

COMMITTEE ON PUBLIC SAFETY AND HUMAN SERVICES

SENATE AMENDMENTS TO S.B. 1206

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Renumber

3 Section 36-2151, Arizona Revised Statutes, is renumbered as section
4 36-2154.

5 Sec. 2. Title 36, chapter 20, article 1, Arizona Revised Statutes, is
6 amended by adding a new section 36-2151, to read:

7 36-2151. Definitions

8 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "ABORTION" MEANS THE USE OF ANY MEANS TO TERMINATE THE CLINICALLY
10 DIAGNOSABLE PREGNANCY OF A WOMAN WITH KNOWLEDGE THAT THE TERMINATION BY THOSE
11 MEANS WILL CAUSE, WITH REASONABLE LIKELIHOOD, THE DEATH OF THE UNBORN CHILD.
12 ABORTION DOES NOT INCLUDE BIRTH CONTROL DEVICES, ORAL CONTRACEPTIVES USED TO
13 INHIBIT OR PREVENT OVULATION, CONCEPTION OR THE IMPLANTATION OF A FERTILIZED
14 OVUM IN THE UTERUS OR THE USE OF ANY MEANS TO INCREASE THE PROBABILITY OF A
15 LIVE BIRTH, TO PRESERVE THE LIFE OR HEALTH OF THE CHILD AFTER A LIVE BIRTH,
16 TO TERMINATE AN ECTOPIC PREGNANCY OR TO REMOVE A DEAD FETUS.

17 2. "CONCEPTION" MEANS THE FUSION OF A HUMAN SPERMATOZOON WITH A HUMAN
18 OVUM.

19 3. "GESTATIONAL AGE" MEANS THE AGE OF THE UNBORN CHILD AS CALCULATED
20 FROM THE FIRST DAY OF THE LAST MENSTRUAL PERIOD OF THE PREGNANT WOMAN.

21 4. "HEALTH PROFESSIONAL" HAS THE SAME MEANING PRESCRIBED IN SECTION
22 32-3201.

23 5. "MEDICAL EMERGENCY" MEANS A CONDITION THAT, ON THE BASIS OF THE
24 PHYSICIAN'S GOOD FAITH CLINICAL JUDGMENT, SO COMPLICATES THE MEDICAL
25 CONDITION OF A PREGNANT WOMAN AS TO NECESSITATE THE IMMEDIATE ABORTION OF HER
26 PREGNANCY TO AVERT HER DEATH OR FOR WHICH A DELAY WILL CREATE SERIOUS RISK OF
27 SUBSTANTIAL AND IRREVERSIBLE IMPAIRMENT OF A MAJOR BODILY FUNCTION.

1 6. "PHYSICIAN" MEANS A PERSON WHO IS LICENSED PURSUANT TO TITLE 32,
2 CHAPTER 13 OR 17.

3 7. "PREGNANT" OR "PREGNANCY" MEANS A FEMALE REPRODUCTIVE CONDITION OF
4 HAVING A DEVELOPING UNBORN CHILD IN THE BODY AND THAT BEGINS WITH CONCEPTION.

5 8. "PROBABLE GESTATIONAL AGE" MEANS THE GESTATIONAL AGE OF THE UNBORN
6 CHILD AT THE TIME THE ABORTION IS PLANNED TO BE PERFORMED AND AS DETERMINED
7 WITH REASONABLE PROBABILITY BY THE ATTENDING PHYSICIAN.

8 9. "SURGICAL ABORTION" MEANS THE USE OF A SURGICAL INSTRUMENT OR A
9 MACHINE TO TERMINATE THE CLINICALLY DIAGNOSABLE PREGNANCY OF A WOMAN WITH
10 KNOWLEDGE THAT THE TERMINATION BY THOSE MEANS WILL CAUSE, WITH REASONABLE
11 LIKELIHOOD, THE DEATH OF THE UNBORN CHILD. SURGICAL ABORTION DOES NOT
12 INCLUDE THE USE OF ANY MEANS TO INCREASE THE PROBABILITY OF A LIVE BIRTH, TO
13 PRESERVE THE LIFE OR HEALTH OF THE CHILD AFTER A LIVE BIRTH, TO TERMINATE AN
14 ECTOPIC PREGNANCY OR TO REMOVE A DEAD FETUS. SURGICAL ABORTION DOES NOT
15 INCLUDE PATIENT CARE INCIDENTAL TO THE PROCEDURE.

