

REFERENCE TITLE: human fetus; embryo; prohibited actions

State of Arizona
Senate
Fifty-second Legislature
Second Regular Session
2016

SB 1474

Introduced by

Senators Barto, Allen S, Farnsworth D, Kavanagh, Lesko, Miranda, Smith, Yarbrough, Yee; Representatives Allen J, Barton, Borrelli, Boyer, Coleman, Finchem, Gowan, Leach, Mitchell, Montenegro, Olson, Petersen, Thorpe; Senators Begay, Biggs, Burges, Donahue, Griffin, Shooter; Representatives Bowers, Fann, Farnsworth E, Gray, Kern, Lawrence, Livingston, Lovas, Mesnard, Norgaard, Rivero, Shope, Weninger

AN ACT

REPEALING SECTION 36-2302, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 23, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 36-2302; RELATING TO THE PROTECTION OF A FETUS OR EMBRYO.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Repeal

3 Section 36-2302, Arizona Revised Statutes, is repealed.

4 Sec. 2. Title 36, chapter 23, article 1, Arizona Revised Statutes, is
5 amended by adding a new section 36-2302, to read:

6 36-2302. Human fetus or embryo; prohibitions; definitions

7 A. A PERSON MAY NOT USE A HUMAN FETUS OR EMBRYO OR ANY PART, ORGAN OR
8 FLUID OF THE FETUS OR EMBRYO RESULTING FROM AN ABORTION IN ANIMAL OR HUMAN
9 RESEARCH, EXPERIMENTATION OR STUDY OR FOR TRANSPLANTATION, EXCEPT FOR EITHER
10 OF THE FOLLOWING:

11 1. DIAGNOSTIC OR REMEDIAL PROCEDURES FOR THE PURPOSE OF DETERMINING
12 THE LIFE OR HEALTH OF THE HUMAN FETUS OR EMBRYO OR THE MOTHER OR FOR
13 PRESERVING THE LIFE OR HEALTH OF THE HUMAN FETUS OR EMBRYO OR THE MOTHER.

14 2. A PATHOLOGICAL STUDY.

15 B. A PERSON MAY NOT EXPERIMENT ON A HUMAN FETUS OR EMBRYO WHO IS
16 INTENDED TO BE ABORTED.

17 C. A PERSON MAY NOT PERFORM OR OFFER TO PERFORM AN ABORTION FOR WHICH
18 PART OR ALL OF THE JUSTIFICATION OR REASON IS THAT THE HUMAN FETUS OR EMBRYO
19 OR ANY PART, ORGAN OR FLUID OF THE HUMAN FETUS OR EMBRYO MAY BE USED FOR
20 ANIMAL OR HUMAN RESEARCH, EXPERIMENTATION OR STUDY OR FOR TRANSPLANTATION.

21 D. A PERSON MAY NOT KNOWINGLY SELL, TRANSFER, DISTRIBUTE, GIVE AWAY,
22 ACCEPT, USE OR ATTEMPT TO USE ANY HUMAN FETUS OR EMBRYO OR ANY PART, ORGAN OR
23 FLUID OF THE HUMAN FETUS OR EMBRYO RESULTING FROM AN ABORTION IN VIOLATION OF
24 THIS SECTION.

25 E. A PERSON MAY NOT AID OR ABET THE SALE, TRANSFER, DISTRIBUTION,
26 OTHER UNLAWFUL DISPOSITION, ACCEPTANCE, USE OR ATTEMPTED USE OF A HUMAN FETUS
27 OR EMBRYO OR ANY PART, ORGAN OR FLUID OF THE HUMAN FETUS OR EMBRYO RESULTING
28 FROM AN ABORTION IN VIOLATION OF THIS SECTION.

29 F. FOR THE PURPOSES OF THIS SECTION:

30 1. "ABORTION" HAS THE SAME MEANING AS PRESCRIBED IN SECTION 36-2151.

31 2. "EXPERIMENTATION" MEANS THE USE OF A HUMAN FETUS OR EMBRYO OR ANY
32 PART, ORGAN OR FLUID OF THE HUMAN FETUS OR EMBRYO RESULTING FROM AN ABORTION
33 IN ANY TRIAL, TEST, PROCEDURE OR OBSERVATION CARRIED OUT WITH THE GOAL OF
34 VERIFYING, REFUTING OR ESTABLISHING THE VALIDITY OF A HYPOTHESIS.
35 EXPERIMENTATION DOES NOT INCLUDE A PATHOLOGICAL STUDY OR A DIAGNOSTIC OR
36 REMEDIAL TEST, PROCEDURE OR OBSERVATION THAT HAS THE PURPOSE OF DETERMINING
37 THE LIFE OR HEALTH OF THE HUMAN FETUS OR EMBRYO OR PRESERVING THE LIFE OR
38 HEALTH OF THE HUMAN FETUS OR EMBRYO OR THE MOTHER.

39 3. "PATHOLOGICAL STUDY" MEANS THE EXAMINATION OF BODY TISSUE FOR
40 DIAGNOSTIC OR FORENSIC PURPOSES.

1 Sec. 3. Construction

2 This act does not establish or recognize a right to an abortion and
3 does not make lawful an abortion that is currently prohibited by law.

4 Sec. 4. Severability

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