

## Arizona's Reproductive Healthcare: Talking Points

### Summary

With the overturn of *Roe v. Wade* on June 24, 2022 in the *Dobbs v. Jackson Women's Health Organization* decision, Arizona's total ban on abortion will likely be enforced. Arizona's pre-statehood abortion ban was written in 1864 (ARS § 13-3603) but has not been enforced since 1973. But now, pursuant to *Dobbs*, states with pre-*Roe* bans can immediately ban abortion. The 1864 ban includes a 2-to-5 year prison sentence for anyone providing an abortion. In the 2022 Regular Session, the Arizona Legislature passed a bill that bans abortion after 15 weeks. This bill, SB 1164, was passed along party lines and then signed by Governor Ducey. Like the pre-statehood ban, this law does not include exceptions for rape or incest. It prohibits a physician from performing an abortion after 15 weeks except in the case of medical emergency. Arizona's SB 1164 law was very well crafted. It specifically refers to the pre-statehood law banning abortion, making it absolutely clear the intent of the Republican-controlled Arizona legislature was to ban and criminalize abortion in Arizona if *Roe v. Wade* was overturned in the *Dobbs* ruling.

Thus, as it currently stands, the Republicans support an abortion ban in Arizona—whether after 15 weeks or the complete pre-statehood abortion ban. This is not new as Arizona Republicans have been working for years to undermine an individual's right to reproductive healthcare. In 1992, the U.S. Supreme Court in *Planned Parenthood v. Casey* found that states had the right to restrict abortion so long as an "undue burden" is not placed on an individual seeking an abortion. The *Casey* ruling paved the way for the Republican-controlled Arizona legislature, to enact laws that restrict abortion. The Arizona anti-choice laws passed since *Casey* cover health insurance, funding, providers, facilities, medically unnecessary ultrasounds, waiting periods, mandatory counseling, and consent.

The 2022 Arizona Legislative session included HB 2483, which was introduced two days before the close of the legislative session. This bill, modelled on the Texas law criminalizing abortion, monetizes abortion vigilantism with a \$10,000 bounty for suing providers or anyone else (conceivably bus and Uber drivers) assisting a woman in accessing an abortion after six weeks. A fetal personhood law such as SB 1457 may provide embryos with the full panoply of personhood rights and privileges from the point of conception onward. The application of fetal personhood laws and laws that erroneously conflate contraception with abortifacients could result in bans of several forms of contraception including birth control pills, Depo-Provera injections, IUDs, and emergency contraception such as Plan B One-Step and Ella.

On July 21, 2022, the U.S. Congress voted on the Right to Contraception Act (HR 8373). One hundred ninety-five Republicans—including four Arizona members of the U.S. House of Representatives—voted against the bill. Contraceptive care is under attack at every level in Arizona.

Quite simply the Republican endgame is to ban contraception, which is contrary to the desires and needs of the residents and voters of Arizona.

### AZ Republicans are Restricting and Criminalizing Access to Reproductive Healthcare

- Pre-statehood law, written before women had the right to vote, bans abortion except when necessary to save the mother's life.
- Pre-statehood law criminalizes abortion providers with a mandatory 2-5 years in prison.
- SB 1164 (signed by Gov. Ducey in 2022) bans abortion after 15 weeks with no exceptions for rape or incest.
- Fetal Personhood laws grant embryos rights and privileges while denying the rights of Arizona women.
- A Republican-controlled legislature in Arizona means increased state surveillance of women—their access to abortion and contraception; incidences of miscarriage and stillborn birth; and the data collected by apps tracking menstruation.



### AZ Abortion by the Numbers

13,273 abortions in Arizona in 2020

Average age of patients having an abortion in Arizona was 27.1 in 2020

50.2% of abortions in Arizona were medication abortions in 2020

Only three abortions were paid for by AHCCS (Medicaid) in 2020

80% of Arizona counties do not have a clinic that can provide abortions.

