

# CAP-SUPPORTED LAWS AND RESOLUTIONS

Center for Arizona Policy (CAP) promotes and defends the foundational values of life, marriage and family, and religious freedom. (Revised December 2021)



## Sanctity of Human Life

### *Abortion*

1. Requiring parental consent for abortion (1996)\*
2. Banning partial-birth abortion (1997)\*
3. Regulating safety standards in abortion clinics (1999)^
4. Revising parental consent for abortion laws following court decision (2000)
5. Revising abortion clinic safety standards following court decision (2000)
6. Prohibiting physician assistants from performing surgical abortions (2002)
7. Banning partial-birth abortion (2009)
8. Abortion Consent Act – requiring informed consent, enhancing parental consent, and expanding rights of conscience protections for healthcare workers (2009)
9. Prohibiting all non-doctors from performing surgical abortions (2009)
10. Ending taxpayer-funded insurance coverage for government employees' abortions (2010)
11. Improving abortion reporting requirements (2010)
12. Requiring an ultrasound before an abortion, banning telemedicine abortions, and improving safety standards for abortion clinics (2011)
13. Ending taxpayer-funded abortion training and disqualifying abortion providers from charitable tax credit (2011)
14. Clarifying that the board of nursing does not have authority to allow nurses to perform surgical abortions (2011)
15. Prohibiting physician assistants from prescribing medication abortions (2011)
16. Prohibiting race-selection and sex-selection abortions (2011)
17. Prohibiting abortions after 20 weeks of pregnancy\*; strengthening informed consent requirements; requiring FDA compliance for medication abortions†† (2012)
18. Denying abortion providers federal tax dollars that pass through the state (2012)\*
19. Disqualifying abortion providers from charitable tax credits (2012)
20. Ensuring that abortion providers must disclose internal audit results in court proceedings (2013)
21. Requiring abortion clinics to be subject to the same inspection standards as all other health care institutions (2014)
22. Ensuring the Department of Health Services retains authority to regulate the abortion industry (2015)
23. Ensuring women are informed that the abortion pill may be reversed‡ and prohibiting elective abortion coverage on the federal health care exchange in Arizona (2015)
24. Ensuring the abortion industry does not hide or withhold potentially life-saving information from women who have taken the first abortion pill but question or regret their decision (2016)
25. Clarifying the FDA protocol requirement for medication abortions (2016)
26. Prohibiting research, experimentation, and trafficking of aborted babies or their body parts (2016)
27. Protecting taxpayers from facilitating donations to abortion providers (2016)

28. Ensuring that Arizona's pro-life laws are not circumvented through reciprocity agreements for medical licenses for doctors (2016)
29. Empowering Arizona regulators to disqualify Medicaid providers that bill for excessive charges, fail to report the sexual assault of a minor, and fail to segregate taxpayer dollars from abortions (2016)
30. Preventing Medicaid providers, including abortion providers, from exploiting loopholes in the system to excessively profit off taxpayers (2016)
31. Strengthening Arizona's law to ensure babies born alive following an abortion are provided life-saving care (2017)
32. Requiring the Department of Health Services to apply for Title X funding, thereby diverting funds away from abortion providers (2017)
33. Enhancing abortion reporting requirements (2018)
34. Exempting abortion regulations from deregulation statute (2018)
35. Calling on Congress to protect infants who are born alive at any stage and to provide life-saving care – including babies who survive an attempted abortion (2021)\*\*\*
36. Prohibiting abortion based on genetic abnormalities, such as Down syndrome, prohibiting the abortion pill from being sent through the mail, requiring burial or cremation of aborted remains, repeals pre-Roe law punishing women for getting abortions, establishes all Arizona laws be interpreted to value all human life (2021)
37. Easing adoptees' access to original birth certificates, while protecting a birthmother's confidentiality (2021)

### *Bioethics*

38. Banning taxpayer funding of human cloning (2005)
39. Promoting umbilical cord blood donations (2006)
40. Funding for an adult stem cell research and tissue bank (2007)
41. Requiring informed consent for human egg donation and banning the sale of eggs for cloning (2010)
42. Banning human cloning, destructive human embryonic stem cell research, sale of human embryos, and human-animal hybrids (2010)

