

US: Arizona government prepares new attacks on women's reproductive health rights

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Arizona's state legislature this week moved toward major restrictions on abortion and contraception with the passage of two reactionary bills. The legislation now awaits the all but certain approval of Republican Governor Jan Brewer.

The bills—House Bills 2564 and 2400—contain a myriad of provisions aimed at introducing religiously motivated restrictions on women's healthcare in the state. HB 2564, passed on Tuesday by a 16-12 margin, would impose a 24-hour waiting period for women in need of abortion or emergency prescription contraceptives. It would require physicians to present patients with additional warnings, scripted by the legislature, about risks and alternatives to abortion.

The bill would also allow pharmacists, doctors and other healthcare workers to refuse care to women seeking abortion or emergency contraception on moral and religious grounds.

One of the most insidious and potentially sweeping changes contained in HB 2564 is the replacement of the scientific term "fetus" in state law with the words "unborn child." The term fetus refers to the fetal stage, classified by the medical community as the stage of development from eight weeks after conception until birth. Legally defining a fetus as an "unborn child" opens the way for the criminal prosecution of women and healthcare providers for abortion.

Underscoring the anti-democratic character of the legislation, Arizona's Planned Parenthood reports that the Senate suspended normal procedure in order to expedite the vote, allowing only a 10-minute period in which the public could possibly review the bill prior to its passage.

As in much of the United States, access to abortion is already extremely limited in Arizona. For example, the state already has in place a law requiring that teenage girls get the consent of their parents to receive an abortion.

Under HB 2564, parents' signatures will have to be notarized. This step introduces not only a bureaucratic hassle, but also social stigma. A judge will also be given the discretion to decide whether or not the minor is mature enough to have an abortion without parental consent.

These and other requirements make the effort to secure abortion services unnecessarily long and circuitous for young women, and more legally and logistically complicated for clinicians who make trips to rural areas to provide services. According to Planned Parenthood, the bill would effectively cut from 10 down to 3 the number of communities in the state where abortion is available.

The scarcity of services and the requirement of an additional visit 24 hours prior to abortion will make the cost of obtaining care prohibitive for working class women, the social layer most vulnerable to unintended pregnancy. Another direct consequence of the increase in legal red tape is that pregnant women will not be able to receive care until later in the pregnancy—increasing the likelihood of complications and the need for a late-term abortion, a procedure that is banned in the state.

HB 2400, passed Monday by a 20 to 8 margin in the Senate, would stiffen the penalties against providers who perform dilation and extraction abortion—called "partial birth abortion" in the bill—to include a fine or up to two years in prison. In Arizona, the procedure is

currently punishable by a one-year prison sentence.

An Arizona federal district court ruled the current state ban on late-term abortion unconstitutional in 1997. However, the ruling was effectively overturned in 2003 when the federal government introduced the “Partial Birth Abortion Ban Act,” which was upheld by the Supreme Court as constitutional in 2007.

The bill would allow for hearings on whether individual abortions are necessary to save the life of the mother. This provision would give local authorities greater powers to intervene and thereby more aggressively enforce the late-term abortion prohibition. Women in need of late-term abortions have little choice but to travel hundreds of miles, at great expense, to receive care.

According to the governor’s spokesperson, Paul Senseman, Brewer has not yet taken a position on the bills, but earlier in the month stressed her “very consistent pro-life record.” As the *Arizona Republic* newspaper noted June 24, “Republican leaders in the state Legislature have attempted for years to increase abortion restrictions, but former Gov. Janet Napolitano [Democrat] vetoed every measure on the subject that came to her desk.” Napolitano turned away nine similar anti-abortion bills during her term.

Since taking office in January, Brewer has taken several steps to promote so-called “abstinence only until marriage” policies in education and outreach services, including banning Planned Parenthood from the state’s Women’s Health Expos in May, and directing Arizona’s Health Services department to request federal funding for abstinence-only school programs.

Arizona follows Mississippi in efforts to impose such restrictions as the 24-hour rule and parents’ authorization on teen abortions. However, many other state legislatures have introduced anti-abortion bills. According to a recent *Washington Post* report, state governments considered some 400 measures aimed at restricting abortion services in 2008 alone.

Arizona House Bills 2564 and 2400 are available for review at the state’s legislative web site.

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