16 10. "UNBORN CHILD" MEANS THE OFFSPRING OF HUMAN BEINGS FROM CONCEPTION
17 UNTIL BIRTH.

18 Sec. 3. Section 36-2152, Arizona Revised Statutes, is amended to read:

19 36-2152. Parental consent; exception; hearings; time limits;
20 violation; classification; civil relief; statute of
21 limitations

22 A. IN ADDITION TO THE REQUIREMENTS OF SECTION 36-2153, a person shall
23 not knowingly perform an abortion on a pregnant unemancipated minor unless
24 the attending physician has secured the written AND NOTARIZED consent from
25 one of the minor's parents or the minor's guardian or conservator or unless a
26 judge of the superior court authorizes the physician to perform the abortion
27 pursuant to subsection B OF THIS SECTION. NOTWITHSTANDING SECTION 41-319,
28 THE NOTARIZED STATEMENT OF PARENTAL CONSENT AND THE DESCRIPTION OF THE
29 DOCUMENT OR NOTARIAL ACT RECORDED IN THE NOTARY JOURNAL ARE CONFIDENTIAL AND
30 ARE NOT PUBLIC RECORDS.

31 B. A judge of the superior court ~~shall~~, on petition or motion, and
32 after an appropriate hearing, SHALL authorize a physician to perform the

1 abortion if the judge determines that the pregnant minor is mature and
2 capable of giving informed consent to the proposed abortion. If the judge
3 determines that the pregnant minor is not mature or if the pregnant minor
4 does not claim to be mature, the judge shall determine whether the
5 performance of an abortion on her without the consent from one of her parents
6 or her guardian or conservator would be in her best interests and shall
7 authorize a physician to perform the abortion without consent if the judge
8 concludes that the pregnant minor's best interests would be served.

9 C. IF THE PREGNANT MINOR CLAIMS TO BE MATURE AT A PROCEEDING HELD
10 PURSUANT TO SUBSECTION B OF THIS SECTION, THE MINOR MUST PROVE BY CLEAR AND
11 CONVINCING EVIDENCE THAT SHE IS SUFFICIENTLY MATURE AND CAPABLE OF GIVING
12 INFORMED CONSENT WITHOUT CONSULTING HER PARENT OR LEGAL GUARDIAN BASED ON HER
13 EXPERIENCE LEVEL, PERSPECTIVE AND JUDGMENT. IN ASSESSING THE PREGNANT
14 MINOR'S EXPERIENCE LEVEL, THE COURT MAY CONSIDER, AMONG OTHER RELEVANT
15 FACTORS, THE MINOR'S AGE AND EXPERIENCES WORKING OUTSIDE THE HOME, LIVING
16 AWAY FROM HOME, TRAVELING ON HER OWN, HANDLING PERSONAL FINANCES AND MAKING
17 OTHER SIGNIFICANT DECISIONS. IN ASSESSING THE PREGNANT MINOR'S PERSPECTIVE,
18 THE COURT MAY CONSIDER, AMONG OTHER RELEVANT FACTORS, WHAT STEPS THE MINOR
19 TOOK TO EXPLORE HER OPTIONS AND THE EXTENT TO WHICH SHE CONSIDERED AND
20 WEIGHED THE POTENTIAL CONSEQUENCES OF EACH OPTION. IN ASSESSING THE PREGNANT
21 MINOR'S JUDGMENT, THE COURT MAY CONSIDER, AMONG OTHER RELEVANT FACTORS, THE
22 MINOR'S CONDUCT SINCE LEARNING OF HER PREGNANCY AND HER INTELLECTUAL ABILITY
23 TO UNDERSTAND HER OPTIONS AND TO MAKE AN INFORMED DECISION.

24 ~~C.~~ D. The pregnant minor may participate in the court proceedings on
25 her own behalf. The court may appoint a guardian ad litem for her. The
26 court shall advise her that she has the right to court appointed counsel and
27 ~~shall~~, on her request, SHALL provide her with counsel unless she appears
28 through private counsel or she knowingly and intelligently waives her right
29 to counsel.

30 ~~D.~~ E. Proceedings in the court under this section are confidential
31 and have precedence over other pending matters. Members of the public shall
32 not inspect, obtain copies of or otherwise have access to records of court

1 proceedings under this section unless authorized by law. A judge who
2 conducts proceedings under this section shall make in writing specific
3 factual findings and legal conclusions supporting the decision and shall
4 order a confidential record of the evidence to be maintained, including the
5 judge's own findings and conclusions. The minor may file the petition using
6 a fictitious name. For purposes of this subsection, public does not include
7 judges, clerks, administrators, professionals or other persons employed by or
8 working under the supervision of the court or employees of other public
9 agencies who are authorized by state or federal rule or law to inspect and
10 copy closed court records.

