



ARIZONA STATE SENATE
Fiftieth Legislature, Second Regular Session

FACT SHEET FOR H.B. 2800

public funding; family planning; prohibition

Purpose

Prohibits the state from providing monies to any entity that performs nonfederally qualified abortions and prioritizes the distribution of public monies for family planning services.

Background

Statute defines *abortion* as “the use of any means to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will cause, with reasonable likelihood, the death of the unborn child. Abortion does not include birth control devices, oral contraceptives used to inhibit or prevent ovulation, conception or the implantation of a fertilized ovum in the uterus or the use of any means to increase the probability of a live birth, to preserve the life or health of the child after a live birth, to terminate an ectopic pregnancy or to remove a dead fetus” (A.R.S. § 36-2151).

Current law prohibits the state from expending for payment any public funds, state tax monies or federal funds to any person or entity for the performance of any abortion unless the abortion is necessary to save the life of the mother. The state is also banned from directly or indirectly expending public or state tax monies to pay the costs associated with a health insurance policy, contract or plan that provides coverage, benefits or services related to the performance of any abortion unless the abortion is necessary to avert irreversible impairment of a major bodily function of the woman having the abortion or save the woman’s life (A.R.S. § 35-196.02).

There is no anticipated fiscal impact to the General Fund associated with this legislation.

Provisions

1. Prohibits Arizona or any political subdivision of Arizona from contracting with or making grants to any person that performs nonfederally qualified abortions or oversees a facility where nonfederally qualified abortions are performed for the provision of family planning services.
2. Requires public monies for family planning services to be dispensed in the following order of priority:
 - a) to health care facilities that are owned or operated by this state or any political subdivision of this state;
 - b) to hospitals and federally qualified health centers;
 - c) to rural health clinics; and

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- d) to primary health care providers.
- 3. Allows the Attorney General or county attorney to bring an action in law to enforce this section and make relief available in appropriate circumstances.
- 4. Allows an eligible entity to bring any action that the Attorney General or county attorney may bring for relief, if the expenditure or grant of public monies resulted in the reduction of public monies to that entity.
- 5. Requires any monies recouped to revert to the fund from which the monies were appropriated or granted, and requires the prevailing plaintiff to be awarded reasonable attorney fees and costs.
- 6. Defines *abortion, federally qualified health center, hospital, nonfederally qualified abortion, public monies, and rural health clinic.*
- 7. Contains an effect on appropriations clause and a severability clause.
- 8. Becomes effective on the general effective date.

House Action

HHS	2/15/12	DP	6-3-0-0-0
3 rd Read	3/5/12		41-17-2-0-0

Prepared by Senate Research
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MY/JD/tf