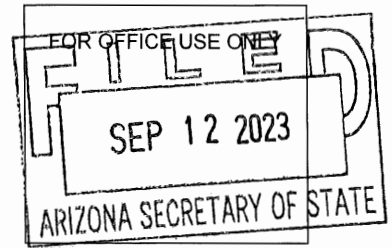


# **EXHIBIT A**



STATE OF ARIZONA

Application for Serial Number Initiative Petition A.R.S. § 19-111



The undersigned intends to circulate and file an initiative petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Attached hereto is the full title and text, in no less than eight point type, of the measure or constitutional amendment intended to be initiated at the next general election.

Statutory Measure

Constitutional Amendment

Date of Application

Sept. 12, 2023

Signatures Required

383,923

Deadline for Filing

July 03, 2024

Serial Number Issued

I-05-2024

The Arizona Abortion Access Act amends the Arizona Constitution to establish a fundamental right to abortion that the State (defined by the act to mean the State, an agency of the State, or a political subdivision of the State) may not deny, restrict or interfere with [1] before the point in pregnancy when a health care provider determines that the fetus has a significant likelihood of survival outside the uterus without extraordinary medical measures unless justified by a compelling governmental interest (defined by the act as a law, regulation, policy, or practice enacted for the limited purpose of improving or maintaining the health of an individual seeking abortion care, consistent with accepted clinical standards of practice and evidence-based medicine, and that does not infringe on that individual's autonomous decision-making) that is achieved by the least restrictive means, or [2] after that point in pregnancy if a health care provider determines an abortion is necessary to protect the life or the physical or mental health of the pregnant individual; and under which the State may not penalize individuals or entities for assisting a pregnant individual in exercising their right to abortion.

Dacey Montoya

Name of Applicant

2800 N. Central Ave Ste 1900

Address

Phoenix AZ 85004

City

State

Zip

623-239-2588

Telephone Number

info@arizonaforabortionaccess.org

E-mail Address

Arizona for Abortion Access

Committee Name

101432

Committee ID No.

Candace Lew

Chairperson

Dacey Montoya

Treasurer

2800 N. Central Ave Ste 1900

Committee Address

Phoenix AZ 85004

City

State

Zip

623-239-2588

Committee Telephone Number

info@arizonaforabortionaccess.org

Committee E-mail Address

By submitting this Application for Serial Number and checking all boxes below, I acknowledge the following:

That I have read and understand the accompanying Instructions for Statewide Initiatives, including the Secretary of State's recommended best practices for printing copies of the Statewide Initiative Petition to be circulated.

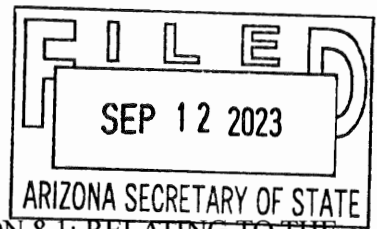
That at the time of filing, I was provided instructions regarding accurate completion of the electronic Statewide Initiative Petition form.

Applicant Signature

September 11, 2023

Date

Office of the Secretary of State 1700 W. Washington Street Phoenix, Arizona 85007



**OFFICIAL TITLE**

A CONSTITUTIONAL AMENDMENT

AMENDING ARTICLE II, CONSTITUTION OF ARIZONA, BY ADDING SECTION 8.1; RELATING TO THE  
FUNDAMENTAL RIGHT TO ABORTION.

TEXT OF PROPOSED AMENDMENT

Be it enacted by the People of the State of Arizona:

**Sec. 1.** Short title

This constitutional amendment shall be known as, and may be referred to as, the “Arizona Abortion Access Act”.