### *Patient Care*

43. Providing for reinstatement of food/fluid if improperly removed (2008)
44. Protecting incapacitated patients from having food/fluid removed without a court order or written health care directive (2009)
45. Clarifying what constitutes assisted suicide under Arizona law (2014)
46. Protecting patient wishes by ensuring a health care power of attorney, living will, or decision by a surrogate decision maker takes precedence over a conflicting doctor's order (2015)
47. Guaranteeing that compounding medications used to treat pain for terminal patients may not be used to hasten death (2021)
48. Ensuring the most vulnerable Arizonans – the disabled, the aged, and others – are not discriminated against when needing health care resources during a public health crisis (2021)

### *Humanity of Preborn Children*

49. Defining "live birth" in vital statistics statutes (2004)

\* This bill passed the Arizona Legislature but was later overturned in court.

\*\* Lawsuit pending

\*\*\* A resolution is an expression of the Legislature's opinion or intent and has no legal effect.

^ Most of the law is in effect following court decision

†† Repealed by SB 1112, Laws 2016, chapter 267.

‡ Rewritten by SB 1112, Laws 2016, chapter 267.

50. Protecting preborn children from crime through fetal homicide statutes (2005)
51. Prohibiting wrongful life/wrongful birth lawsuits (2012)
52. Changes the term “products of conception” to “unborn child” in Arizona statutes and laws (2021)

### ***Promoting Alternatives to Abortion***

53. Funding for alternatives to abortion (2006)
54. Funding for alternatives to abortion (2007)
55. Making *Choose Life* license plates available on Service Arizona’s website (2009)
56. Simplifying the charitable tax credit (2009)
57. Recognizing the work of pregnancy care centers (2011)\*\*\*
58. Requiring school presentations to present childbirth and adoption as preferred options over abortion (2012)
59. Allowing taxpayers who do not itemize to qualify for the state’s charitable tax credit (2013)
60. Doubling the contribution limits for the charitable tax credit and creating a separate and distinct tax credit for foster care charities (2016)
61. Extending deadline to April 15 for charitable tax credit donations (2016)
62. Providing funding for pro-life nonprofit organizations serving homeless pregnant women (2018)
63. Providing funding for pro-life nonprofit organizations serving homeless pregnant women (2019)
64. Providing funding for pro-life nonprofit organizations serving homeless pregnant women (2020)
65. Providing funding for pro-life nonprofit organizations serving homeless pregnant women (2021)
66. Highlighting adoption as a loving option and providing easily accessible help for women faced with an unwanted pregnancy (2021)
67. Providing funding to reach abortion minded women with resources so they can choose life for their unborn babies (2021)

## **Marriage and Family**

### ***Protecting and Strengthening Marriage***

68. Prohibiting same-sex “marriage” in statute (1996)
69. Eliminating marriage tax penalty (1997)
70. Creating covenant marriage (1998)
71. Revising covenant marriage (1999)
72. Funding community-based marriage classes (2000)
73. Expressing support for Congress to pass Marriage Protection Amendment to the U.S. Constitution (2005) \*\*\*
74. Eliminating marriage penalty in tax credits (2005)
75. Funding for marriage education (2005)
76. Funding for marriage education (2006)
77. Funding for marriage education (2007)
78. Establishing a preference for adoption placement with a married man and woman (2011)
79. Recognizing the Boy Scouts of America and expressing support for its values and policies (2013)\*\*\*

### ***Divorce Reform***

80. Allowing judge to consider criminal conviction of abuse by a spouse when dividing property in a divorce (2004)
81. Enhancing parenting education class and allowing for additional time to reconcile before divorce is finalized (2011)

## ***Parents’ Rights***

82. Protecting parents’ rights in Child Protective Services proceedings (2003)
83. Prohibiting schools from requiring students to receive the HPV vaccine (2007)
84. Protecting fundamental rights of parents to direct education and upbringing of their children (2010)
85. Protecting parents’ rights in charter schools and requiring permission from parents in all public schools for audio, video, or electronic material that is not age-appropriate (2011)
86. Prohibiting pharmacists from administering immunizations to minors without parental consent (2011)
87. Awarding in vitro embryos disputed in divorce proceedings to spouse that intends to bring them to birth (2018)
88. Shortening the time period to find forever homes for babies in the foster care system (2018)
89. Requiring parental notification before a do-not-resuscitate order is placed on minor’s medical chart (2019)

