

House Engrossed

partial-birth abortions; mandatory reporting

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HOUSE BILL 2074

AN ACT

AMENDING SECTION 13-3603.01, ARIZONA REVISED STATUTES; RELATING TO FAMILY OFFENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3603.01, Arizona Revised Statutes, is amended
3 to read:

4 13-3603.01. Partial-birth abortions; classification; civil
5 action; definitions

6 A. Any physician who knowingly performs a partial-birth abortion
7 and thereby kills a human fetus is guilty of a class 6 felony and shall be
8 fined under this title or imprisoned not more than two years, or both.

9 ~~B. This section does not apply to a partial-birth abortion that is
10 necessary to save the life of a mother whose life is endangered by a
11 physical disorder, physical illness or physical injury, including a
12 life-endangering physical condition caused by or arising from the
13 pregnancy itself.~~

14 ~~C.~~ B. The father of the fetus if married to the mother at the time
15 she receives a partial-birth abortion procedure and the maternal
16 grandparents of the fetus if the mother is not at least eighteen years of
17 age at the time of the partial-birth abortion may bring a civil action to
18 obtain appropriate relief unless the pregnancy resulted from the
19 plaintiff's criminal conduct or the plaintiff consented to the
20 partial-birth abortion. Relief pursuant to this subsection includes the
21 following:

22 1. Money damages for all injuries, psychological and physical,
23 resulting from the violation of this section.

24 2. Statutory damages in an amount equal to three times the cost of
25 the partial-birth abortion.

26 C. AN INDIVIDUAL WHO IS EMPLOYED BY, CONTRACTS WITH OR VOLUNTEERS
27 IN A MEDICAL FACILITY AND WHO HAS DIRECT KNOWLEDGE THAT A PARTIAL-BIRTH
28 ABORTION IS BEING PERFORMED OR HAS BEEN PERFORMED SHALL IMMEDIATELY REPORT
29 THAT KNOWLEDGE TO THE COUNTY ATTORNEY IN THE COUNTY WHERE THE PROCEDURE
30 OCCURS OR OCCURRED. THE REPORT SHALL INCLUDE ALL IDENTIFYING INFORMATION
31 THAT IS KNOWN TO THE REPORTING INDIVIDUAL REGARDING THE PHYSICIAN AND
32 MEDICAL FACILITY INVOLVED. AN INDIVIDUAL WHO FAILS TO REPORT AS
33 PRESCRIBED IN THIS SUBSECTION IS GUILTY OF A CLASS 6 FELONY.

34 D. This section shall not subject a woman upon whom a partial-birth
35 abortion is performed to any criminal prosecution or civil liability.

36 ~~E. A defendant who is accused of an offense under this section may
37 seek a hearing before the Arizona medical board if the defendant is
38 licensed pursuant to title 32, chapter 13 or the Arizona board of
39 osteopathic examiners in medicine and surgery if the defendant is licensed
40 pursuant to title 32, chapter 17 on whether the physician's conduct was
41 necessary to save the life of the mother whose life was endangered by a
42 physical disorder, physical illness or physical injury, including a
43 life-endangering physical condition caused by or arising from the
44 pregnancy itself. The findings on that issue are admissible, in the
45 court's discretion, on that issue at the trial of the defendant. On a~~

~~1 motion of the defendant, the court shall, in its discretion, delay the
2 beginning of the trial for not more than thirty days to permit a hearing
3 to take place.~~

~~F.~~ E. For the purposes of this section:

1. "Partial-birth abortion" means an abortion in which the person performing the abortion does both of the following:

(a) Deliberately and intentionally vaginally delivers a living fetus until, in the case of a headfirst presentation, the entire fetal head is outside the body of the mother or, in the case of breech presentation, any part of the fetal trunk past the naval is outside the body of the mother for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus.

(b) Performs the overt act, other than completion of delivery, that kills the partially delivered living fetus.

2. "Physician" means a doctor of medicine or a doctor of osteopathy who is licensed pursuant to title 32, chapter 13 or 17 or any other individual legally authorized by this state to perform abortions. Any individual who is not a physician or who is not otherwise legally authorized by this state to perform abortions but who nevertheless directly performs a partial-birth abortion shall be subject to this section.

Sec. 2. Legislative intent

A. The legislature finds that partial-birth abortion is never medically necessary to preserve the life of a mother. Advances in modern medicine have eliminated any circumstance in which intentionally delivering and killing a living child partway through birth is required to save a woman's life. The previous exception for so-called life of the mother cases created a false loophole, exploited by abortion providers to disguise elective procedures as emergencies. That exception is therefore eliminated.

B. The legislature further finds that accountability cannot rest solely on the physician who performs the procedure. A physician who commits this crime has no incentive to self-report. For that reason, all medical personnel, including doctors, nurses, technicians and volunteers, who have direct knowledge of a partial-birth abortion are required to report that information to law enforcement. Failure to report is itself an offense, because silence in the face of this brutality enables lawbreaking and shields perpetrators from justice.

C. The legislature rejects the notion that a woman should be exempt from all civil or criminal liability in relation to a partial-birth abortion. While compassion is due to women in crisis, the gravity of this procedure requires a legal framework that recognizes the reality: a child, partially delivered, is deliberately killed. Allowing such acts without accountability devalues the life of the unborn child and undermines the very foundation of equal protection under the law.