**Sec. 2.** Findings and declaration of purpose

The People of the State of Arizona find and declare as follows:

- A. Arizonans believe strongly in individual autonomy, which includes the right of each individual to make personal decisions about their own health care without overbearing and unnecessary government interference.
- B. When the United States Supreme Court overturned *Roe v. Wade* and deprived Arizonans of their longstanding individual right to abortion, Arizonans’ autonomy over their own health care decisions was immediately threatened by efforts to enforce a law first enacted in the 19th Century that made almost all abortions illegal.
- C. To protect Arizonans’ rights and ensure access to reproductive health care, the Arizona Constitution must be amended to establish a fundamental right to abortion as provided in this act.
- D. This act should be liberally construed in furtherance of the fundamental right it establishes.

**Sec. 3.** Article II, Constitution of Arizona, is amended by adding section 8.1, to read:

8.1. Fundamental right to abortion; definitions

A. EVERY INDIVIDUAL HAS A FUNDAMENTAL RIGHT TO ABORTION, AND THE STATE SHALL NOT ENACT, ADOPT OR ENFORCE ANY LAW, REGULATION, POLICY OR PRACTICE THAT DOES ANY OF THE FOLLOWING:

- 1. DENIES, RESTRICTS OR INTERFERES WITH THAT RIGHT BEFORE FETAL VIABILITY UNLESS JUSTIFIED BY A COMPELLING STATE INTEREST THAT IS ACHIEVED BY THE LEAST RESTRICTIVE MEANS.
- 2. DENIES, RESTRICTS OR INTERFERES WITH AN ABORTION AFTER FETAL VIABILITY THAT, IN THE GOOD FAITH JUDGMENT OF A TREATING HEALTH CARE PROFESSIONAL, IS NECESSARY TO PROTECT THE LIFE OR PHYSICAL OR MENTAL HEALTH OF THE PREGNANT INDIVIDUAL.
- 3. PENALIZES ANY INDIVIDUAL OR ENTITY FOR AIDING OR ASSISTING A PREGNANT INDIVIDUAL IN EXERCISING THE INDIVIDUAL’S RIGHT TO ABORTION AS PROVIDED IN THIS SECTION.

B. FOR THE PURPOSES OF THIS SECTION:

1. “COMPELLING STATE INTEREST” MEANS A LAW, REGULATION, POLICY OR PRACTICE THAT MEETS BOTH OF THE FOLLOWING:

(a) IS ENACTED OR ADOPTED FOR THE LIMITED PURPOSE OF IMPROVING OR MAINTAINING THE HEALTH OF AN INDIVIDUAL SEEKING ABORTION CARE, CONSISTENT WITH ACCEPTED CLINICAL STANDARDS OF PRACTICE AND EVIDENCE-BASED MEDICINE.

(b) DOES NOT INFRINGE ON THAT INDIVIDUAL’S AUTONOMOUS DECISION MAKING.

2. “FETAL VIABILITY” MEANS THE POINT IN PREGNANCY WHEN, IN THE GOOD FAITH JUDGMENT OF A TREATING HEALTH CARE PROFESSIONAL AND BASED ON THE PARTICULAR FACTS OF THE CASE, THERE IS A SIGNIFICANT LIKELIHOOD OF THE FETUS’S SUSTAINED SURVIVAL OUTSIDE THE UTERUS WITHOUT THE APPLICATION OF EXTRAORDINARY MEDICAL MEASURES.

3. “STATE” MEANS THIS STATE, ANY AGENCY OF THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE.

**Sec. 4. Severability**

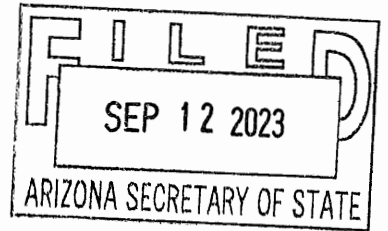
If any provision of this measure or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the measure that can be given effect without the invalid provision or application, and to this end the provisions of this measure are severable.

**Sec. 5. Submission to the electorate**

The Secretary of State shall submit this measure to the qualified electors of the State of Arizona at the next general election as provided by article IV, part 1, section 1, Arizona Constitution.

