

# WHAT DOES ARIZONA'S PROP 139 ACTUALLY SAY?

## ACTUAL TEXT FROM 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.

In other words, really difficult to get rid of!

This fundamentally contradicts the U.S. Constitution, which guarantees the Right to Life.

What about the bodily autonomy of the preborn child?

Killing innocent babies is not health care for a mom and certainly not health care for the baby who dies.

Except the rights of preborn Arizonans, apparently.

"Individual" is deliberately vague in order to include minors, making them more vulnerable to sexual abusers.

"Viability" is an ambiguous term that leaves it within the discretion of a biased party: the abortionist.

Likely makes it illegal to enforce common sense safety standards for abortion facilities as safety standards could be construed as "interference" due to costs.



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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.

This has been legally used to defend abortion for ANY reason.

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.

The abortionist making this "good faith judgment" stands to profit from the abortion, making them very biased.

B. For the purposes of this section:

This protects sexual abusers, rapists, and other criminals who use abortion to cover crimes.

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.

Extremely vague & easily construed to prevent the state from passing even the most basic pro-life law to limit any type of abortion.

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.

This refers to any type of medical care, including basics like oxygen, which is administered to premature babies who are born in the second and third trimester.

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.

ARIZONANS DESERVE BETTER THAN  
ABORTION THROUGH ALL NINE MONTHS.  
**VOTE NO ON PROP 139 ON NOVEMBER 5.**

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