

Restricting Abortion: Arizona¹

In far too many places throughout this country, it has become extremely difficult for women to safely and legally end a pregnancy. In too many states, politicians have enacted laws that single out the provision of abortion services for restrictions that are more burdensome than those imposed on medically comparable procedures, do not significantly advance women's health or the safety of abortion services, and make abortion services more difficult to access. It's time for politicians to stop interfering with women's personal decision-making. We need a federal law that puts women's health, safety, and rights first. The Women's Health Protection Act does just that.

In Arizona, the following restrictions are among those that would be unlawful under the Women's Health Protection Act once enacted:

-) **BAN** on abortion after 20 weeks of pregnancy, with limited exceptions only if a woman's life or physical health is in immediate danger.²
-) **RESTRICTIONS** on medication abortion that could prohibit physicians from providing individualized, patient-specific care based on their best medical judgment.³
-) **BAN** on the use of telemedicine to provide medication abortion, reducing the potential for access to safe, nonsurgical abortion services and eliminating an important way to expand access to many low-income and rural women.⁴
-) **BAN** on physicians' assistants administering medication abortion,⁵ despite recommendations from the World Health Organization that other highly qualified, non-physician health care providers can safely provide medication abortion.⁶

"I imagine how things would be different. I was past that deadline. I picture how hard it would be to go through giving birth to a baby that goes through all those surgeries...And the baby goes through all this pain and then dies. I think about young women, too. I can't even imagine having to force someone to go through with it."

- Jen Hercegovac, a patient in Arizona who discovered at 20 weeks that her fetus suffered from DiGeorge syndrome and would likely not live long after birth.

-) **REQUIREMENT** that the woman undergo an ultrasound before obtaining an abortion—even when medically unnecessary—and that the provider offer the woman the opportunity to see the image and hear it described in detail, whether or not the provider believes it is appropriate.⁷
-) **BAN** on abortions based on race and sex selection, allowing the state to police women's reasons for ending a pregnancy and perpetuating negative stereotypes about African American and Asian American communities that may result in the denial of health care.⁸
-) **REQUIREMENT** that forces a woman to wait at least 24 hours and make two separate trips to a provider before she can obtain an abortion.⁹
-) **REQUIREMENT** that clinics meet structural and other regulatory standards unrelated to patient safety.¹⁰

(Endnotes)

- ¹ The restrictions highlighted herein are examples of the types of restrictions that the **Women's Health Protection Act** seeks to invalidate. This fact sheet is not intended as a comprehensive guide to abortion restrictions in Arizona.
- ² Ariz. Rev. Stat. Ann. § 36-2159. This law was permanently struck down as unconstitutional in 2013. *Isaacson v. Horne*, 716 F.3d 1213, 1217 (9th Cir. 2013), *cert. denied*, 134 S. Ct. 905, 187 L. Ed. 2d 778 (2014).
- ³ Ariz. Rev. Stat. Ann. § 36-449.03(E)(6). This requirement was permanently struck down as unconstitutional in 2016. *Planned Parenthood of Ariz. v. Christ*, 2016 WL 1166497 (Ariz. Super. Mar. 2, 2016).
- ⁴ Ariz. Rev. Stat. Ann. § 36-3604.
- ⁵ Ariz. Rev. Stat. Ann. § 32-2532(A)(4).
- ⁶ See World Health Org., *Safe Abortion: Technical and Policy Guidance for Health Systems* 65 (2nd ed. 2012), available at http://apps.who.int/iris/bitstream/10665/70914/1/9789241548434_eng.pdf?ua=1.
- ⁷ Ariz. Rev. Stat. Ann. § 36-2156(A)(1).
- ⁸ Ariz. Rev. Stat. Ann. § 13-3603.02(A); *Replacing Myths with Facts: Sex-Selective Abortion Laws in the United States*, National Asian Pacific American Women's Forum (June 2014), available at <http://napawf.org/wp-content/uploads/2014/06/Replacing-Myths-with-Facts-final.pdf>; *Race and Sex Selective Abortion Bans: Wolves in Sheep's Clothing*, National Asian Pacific American Women's Forum (July 2013), available at http://napawf.org/wp-content/uploads/2013/11/PRENDAIssueBrief_11.26-FINAL.pdf.
- ⁹ Ariz. Rev. Stat. Ann. § 36-2153 (state-mandated information must be provided at least 24 hours prior to the abortion orally and in person); Ariz. Rev. Stat. Ann. § 36-2156 (mandatory ultrasound must be performed at least 24 hours prior to abortion).
- ¹⁰ Ariz. Rev. Stat. Ann. § 36-449.01 *et seq.*; Ariz. Admin. Code § R9-10-1501 *et seq.*