## ***Sexual Decency and Pornography***

90. Authorizing counties to license and regulate sexually-oriented businesses (1996)
91. Strengthening child pornography laws (1996)
92. Funding for obscenity prosecutions (1997)
93. Protecting children from news rack pornography (1997)
94. Closing sex businesses during overnight hours (1998)\*
95. Protecting children in public schools/libraries from Internet pornography (1999)
96. Prohibiting state employees from accessing Internet pornography at work (2003)
97. Regulating unsolicited spam e-mail (2003)
98. Preventing use of film industry tax incentives for making pornography (2005)
99. Regulating the distance between sexually-oriented businesses and schools, churches (2006)
100. Requiring sex offenders to register their online identities in addition to their street addresses (2007)
101. Prohibiting sexual predators from misrepresenting their ages on the Internet (2008)
102. Removing defense for predators who engage in child prostitution (2010)
103. Strengthening child prostitution laws to allow harsher punishment for predators (2011)
104. Requiring computers in public schools and libraries to have online filters (2012)
105. Ensuring that arts funding is not spent on obscenity or material that disgraces the U.S. or Arizona flag (2012)
106. Strengthening laws against human sex trafficking; establishing an affirmative defense for victims charged with prostitution (2014)
107. Declaring pornography a public health crisis in Arizona (2019)\*\*\*

## ***School Choice/Education***

108. Allowing homeschooled students to participate in interscholastic activities (1999)
109. Ensuring homeschooled students are eligible for Regent Scholarships from state universities (1999)
110. Requiring daily recitation of a portion of the Declaration of Independence in 4th-6th grades (2000)

\* This bill passed but was later overturned by the court.

\*\* Lawsuit pending

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\*\*\*\* Amendment passed by voters but later overturned by the court.

† Repealed by HB 2196, Laws 2014, chapter 5.

‡‡ Referred to the ballot by legislature but rejected by voters.

