

REFERENCE TITLE: **abortion; notarized consent; repeal**

State of Arizona  
Senate  
Fifty-seventh Legislature  
Second Regular Session  
2026

# **SB 1220**

Introduced by  
Senators Ortiz: Gonzales, Sears

**AN ACT**

**AMENDING SECTION 36-2152, 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. Section 36-2152, Arizona Revised Statutes, is amended to  
3 read:

4 36-2152. Parental consent; exception; hearings; time limits;  
5 violations; classification; civil relief; statute  
6 of limitations

7 A. In addition to the other requirements of this chapter, a person  
8 shall not knowingly perform an abortion on a pregnant unemancipated minor  
9 unless the attending physician has secured the written ~~and notarized~~  
10 consent from one of the minor's parents or the minor's guardian or  
11 conservator or unless a judge of the superior court authorizes the  
12 physician to perform the abortion pursuant to subsection B of this  
13 section. ~~Notwithstanding section 41-319,~~ The ~~notarized~~ statement of  
14 parental consent and the description of the document ~~or notarial act~~  
15 ~~recorded in the notary journal~~ are confidential and are not public  
16 records.

17 B. A judge of the superior court, on petition or motion, and after  
18 an appropriate hearing, shall authorize a physician to perform the  
19 abortion if the judge determines that the pregnant minor is mature and  
20 capable of giving informed consent to the proposed abortion. If the judge  
21 determines that the pregnant minor is not mature or if the pregnant minor  
22 does not claim to be mature, the judge shall determine whether the  
23 performance of an abortion on her without the consent from one of her  
24 parents or her guardian or conservator would be in her best interests and  
25 shall authorize a physician to perform the abortion without consent if the  
26 judge concludes that the pregnant minor's best interests would be served.

27 C. If the pregnant minor claims to be mature at a proceeding held  
28 pursuant to subsection B of this section, the minor must prove by clear  
29 and convincing evidence that she is sufficiently mature and capable of  
30 giving informed consent without consulting her parent or legal guardian  
31 based on her experience level, perspective and judgment. In assessing the  
32 pregnant minor's experience level, the court may consider, among other  
33 relevant factors, the minor's age and experiences working outside the  
34 home, living away from home, traveling on her own, handling personal  
35 finances and making other significant decisions. In assessing the  
36 pregnant minor's perspective, the court may consider, among other relevant  
37 factors, what steps the minor took to explore her options and the extent  
38 to which she considered and weighed the potential consequences of each  
39 option. In assessing the pregnant minor's judgment, the court may  
40 consider, among other relevant factors, the minor's conduct since learning  
41 of her pregnancy and her intellectual ability to understand her options  
42 and to make an informed decision.

43 D. The pregnant minor may participate in the court proceedings on  
44 her own behalf. The court shall appoint a guardian ad litem for her. The  
45 court shall advise her that she has the right to court-appointed counsel

1 and, on her request, shall provide her with counsel unless she appears  
2 through private counsel or she knowingly and intelligently waives her  
3 right to counsel.

4 E. Proceedings in the court under this section are confidential and  
5 have precedence over other pending matters. Members of the public shall  
6 not inspect, obtain copies of or otherwise have access to records of court  
7 proceedings under this section unless authorized by law. A judge who  
8 conducts proceedings under this section shall make in writing specific  
9 factual findings and legal conclusions supporting the decision and shall  
10 order a confidential record of the evidence to be maintained, including  
11 the judge's own findings and conclusions. The minor may file the petition  
12 using a fictitious name. For the purposes of this subsection, public does  
13 not include judges, clerks, administrators, professionals or other persons  
14 employed by or working under the supervision of the court or employees of  
15 other public agencies who are authorized by state or federal rule or law  
16 to inspect and copy closed court records.

17 F. The court shall hold the hearing and shall issue a ruling within  
18 forty-eight hours, excluding weekends and holidays, after the petition is  
19 filed. If the court fails to issue a ruling within this time period, the  
20 petition is deemed to have been granted and the consent requirement is  
21 waived.