11 ~~F.~~ F. The court shall hold the hearing and shall issue a ruling
12 within forty-eight hours, excluding weekends and holidays, after the petition
13 is filed. If the court fails to issue a ruling within this time period, the
14 petition is deemed to have been granted and the consent requirement is
15 waived.

16 ~~F.~~ G. An expedited confidential appeal is available to a pregnant
17 minor for whom the court denies an order authorizing an abortion without
18 parental consent. The appellate court shall hold the hearing and issue a
19 ruling within forty-eight hours, excluding weekends and holidays, after the
20 petition for appellate review is filed. Filing fees are not required of the
21 pregnant minor at either the trial or the appellate level.

22 ~~G.~~ H. Parental consent or judicial authorization is not required
23 under this section if either:

24 1. The pregnant minor certifies to the attending physician that the
25 pregnancy resulted from sexual conduct with a minor by the minor's parent,
26 stepparent, uncle, grandparent, sibling, adoptive parent, legal guardian or
27 foster parent or by a person who lives in the same household with the minor
28 and the minor's mother. The physician performing the abortion shall report
29 the sexual conduct with a minor to the proper law enforcement officials
30 pursuant to section 13-3620 and shall preserve and forward a sample of the
31 fetal tissue to these officials for use in a criminal investigation.

1 2. The attending physician certifies in the pregnant minor's medical
2 record that, on the basis of the physician's good faith clinical judgment,
3 the pregnant minor has a condition that so complicates her medical condition
4 as to necessitate the immediate abortion of her pregnancy to avert her death
5 or for which a delay will create serious risk of substantial and irreversible
6 impairment of major bodily function.

7 ~~H.~~ I. A person who performs an abortion in violation of this section
8 is guilty of a class 1 misdemeanor. A person is not subject to any liability
9 under this section if the person establishes by written evidence that the
10 person relied on evidence sufficient to convince a careful and prudent person
11 that the representations of the pregnant minor regarding information
12 necessary to comply with this section are true.

13 ~~I. For purposes of this section:~~

14 ~~1. "Abortion" means the use of an instrument, medicine or drug or~~
15 ~~other substance or device with the intent to terminate a pregnancy for~~
16 ~~reasons other than to increase the probability of a live birth, to preserve~~
17 ~~the life or health of the child after a live birth, to terminate an ectopic~~
18 ~~pregnancy or to remove a dead fetus. Abortion does not include birth control~~
19 ~~devices or oral contraceptives that inhibit or prevent ovulation,~~
20 ~~fertilization or the implantation of a fertilized ovum within the uterus.~~

21 ~~2. "Fetus" means any individual human organism from fertilization~~
22 ~~until birth.~~

23 J. IN ADDITION TO OTHER REMEDIES AVAILABLE UNDER THE COMMON OR
24 STATUTORY LAW OF THIS STATE, ONE OR BOTH OF THE MINOR'S PARENTS OR THE
25 MINOR'S GUARDIAN MAY BRING A CIVIL ACTION IN THE SUPERIOR COURT IN THE COUNTY
26 IN WHICH THE PARENTS OR THE GUARDIAN RESIDES TO OBTAIN APPROPRIATE RELIEF FOR
27 A VIOLATION OF THIS SECTION, UNLESS THE PREGNANCY RESULTED FROM THE CRIMINAL
28 CONDUCT OF THE PARENT OR GUARDIAN. THE CIVIL ACTION MAY BE BASED ON A CLAIM
29 THAT FAILURE TO OBTAIN CONSENT WAS A RESULT OF SIMPLE NEGLIGENCE, GROSS
30 NEGLIGENCE, WANTONNESS, WILFULNESS, INTENTION OR ANY OTHER LEGAL STANDARD OF
31 CARE. RELIEF PURSUANT TO THIS SUBSECTION INCLUDES THE FOLLOWING:

1 1. MONEY DAMAGES FOR ALL PSYCHOLOGICAL, EMOTIONAL AND PHYSICAL
2 INJURIES THAT RESULT FROM THE VIOLATION OF THIS SECTION.

