

House Engrossed  
**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
First Regular Session  
2009

CHAPTER 172  
**HOUSE BILL 2564**

AN ACT

RENUMBERING SECTION 36-2151, ARIZONA REVISED STATUTES, AS SECTION 36-2154; AMENDING TITLE 36, CHAPTER 20, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 36-2151; AMENDING SECTION 36-2152, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 20, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-2153; AMENDING SECTION 36-2154, ARIZONA REVISED STATUTES, AS RENUMBERED BY THIS ACT; 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. Renumber

3 Section 36-2151, Arizona Revised Statutes, is renumbered as section  
4 36-2154.

5 Sec. 2. Title 36, chapter 20, article 1, Arizona Revised Statutes, is  
6 amended by adding a new section 36-2151, to read:

7 36-2151. Definitions

8 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "ABORTION" MEANS THE USE OF ANY MEANS TO TERMINATE THE CLINICALLY  
10 DIAGNOSABLE PREGNANCY OF A WOMAN WITH KNOWLEDGE THAT THE TERMINATION BY THOSE  
11 MEANS WILL CAUSE, WITH REASONABLE LIKELIHOOD, THE DEATH OF THE UNBORN CHILD.  
12 ABORTION DOES NOT INCLUDE BIRTH CONTROL DEVICES, ORAL CONTRACEPTIVES USED TO  
13 INHIBIT OR PREVENT OVULATION, CONCEPTION OR THE IMPLANTATION OF A FERTILIZED  
14 OVUM IN THE UTERUS OR THE USE OF ANY MEANS TO INCREASE THE PROBABILITY OF A  
15 LIVE BIRTH, TO PRESERVE THE LIFE OR HEALTH OF THE CHILD AFTER A LIVE BIRTH,  
16 TO TERMINATE AN ECTOPIC PREGNANCY OR TO REMOVE A DEAD FETUS.

17 2. "CONCEPTION" MEANS THE FUSION OF A HUMAN SPERMATOZOON WITH A HUMAN  
18 OVUM.

19 3. "GESTATIONAL AGE" MEANS THE AGE OF THE UNBORN CHILD AS CALCULATED  
20 FROM THE FIRST DAY OF THE LAST MENSTRUAL PERIOD OF THE PREGNANT WOMAN.

21 4. "HEALTH PROFESSIONAL" HAS THE SAME MEANING PRESCRIBED IN SECTION  
22 32-3201.

23 5. "MEDICAL EMERGENCY" MEANS A CONDITION THAT, ON THE BASIS OF THE  
24 PHYSICIAN'S GOOD FAITH CLINICAL JUDGMENT, SO COMPLICATES THE MEDICAL  
25 CONDITION OF A PREGNANT WOMAN AS TO NECESSITATE THE IMMEDIATE ABORTION OF HER  
26 PREGNANCY TO AVERT HER DEATH OR FOR WHICH A DELAY WILL CREATE SERIOUS RISK OF  
27 SUBSTANTIAL AND IRREVERSIBLE IMPAIRMENT OF A MAJOR BODILY FUNCTION.

28 6. "PHYSICIAN" MEANS A PERSON WHO IS LICENSED PURSUANT TO TITLE 32,  
29 CHAPTER 13 OR 17.

30 7. "PREGNANT" OR "PREGNANCY" MEANS A FEMALE REPRODUCTIVE CONDITION OF  
31 HAVING A DEVELOPING UNBORN CHILD IN THE BODY AND THAT BEGINS WITH CONCEPTION.

32 8. "PROBABLE GESTATIONAL AGE" MEANS THE GESTATIONAL AGE OF THE UNBORN  
33 CHILD AT THE TIME THE ABORTION IS PLANNED TO BE PERFORMED AND AS DETERMINED  
34 WITH REASONABLE PROBABILITY BY THE ATTENDING PHYSICIAN.

