

REFERENCE TITLE: **abortion reporting; repeal**

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
Second Regular Session  
2024

## **HB 2676**

Introduced by

Representatives Stahl Hamilton: Aguilar, Austin, Blattman, Contreras L,  
Contreras P, Crews, De Los Santos, Gutierrez, Hernandez A, Hernandez C,  
Hernandez M, Mathis, Ortiz, Pawlik, Peshlakai, Quiñonez, Sandoval,  
Schwiebert, Seaman, Shah, Terech, Travers, Tsosie, Villegas

AN ACT

REPEALING SECTION 36-2161, ARIZONA REVISED STATUTES; AMENDING SECTION  
36-2163, 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. Repeal

3 Section 36-2161, Arizona Revised Statutes, is repealed.

4 Sec. 2. Section 36-2163, Arizona Revised Statutes, is amended to  
5 read:

6 36-2163. Reports; confidentiality; annual statistical report;  
7 violations; \_\_\_\_\_ classification; \_\_\_\_\_ unprofessional  
8 conduct; penalties

9 A. A report required by this article shall not contain the name of  
10 the woman, common identifiers such as the woman's social security number,  
11 driver license number or insurance carrier identification numbers or any  
12 other information or identifiers that would make it possible to identify  
13 in any manner or under any circumstances an individual who has obtained or  
14 seeks to obtain an abortion.

15 B. The department of health services shall collect all abortion  
16 reports, complication reports and informed consent reports and prepare a  
17 comprehensive annual statistical report based on the data gathered in the  
18 reports. The statistical report shall include a breakdown of the number  
19 of abortions by gestational age of the unborn child at the time of the  
20 abortion and the type of procedure performed or prescribed. ~~The~~  
21 ~~statistical report shall include a breakdown by month of the reasons for~~  
22 ~~abortions pursuant to section 36-2161 and a breakdown by month of the~~  
23 ~~number of abortions performed or prescribed by each hospital and facility~~  
24 ~~pursuant to section 36-2161.~~ All data included on the forms pursuant to  
25 sections ~~36-2161~~, 36-2162 and 36-2162.01 shall be included in the  
26 statistical report, except that the department shall confidentially  
27 maintain the data that alone or in combination may constitute information  
28 from which an individual performing or having an abortion may be  
29 identified using epidemiologic principles. The statistical report shall  
30 not lead to the disclosure of the identity of any person filing a report  
31 or about whom a report is filed. The department shall make the  
32 statistical report available on its website and for public inspection and  
33 copying.

34 C. The statistical report prepared by the department pursuant to  
35 subsection B of this section shall include statistics from the  
36 administrative office of the courts containing the following information:

37 1. The number of petitions filed pursuant to section 36-2152,  
38 subsection B.

39 2. Of the petitions filed pursuant to section 36-2152, subsection  
40 B, the number in which the judge appointed a guardian ad litem or  
41 court-appointed counsel for the minor pursuant to section 36-2152,  
42 subsection D.

43 3. Of the petitions filed pursuant to section 36-2152, subsection  
44 B, the number in which the judge issued an order authorizing an abortion  
45 without parental consent.

1           4. Of the petitions filed pursuant to section 36-2152, subsection  
2 B, the number in which the judge issued an order denying the petition.

3           5. Of the petitions denied, the number appealed to the court of  
4 appeals.

5           6. The number of those appeals that resulted in the denials being  
6 affirmed.

7           7. The number of those appeals that resulted in the denial being  
8 reversed.

9           D. The statistical report prepared by the department pursuant to  
10 subsection B of this section shall include statistics from the Arizona  
11 health care cost containment system containing the following information:

12           1. The total number of abortions partially or fully paid for with  
13 state monies through the Arizona health care cost containment system.

14           2. The total amount of state monies used to pay for the abortions  
15 and expenses incidental to the abortions.

16           3. The total number of abortions, if any, paid for with state  
17 monies and performed out of state.

18           E. Except for a statistical report as provided in subsection B of  
19 this section, a report filed pursuant to this article is not a public  
20 record and is not available for public inspection, except that disclosure  
21 may be made to law enforcement officials on an order of a court after  
22 application showing good cause. The court may condition disclosure of the  
23 information on any appropriate safeguards it may impose.

24           F. Original copies of all reports filed pursuant to ~~sections~~  
25 ~~36-2161~~ and SECTION 36-2162 shall be available to the Arizona medical  
26 board and the Arizona board of osteopathic examiners in medicine and  
27 surgery for use in the performance of their official duties. The Arizona  
28 medical board and the Arizona board of osteopathic examiners in medicine  
29 and surgery shall maintain the confidentiality of any reports obtained  
30 pursuant to this subsection.

31           G. An employee, agent or contractor of the department who wilfully  
32 discloses any information obtained from reports filed pursuant to this  
33 article, other than disclosure authorized under subsections B, E and F of  
34 this section or as otherwise authorized by law, is guilty of a class 3  
35 misdemeanor.

36           H. A person who is required by this article to file a report, keep  
37 any records or supply any information and who wilfully fails to file that  
38 report, keep records or supply information as required by law is guilty of  
39 unprofessional conduct and is subject to discipline, including license  
40 suspension or revocation.

41           I. A person who wilfully delivers or discloses to the department  
42 any report, record or information known by that person to be false commits  
43 a class 1 misdemeanor.

1           J. In addition to the penalties prescribed by subsections G, H and  
2 I of this section, an organization or facility that wilfully violates the  
3 reporting requirements of this article is subject to discipline by the  
4 department, including the civil penalties prescribed in section  
5 36-431.01. If an organization or facility that is licensed pursuant to  
6 chapter 4, article 10 of this title wilfully violates the reporting  
7 requirements of this article, the department may assess a civil penalty  
8 pursuant to section 36-431.01, impose an intermediate sanction pursuant to  
9 section 36-427, suspend or revoke a license pursuant to section 36-427,  
10 deny a license or bring an action for an injunction pursuant to section  
11 36-430.