++ Revised version signed after veto

^ Referred to the ballot by voters but rejected

111. Providing access to school services for home-schooled students with special needs (2001)
112. Ensuring homeschooled students are eligible for guaranteed admission to state universities (2004)
113. Funding for abstinence until marriage education (2005)
114. Increasing funding for abstinence until marriage education (2006)
115. Offering a corporate tax credit for donations to provide scholarships for low-income students (2006)
116. Increasing amount of corporate tax credit for donations to provide scholarships for low-income students (2006)
117. Providing education and training scholarships for older teens who are wards of the state (2006)
118. Creating a postsecondary education grant program for Arizona residents (2006)
119. Providing grants for foster children to attend private schools chosen by their parents (2006)\*
120. Providing grants for children with special needs to attend private schools chosen by their parents (2006)\*
121. Funding for abstinence until marriage education (2007)
122. Continuing the corporate scholarship tax credit (2009)
123. Streamlining scholarship tax credit program through withholding tax reduction (2009)
124. Creating new corporate tax credit for donations to provide scholarships for students with special needs to attend private schools chosen by their parents (2009)
125. Increasing accountability and transparency for individual scholarship tax credit (2010)
126. Increasing accountability and transparency for corporate scholarship tax credits (2010)
127. Extending deadline to April 15 for individual scholarship tax credit donations (2010)
128. Reporting requirement for equity in university scholarships (2010)
129. Establishing Empowerment Scholarship Accounts for special needs students to use toward education expenses (2011)
130. Defining a homeschool as a nonpublic school (2011)
131. Creating a new tax credit designated for children switching from public to private school (2012)
132. Expanding Empowerment Scholarship Accounts for children at failing schools, children of active duty military, and foster children that have been adopted (2012)
133. Allowing kindergarteners to participate in the Empowerment Scholarship Accounts program and increasing the funding formula for the program (2013)
134. Protecting the Empowerment Scholarship Accounts program from abuse, while ensuring families still have access to the program (2013)
135. Strengthening the Empowerment Scholarship Accounts program to operate as the legislature intended (2014)
136. Expanding the Empowerment Scholarship Accounts program to include siblings of current recipients and children with disabilities (2014)
137. Removing unnecessary requirements so that all children of active duty or KIA military are eligible for Empowerment Scholarship Accounts (2014)
138. Removing burdensome requirements from the Lexie's Law school choice program to allow all disabled or displaced children to be eligible (2014)
139. Expanding the Empowerment Scholarship Accounts program to include all children living on Native American reservations (2015)
140. Expanding the corporate scholarship tax credit to S-Corporations (2015)
141. Enacting reforms in the Empowerment Scholarship Account program to ensure the long-term success of the program (2016)
142. Allowing students with disabilities to remain in the Empowerment Scholarship Account program until the age of 22 under certain circumstances (2016)
143. Requiring all governmental entities to treat all Arizona school diplomas and transcripts equally, including homeschool diplomas and transcripts (2017)
144. Expanding the Empowerment Scholarship Account program to include all districts and charter school students by phasing in eligibility over four years (2017) ^
145. Prohibiting school districts from withdrawing a property for sale or lease solely because a charter or private school is the highest bidder (2018)
146. Treating private schools the same as charter schools in zoning acreage requirements (2018)
147. Allowing homeschool students to receive college credit when enrolled in a dual enrollment course (2018)
148. Adding K-12 private school tuition as qualified expense for the 529 education savings plan (2019)
149. Updating law on Empowerment Scholarship Accounts to provide greater transparency, education, and administration, and meeting the needs of children living on the reservation and attending schools within two miles of the state border (2020)
150. Requiring Arizona Department of Education and school districts to post parental rights handbook on websites (2020)
151. Prohibiting sex education from being taught before fifth grade and requiring parents to opt-in to sexuality related instruction in any class, as well as being given advanced access to the material (2021)
152. Expanding those students eligible for Student Tuition Organization (STO) scholarships and increasing caps (2021)
153. Increasing "Lexi's Law" funding for families with special needs children (2021)
154. Easing the public school attendance requirement for students qualifying for an Empowerment Scholarship Account (ESA) (2021)

### ***Gambling***

155. Raising the minimum age for gambling to 21 (2000)
156. Placing restrictions on Indian gambling compacts (2000)
157. Tightening lottery restrictions (2000)

### ***Accountable Government***

158. Providing easier access to public records (2002)
159. Requiring Secretary of State to publicize the yes/no language that will appear on the ballot in a timely manner to ensure fairness and impartiality (2010)

### **Religious Freedom**

160. Allowing government to contract with private charities for goods and services without discriminating against religious organizations (1999)
161. Ensuring equal access to school facilities for middle school students' religious clubs (2001)
162. Exempting clergy from behavioral health licensing (2003)
163. Providing equal access for religious groups to rental of school

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- facilities (2003)
164. Recognizing and protecting public school students' religious freedoms (2009)
  165. Prohibiting discrimination against churches in how they use their own property (2010)
  166. Recognizing and protecting university students' religious liberties and freedom of speech (2011)
  167. Exempting churches from being forced to file as political campaigns when they speak out on ballot measures (2011)
  168. Protecting licensed professionals from having their licenses threatened because of the free exercise of their religious beliefs (2012)
  169. Protecting professors from being denied tenure because of their political or religious beliefs (2012)
  170. Exempting religiously-affiliated employers from being forced to provide insurance coverage for abortion-inducing drugs or contraception (2012)
  171. Ensuring university student fees are not used for political campaigns (2013)
  172. Placing in statute previous state policy to enable church-run preschools to be exempt from unemployment insurance regulation (2013)
  173. Exempting churches who rent or lease their property from most property taxes (2015)
  174. Protecting the conscience rights of employers related to advising about specific health care services (2016)
  175. Protecting free speech and the ability of organizations to speak out on issues like ballot measures and engage in the elections process (2016)
  176. Aligning Arizona's law governing nonprofit organizations with federal law (2016)
  177. Prohibiting the creation of "free speech zones" on public college campuses and ensuring if a student's free

speech rights are restricted, the student or the Attorney General can bring a legal claim against the college or university (2016)

