

REFERENCE TITLE: **abortion; women's health; state interest**

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

## **HCR 2058**

Introduced by  
Representative Keshel

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE II, SECTION 8.1, CONSTITUTION OF ARIZONA; RELATING TO THE FUNDAMENTAL RIGHT TO ABORTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona,  
2 the Senate concurring:

3 1. Article II, section 8.1, Constitution of Arizona, is proposed to  
4 be amended as follows if approved by the voters and on proclamation of the  
5 Governor:

6 8.1. Fundamental right to abortion; definitions

7 A. Every ~~individual~~ WOMAN has a fundamental right to abortion UNDER  
8 CIRCUMSTANCES THAT DO NOT THREATEN THE WOMAN'S HEALTH OR SAFETY, and the  
9 state shall not enact, adopt or enforce any law, regulation, policy or  
10 practice that does any of the following:

11 1. Denies, restricts or interferes with that right before fetal  
12 viability unless ~~justified by a compelling~~ RATIONALLY RELATED TO A  
13 LEGITIMATE state interest ~~that is achieved by the least restrictive means.~~

14 2. Denies, restricts or interferes with an abortion after fetal  
15 viability that, in the good faith judgment of a treating health care  
16 professional, is necessary to protect the life ~~or physical or mental~~  
17 ~~health~~ of the pregnant ~~individual~~ WOMAN.

18 3. Penalizes any individual or entity for aiding or assisting a  
19 pregnant ~~individual~~ WOMAN in exercising the ~~individual's~~ WOMAN'S right to  
20 abortion as provided in this section.

21 B. For the purposes of this section:

22 ~~1. "Compelling state interest" means a law, regulation, policy or~~  
23 ~~practice that meets both of the following:~~

24 ~~(a) is enacted or adopted for the limited purpose of improving or~~  
25 ~~maintaining the health of an individual seeking abortion care, consistent~~  
26 ~~with accepted clinical standards of practice and evidence-based medicine.~~

27 ~~(b) Does not infringe on that individual's autonomous decision~~  
28 ~~making.~~

29 ~~2.~~ 1. "Fetal viability" means the point in pregnancy when, in the  
30 good faith judgment of a treating health care professional and based on  
31 the particular facts of the case, there is a significant likelihood of the  
32 ~~fetus's~~ UNBORN CHILD'S sustained survival outside the uterus without the  
33 application of extraordinary medical measures.

34 2. "LEGITIMATE STATE INTEREST" INCLUDES:

35 (a) RESPECT FOR AND PRESERVATION OF PRENATAL LIFE AT ALL STAGES OF  
36 DEVELOPMENT.

37 (b) THE PROTECTION OF MATERNAL HEALTH AND SAFETY.

38 (c) THE ELIMINATION OF PARTICULARLY GRUESOME OR BARBARIC MEDICAL  
39 PROCEDURES.

40 (d) THE PRESERVATION OF THE INTEGRITY OF THE MEDICAL PROFESSION.

41 (e) THE MITIGATION OF FETAL PAIN.

42 (f) THE PREVENTION OF DISCRIMINATION ON THE BASIS OF RACE, SEX OR  
43 DISABILITY.

1           3. "State" means this state, any agency of this state or any  
2 political subdivision of this state.  
3           2. The Secretary of State shall submit this proposition to the  
4 voters at the next general election as provided by article XXI,  
5 Constitution of Arizona.