Data above is from the Arizona Department of Health 2020 Abortion Report. For more information [click here](#)

### Republicans are Gunning for Your Contraception

Republicans are changing the definition of pregnancy:

Physicians, scientists, and Federal policy state that implantation of a fertilized egg into the uterine wall is the definition of pregnancy.

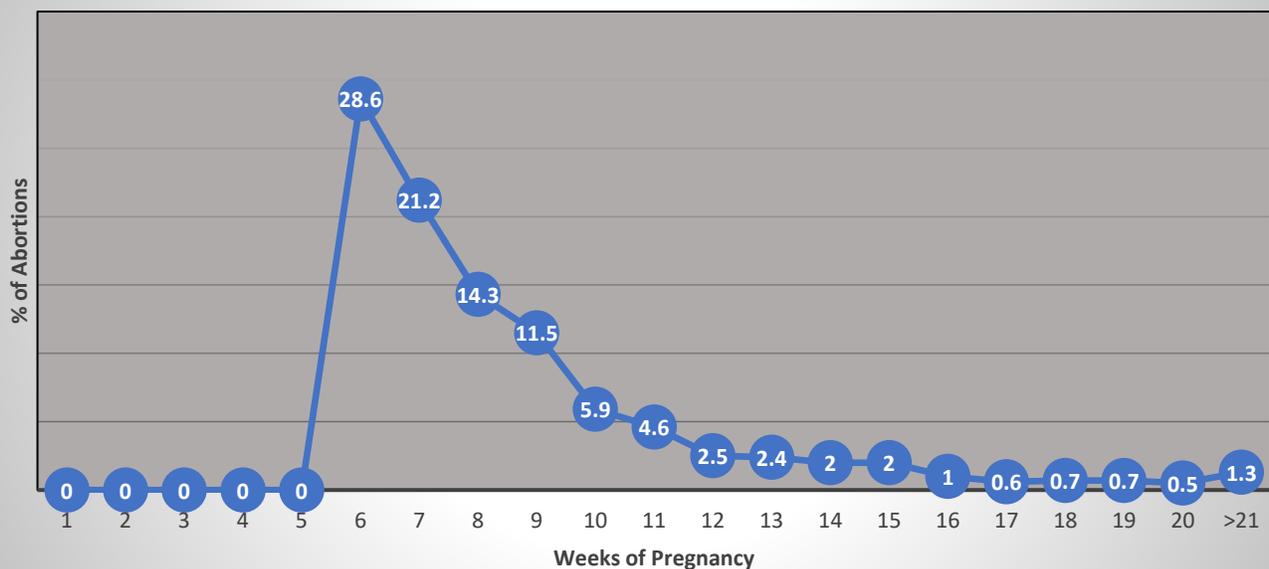
Republicans in the Arizona legislature are creating their own medically unsupported definition of pregnancy: fertilization of the egg.

Republicans conflate emergency contraception and abortifacients, contrary to medical facts.

Republicans want to take away your access to:

- Oral birth control pills and IUDs
- Emergency Contraception, such as Plan B and Ella

### Percentage of Abortions by Week of Pregnancy



Data from [AZ Dept. of Health 2020 Abortion Report](#). Graph created by [Local Majority](#).

## 2022 Polling Data from 692 Arizona Voters

- 71% oppose making abortion illegal.
- 90% agree that “each of us should have the freedom to decide how and when we start or grow a family, free from political interference” (100% Democrats, 89% of Independents, and 82% of Republicans.)
- Only 11% of voters say they will only vote for a candidate for the Arizona Legislature that supports an abortion ban.
- 80% agree that medical professionals should never be threatened with fines or jail time for providing healthcare services their patients request.
- Arizona voters do not want Texas’s extreme 6-week abortion ban in Arizona; 58% oppose banning abortion at six weeks. A strong majority (72%) oppose Texas’s enforcement mechanism of allowing any private individual, including strangers, to sue people who provide abortion care or help people seek abortion care—including clinic workers, clergy, or a ride share driver—for up to \$10K fine.

Polling data from Change Research. For more information [click here](#).