



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
Second Regular Session

Senate: JUD DP 5-3-0-0 | 3rd Read 16-13-1-0

House: JUD DP 6-4-0-0 | 3rd Read 31-26-3-0

SB 1164: abortion; gestational age; limit

Sponsor: Senator Barto, LD 15

Transmitted to the Governor

Overview

Prohibits a physician from performing an abortion, except in a medical emergency, when the gestational age exceeds 15 weeks.

History

Current statute states an abortion may not be performed without the voluntary and informed consent of the patient. Outlined in statute is specific information that must be provided to the patient at least 24 hours before an abortion is performed. Additionally, 24 hours before an abortion is performed or induced, a qualified medical professional working in conjunction with a physician must perform a fetal ultrasound on the patient undergoing the abortion and offer the patient the opportunity to view the active ultrasound image. A physician who knowingly violates these requirements commits an act of unprofessional conduct and is subject to license suspension or revocation (A.R.S. §§ [36-2153](#), [36-2156](#)).

Except in a medical emergency, an abortion may not be performed unless the physician has first made a determination of the probable gestational age. Further, except in a medical emergency, an abortion may not be performed or induced if the probable gestational age has been determined to be at least 20 weeks. Any person who violates these requirements commits a class 1 misdemeanor. A physician who knowingly violates these requirements commits an act of unprofessional conduct and is subject to license suspension or revocation ([A.R.S. § 36-2159](#)).

Provisions

1. Prohibits a physician from performing an abortion, except in a medical emergency, unless the physician has determined and documented the probable gestational age. (Sec. 1)
2. Requires the determination of probable gestational age to be made according to standard medical practices and techniques. (Sec. 1)
3. Prohibits a physician from intentionally performing, or attempting to perform, an abortion if the probable gestational age is greater than 15 weeks. (Sec. 1)
4. Requires a physician to report all instances in which an abortion is performed or induced when the gestational age exceeds 15 weeks and outlines the reporting requirements. (Sec. 1)
5. Requires the Department of Health Services (DHS) to create a form for physicians to use when reporting abortions that were performed or induced when the gestational age exceeds 15 weeks. (Sec. 1)
6. States any physician who intentionally performs, or attempts to perform, an abortion that is not a medical emergency when the gestational age exceeds 15 weeks is guilty of a class 6 felony. (Sec. 1)

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note

7. Mandates a physician's license to practice medicine be suspended or revoked if the physician intentionally performs, or attempts to perform, an abortion that is not a medical emergency when the gestational age exceeds 15 weeks. (Sec. 1)
8. Directs DHS to impose a civil penalty of \$10,000 or less on a physician who fails to report, or intentionally falsifies any report, relating to an abortion performed or induced when the gestational age exceeded 15 weeks. (Sec. 1)
9. Specifies the pregnant woman on whom an abortion is performed may not be prosecuted for conspiracy to commit any violation of the above provisions. (Sec. 1)
10. Authorizes the Attorney General to enforce the above provisions. (Sec. 1)
11. Defines *abortion, attempt to perform or induce an abortion, department, gestational age, probable gestational age, human being, major bodily function, medical emergency and physician*. (Sec. 1)
12. Contains a construction clause. (Sec. 2)
13. Contains a legislative intent clause. (Sec. 3)
14. Contains a right to intervention clause. (Sec. 4)
15. Contains a severability clause. (Sec. 5)