

REFERENCE TITLE: **abortion-inducing drugs; requirements**

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2681

Introduced by
Representatives Keshel: Biasiucci, Blackman, Chaplik, Diaz, Fink,
Gillette, Griffin, Heap, Kolodin, Kupper, Marshall, Martinez, Olson, Peña,
Pingerelli, Powell, Willoughby

AN ACT

AMENDING SECTION 36-2160, 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 36-2160, Arizona Revised Statutes, is amended to
3 read:

4 36-2160. Abortion-inducing drugs; physician requirements;
5 violation; civil relief; confidentiality;
6 definition

7 A. An abortion-inducing drug may be provided only by a qualified
8 physician in accordance with the requirements of this chapter. A
9 QUALIFIED PHYSICIAN WHO PROVIDES AN ABORTION-INDUCING DRUG SHALL EXAMINE
10 THE PATIENT IN PERSON AND, BEFORE PROVIDING AN ABORTION-INDUCING DRUG,
11 SHALL DO ALL OF THE FOLLOWING:

12 1. INDEPENDENTLY VERIFY THAT A PREGNANCY EXISTS.

13 2. DETERMINE THE PATIENT'S BLOOD TYPE, AND, IF THE PATIENT IS RH
14 NEGATIVE, OFFER TO ADMINISTER RHOGAM AT THE TIME OF THE ABORTION OR, IF
15 THE AGE OF THE UNBORN CHILD IS LESS THAN TWELVE WEEKS' GESTATION AND THE
16 PATIENT'S BLOOD TYPE IS UNKNOWN, INFORM THE PATIENT OF THE RISKS OF NOT
17 HAVING THE RH TESTING.

18 3. IN ADDITION TO THE REQUIREMENTS OF SECTION 36-2153, INFORM THE
19 PATIENT OF POSSIBLE PHYSICAL AND PSYCHOLOGICAL AFTEREFFECTS AND SIDE
20 EFFECTS ASSOCIATED WITH THE INGESTION OF AN ABORTION-INDUCING DRUG,
21 INCLUDING THAT THE PATIENT MAY EXPERIENCE BLEEDING, PAIN AND NAUSEA AND
22 MAY SEE THE REMAINS OF THE UNBORN CHILD IN THE PROCESS OF COMPLETING THE
23 ABORTION.

24 4. DOCUMENT IN THE PATIENT'S MEDICAL CHART THE GESTATIONAL AGE AND
25 INTRAUTERINE LOCATION OF THE PREGNANCY, AS DIAGNOSED BY THE MOST ACCURATE
26 STANDARD OF MEDICAL CARE, AND WHETHER THE PATIENT WAS OFFERED AND RECEIVED
27 TREATMENT FOR RH NEGATIVITY.

28 B. A QUALIFIED PHYSICIAN WHO PROVIDES AN ABORTION-INDUCING DRUG
29 MUST BE CREDENTIALLED AND COMPETENT TO HANDLE COMPLICATION MANAGEMENT,
30 INCLUDING EMERGENCY TRANSFERS, OR MUST HAVE A SIGNED AGREEMENT WITH AN
31 ASSOCIATED PHYSICIAN WHO IS CREDENTIALLED TO HANDLE COMPLICATIONS. THE
32 QUALIFIED PHYSICIAN MUST BE ABLE TO PRODUCE THE SIGNED AGREEMENT ON DEMAND
33 BY THE PATIENT OR THE DEPARTMENT. THE QUALIFIED PHYSICIAN WHO PROVIDES AN
34 ABORTION-INDUCING DRUG TO A PATIENT SHALL PROVIDE THE PATIENT WITH THE
35 NAME AND TELEPHONE NUMBER OF THE ASSOCIATED PHYSICIAN.

36 C. A QUALIFIED PHYSICIAN WHO PROVIDES AN ABORTION-INDUCING DRUG OR
37 AN AGENT OF THE QUALIFIED PHYSICIAN SHALL SCHEDULE A FOLLOW-UP VISIT FOR
38 THE PATIENT THAT IS APPROXIMATELY SEVEN TO FOURTEEN DAYS AFTER THE
39 ABORTION-INDUCING DRUG IS ADMINISTERED TO CONFIRM THAT THE PREGNANCY IS
40 COMPLETELY TERMINATED AND TO ASSESS THE DEGREE OF BLEEDING. THE QUALIFIED
41 PHYSICIAN SHALL MAKE ALL REASONABLE EFFORTS TO ENSURE THAT THE PATIENT
42 RETURNS FOR THE SCHEDULED APPOINTMENT. A BRIEF DESCRIPTION OF THE EFFORTS
43 MADE TO COMPLY WITH THIS SUBSECTION, INCLUDING THE DATE, TIME AND
44 IDENTIFICATION BY NAME OF THE INDIVIDUAL MAKING THE EFFORTS, MUST BE
45 INCLUDED IN THE PATIENT'S MEDICAL RECORD.

1 ~~B.~~ D. A manufacturer, supplier or physician or any other person is
2 prohibited from providing an abortion-inducing drug ~~via~~ BY courier,
3 delivery or mail service.

4 ~~C.~~ E. This section does not apply to drugs that may be known to
5 cause an abortion but that are prescribed for other medical indications.

6 F. ANY OF THE FOLLOWING HAS A CLAIM AGAINST A PERSON WHO
7 INTENTIONALLY OR RECKLESSLY VIOLATES THIS SECTION:

8 1. A WOMAN TO WHOM AN ABORTION-INDUCING DRUG WAS GIVEN IN VIOLATION
9 OF THIS SECTION.