178. Prohibiting work-related discrimination against health care providers that exercise their conscience rights by declining to provide medical care that could cause or assist in causing the death of an individual (2017)
179. Strengthening free speech and religious freedom in Arizona's public universities and community colleges (2018)
180. Clarifying that public universities and colleges may not restrict student speech, unless restrictions are constitutional (2019)
181. Requiring a hospital to facilitate an in-person visit by clergy for religious purposes, if the hospital allows in-person visitation of any kind (2021)

### **Judicial Reform**

182. Publishing online biographical information and constitutional decisions by appellate court judges on the retention election ballot (2011)
183. Requiring online publication of all decisions for appellate court judges on the retention election ballot (2011)
184. Granting proponents of a ballot measure legal standing to defend a proposition in court (2012)
185. Preventing additional legal protections for campaign committees that use felons to collect signatures for petitions (2013)†
186. Increasing the number of judicial candidates sent to the governor for consideration from three to five (2013)\*

## **CAP-SUPPORTED BILLS REFERRED TO THE BALLOT BY THE LEGISLATURE**

187. Defining marriage as the union of one man and one woman in the Arizona Constitution (2008)\*\*\*\*
188. Reforming judicial selection process by reducing the influence of appointed commissions and the State Bar and eliminating party considerations (2011)\*\*

## **CAP-SUPPORTED BILLS PASSED BY THE LEGISLATURE BUT VETOED BY THE GOVERNOR**

1. Increasing the minimum age for gambling to 21 (1999-Hull)
2. Funding for abstinence until marriage education (2003-Napolitano)
3. Exempting religious organizations from being forced to provide contraception (2003-Napolitano)
4. Requiring informed consent for abortion (2004-Napolitano)
5. Protecting rights of conscience of healthcare workers (2005-Napolitano)
6. Requiring public schools to provide information to parents (2005-Napolitano)
7. Allowing a judge to consider marital misconduct when dividing property in divorce (2005-Napolitano)
8. Providing scholarship grants for low-income students (2005-Napolitano)
9. Offering corporate tax credit for donations for scholarships for low-income students (2005-Napolitano)
10. Offering corporate tax credit for donations for scholarships for low-income students (2006-Napolitano)
11. Streamlining scholarship tax credit program through withholding tax reduction (2006-Napolitano)
12. Amending the corporate scholarship tax credit for tuitions scholarships (2006-Napolitano)
13. Requiring fetal pain information be given to mothers for abortions past 20 weeks (2006-Napolitano)
14. Requiring notarized parental consent requirement for minor's abortion (2006-Napolitano)
15. Establishing guidelines for judges in cases where minors seek abortion without parental consent (2006-Napolitano)
16. Ending taxpayer-funded insurance coverage for government employees' abortions (2006-Napolitano)
17. Banning the sale of human eggs for cloning (2006-Napolitano)

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18. Requiring informed consent for human egg donation (2006-Napolitano)
19. Protecting the First Amendment rights of university student organizations (2006-Napolitano)
20. Banning partial-birth abortion (2008-Napolitano)
21. Establishing guidelines for judges in cases where minors seek abortion without parental consent (2008-Napolitano)
22. Expanding current scholarship tax credits and clarifying statutes governing school tuition organizations (2011-Brewer)
23. Protecting professionals from losing their state license for exercising their religious beliefs (2011-Brewer)
24. Expanding individual scholarship tax credit to provide scholarships for low-income students or students with special needs (2011-Brewer)
25. Expanding Empowerment Scholarship Accounts for gifted children (2012-Brewer)
26. Expanding the corporate scholarship tax credit to limited liability companies and S-Corporations (2013-Brewer)
27. Clarifying and updating Arizona's Religious Freedom Restoration Act to strengthen religious liberty protections (2013-Brewer)
28. Clarifying property tax exemptions to ensure churches are protected from being unfairly assessed the tax (2013-Brewer)
29. Strengthening and clarifying the religious freedom protections in Arizona law (2014-Brewer)
30. Exempting churches that rent and do not own their facilities from paying most property taxes (2014-Brewer)
31. Expanding the corporate scholarship tax credit to S-Corporations (2014-Brewer)
32. Adding parental consent opt-in requirement for HIV-education, prohibiting sex education prior to fifth grade, other changes (2021-Ducey)++

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