35 9. "SURGICAL ABORTION" MEANS THE USE OF A SURGICAL INSTRUMENT OR A  
36 MACHINE TO TERMINATE THE CLINICALLY DIAGNOSABLE PREGNANCY OF A WOMAN WITH  
37 KNOWLEDGE THAT THE TERMINATION BY THOSE MEANS WILL CAUSE, WITH REASONABLE  
38 LIKELIHOOD, THE DEATH OF THE UNBORN CHILD. SURGICAL ABORTION DOES NOT  
39 INCLUDE THE USE OF ANY MEANS TO INCREASE THE PROBABILITY OF A LIVE BIRTH, TO  
40 PRESERVE THE LIFE OR HEALTH OF THE CHILD AFTER A LIVE BIRTH, TO TERMINATE AN  
41 ECTOPIC PREGNANCY OR TO REMOVE A DEAD FETUS. SURGICAL ABORTION DOES NOT  
42 INCLUDE PATIENT CARE INCIDENTAL TO THE PROCEDURE.

43 10. "UNBORN CHILD" MEANS THE OFFSPRING OF HUMAN BEINGS FROM CONCEPTION  
44 UNTIL BIRTH.

1           Sec. 3. Section 36-2152, Arizona Revised Statutes, is amended to read:  
2           36-2152. Parental consent; exception; hearings; time limits;  
3           violation; classification; civil relief; statute of  
4           limitations

5           A. IN ADDITION TO THE REQUIREMENTS OF SECTION 36-2153, a person shall  
6 not knowingly perform an abortion on a pregnant unemancipated minor unless  
7 the attending physician has secured the written AND NOTARIZED consent from  
8 one of the minor's parents or the minor's guardian or conservator or unless a  
9 judge of the superior court authorizes the physician to perform the abortion  
10 pursuant to subsection B OF THIS SECTION. NOTWITHSTANDING SECTION 41-319,  
11 THE NOTARIZED STATEMENT OF PARENTAL CONSENT AND THE DESCRIPTION OF THE  
12 DOCUMENT OR NOTARIAL ACT RECORDED IN THE NOTARY JOURNAL ARE CONFIDENTIAL AND  
13 ARE NOT PUBLIC RECORDS.

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

24           C. IF THE PREGNANT MINOR CLAIMS TO BE MATURE AT A PROCEEDING HELD  
25 PURSUANT TO SUBSECTION B OF THIS SECTION, THE MINOR MUST PROVE BY CLEAR AND  
26 CONVINCING EVIDENCE THAT SHE IS SUFFICIENTLY MATURE AND CAPABLE OF GIVING  
27 INFORMED CONSENT WITHOUT CONSULTING HER PARENT OR LEGAL GUARDIAN BASED ON HER  
28 EXPERIENCE LEVEL, PERSPECTIVE AND JUDGMENT. IN ASSESSING THE PREGNANT  
29 MINOR'S EXPERIENCE LEVEL, THE COURT MAY CONSIDER, AMONG OTHER RELEVANT  
30 FACTORS, THE MINOR'S AGE AND EXPERIENCES WORKING OUTSIDE THE HOME, LIVING  
31 AWAY FROM HOME, TRAVELING ON HER OWN, HANDLING PERSONAL FINANCES AND MAKING  
32 OTHER SIGNIFICANT DECISIONS. IN ASSESSING THE PREGNANT MINOR'S PERSPECTIVE,  
33 THE COURT MAY CONSIDER, AMONG OTHER RELEVANT FACTORS, WHAT STEPS THE MINOR  
34 TOOK TO EXPLORE HER OPTIONS AND THE EXTENT TO WHICH SHE CONSIDERED AND  
35 WEIGHED THE POTENTIAL CONSEQUENCES OF EACH OPTION. IN ASSESSING THE PREGNANT  
36 MINOR'S JUDGMENT, THE COURT MAY CONSIDER, AMONG OTHER RELEVANT FACTORS, THE  
37 MINOR'S CONDUCT SINCE LEARNING OF HER PREGNANCY AND HER INTELLECTUAL ABILITY  
38 TO UNDERSTAND HER OPTIONS AND TO MAKE AN INFORMED DECISION.

39           ~~E.~~ D. The pregnant minor may participate in the court proceedings on  
40 her own behalf. The court may appoint a guardian ad litem for her. The  
41 court shall advise her that she has the right to court appointed counsel and  
42 ~~shall~~, on her request, SHALL provide her with counsel unless she appears  
43 through private counsel or she knowingly and intelligently waives her right  
44 to counsel.