3 2. STATUTORY DAMAGES IN AN AMOUNT EQUAL TO FIVE THOUSAND DOLLARS OR
4 THREE TIMES THE COST OF THE ABORTION, WHICHEVER IS GREATER.

5 3. REASONABLE ATTORNEY FEES AND COSTS.

6 K. A CIVIL ACTION BROUGHT PURSUANT TO THIS SECTION MUST BE INITIATED
7 WITHIN SIX YEARS AFTER THE VIOLATION OCCURRED.

8 Sec. 4. Title 36, chapter 20, article 1, Arizona Revised Statutes, is
9 amended by adding section 36-2153, to read:

10 36-2153. Informed consent; requirements; information;
11 violation; civil relief; statute of limitations

12 A. AN ABORTION SHALL NOT BE PERFORMED OR INDUCED WITHOUT THE VOLUNTARY
13 AND INFORMED CONSENT OF THE WOMAN ON WHOM THE ABORTION IS TO BE PERFORMED OR
14 INDUCED. EXCEPT IN THE CASE OF A MEDICAL EMERGENCY, CONSENT TO AN ABORTION
15 IS VOLUNTARY AND INFORMED ONLY IF ALL OF THE FOLLOWING ARE TRUE:

16 1. AT LEAST TWENTY-FOUR HOURS BEFORE THE ABORTION, THE PHYSICIAN WHO
17 IS TO PERFORM THE ABORTION OR THE REFERRING PHYSICIAN HAS INFORMED THE WOMAN,
18 ORALLY AND IN PERSON, OF:

19 (a) THE NAME OF THE PHYSICIAN WHO WILL PERFORM THE ABORTION.

20 (b) THE NATURE OF THE PROPOSED PROCEDURE OR TREATMENT.

21 (c) THE IMMEDIATE AND LONG-TERM MEDICAL RISKS ASSOCIATED WITH THE
22 PROCEDURE THAT A REASONABLE PATIENT WOULD CONSIDER MATERIAL TO THE DECISION
23 OF WHETHER OR NOT TO UNDERGO THE ABORTION.

24 (d) ALTERNATIVES TO THE PROCEDURE OR TREATMENT THAT A REASONABLE
25 PATIENT WOULD CONSIDER MATERIAL TO THE DECISION OF WHETHER OR NOT TO UNDERGO
26 THE ABORTION.

27 (e) THE PROBABLE GESTATIONAL AGE OF THE UNBORN CHILD AT THE TIME THE
28 ABORTION IS TO BE PERFORMED.

29 (f) THE PROBABLE ANATOMICAL AND PHYSIOLOGICAL CHARACTERISTICS OF THE
30 UNBORN CHILD AT THE TIME THE ABORTION IS TO BE PERFORMED.

31 (g) THE MEDICAL RISKS ASSOCIATED WITH CARRYING THE CHILD TO TERM.

1 2. AT LEAST TWENTY-FOUR HOURS BEFORE THE ABORTION, THE PHYSICIAN WHO
2 IS TO PERFORM THE ABORTION, THE REFERRING PHYSICIAN OR A QUALIFIED PHYSICIAN,
3 PHYSICIAN ASSISTANT, NURSE, PSYCHOLOGIST OR LICENSED BEHAVIORAL HEALTH
4 PROFESSIONAL TO WHOM THE RESPONSIBILITY HAS BEEN DELEGATED BY EITHER
5 PHYSICIAN HAS INFORMED THE WOMAN, ORALLY AND IN PERSON, THAT:

6 (a) MEDICAL ASSISTANCE BENEFITS MAY BE AVAILABLE FOR PRENATAL CARE,
7 CHILDBIRTH AND NEONATAL CARE.

8 (b) THE FATHER OF THE UNBORN CHILD IS LIABLE TO ASSIST IN THE SUPPORT
9 OF THE CHILD, EVEN IF HE HAS OFFERED TO PAY FOR THE ABORTION. IN THE CASE OF
10 RAPE OR INCEST, THIS INFORMATION MAY BE OMITTED.

11 (c) PUBLIC AND PRIVATE AGENCIES AND SERVICES ARE AVAILABLE TO ASSIST
12 THE WOMAN DURING HER PREGNANCY AND AFTER THE BIRTH OF HER CHILD IF SHE
13 CHOOSES NOT TO HAVE AN ABORTION, WHETHER SHE CHOOSES TO KEEP THE CHILD OR
14 PLACE THE CHILD FOR ADOPTION.