**Sec. 6. Standing**

The People of the State of Arizona desire that this measure, if approved by the voters and thereafter challenged in court, be defended by the State of Arizona. The political action committee that sponsored this measure (or its designee) shall have standing to initiate or intervene in any action or proceeding to enforce defend this measure.



# **EXHIBIT B**

Arizona Revised Statutes Annotated  
Title 36. Public Health and Safety (Refs & Annos)  
Chapter 23. Protection of Fetus or Embryo (Refs & Annos)  
Article 3. Gestational Limit on Abortion (Refs & Annos)

A.R.S. § 36-2321

§ 36-2321. Definitions

Effective: September 24, 2022

[Currentness](#)

In this article, unless the context otherwise requires:

1. “Abortion” has the same meaning prescribed in [§ 36-2151](#).
2. “Attempt to perform or induce an abortion” means to do or to omit doing anything that, under the circumstances as the physician believes them to be, is an act or omission that constitutes a substantial step in a course of conduct planned to culminate in the performance or induction of an abortion in violation of this article.
3. “Department” means the department of health services.
4. “Gestational age” or “probable gestational age” means the age of an unborn human being as calculated from the first day of the last menstrual period of the pregnant woman.
5. “Human being” means an individual member of the species homo sapiens, from and after the point of conception.
6. “Major bodily function” includes functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.
7. “Medical emergency” means a condition that, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of a major bodily function.
8. “Physician” means a person who is licensed pursuant to title 32, chapter 13 or 17. <sup>1</sup>

**Credits**

Added by [Laws 2022, Ch. 105, § 1](#).

Notes of Decisions (1)

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**Footnotes**

1 Section 32-1401 et seq. or 32-1800 et seq.

A. R. S. § 36-2321, AZ ST § 36-2321

Current through legislation of the Second Regular Session of the Fifty-Sixth Legislature (2024).

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Arizona Revised Statutes Annotated  
Title 36. Public Health and Safety (Refs & Annos)  
Chapter 23. Protection of Fetus or Embryo (Refs & Annos)  
Article 3. Gestational Limit on Abortion (Refs & Annos)

A.R.S. § 36-2322

§ 36-2322. Gestational limit on abortion; medical emergency exception; physician reports; confidentiality

Effective: September 24, 2022

[Currentness](#)

**A.** Except in a medical emergency, a physician may not perform, induce or attempt to perform or induce an abortion unless the physician or the referring physician has first made a determination of the probable gestational age of the unborn human being and documented that gestational age in the maternal patient's chart and, if required, in a report required to be filed with the department as set forth in subsection C of this section. The determination of probable gestational age shall be made according to standard medical practices and techniques used in the medical community.

**B.** Except in a medical emergency, a physician may not intentionally or knowingly perform, induce or attempt to perform or induce an abortion if the probable gestational age of the unborn human being has been determined to be greater than fifteen weeks.

**C.** In every case in which a physician performs or induces an abortion on an unborn human being whose gestational age is greater than fifteen weeks, the physician, within fifteen days after the abortion, shall file with the department, on a form supplied by the department, a report containing all of the following:

1. The date the abortion was performed.
2. Specific method of abortion used.
3. The probable gestational age of the unborn human being and the method used to calculate gestational age.
4. A statement that the abortion was necessary because of a medical emergency.
5. The specific medical indications supporting the determination that a medical emergency existed.
6. The probable health consequences of the abortion.
7. The physician's signature as the physician's attestation under oath that the information stated is true and correct to the best of the physician's knowledge.



**D.** Reports required and submitted pursuant to subsection C of this section may not contain the name of the maternal patient on whom the abortion was performed or any other information or identifiers that would make it possible to identify, in any manner or under any circumstances, a woman who obtained or sought to obtain an abortion.

**Credits**

Added by [Laws 2022, Ch. 105, § 1](#).

[Notes of Decisions \(4\)](#)

A. R. S. § 36-2322, AZ ST § 36-2322

Current through legislation of the Second Regular Session of the Fifty-Sixth Legislature (2024).