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

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

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

25           G- H. Parental consent or judicial authorization is not required  
26 under this section if either:

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

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

41           H- I. A person who performs an abortion in violation of this section  
42 is guilty of a class 1 misdemeanor. A person is not subject to any liability  
43 under this section if the person establishes by written evidence that the  
44 person relied on evidence sufficient to convince a careful and prudent person

1 that the representations of the pregnant minor regarding information  
2 necessary to comply with this section are true.

3 ~~I. For purposes of this section:~~

4 ~~1. "Abortion" means the use of an instrument, medicine or drug or~~  
5 ~~other substance or device with the intent to terminate a pregnancy for~~  
6 ~~reasons other than to increase the probability of a live birth, to preserve~~  
7 ~~the life or health of the child after a live birth, to terminate an ectopic~~  
8 ~~pregnancy or to remove a dead fetus. Abortion does not include birth control~~  
9 ~~devices or oral contraceptives that inhibit or prevent ovulation,~~  
10 ~~fertilization or the implantation of a fertilized ovum within the uterus.~~

11 ~~2. "Fetus" means any individual human organism from fertilization~~  
12 ~~until birth.~~

13 J. IN ADDITION TO OTHER REMEDIES AVAILABLE UNDER THE COMMON OR  
14 STATUTORY LAW OF THIS STATE, ONE OR BOTH OF THE MINOR'S PARENTS OR THE  
15 MINOR'S GUARDIAN MAY BRING A CIVIL ACTION IN THE SUPERIOR COURT IN THE COUNTY  
16 IN WHICH THE PARENTS OR THE GUARDIAN RESIDES TO OBTAIN APPROPRIATE RELIEF FOR  
17 A VIOLATION OF THIS SECTION, UNLESS THE PREGNANCY RESULTED FROM THE CRIMINAL  
18 CONDUCT OF THE PARENT OR GUARDIAN. THE CIVIL ACTION MAY BE BASED ON A CLAIM  
19 THAT FAILURE TO OBTAIN CONSENT WAS A RESULT OF SIMPLE NEGLIGENCE, GROSS  
20 NEGLIGENCE, WANTONNESS, WILFULNESS, INTENTION OR ANY OTHER LEGAL STANDARD OF  
21 CARE. RELIEF PURSUANT TO THIS 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 FIVE THOUSAND DOLLARS OR  
25 THREE TIMES 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 INITIATED  
28 WITHIN SIX YEARS AFTER THE VIOLATION OCCURRED.

29 Sec. 4. Title 36, chapter 20, article 1, Arizona Revised Statutes, is  
30 amended by adding section 36-2153, to read:

31 36-2153. Informed consent; requirements; information;  
32 violation; civil relief; statute of limitations

33 A. AN ABORTION SHALL NOT BE PERFORMED OR INDUCED WITHOUT THE VOLUNTARY  
34 AND INFORMED CONSENT OF THE WOMAN ON WHOM THE ABORTION IS TO BE PERFORMED OR  
35 INDUCED. EXCEPT IN THE CASE OF A MEDICAL EMERGENCY, CONSENT TO AN ABORTION  
36 IS VOLUNTARY AND INFORMED ONLY IF ALL OF THE FOLLOWING ARE TRUE:

37 1. AT LEAST TWENTY-FOUR HOURS BEFORE THE ABORTION, THE PHYSICIAN WHO  
38 IS TO PERFORM THE ABORTION OR THE REFERRING PHYSICIAN HAS INFORMED THE WOMAN,  
39 ORALLY AND IN PERSON, OF:

40 (a) THE NAME OF THE PHYSICIAN WHO WILL PERFORM THE ABORTION.

41 (b) THE NATURE OF THE PROPOSED PROCEDURE OR TREATMENT.

42 (c) THE IMMEDIATE AND LONG-TERM MEDICAL RISKS ASSOCIATED WITH THE  
43 PROCEDURE THAT A REASONABLE PATIENT WOULD CONSIDER MATERIAL TO THE DECISION  
44 OF WHETHER OR NOT TO UNDERGO THE ABORTION.

