

**Fact Sheet**  
**HB 2400**  
**Abortion Ban**

**Background**

In 2003, the United States Congress passed and President Bush signed the Federal Abortion Ban, a law banning a procedure that is **medically called dilation and extraction (D&X)**. In 2007, the U.S. Supreme Court ruled the law was constitutional—overturning 30 plus years of precedent requiring abortion restrictions to include an exception protecting women’s health. This federal law is currently in effect in Arizona.

Arizona lawmakers are introducing HB 2400, a bill that mirrors the current federal law, prohibiting the same abortion procedures that are already illegal and provides for criminal penalties of up to two years in prison for a doctor who performs the procedure. This bill was vetoed two times during the 2008 legislative session by Governor Napolitano; who cited that Arizona physicians are already subject to criminal penalties under the federal statute and expressed concern regarding interference in the relationship between a woman and her doctor.

**Women & their doctors should make health care decisions, not politicians**

- This bill is bad policy—it is a blanket prohibition on certain abortion procedures usually performed in the second trimester and does not include any exceptions to protect a woman’s health.
- This bill keeps doctors from using their medical judgment to decide what medical procedure is safest for each individual patient. In *Thornburgh v. American College of Obstetricians and Gynecologists*, the U.S. Supreme Court ruled that a woman may not be required to risk her health to save a fetus even after viability, and it granted the attending physician the right to determine when a pregnancy threatens a woman’s life or health. The court also ruled that when performing a post viability abortion, a physician must be permitted to use the method most likely to preserve the woman’s health, even if it might endanger fetal survival.<sup>1</sup>
- This bill sends the message that the state of Arizona believes politicians, not doctors; know what will best protect the health of a pregnant woman.
- On June 28, 2000, in *Stenberg v. Carhart*, the U.S. Supreme Court struck down a Nebraska law that banned so called “partial birth” abortion. The majority found the law unconstitutional on two independent grounds: (1) it lacked a health exception and (2) its broad language imposed an “undue burden” on a woman’s right to choose abortion.<sup>2</sup>

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<sup>1</sup> *Thornburgh v. American College of Obstetricians and Gynecologists*, 476 U.S. 747 (1986)

<sup>2</sup> *Stenberg v. Carhart*, 530 U.S. 914 (2000)

## **A federal abortion procedures ban is already in effect in Arizona and nationwide**

- This bill mirrors the current federal law in effect.
- This bill is an attempt by extremists to play politics with women's health and lives. The only lawmakers and groups supporting it are those who want to make all abortion illegal in Arizona. These same people support Arizona's current criminal abortion law that sends doctors *and* women to jail.

## **Banning abortion procedures does not stop abortions; it simply forces women and their doctors to make riskier decisions**

- This bill will not prevent one abortion in the state of Arizona. Instead, it dictates what medical procedures doctors can perform to protect pregnant women with serious health problems.
- The only sure way to prevent abortions is to prevent unintended pregnancies. The most effective way to prevent unintended pregnancies is to increase access to sex education and birth control services.
- When abortion is illegal, it doesn't go away. Women still have abortions—just unsafe abortions. Criminalization forces women to obtain illegal abortions and put their lives and health at great risk.

## **Abortion procedure bans affect real women making heart-wrenching decisions**

- According to the American College of Obstetricians and Gynecologists, the country's leading professional organization for women's health providers, abortion procedure bans like this bill, ignore medical consensus about the safest abortion procedures that doctors use to protect women's health.
- The banned procedures are often necessary to safeguard the health and life of a woman. Factors where a woman's health or mortality is threatened or aggravated by continuing her pregnancy include: malignant hypertension, including preeclampsia; out-of-control diabetes; heart failure; severe depression, leading to suicidal tendencies; serious renal disease; or certain types of infections.<sup>3</sup>
- Many women who decide on second trimester abortions find themselves in the most tragic circumstances—making difficult decisions about life and health. Under this bill these women risk their health because doctors are forced to use less safe abortion methods.

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<sup>3</sup> Cherry & Merkatz, 1991; Paul et al., 1999