

REFERENCE TITLE: **contraception; rights; limits.**

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1362

Introduced by
Senators Sundareshan: Alston, Bravo, Burch, Diaz, Epstein, Fernandez,
Gabaldón, Gonzales, Hatathlie, Hernandez, Marsh, Mendez, Miranda

AN ACT

AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 42;
RELATING TO CONTRACEPTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 36, Arizona Revised Statutes, is amended by adding
3 chapter 42, to read:

4 CHAPTER 42

5 RIGHT TO CONTRACEPTION ACT

6 ARTICLE 1. GENERAL PROVISIONS

7 36-4201. Definitions

8 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "CONTRACEPTION" MEANS AN ACTION TAKEN TO PREVENT PREGNANCY,
10 INCLUDING THE USE OF CONTRACEPTIVES OR FERTILITY-AWARENESS BASED METHODS,
11 AND STERILIZATION PROCEDURES.

12 2. "CONTRACEPTIVE" MEANS ANY DRUG, DEVICE OR BIOLOGICAL PRODUCT
13 INTENDED FOR USE IN THE PREVENTION OF PREGNANCY, WHETHER SPECIFICALLY
14 INTENDED TO PREVENT PREGNANCY OR FOR OTHER HEALTH NEEDS, THAT IS LEGALLY
15 MARKETED UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT, SUCH AS ORAL
16 CONTRACEPTIVES, LONG-ACTING REVERSIBLE CONTRACEPTIVES, EMERGENCY
17 CONTRACEPTIVES, INTERNAL AND EXTERNAL CONDOMS, INJECTABLES, VAGINAL
18 BARRIER METHODS, TRANSDERMAL PATCHES AND VAGINAL RINGS OR ANY OTHER
19 CONTRACEPTIVES.

20 3. "HEALTH PROFESSIONAL" HAS THE SAME MEANING PRESCRIBED IN SECTION
21 32-3201.

22 36-4202. Contraceptives; contraception; rights

23 A. A PERSON HAS A RIGHT TO OBTAIN CONTRACEPTIVES AND TO ENGAGE IN
24 CONTRACEPTION, AND A HEALTH PROFESSIONAL HAS A CORRESPONDING RIGHT TO
25 PROVIDE CONTRACEPTIVES AND INFORMATION RELATED TO CONTRACEPTION.

26 B. THE RIGHTS PRESCRIBED IN SUBSECTION A OF THIS SECTION MAY NOT BE
27 LIMITED OR OTHERWISE INFRINGED THROUGH ANY LIMIT OR REQUIREMENT THAT DOES
28 EITHER OF THE FOLLOWING:

29 1. EXPRESSLY, EFFECTIVELY, IMPLICITLY OR AS IMPLEMENTED SINGLES OUT
30 THE PROVIDING OF CONTRACEPTIVES OR CONTRACEPTION-RELATED INFORMATION,
31 HEALTH PROFESSIONALS WHO PROVIDE CONTRACEPTIVES OR CONTRACEPTION-RELATED
32 INFORMATION OR HEALTH CARE FACILITIES IN WHICH CONTRACEPTIVES OR
33 CONTRACEPTION-RELATED INFORMATION IS PROVIDED.

34 2. IMPEDES ACCESS TO CONTRACEPTIVES OR CONTRACEPTION-RELATED
35 INFORMATION.

36 36-4203. Limits of article

37 THIS ARTICLE DOES NOT DO EITHER OF THE FOLLOWING:

38 1. AUTHORIZE THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE
39 TO INTERFERE WITH A HEALTH PROFESSIONAL'S ABILITY TO PROVIDE
40 CONTRACEPTIVES OR CONTRACEPTION-RELATED INFORMATION OR A PATIENT'S ABILITY
41 TO OBTAIN CONTRACEPTIVES OR TO ENGAGE IN CONTRACEPTION.

42 2. ALLOW OR SANCTION THE CONDUCT OF ANY STERILIZATION PROCEDURE
43 WITHOUT THE PATIENT'S VOLUNTARY AND INFORMED CONSENT.

44 Sec. 2. Short title

45 This act may be cited as the "Arizona Right to Contraception Act".