1 (d) ALTERNATIVES TO THE PROCEDURE OR TREATMENT THAT A REASONABLE  
2 PATIENT WOULD CONSIDER MATERIAL TO THE DECISION OF WHETHER OR NOT TO UNDERGO  
3 THE ABORTION.

4 (e) THE PROBABLE GESTATIONAL AGE OF THE UNBORN CHILD AT THE TIME THE  
5 ABORTION IS TO BE PERFORMED.

6 (f) THE PROBABLE ANATOMICAL AND PHYSIOLOGICAL CHARACTERISTICS OF THE  
7 UNBORN CHILD AT THE TIME THE ABORTION IS TO BE PERFORMED.

8 (g) THE MEDICAL RISKS ASSOCIATED WITH CARRYING THE CHILD TO TERM.

9 2. AT LEAST TWENTY-FOUR HOURS BEFORE THE ABORTION, THE PHYSICIAN WHO  
10 IS TO PERFORM THE ABORTION, THE REFERRING PHYSICIAN OR A QUALIFIED PHYSICIAN,  
11 PHYSICIAN ASSISTANT, NURSE, PSYCHOLOGIST OR LICENSED BEHAVIORAL HEALTH  
12 PROFESSIONAL TO WHOM THE RESPONSIBILITY HAS BEEN DELEGATED BY EITHER  
13 PHYSICIAN HAS INFORMED THE WOMAN, ORALLY AND IN PERSON, THAT:

14 (a) MEDICAL ASSISTANCE BENEFITS MAY BE AVAILABLE FOR PRENATAL CARE,  
15 CHILDBIRTH AND NEONATAL CARE.

16 (b) THE FATHER OF THE UNBORN CHILD IS LIABLE TO ASSIST IN THE SUPPORT  
17 OF THE CHILD, EVEN IF HE HAS OFFERED TO PAY FOR THE ABORTION. IN THE CASE OF  
18 RAPE OR INCEST, THIS INFORMATION MAY BE OMITTED.

19 (c) PUBLIC AND PRIVATE AGENCIES AND SERVICES ARE AVAILABLE TO ASSIST  
20 THE WOMAN DURING HER PREGNANCY AND AFTER THE BIRTH OF HER CHILD IF SHE  
21 CHOOSES NOT TO HAVE AN ABORTION, WHETHER SHE CHOOSES TO KEEP THE CHILD OR  
22 PLACE THE CHILD FOR ADOPTION.

23 (d) IT IS UNLAWFUL FOR ANY PERSON TO COERCE A WOMAN TO UNDERGO AN  
24 ABORTION.

25 (e) THE WOMAN IS FREE TO WITHHOLD OR WITHDRAW HER CONSENT TO THE  
26 ABORTION AT ANY TIME WITHOUT AFFECTING HER RIGHT TO FUTURE CARE OR TREATMENT  
27 AND WITHOUT THE LOSS OF ANY STATE OR FEDERALLY FUNDED BENEFITS TO WHICH SHE  
28 MIGHT OTHERWISE BE ENTITLED.

29 3. THE INFORMATION IN PARAGRAPHS 1 AND 2 OF THIS SUBSECTION IS  
30 PROVIDED TO THE WOMAN INDIVIDUALLY AND IN A PRIVATE ROOM TO PROTECT HER  
31 PRIVACY AND TO ENSURE THAT THE INFORMATION FOCUSES ON HER INDIVIDUAL  
32 CIRCUMSTANCES AND THAT SHE HAS ADEQUATE OPPORTUNITY TO ASK QUESTIONS.

33 4. THE WOMAN CERTIFIES IN WRITING BEFORE THE ABORTION THAT THE  
34 INFORMATION REQUIRED TO BE PROVIDED PURSUANT TO PARAGRAPHS 1 AND 2 OF THIS  
35 SUBSECTION HAS BEEN PROVIDED.

