

DR. MATT HEINZ

Supervisor
District 2



33 N Stone Ave., 11th Floor
Tucson, AZ 85701
(520) 724-2702
district2@pima.gov

Pima County Board of Supervisors

To: Melissa Manriquez, Clerk of the Board

From: Dr. Matt Heinz, Supervisor, District 2

Date: April 11, 2024

RE: BOS Addendum Agenda 4/16/24: Resolution re Arizona Supreme Court Decision Reinstating 1864 Near-Total Abortion Ban

A handwritten signature in blue ink, appearing to read "M. Heinz", is written over the "From:" line.

Please add this item to the 4/16/24 Addendum Agenda. Thank you.

Board of Supervisors:

Discussion/Direction/Action: Pima County Resolution Regarding the Arizona Supreme Court Decision Reinstating 1864 Near-Total Abortion Ban.

CC:

Jan Leshar, County Administrator
Dr. Francisco Garcia, Deputy County Administrator and Chief Medical Officer
Steve Holmes, Deputy County Administrator
Carmine DeBonis, Jr, Deputy County Administrator
Dr. Theresa Cullen, Director, Pima County Health Department
Sam Brown, Chief Civil Deputy County Attorney

RESOLUTION NO. 2024 - ____

**PIMA COUNTY RESOLUTION REGARDING THE
ARIZONA SUPREME COURT DECISION REINSTATING
1864 NEAR-TOTAL ABORTION BAN**

WHEREAS the Pima County Board of Supervisors is deeply concerned by the recent decision of the Arizona Supreme Court to uphold an archaic, near-total ban on abortions established by the Territorial legislature in 1864, which mandates prison time for any doctor providing abortion care except to save the life of the woman, and

WHEREAS Arizona Revised Statutes 11-251(17) explicitly empowers the Board of Supervisors in all Arizona counties to “adopt provisions necessary to preserve the health of the county,” and

WHEREAS it is the role of the Pima County Health Department to provide comprehensive public health services that promote the health and wellbeing of all community members; and

WHEREAS the Board of Supervisors recognizes the importance of ensuring access to safe and legal abortion care as an essential component of healthcare and reproductive rights, and

WHEREAS the Board of Supervisors affirms that individuals have the right to make autonomous decisions regarding their bodies and reproductive health without interference from the state, and

WHEREAS the Board of Supervisors expresses grave concern that the Arizona Supreme Court's decision will immediately harm public health, particularly for people of color, marginalized communities and individuals with limited access to healthcare services, and

WHEREAS the Board of Supervisors reaffirms the Constitutional principle of equality before the law and the obligation of states to protect and promote the rights of all individuals within their jurisdiction,

NOW, THEREFORE, BE IT RESOLVED that the Pima County Board of Supervisors hereby reaffirms BOARD RESOLUTION 2022-40, which states that, “Access to legal, safe abortion, and comprehensive sexual and reproductive health more broadly, are critical to protecting and supporting the public’s health,” and supports continued access to reproductive health care in Pima County and across the state, including access to legal, safe abortion care;

Rebukes the 4-2 decision of the Arizona Supreme Court to uphold the 1864 territorial-era ban on abortions, which infringes upon the reproductive rights, human rights, and autonomy of all Arizona residents;

Calls on all county attorneys, law enforcement agencies, licensed medical providers and others across the state to do the right thing in supporting the human right of all Arizona residents to

seek and receive appropriate medical care, including abortion care and other reproductive healthcare;

Recognizes Governor Hobbs' Executive Order 2023-11 centralizing authority over prosecutions under ARS 13-3603 within the office of the Arizona Attorney General, Kris Mayes, who has vowed to not prosecute healthcare professionals or individuals seeking abortion care; and Laura Conover, Pima County Attorney, who has voluntarily agreed to consult and potentially forward any relevant criminal referral; and

Calls upon the Arizona Legislature to repeal this 160-year-old near-total abortion ban, passed by an all-male legislature at a time when women lacked the right to vote and Arizona was not yet a state, and enact legislation instead that upholds the rights of individuals to access safe and legal abortion care without unnecessary restrictions.

PASSED AND ADOPTED this 16th day of April, 2024.

Hon. Adelita S. Grijalva, Chair
Pima County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Melissa Manriquez
Clerk of the Board



Sam Brown
Chief Civil Deputy County Attorney