

REFERENCE TITLE: fetal death; funeral homes

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

# HB 2184

Introduced by  
Representative Willoughby

AN ACT

AMENDING SECTIONS 36-329 AND 36-2153, ARIZONA REVISED STATUTES; RELATING TO HUMAN REMAINS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 36-329, Arizona Revised Statutes, is amended to  
3 read:

4 36-329. Fetal death certificate registration

5 A. A hospital, abortion clinic, physician or midwife shall submit a  
6 completed fetal death certificate to the state registrar for registration  
7 within seven days after the fetal death for each fetal death occurring in  
8 this state after a gestational period of twenty completed weeks **OR AT OR**  
9 **BEFORE A GESTATIONAL PERIOD OF TWENTY COMPLETED WEEKS, IF REQUESTED BY THE**  
10 **MOTHER**, or if the unborn child weighs more than three hundred fifty grams.

11 B. The requirements for registering a fetal death certificate are  
12 the same as the requirements for registering a death certificate  
13 prescribed in section 36-325.

14 Sec. 2. Section 36-2153, Arizona Revised Statutes, is amended to  
15 read:

16 36-2153. Informed consent; requirements; information;  
17 website; signage; violation; civil relief; statute  
18 of limitations

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

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

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

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

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

32 (d) Alternatives to the procedure or treatment that a reasonable  
33 patient would consider material to the decision of whether or not to  
34 undergo the abortion.

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

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

39 (g) The medical risks associated with carrying the **UNBORN** child to  
40 term.

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

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

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

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

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

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

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

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

22 (h) In the case of a surgical abortion, the woman has the right to  
23 determine final disposition of bodily remains and to be informed of **THE**  
24 **OPTION TO TRANSFER THE BODILY REMAINS TO A FUNERAL HOME AND OF** the  
25 available options for locations and methods for disposition of bodily  
26 remains.

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

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

34 5. In the case of a surgical abortion, if the woman desires to  
35 exercise her right to determine final disposition of bodily remains, the  
36 woman indicates in writing her choice for the location and method of final  
37 disposition of bodily remains.

38 B. If a woman has taken mifepristone as part of a two-drug regimen  
39 to terminate her pregnancy, has not yet taken the second drug and consults  
40 an abortion clinic questioning her decision to terminate her pregnancy or  
41 seeking information regarding the health of her **fetus UNBORN CHILD** or the  
42 efficacy of mifepristone alone to terminate a pregnancy, the abortion  
43 clinic staff shall inform the woman that the use of mifepristone alone to  
44 end a pregnancy is not always effective and that she should immediately  
45 consult a physician if she would like more information.

1 C. If a medical emergency compels the performance of an abortion,  
2 the physician shall inform the woman, before the abortion if possible, of  
3 the medical indications supporting the physician's judgment that an  
4 abortion is necessary to avert the woman's death or to avert substantial  
5 and irreversible impairment of a major bodily function.

6 D. The department of health services shall establish and shall  
7 annually update a website that includes a link to a printable version of  
8 all materials listed on the website. The materials must be written in an  
9 easily understood manner and printed in a typeface that is large enough to  
10 be clearly legible. The website must include all of the following  
11 materials:

12 1. Information that is organized geographically by location and  
13 that is designed to inform the woman about public and private agencies and  
14 services that are available to assist a woman through pregnancy, at  
15 childbirth and while her child is dependent, including adoption agencies.  
16 The materials shall include a comprehensive list of the agencies, a  
17 description of the services they offer and the manner in which these  
18 agencies may be contacted, including the agencies' telephone numbers and  
19 website addresses.

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

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

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

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

32 6. Information that is designed to inform the woman of the probable  
33 anatomical and physiological characteristics of the unborn child at  
34 two-week gestational increments from fertilization to full term, including  
35 pictures or drawings representing the development of unborn children at  
36 two-week gestational increments and any relevant information on the  
37 possibility of the unborn child's survival. The pictures or drawings must  
38 contain the dimensions of the unborn child and must be realistic and  
39 appropriate for each stage of pregnancy. The information provided  
40 pursuant to this paragraph must be objective, nonjudgmental and designed  
41 to convey only accurate scientific information about the unborn child at  
42 the various gestational ages.

1           7. Objective information that describes the methods of abortion  
2 procedures commonly employed, the medical risks commonly associated with  
3 each procedure, the possible detrimental psychological effects of abortion  
4 and the medical risks commonly associated with carrying ~~a~~ AN UNBORN child  
5 to term.

6           8. Information explaining the efficacy of mifepristone taken alone,  
7 without a follow-up drug as part of a two-drug regimen, to terminate a  
8 pregnancy and advising a woman to immediately contact a physician if the  
9 woman has taken only mifepristone and questions her decision to terminate  
10 her pregnancy or seeks information regarding the health of her fetus  
11 UNBORN CHILD.

12           E. An individual who is not a physician shall not perform a  
13 surgical abortion.

14           F. A person shall not write or communicate a prescription for a  
15 drug or drugs to induce an abortion or require or obtain payment for a  
16 service provided to a patient who has inquired about an abortion or  
17 scheduled an abortion until the twenty-four-hour reflection period  
18 required by subsection A of this section expires.

19           G. A person shall not intimidate or coerce in any way any person to  
20 obtain an abortion. A parent, a guardian or any other person shall not  
21 coerce a minor to obtain an abortion. If a minor is denied financial  
22 support by the minor's parents, guardians or custodian due to the minor's  
23 refusal to have an abortion performed, the minor is deemed emancipated for  
24 the purposes of eligibility for public assistance benefits, except that  
25 the emancipated minor may not use these benefits to obtain an abortion.

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

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

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

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

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

- 1           2. The father of the unborn child if the father was married to the  
2 mother at the time she received the abortion, unless the pregnancy  
3 resulted from the plaintiff's criminal conduct.
- 4           3. A maternal grandparent of the unborn child if the mother was not  
5 at least eighteen years of age at the time of the abortion, unless the  
6 pregnancy resulted from the plaintiff's criminal conduct.
- 7           L. A civil action filed pursuant to subsection K of this section  
8 shall be brought in the superior court in the county in which the woman on  
9 whom the abortion was performed resides and may be based on a claim that  
10 failure to obtain informed consent was a result of simple negligence,  
11 gross negligence, wantonness, wilfulness, intention or any other legal  
12 standard of care. Relief pursuant to subsection K of this section  
13 includes the following:
- 14           1. Money damages for all psychological, emotional and physical  
15 injuries resulting from the violation of this section.
- 16           2. Statutory damages in an amount equal to \$5,000 or three times  
17 the cost of the abortion, whichever is greater.
- 18           3. Reasonable attorney fees and costs.
- 19           M. A civil action brought pursuant to this section must be  
20 initiated within six years after the violation occurred.