36 B. IF A MEDICAL EMERGENCY COMPELS THE PERFORMANCE OF AN ABORTION, THE  
37 PHYSICIAN SHALL INFORM THE WOMAN, BEFORE THE ABORTION IF POSSIBLE, OF THE  
38 MEDICAL INDICATIONS SUPPORTING THE PHYSICIAN'S JUDGMENT THAT AN ABORTION IS  
39 NECESSARY TO AVERT THE WOMAN'S DEATH OR TO AVERT SUBSTANTIAL AND IRREVERSIBLE  
40 IMPAIRMENT OF A MAJOR BODILY FUNCTION.

41 C. AN INDIVIDUAL WHO IS NOT A PHYSICIAN SHALL NOT PERFORM A SURGICAL  
42 ABORTION.

43 D. A PERSON SHALL NOT WRITE OR COMMUNICATE A PRESCRIPTION FOR A DRUG  
44 OR DRUGS TO INDUCE AN ABORTION OR REQUIRE OR OBTAIN PAYMENT FOR A SERVICE  
45 PROVIDED TO A PATIENT WHO HAS INQUIRED ABOUT AN ABORTION OR SCHEDULED AN

1 ABORTION UNTIL THE EXPIRATION OF THE TWENTY-FOUR HOUR REFLECTION PERIOD  
2 REQUIRED BY SUBSECTION A.

3 E. A PERSON SHALL NOT INTIMIDATE OR COERCE IN ANY WAY ANY PERSON TO  
4 OBTAIN AN ABORTION. A PARENT, GUARDIAN OR ANY OTHER PERSON SHALL NOT COERCE  
5 A MINOR TO OBTAIN AN ABORTION. IF A MINOR IS DENIED FINANCIAL SUPPORT BY THE  
6 MINOR'S PARENTS, GUARDIANS OR CUSTODIAN DUE TO THE MINOR'S REFUSAL TO HAVE AN  
7 ABORTION PERFORMED, THE MINOR IS DEEMED EMANCIPATED FOR THE PURPOSES OF  
8 ELIGIBILITY FOR PUBLIC ASSISTANCE BENEFITS, EXCEPT THAT THE EMANCIPATED MINOR  
9 MAY NOT USE THESE BENEFITS TO OBTAIN AN ABORTION.

10 F. A PHYSICIAN WHO KNOWINGLY VIOLATES THIS SECTION COMMITS AN ACT OF  
11 UNPROFESSIONAL CONDUCT AND IS SUBJECT TO LICENSE SUSPENSION OR REVOCATION  
12 PURSUANT TO TITLE 32, CHAPTER 13 OR 17.

13 G. IN ADDITION TO OTHER REMEDIES AVAILABLE UNDER THE COMMON OR  
14 STATUTORY LAW OF THIS STATE, ANY OF THE FOLLOWING MAY FILE A CIVIL ACTION TO  
15 OBTAIN APPROPRIATE RELIEF FOR A VIOLATION OF THIS SECTION:

16 1. A WOMAN ON WHOM AN ABORTION HAS BEEN PERFORMED WITHOUT HER INFORMED  
17 CONSENT AS REQUIRED BY THIS SECTION.

18 2. THE FATHER OF THE UNBORN CHILD IF MARRIED TO THE MOTHER AT THE TIME  
19 SHE RECEIVED THE ABORTION, UNLESS THE PREGNANCY RESULTED FROM THE PLAINTIFF'S  
20 CRIMINAL CONDUCT.

21 3. THE MATERNAL GRANDPARENTS OF THE UNBORN CHILD IF THE MOTHER WAS NOT  
22 AT LEAST EIGHTEEN YEARS OF AGE AT THE TIME OF THE ABORTION, UNLESS THE  
23 PREGNANCY RESULTED FROM THE PLAINTIFF'S CRIMINAL CONDUCT.

