



Arizona for Abortion Access has filed the “**Arizona Abortion Access Act**,” a proposed state constitutional amendment to add a fundamental right to abortion. Proponents must file 383,923 valid signatures of registered voters by July 3, 2024, to place the measure on the November 5, 2024, Arizona ballot.

Summary of Language

1. Prohibits any Arizona government entity from denying, restricting, or interfering with a pregnant individual’s fundamental right to an abortion.
2. Allows abortion prior to fetal viability then after fetal viability with these broad exceptions:
 - a. The “treating health care professional” using “good faith judgment” can determine if the pregnant individual’s mental health necessitates the abortion; or
 - b. The “treating health care professional” can authorize a post-viability abortion if there is a “significant likelihood the fetus’s survival” would require “extraordinary medical measures.”
3. Protects from punishment any individual or entity that aids a pregnant individual seeking an abortion.
4. Requires any restrictions of abortions to be enacted only for the “limited purpose” of furthering the health of the individual seeking the abortion.

Analysis

1. Overturns current common-sense regulations in Arizona law, allowing unrestricted, unregulated abortion on demand. No longer would a medical doctor be required to perform or provide the abortion. The language would allow a broad range of unqualified health care professionals to perform and provide abortions, including chiropractors, podiatrists, and massage therapists.
2. Repeals other common-sense regulations like parental consent, informed consent, bans on partial birth abortion and abortions via telehealth, and the current 15-week abortion limit.
3. Broad exceptions for post-viability abortions would allow abortion up until the time of birth.
 - a. Allows abortions after viability should the baby’s care require vague and undefined extraordinary medical measures.
 - b. Allows abortions after viability for the mother’s mental health, an undefined term that has included all factors related to the woman’s well-being, including stress or anxiety.
4. Opens the door to taxpayer funding of abortion because failure to fund abortions could be viewed as restricting or interfering with a constitutionally protected right.
5. Likely undermines parental rights. Minor girls could be allowed to obtain an abortion without parental involvement or court order as current law requires.
6. Endangers current law allowing healthcare professionals to opt out of performing or participating in abortions due to their consciences.
7. Clear goal is to allow unrestricted, unregulated abortion on demand.

Conclusion

Reasonable people can have different opinions on abortion, but this amendment goes too far. It eliminates longstanding, commonsense safeguards for women and girls. Any law passed in Arizona should protect girls’ and women’s safety, not put them at risk.