

Gender & Sexuality Action Committee
Fact Sheet

2024 Abortion State Ballot Measure

ARIZONA

Abortion Limit Under Current Law:
15 weeks since last menstrual period

Arizona Proposition 139: Right to Abortion Initiative

Summary:

- Citizen-initiated measure to amend the state constitution to include the fundamental right to abortion in terms of
 - protect the right to abortion up to fetal viability
 - protect the right to abortion after fetal viability that is necessary to protect the life or health of the pregnant person
 - protect individuals and entities from penalties for assisting pregnant persons who obtain an abortion



Needs greater than 50% of votes to pass

- **YES vote means:** Supporting the amendment and adding the fundamental right to an abortion to the Arizona state constitution by preventing the state from interfering with abortion before fetal viability, abortion to protect the life or health of the pregnant person, or from penalizing those assisting a pregnant person with an abortion.
- **NO vote means:** Opposing the amendment and not changing the Arizona state constitution, therefore, the current abortion laws will stay in place.

Complete Ballot Text:

Article 2, 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:
- a. 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.
 - b. Denies, restrictions, 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
 - c. 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
- B. For the purposes of this section:
- a. "Compelling state interest" means a law, regulation, policy, or practice that meets both of the following:
 - i. 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
 - ii. Does not infringe on that individual's autonomous decision making
 - b. "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
 - c. "State" means this state, any agency of this state, or any political subdivision of this state

Resources:

- [Learn more about abortion policies in Arizona](#)
- [Learn more about the Arizona Ballot](#)
- [See KFF Ballot Tracker](#)
- [Get & Share the Facts on How Pregnancies Really Develop](#)

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