

## 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?

Regardless of citizenship? Is a tourist state such as Arizona to dole out contraceptives to every visitor from near and far who demands them?

Regardless of marital status? Obviously, the new morality.

The original wording also said regardless of age, but some senators apparently realized this could mean the state must approve the facilitation of statutory rape.

In addition, the bill says that a physician can refuse to provide family planning methods or information "for medical reasons." Medical, but not moral.

While the legislature may feel itself inadequate to decide questions of family planning morality, it should recognize that physicians don't uniformly approve encouraging sexual relations under every circumstance, even if medically acceptable.

The bill does add that private institutions, physicians, and their employees shouldn't be held liable for refusing to supply the information and methods, although these are treated as every citizen's right. But if they are automatically a right, could they be legally withheld?

Late last year in Montana, a judge ordered a Catholic hospital to sterilize a woman because she considered it her right, even though the hospital and staff objected.

Perhaps the most important question, however, has been raised by Sen. John Roeder who, as even he describes himself, is not the most antiabortion member of the legislature.

He fears the vagueness of the bill's reference to "all medically acceptable family planning methods" could positively put the state into the business of encouraging abortions.

Only a decade ago, family planning was commonly accepted as referring to contraception, but contraception was sharply differentiated from abortion even by family planning's faithful boosters.

But now the abortion front has developed dishonest terminology in which abortion isn't even described as "interruption of pregnancy" but "post-conceptive family planning."

Planned Parenthood used to be distressed by people who believed contraception was murder, just like abortion. Yet now PP often blurs the distinction even more terribly.

Rather than inhibiting abortion, as some unwise supporters of the bill contend, it might make it more widespread.

Why, indeed, is this bill proposed? The state certainly has no policy of discouraging contraception. The bill appears gratuitous—unless energetic state promotion of abortion is the eventual goal.

#### MINUTES FROM MARCH 5, 1973 HEARING

Senator Runyan moved to insert the words "required by a licensed practical nurse in this state." On line 2, page 5, after the word "qualifications" and then strike the remainder of the section; the motion carried. He then moved to insert the words "for a license" on line 10, after the word "applicant" and on line 11 after the words "meets" to strike the remainder of the section and insert "the qualifications for licensing specified in Section 32-1637."; the motion carried.

Senator Runyan then moved the bill be returned to the Senate with a do pass recommendation as amended, the motion carried. Senator Roeder voted no and requested a minority report.

#### SB 1190—FAMILY PLANNING

This bill had been discussed at the previous meeting and some amendments had been made. Senator Runyan asked what the status of the bill was at this point. The chairman stated that copies of the amendments considered at the last meeting were ready for each member but that they would have to be considered again. Senator Runyan moved the bill for purpose of amendments. He then moved to strike lines 2 through 6 on page 1; on page 2, line 2, strike "AGE" and on line 9, strike "IN" and insert "BY"; on line 10, after "OFFICES" insert a period and strike remainder of line and strike line 11.

Senator Roeder stated that the editorial appearing on the morning Republic (2/5/73) stated far better than he could that the bill before the Committee was useless; that since the Supreme Court had ruled on Abortion it was not a legislative problem but a legal problem and that presently abortion was a perfectly proper form of family planning.