24 H. A CIVIL ACTION FILED PURSUANT TO SUBSECTION G SHALL BE BROUGHT IN  
25 THE SUPERIOR COURT IN THE COUNTY IN WHICH THE WOMAN ON WHOM THE ABORTION WAS  
26 PERFORMED RESIDES AND MAY BE BASED ON A CLAIM THAT FAILURE TO OBTAIN INFORMED  
27 CONSENT WAS A RESULT OF SIMPLE NEGLIGENCE, GROSS NEGLIGENCE, WANTONNESS,  
28 WILFULNESS, INTENTION OR ANY OTHER LEGAL STANDARD OF CARE. RELIEF PURSUANT  
29 TO SUBSECTION G INCLUDES THE FOLLOWING:

30 1. MONEY DAMAGES FOR ALL PSYCHOLOGICAL, EMOTIONAL AND PHYSICAL  
31 INJURIES RESULTING FROM THE VIOLATION OF THIS SECTION.

32 2. STATUTORY DAMAGES IN AN AMOUNT EQUAL TO FIVE THOUSAND DOLLARS OR  
33 THREE TIMES THE COST OF THE ABORTION, WHICHEVER IS GREATER.

34 3. REASONABLE ATTORNEY FEES AND COSTS.

35 I. A CIVIL ACTION BROUGHT PURSUANT TO THIS SECTION MUST BE INITIATED  
36 WITHIN SIX YEARS AFTER THE VIOLATION OCCURRED.

37 Sec. 5. Section 36-2154, Arizona Revised Statutes, as renumbered by  
38 this act, is amended to read:

39 36-2154. Right to refuse to participate in abortion; abortion  
40 medication or emergency contraception

41 A. ~~No~~ A hospital is NOT required to admit any patient for the purpose  
42 of performing an abortion. A physician, or any other person who is a member  
43 of or associated with the staff of a hospital, or any employee of a hospital,  
44 doctor, clinic, or other medical or surgical facility in which an abortion  
45 has been authorized, who ~~shall state~~ STATES in writing an objection to such

1 THE abortion on moral or religious grounds shall IS not be required to  
2 FACILITATE OR participate in the medical or surgical procedures which THAT  
3 will result in the abortion.

4 B. A PHARMACY, HOSPITAL OR HEALTH PROFESSIONAL, OR ANY EMPLOYEE OF A  
5 PHARMACY, HOSPITAL OR HEALTH PROFESSIONAL, WHO STATES IN WRITING AN OBJECTION  
6 TO ABORTION, ABORTION MEDICATION, EMERGENCY CONTRACEPTION OR ANY MEDICATION  
7 OR DEVICE INTENDED TO INHIBIT OR PREVENT IMPLANTATION OF A FERTILIZED OVUM ON  
8 MORAL OR RELIGIOUS GROUNDS IS NOT REQUIRED TO FACILITATE OR PARTICIPATE IN  
9 THE PROVISION OF AN ABORTION, ABORTION MEDICATION, EMERGENCY CONTRACEPTION OR  
10 ANY MEDICATION OR DEVICE INTENDED TO INHIBIT OR PREVENT IMPLANTATION OF A  
11 FERTILIZED OVUM. THE PHARMACY, HOSPITAL OR HEALTH PROFESSIONAL, OR AN  
12 EMPLOYEE OF THE PHARMACY, HOSPITAL OR HEALTH PROFESSIONAL, SHALL RETURN TO  
13 THE PATIENT THE PATIENT'S WRITTEN PRESCRIPTION ORDER.

14 Sec. 6. Construction

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

17 Sec. 7. Severability

18 If a provision of this act or its application to any person or  
19 circumstance is held invalid, the invalidity does not affect other provisions  
20 or applications of the act that can be given effect without the invalid  
21 provision or application, and to this end the provisions of this act are  
22 severable.

APPROVED BY THE GOVERNOR JULY 13, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 13, 2009.

Passed the House March 11, 2009

Passed the Senate June 23, 2009

by the following vote: 36 Ayes,

by the following vote: 16 Ayes,

19 Nays, 5 Not Voting

12 Nays, 2 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

15<sup>th</sup> day of July, 2009

at 8:25 o'clock A. M.

[Signature]  
Secretary to the Governor

Approved this 13<sup>th</sup> day of

July 2009

at 9:18 o'clock A. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 13<sup>th</sup> day of July, 2009

at 7:35 o'clock [Signature] M.

[Signature]  
Secretary of State