22 G. An expedited confidential appeal is available to a pregnant  
23 minor for whom the court denies an order authorizing an abortion without  
24 parental consent. The appellate court shall hold the hearing and issue a  
25 ruling within forty-eight hours, excluding weekends and holidays, after  
26 the petition for appellate review is filed. Filing fees are not required  
27 of the pregnant minor at either the trial or the appellate level.

28 H. Parental consent or judicial authorization is not required under  
29 this section if either:

30 1. The pregnant minor certifies to the attending physician that the  
31 pregnancy resulted from sexual conduct with a minor by the minor's parent,  
32 stepparent, uncle, grandparent, sibling, adoptive parent, legal guardian  
33 or foster parent or by a person who lives in the same household with the  
34 minor and the minor's mother. The physician performing the abortion shall  
35 report the sexual conduct with a minor to the proper law enforcement  
36 officials pursuant to section 13-3620 and shall preserve and forward a  
37 sample of the fetal tissue to these officials for use in a criminal  
38 investigation.

39 2. The attending physician certifies in the pregnant minor's  
40 medical record that, on the basis of the physician's good faith clinical  
41 judgment, the pregnant minor has a condition that so complicates her  
42 medical condition as to necessitate the immediate abortion of her  
43 pregnancy to avert her death or for which a delay will create serious risk  
44 of substantial and irreversible impairment of major bodily function.

1 I. A person who performs an abortion in violation of this section  
2 is guilty of a class 1 misdemeanor. A person who intentionally causes,  
3 aids or assists a minor in obtaining an abortion in violation of this  
4 section is guilty of a class 1 misdemeanor. A person is not subject to  
5 any liability under this section if the person establishes by written  
6 evidence that the person relied on evidence sufficient to convince a  
7 careful and prudent person that the representations of the pregnant minor  
8 regarding information necessary to comply with this section are true.

9 J. In addition to other remedies available under the common or  
10 statutory law of this state, one or both of the minor's parents or the  
11 minor's guardian may bring a civil action in the superior court in the  
12 county in which the parents or the guardian resides to obtain appropriate  
13 relief for a violation of this section, unless the pregnancy resulted from  
14 the criminal conduct of the parent or guardian. The civil action may be  
15 based on a claim that failure to obtain consent was a result of simple  
16 negligence, gross negligence, wantonness, wilfulness, intention or any  
17 other legal standard of care. The civil action may be brought against the  
18 person who performs the abortion in violation of this section and any  
19 person who causes, aids or assists a minor to obtain an abortion without  
20 meeting the requirements of this section. Relief pursuant to this  
21 subsection includes the following:

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

24 2. Statutory damages in an amount equal to \$5,000 or three times  
25 the cost of the abortion, whichever is greater.

26 3. Reasonable attorney fees and costs.

27 K. A civil action brought pursuant to this section must be  
28 initiated within six years after the violation occurred.

29 L. The consent required by this section must be obtained on a form  
30 prescribed by the department of health services. At a minimum, the form  
31 must:

32 1. List the possible medical risks that may occur with any  
33 surgical, medical or diagnostic procedure, including the potential for  
34 infection, blood clots, hemorrhage, allergic reactions and death.

35 2. List the possible medical risks that may occur with a surgical  
36 abortion, including hemorrhage, uterine perforation, sterility, injury to  
37 the bowel or bladder, a possible hysterectomy as a result of a  
38 complication or injury during the procedure and failure to remove the  
39 unborn child that may result in an additional procedure.

40 3. List the possible medical risks that may occur with a medication  
41 abortion, including hemorrhage, infection, failure to remove the unborn  
42 child that may result in an additional procedure, sterility and the  
43 possible continuation of the pregnancy.

1           4. Require the pregnant minor's and the pregnant minor's parent's  
2 initials on each page of the form and a full signature on the final page  
3 of the form.

4           ~~5. Include a space for the notary's signature and seal on the final~~  
5 ~~page of the form.~~

6           M. The physician must maintain the form in the pregnant minor's  
7 records for seven years after the date of the procedure or five years  
8 after the date of the minor's maturity, whichever is longer.