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Arizona Revised Statutes Annotated  
Title 36. Public Health and Safety (Refs & Annos)  
Chapter 23. Protection of Fetus or Embryo (Refs & Annos)  
Article 3. Gestational Limit on Abortion (Refs & Annos)

A.R.S. § 36-2323

§ 36-2323. Department; forms

Effective: September 24, 2022

[Currentness](#)

The department shall create the forms required by [§ 36-2322](#) within thirty days after September 24, 2022. The reporting requirements of [§ 36-2322](#) on forms published by the department do not apply until ten days after the requisite forms have been made available or September 24, 2022, whichever is later.

**Credits**

Added by [Laws 2022, Ch. 105, § 1](#).

A. R. S. § 36-2323, AZ ST § 36-2323

Current through legislation of the Second Regular Session of the Fifty-Sixth Legislature (2024).

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Arizona Revised Statutes Annotated  
Title 36. Public Health and Safety (Refs & Annos)  
Chapter 23. Protection of Fetus or Embryo (Refs & Annos)  
Article 3. Gestational Limit on Abortion (Refs & Annos)

A.R.S. § 36-2324

§ 36-2324. Violation; classification; exclusion from prosecution

Effective: September 24, 2022

[Currentness](#)

**A.** Any physician who intentionally or knowingly violates the prohibition in § 36-2322, [subsection B](#) is guilty of a class 6 felony.

**B.** A pregnant woman on whom an abortion is performed, induced or attempted in violation of § 36-2322 may not be prosecuted for conspiracy to commit any violation of this article.

**Credits**

Added by [Laws 2022, Ch. 105, § 1](#).

A. R. S. § 36-2324, AZ ST § 36-2324

Current through legislation of the Second Regular Session of the Fifty-Sixth Legislature (2024).

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Arizona Revised Statutes Annotated  
Title 36. Public Health and Safety (Refs & Annos)  
Chapter 23. Protection of Fetus or Embryo (Refs & Annos)  
Article 3. Gestational Limit on Abortion (Refs & Annos)

A.R.S. § 36-2325

§ 36-2325. Unprofessional conduct; civil penalties

Effective: September 24, 2022

[Currentness](#)

**A.** A physician who intentionally or knowingly violates the prohibition in § 36-2322, subsection B commits an act of unprofessional conduct and the physician's license to practice medicine in this state shall be suspended or revoked pursuant to title 32, chapter 13 or 17,<sup>1</sup> as applicable.

**B.** A physician who knowingly or intentionally delivers to the department any report required by § 36-2322, subsection C that contains a false statement is subject to a civil penalty of not more than \$10,000 imposed by the department.

**C.** A physician who knowingly or intentionally fails to file with the department any report required by § 36-2322, subsection C is subject to a civil penalty of not more than \$10,000 imposed by the department.

**Credits**

Added by [Laws 2022, Ch. 105, § 1](#).

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**Footnotes**

<sup>1</sup> Section 32-1401 et seq. or 32-1800 et seq.

A. R. S. § 36-2325, AZ ST § 36-2325

Current through legislation of the Second Regular Session of the Fifty-Sixth Legislature (2024).

Arizona Revised Statutes Annotated  
Title 36. Public Health and Safety (Refs & Annos)  
Chapter 23. Protection of Fetus or Embryo (Refs & Annos)  
Article 3. Gestational Limit on Abortion (Refs & Annos)

A.R.S. § 36-2326

§ 36-2326. Enforcement; attorney general

Effective: September 24, 2022

[Currentness](#)

The attorney general may bring an action in law or equity to enforce this article on behalf of the director of the department, the Arizona medical board or the board of osteopathic examiners in medicine and surgery.

**Credits**

Added by [Laws 2022, Ch. 105, § 1](#).

A. R. S. § 36-2326, AZ ST § 36-2326

Current through legislation of the Second Regular Session of the Fifty-Sixth Legislature (2024).

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