United States. See Brief of the States of Wisconsin
37 et al. at pages 17-25, Box v. Planned Parenthood of Indiana and Kentucky
38 Inc., No. 18-483, 2018 WL 6042853, available at
39 [https://www.supremecourt.gov/DocketPDF/18/18-483/72184/20181115122354603_1](https://www.supremecourt.gov/DocketPDF/18/18-483/72184/20181115122354603_18-483%20Brief%20of%20States%20of%20Wisconsin%20et%20al%20Supporting%20Petitioners.pdf)
40 [8-483%20Brief%20of%20States%20of%20Wisconsin%20et%20al%20Supporting%20Petitioners.pdf](https://www.supremecourt.gov/DocketPDF/18/18-483/72184/20181115122354603_18-483%20Brief%20of%20States%20of%20Wisconsin%20et%20al%20Supporting%20Petitioners.pdf).
41

42 Sec. 16. Intervention

43 The Legislature, by concurrent resolution, may appoint one or more
44 of its members who sponsored or cosponsored this act in the member's

1 official capacity to intervene as a matter of right in any case in which
2 the constitutionality of this act is challenged.

3 Sec. 17. Construction

4 This act does not create or recognize a right to an abortion and
5 does not make lawful an abortion that is currently unlawful.

6 Sec. 18. Severability

7 If a provision of this act or its application to any person or
8 circumstance is held invalid, the invalidity does not affect other
9 provisions or applications of this act that can be given effect without
10 the invalid provision or application, and to this end the provisions of
11 this act are severable.

APPROVED BY THE GOVERNOR APRIL 27, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 27, 2021.