15 (d) IT IS UNLAWFUL FOR ANY PERSON TO COERCE A WOMAN TO UNDERGO AN
16 ABORTION.

17 (e) THE WOMAN IS FREE TO WITHHOLD OR WITHDRAW HER CONSENT TO THE
18 ABORTION AT ANY TIME WITHOUT AFFECTING HER RIGHT TO FUTURE CARE OR TREATMENT
19 AND WITHOUT THE LOSS OF ANY STATE OR FEDERALLY FUNDED BENEFITS TO WHICH SHE
20 MIGHT OTHERWISE BE ENTITLED.

21 3. THE INFORMATION IN PARAGRAPHS 1 AND 2 OF THIS SUBSECTION IS
22 PROVIDED TO THE WOMAN INDIVIDUALLY AND IN A PRIVATE ROOM TO PROTECT HER
23 PRIVACY AND TO ENSURE THAT THE INFORMATION FOCUSES ON HER INDIVIDUAL
24 CIRCUMSTANCES AND THAT SHE HAS ADEQUATE OPPORTUNITY TO ASK QUESTIONS.

25 4. THE WOMAN CERTIFIES IN WRITING BEFORE THE ABORTION THAT THE
26 INFORMATION REQUIRED TO BE PROVIDED PURSUANT TO PARAGRAPHS 1 AND 2 OF THIS
27 SUBSECTION HAS BEEN PROVIDED.

28 B. IF A MEDICAL EMERGENCY COMPELS THE PERFORMANCE OF AN ABORTION, THE
29 PHYSICIAN SHALL INFORM THE WOMAN, BEFORE THE ABORTION IF POSSIBLE, OF THE
30 MEDICAL INDICATIONS SUPPORTING THE PHYSICIAN'S JUDGMENT THAT AN ABORTION IS
31 NECESSARY TO AVERT THE WOMAN'S DEATH OR TO AVERT SUBSTANTIAL AND IRREVERSIBLE
32 IMPAIRMENT OF A MAJOR BODILY FUNCTION.

1 C. AN INDIVIDUAL WHO IS NOT A PHYSICIAN SHALL NOT PERFORM A SURGICAL
2 ABORTION.

3 D. A PERSON SHALL NOT WRITE OR COMMUNICATE A PRESCRIPTION FOR A DRUG
4 OR DRUGS TO INDUCE AN ABORTION OR REQUIRE OR OBTAIN PAYMENT FOR A SERVICE
5 PROVIDED TO A PATIENT WHO HAS INQUIRED ABOUT AN ABORTION OR SCHEDULED AN
6 ABORTION UNTIL THE EXPIRATION OF THE TWENTY-FOUR HOUR REFLECTION PERIOD
7 REQUIRED BY SUBSECTION A.

8 E. A PERSON SHALL NOT INTIMIDATE OR COERCE IN ANY WAY ANY PERSON TO
9 OBTAIN AN ABORTION. A PARENT, GUARDIAN OR ANY OTHER PERSON SHALL NOT COERCE
10 A MINOR TO OBTAIN AN ABORTION. IF A MINOR IS DENIED FINANCIAL SUPPORT BY THE
11 MINOR'S PARENTS, GUARDIANS OR CUSTODIAN DUE TO THE MINOR'S REFUSAL TO HAVE AN
12 ABORTION PERFORMED, THE MINOR IS DEEMED EMANCIPATED FOR THE PURPOSES OF
13 ELIGIBILITY FOR PUBLIC ASSISTANCE BENEFITS, EXCEPT THAT THE EMANCIPATED MINOR
14 MAY NOT USE THESE BENEFITS TO OBTAIN AN ABORTION.

15 F. A PHYSICIAN WHO KNOWINGLY VIOLATES THIS SECTION COMMITS AN ACT OF
16 UNPROFESSIONAL CONDUCT AND IS SUBJECT TO LICENSE SUSPENSION OR REVOCATION
17 PURSUANT TO TITLE 32, CHAPTER 13 OR 17.

18 G. IN ADDITION TO OTHER REMEDIES AVAILABLE UNDER THE COMMON OR
19 STATUTORY LAW OF THIS STATE, ANY OF THE FOLLOWING MAY FILE A CIVIL ACTION TO
20 OBTAIN APPROPRIATE RELIEF FOR A VIOLATION OF THIS SECTION:

21 1. A WOMAN ON WHOM AN ABORTION HAS BEEN PERFORMED WITHOUT HER INFORMED
22 CONSENT AS REQUIRED BY THIS SECTION.

