

[From the Arizona Republic, Apr. 30, 1970]

## ABORTION BILL CLEARS SENATE JUDICIARY PANEL

(By Howard E. Boice, Jr.)

A long-dormant bill to legalize abortions cleared the Senate Judiciary Committee over the objections of its chairman yesterday and moved to Rules Committee, where it could be voted on today.

The bill, which passed the House Feb. 26, would remove all legal sanctions against abortions performed by licensed physicians.

It was the first time the measure appeared on the Judiciary Committee agenda. It passed by a 6 to 3 vote.

Chairman John Conlan, R-Maricopa, and Sens. Dan Halacy, R-Maricopa, and James F. McNulty, D-Cochise, voted against the bill.

Sens. Chris Johnson, R-Maricopa, Harold C. Giss, D-Yuma, Michael Farren, R-Maricopa, David B. Kret, R-Maricopa, James F. Holley, R-Maricopa, and Sandra O'Connor, R-Maricopa, voted in favor of the measure.

The Judiciary Committee also approved bills to establish a division of children's services in the State Welfare Department, to permit courts to remove a felony conviction from the record of a defendant believed to have been rehabilitated, to overhaul initiative and referendum procedures and to stop the prosecution of persons now subject to criminal charges for acts of self-defense.

The Senate, meanwhile, passed and sent to the House bills to permit creation of metropolitan transit authorities with the power to levy taxes to cover operating losses and to issue revenue bonds up to \$2 million for capital outlay, and to establish a nine-member commission on judicial qualifications with the power to recommend removal of incompetent judges.

Also, the Senate Appropriations Committee reversed an earlier action and voted 6 to 4 for \$2.75 million to build a maximum security facility at the Arizona State Hospital. The committee had killed a similar bill earlier this session.

The Appropriations Committee also approved a bill to provide state aid for public school kindergartens.

Several members of the Senate, both Republican and Democrat made floor speeches yesterday condemning what they termed political motivation behind recent attacks on the welfare department by Rep. Frank Kelley, R-Maricopa, and Rep. Burton S. Barr, R-Maricopa.

Sen. E. B. Thode, D-Pinal, contended that Kelley had used a directive by an interim committee of which he was chairman to spend \$20,000 for a welfare department "study" that he released before having committee approval.

She termed the study and subsequent statements by Kelley and Barr about the report a "witch hunt" directed at Welfare Commissioner John O. Graham.

Sen. Boyd Tenney, R-Yavapai, said Kelley was using the report, prepared by Prof. Edmund Mech of Arizona State University, as a "vendetta."

In another matter, Barr and House Speaker John Haugh, R-Pima, were accused by Sen. Dan Halacy, R-Maricopa, of engineering the "execution" in the House of a bill that would have lowered the presumptive level of drunkenness from .15 per cent blood alcohol to .10.

"... Speaker John Haugh decreed the fate of Senate Bill 147," Halacy stated. "and majority leader Burt Barr was the Lord High Executioner."

"It is clear to me, and to many who are more expert in these matters than I," Halacy added, "that .10 per cent is a needed change. Why did the House leadership kill it?"

## S.B. 1190—STATE OF ARIZONA, 31ST LEGISLATURE, 1ST REGULAR SESSION—SENATE

Introduced by Senators Holsclaw, Alexander, Baldwin, Corbet, O'Connor, Giss, Felix, Ulm, Awalt, Hardt.

An act relating to public health; providing family planning methods, and amending title 36, chapter 6, Arizona Revised Statutes, by adding article 4.1.

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

SECTION 1. Legislative declaration: The legislature finds and declares that it is desirable for the health, welfare and economy of this state that persons desiring and needing family planning information and methods shall have access thereto without inhibitions or restrictions.

SEC. 2. Title 36, chapter 6, Arizona Revised Statutes, is amended by adding article 4.1, sections 36-681 through 36-687, to read:

## ARTICLE 4.1. FAMILY PLANNING

*36-681. Definitions*

In this article, unless the context otherwise requires:

1. "Commissioner" means the Commissioner of the Department of Public Health.
2. "Department" means the State Department of Health.
3. "Physician" means a doctor of medicine or doctor of osteopathy licensed to practice in this State.

*36-682. Policy; authority and prohibitions*

A. All medically acceptable family planning methods and information shall be readily and practicably available to any person in this State who requests such service or information, regardless of sex, race, age, income, number of children, marital status, citizenship or motive.

B. A hospital, clinic, medical center, pharmacy, agency, institution or any unit of local government shall not have any policy which interferes with either the physician-patient relationship or any physician or patient desiring to use medically acceptable family planning procedures, supplies or information.

C. Dissemination of medically acceptable family planning information in State and county health departments, State and local welfare offices and at other agencies and instrumentalities of the State is consistent with public policy.

D. This article does not prohibit a physician from refusing to provide family planning methods or information for medical reasons.

E. A private institution or physician or any agent or employee of such institution or physician may refuse to provide family planning methods and information and no such institution, employee, agent or physician shall be held liable for such refusal.

*36-683. Furnishing services to minor*

A physician may furnish family planning services to a minor who in the judgment of the physician is in special need of and requests such services. The consent of the parent, parents or legal guardian of the minor is not necessary to authorize such family planning service.

*36-684. Performing surgery*

A physician may perform appropriate surgical procedures for the prevention of conception upon any adult who requests such procedure in writing.

*36-685. Duties, powers of department*

A. In order that family planning services shall be available to persons, the department may receive and disburse such funds as may become available to it for family planning programs.

B. For the purpose of providing services pursuant to subsection A, the department may contract with physicians or organizations, public or private, engaged in providing family planning methods and information.

*36-686. Acceptance of funds*

The department may accept public or private funds, grants or donations in aid of any program authorized by this article.

*36-687. Rules, regulations*

The commissioner may adopt and issue rules and regulations necessary to enable the department to implement the provisions of this article.

[From the Arizona Republic, Mar. 5, 1973]

## EDITORIAL: "DANGERS OF VAGUE BILL"

The family planning bill being considered by the Arizona Senate, S.B. 1190, is inexcusably vague, precisely the sort of measure to lead to agonies of judicial interpretation.

At the Senate Public Health and Welfare Committee's meeting scheduled today, members should give closer attention to a bill they've already revised slightly because of uncertain language.

The bill says that "all medically acceptable family planning methods and information" should be furnished to anyone in Arizona seeking them, "regardless of sex, race, income, number of children, marital status, citizenship or motive."

Regardless of motive? Is a prostitute to be guaranteed state contraceptives for her job?