

PROPOSITION __
[I - 05 - 2024]

Arizona Abortion Access Act

ANALYSIS BY LEGISLATIVE COUNCIL

Legislative Council Staff Draft

1 Current state law prohibits a physician from performing an abortion if the probable
2 gestational age of the unborn human being is more than 15 weeks, except when a pregnant woman's
3 medical condition necessitates an immediate abortion to avert the pregnant woman's death or for
4 which a delay creates a serious risk of substantial and irreversible impairment of a major bodily
5 function.

6 Proposition __ would amend the Arizona Constitution to:

7 1. Expressly state that every individual has a fundamental right to abortion.

8 2. Prohibit this state, any agency of this state or any political subdivision of this state from
9 enacting, adopting or enforcing any law, regulation, policy or practice that would do any of the
10 following:

11 (a) Deny, restrict or interfere with the fundamental right to abortion before fetal viability
12 (the point in pregnancy when, in the good faith judgment of a treating health care professional and
13 based on the particular facts of the case, there is a significant likelihood of the fetus's sustained
14 survival outside the uterus without the use of extraordinary medical measures) unless justified by
15 a compelling state interest that is achieved by the least restrictive means. The measure defines
16 "compelling state interest" as a law, regulation, policy or practice that is enacted or adopted for the
17 limited purpose of improving or maintaining the health of an individual seeking an abortion
18 consistent with clinical practice standards and evidence-based medicine and that does not infringe
19 on that individual's autonomous decision-making.

20 (b) Deny, restrict or interfere with an abortion after fetal viability that, in the good faith
21 judgment of a treating health care professional, is necessary to protect the life or physical or mental
22 health of the pregnant individual.

23 (c) Penalize any individual or entity for aiding or assisting a pregnant individual in
24 exercising the pregnant individual's right to abortion as provided in the measure.