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## Governor gets bill on minors' abortions

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*CAPITOL MEDIA SERVICES*

PHOENIX — State lawmakers gave final approval Tuesday to specifying what judges must consider when deciding if a minor is mature enough to have an abortion without telling her parents, and what they may consider.

The 18-12 Senate vote came over objections of foes who said it would throw additional barriers in the path of girls who choose not to involve at least one parent in the process. HB 2263 now goes to the governor.

In a separate action Tuesday, the House voted 32-28 to ban nurse practitioners from performing abortions.

HB 2269, which now goes to the Senate, is specifically aimed at Planned Parenthood in Tucson, where a nurse practitioner now performs more than half of the abortions.

Sen. Linda Gray, R-Glendale, said the parental-consent rules simply codify in statute the standards already mandated by the state Court of Appeals.

The parental-consent legislation deals with the presumption in state law that minors legally cannot consent to surgery or certain other medical procedures. But federal courts have concluded the right to terminate a pregnancy is not limited to those who are adults or have parental permission.

So states, including Arizona, set up procedures for "judicial bypass."

Current law says a judge must determine the girl "is mature and capable of giving informed consent."

HB 2263 adds language requiring a judge to conclude there is "clear and convincing evidence" of her maturity based on "her experience level, perspective and judgment." Factors a judge may consider range from living away from home and handling her own finances to what she did since learning of her pregnancy, including exploring options and weighing the consequences of each one.

Gray said every factor is exactly the same as the 2003 appellate court ruling.

But Rep. Paula Aboud, D-Tucson, said spelling these factors out in statute makes it difficult for a judge to consider all issues in determining if a girl is mature enough to consent to an abortion and complicates the legal process.

"The extra steps required by this bill do nothing more than attempt to make it as difficult as possible for a minor to seek a bypass," Aboud said.

Rachael Chanes, vice president of community services for Planned Parenthood, said the reason a nurse practitioner performs abortions in Tucson is the two doctors now available there could not keep up with the demand.

"Women are not going to get the services they need in a timely fashion," she said.

Rep. Linda Lopez, D-Tucson, was more direct, saying the change will return Arizona to the days when abortion was illegal and "women were denied any legal right to make medical decisions about their own bodies."

She said making the procedure less available won't result in fewer abortions. "There will be women ... who will

resort to back alleys or their own self-induced abortion," Lopez said.

But Rep. Marian McClure, R-Tucson, said this isn't about taking away women's rights. McClure said she doubts a nurse practitioner would have the skills to deal with emergencies that can arise during an abortion.

And Rep. John Kavanagh, R-Fountain Hills, said Lopez has it backward.

"This bill is about keeping the back alleys out of the abortion clinics," he said, adding that lawmakers have a legal responsibility to be sure those who perform medical procedures are qualified.

In another related action, the Senate voted 21-9 to enact a law making "partial birth" abortions again illegal in the state. Arizona's original law, adopted in 1997, never took effect after a federal judge concluded it was unconstitutional.

Since then, the U.S. Supreme Court has upheld a federal law banning the practice, in which a live fetus is partially delivered but killed during the process. Cathi Herrod, lobbyist for the Center for Arizona Policy, said HB 2769 mirrors that federal law.

That bill also now goes to the governor.

Gubernatorial press aide Jeanine L'Ecuyer would not say what Napolitano will do with either of the bills that gained final Senate approval Tuesday.

Two years ago, the governor vetoed a prior legislative change in the parental-consent law. She said the provisions are unnecessary because they already were part of the Court of Appeals ruling.

But Napolitano also objected to language that would have required a girl to first consult with a doctor, something not in the appellate ruling. The provision is not included in the version being sent to her this year.

Napolitano has never been presented with a partial-birth abortion measure as governor. But as attorney general she refused to appeal the federal judge's decision declaring Arizona's earlier law unconstitutional, concluding his decision was correct.

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