23 2. THE FATHER OF THE UNBORN CHILD IF MARRIED TO THE MOTHER AT THE TIME
24 SHE RECEIVED THE ABORTION, UNLESS THE PREGNANCY RESULTED FROM THE PLAINTIFF'S
25 CRIMINAL CONDUCT.

26 3. THE MATERNAL GRANDPARENTS OF THE UNBORN CHILD IF THE MOTHER WAS NOT
27 AT LEAST EIGHTEEN YEARS OF AGE AT THE TIME OF THE ABORTION, UNLESS THE
28 PREGNANCY RESULTED FROM THE PLAINTIFF'S CRIMINAL CONDUCT.

29 H. A CIVIL ACTION FILED PURSUANT TO SUBSECTION G SHALL BE BROUGHT IN
30 THE SUPERIOR COURT IN THE COUNTY IN WHICH THE WOMAN ON WHOM THE ABORTION WAS
31 PERFORMED RESIDES AND MAY BE BASED ON A CLAIM THAT FAILURE TO OBTAIN INFORMED
32 CONSENT WAS A RESULT OF SIMPLE NEGLIGENCE, GROSS NEGLIGENCE, WANTONNESS,

1 WILFULNESS, INTENTION OR ANY OTHER LEGAL STANDARD OF CARE. RELIEF PURSUANT
2 TO SUBSECTION G INCLUDES THE FOLLOWING:

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

5 2. STATUTORY DAMAGES IN AN AMOUNT EQUAL TO FIVE THOUSAND DOLLARS OR
6 THREE TIMES THE COST OF THE ABORTION, WHICHEVER IS GREATER.

7 3. REASONABLE ATTORNEY FEES AND COSTS.

8 I. A CIVIL ACTION BROUGHT PURSUANT TO THIS SECTION MUST BE INITIATED
9 WITHIN SIX YEARS AFTER THE VIOLATION OCCURRED.

10 Sec. 5. Section 36-2154, Arizona Revised Statutes, as renumbered by
11 this act, is amended to read:

12 36-2154. Right to refuse to participate in abortion; abortion
13 medication or emergency contraception

14 A. ~~No~~ A hospital is NOT required to admit any patient for the purpose
15 of performing an abortion. A physician, or any other person who is a member
16 of or associated with the staff of a hospital, or any employee of a hospital,
17 doctor, clinic, ~~or~~ or other medical or surgical facility in which an abortion
18 has been authorized, who ~~shall state~~ STATES in writing an objection to ~~such~~
19 THE abortion on moral or religious grounds ~~shall~~ IS not ~~be~~ required to
20 FACILITATE OR participate in the medical or surgical procedures ~~which~~ THAT
21 will result in the abortion.

22 B. A PHARMACY, HOSPITAL OR HEALTH PROFESSIONAL, OR ANY EMPLOYEE OF A
23 PHARMACY, HOSPITAL OR HEALTH PROFESSIONAL, WHO STATES IN WRITING AN OBJECTION
24 TO ABORTION, ABORTION MEDICATION, EMERGENCY CONTRACEPTION OR ANY MEDICATION
25 OR DEVICE INTENDED TO INHIBIT OR PREVENT IMPLANTATION OF A FERTILIZED OVUM ON
26 MORAL OR RELIGIOUS GROUNDS IS NOT REQUIRED TO FACILITATE OR PARTICIPATE IN
27 THE PROVISION OF AN ABORTION, ABORTION MEDICATION, EMERGENCY CONTRACEPTION OR
28 ANY MEDICATION OR DEVICE INTENDED TO INHIBIT OR PREVENT IMPLANTATION OF A
29 FERTILIZED OVUM. THE PHARMACY, HOSPITAL OR HEALTH PROFESSIONAL, OR AN
30 EMPLOYEE OF THE PHARMACY, HOSPITAL OR HEALTH PROFESSIONAL, SHALL RETURN TO
31 THE PATIENT THE PATIENT'S WRITTEN PRESCRIPTION ORDER.

32 Sec. 6. Construction

1 This act does not create or recognize a right to an abortion and does
2 not make lawful an abortion that is currently unlawful.

3 Sec. 7. Severability

4 If a provision of this act or its application to any person or
5 circumstance is held invalid, the invalidity does not affect other provisions
6 or applications of the act that can be given effect without the invalid
7 provision or application, and to this end the provisions of this act are
8 severable.”

9 Amend title to conform

6/8/09
12:33 PM
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