10 2. IF THE ABORTION-INDUCING DRUG WAS GIVEN TO A MINOR, THE MINOR'S
11 PARENT OR GUARDIAN.

12 3. THE FATHER OF THE UNBORN CHILD ABORTED AS THE RESULT OF AN
13 ABORTION-INDUCING DRUG GIVEN IN VIOLATION OF THIS SECTION, UNLESS THE
14 PREGNANCY OF THE PERSON TO WHOM THE ABORTION-INDUCING DRUG WAS GIVEN WAS
15 THE RESULT OF A SEXUAL ASSAULT AND THE VIOLATION WAS COMMITTED BY THE
16 FATHER.

17 G. A CIVIL ACTION FILED PURSUANT TO SUBSECTION F OF THIS SECTION
18 SHALL BE BROUGHT IN THE SUPERIOR COURT IN THE COUNTY IN WHICH THE WOMAN ON
19 WHOM THE ABORTION WAS PERFORMED RESIDES. RELIEF PURSUANT TO SUBSECTION F
20 OF THIS SECTION INCLUDES THE FOLLOWING:

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

23 2. STATUTORY DAMAGES IN AN AMOUNT EQUAL TO \$5,000.

24 3. REASONABLE ATTORNEY FEES AND COSTS.

25 H. IN EACH PROCEEDING BROUGHT UNDER SUBSECTION F OF THIS SECTION,
26 THE COURT, ON MOTION OR SUA SPONTE, SHALL RULE WHETHER THE IDENTITY OF ANY
27 WOMAN ON WHOM AN ABORTION WAS INDUCED OR ATTEMPTED TO BE INDUCED MUST BE
28 KEPT CONFIDENTIAL UNLESS THE WOMAN WAIVES CONFIDENTIALITY. IF THE COURT
29 DETERMINES THAT A WOMAN'S IDENTITY SHOULD BE KEPT CONFIDENTIAL, THE COURT
30 SHALL ISSUE ORDERS TO THE PARTIES, WITNESSES AND COUNSEL AND SHALL DIRECT
31 THE SEALING OF THE RECORD AND EXCLUSION OF INDIVIDUALS FROM COURTROOMS OR
32 HEARING ROOMS TO THE EXTENT NECESSARY TO SAFEGUARD THE WOMAN'S IDENTITY
33 FROM PUBLIC DISCLOSURE. IF THE COURT ISSUES AN ORDER TO KEEP A WOMAN'S
34 IDENTITY CONFIDENTIAL, THE COURT SHALL PROVIDE WRITTEN FINDINGS EXPLAINING
35 WHY THE WOMAN'S IDENTITY SHOULD BE KEPT CONFIDENTIAL, WHY THE ORDER IS
36 ESSENTIAL TO THAT END, HOW THE ORDER IS NARROWLY TAILORED TO ITS PURPOSE
37 AND WHY NO REASONABLE LESS-RESTRICTIVE ALTERNATIVE EXISTS.

38 I. ANY PERSON WHO BRINGS AN ACTION UNDER SUBSECTION F OF THIS
39 SECTION SHALL DO SO UNDER A PSEUDONYM UNLESS THE PERSON OBTAINS THE
40 WRITTEN CONSENT OF THE WOMAN ON WHOM AN ABORTION WAS INDUCED OR ATTEMPTED
41 TO BE INDUCED IN VIOLATION OF THIS SECTION. THIS SUBSECTION AND
42 SUBSECTION H OF THIS SECTION MAY NOT BE CONSTRUED TO ALLOW THE IDENTITY OF
43 A PLAINTIFF OR A WITNESS TO BE CONCEALED FROM THE DEFENDANT.

1 ~~D.~~ J. For the purposes of this section, "abortion-inducing drug"
2 means a medicine or drug or any other substance used for a medication
3 abortion.

4 Sec. 2. Legislative findings

5 The legislature finds that requirements for physicians who provide
6 abortion-inducing drugs are necessary because:

7 1. The failure and complication rates from a chemical abortion
8 increase with advancing gestational age.

9 2. The physical symptoms of chemical abortion can be identical to
10 the symptoms of ectopic pregnancy, and abortion-inducing drugs do not
11 treat ectopic pregnancies and are contraindicated in ectopic pregnancies.

12 3. Rh testing is a long-standing, clinically accepted protocol for
13 identifying and prophylactically controlling potentially serious risks to
14 the health of the pregnant woman.

15 4. Pregnant women who are considering an abortion have a right to
16 receive factual information concerning the potential aftereffects and side
17 effects of ingesting abortion-inducing drugs.

18 5. The official label approved by the United States food and drug
19 administration for the most commonly used abortion-inducing drug warns
20 that bleeding and cramping are expected consequences and advises that
21 physicians should discuss with patients the circumstances attendant to the
22 unborn child's expulsion.

23 6. Requiring physicians who provide chemical abortions to offer
24 patients medically appropriate tests and to disclose medically material
25 facts safeguards the health and safety of pregnant women and enables these
26 women to make an informed and autonomous decision whether to pursue a
27 chemical abortion.

28 Sec. 3. Statutory construction

29 This act does not create or recognize a right to abortion or make
30 lawful an abortion that is otherwise unlawful.

31 Sec. 4. Severability

32 If a provision of this act or its application to any person or
33 circumstance is held invalid, the invalidity does not affect other
34 provisions or applications of this act that can be given effect without
35 the invalid provision or application, and to this end the provisions of
36 this act are severable.