

**ATTORNEY GENERAL CANDIDATE
KRIS MAYES' PLAN FOR PROTECTING
AND RETAINING REPRODUCTIVE
RIGHTS – INCLUDING THE RIGHT TO
AN ABORTION – IN ARIZONA AFTER
THE FALL OF ROE V. WADE**



Background Legal Analysis

Most Supreme Court observers believe that the U.S. Supreme Court is about to overturn *Roe v. Wade*, 410 U.S. 113 (1973) and *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833 (1992), and declare that there is no federal constitutionally protected right to an abortion. Based on the leaked draft of the *Dobbs v. Jackson Women's Health Organization* decision, it appears the Court will return the question of the legality of abortion to the states.

Earlier this year, in anticipation that SCOTUS might overturn *Roe* and *Casey*, Arizona passed a 15-week abortion ban with no exceptions for rape or incest. Arizona also has pre-*Roe* abortion bans that would penalize doctors for providing abortions, for prescribing contraception and even potentially for providing in-vitro fertilization ("IVF") services.

However, unlike the federal constitution, Arizona has an express right to privacy in our state Constitution. Specifically, Article 2, Section 8 reads: "No person shall be disturbed in his private affairs or his home invaded, without authority of law."



Legal Analysis, Cont.

As Attorney General, Kris Mayes believes that it will be her duty to uphold the highest law of Arizona, which is the Arizona Constitution, including this express right to privacy.

The Arizona Attorney General also holds statutorily granted supervisory authority over County Attorneys. Specifically, A.R.S. § 41-193(A)(4) states that the Attorney General “shall . . . [e]xercise supervisory powers over county attorneys of the several counties in matters pertaining to that office.”

In order to prevent the prosecution of reproductive care in Arizona and based on the authority contained in both statute and the Arizona Constitution, Democratic candidate Mayes stated that she will implement the following Plan.



“It is critically important that we protect a woman’s right to control her bodily autonomy and prevent government from intruding into the private decisions of Arizona women and their families,” Mayes said. “Our Founding Fathers believed in this right to privacy as well, and as your next Attorney General, I will enforce the words that they enshrined in the Arizona Constitution.”

- Kris Mayes

The Mayes 12 Point Plan to Protect Reproductive Rights, Bodily Autonomy and Privacy in Arizona

On Day One as Attorney General, Kris will work to implement the following plan. This plan should be viewed as a living document, subject to changes/additions as new information becomes available, but will serve as the starting point for this critical issue.



1. No Prosecutions of Women, Doctors, Physician Associates (PAs) Nurses, Midwives, Doulas or Pharmacists for Providing or Receiving Abortion Care:

- As Attorney General, Mayes will not prosecute women, doctors, PAs, nurses, midwives, doulas or pharmacists for providing or receiving reproductive services. This includes abortion care, providing care to women who require DNCs, women who have had miscarriages and women seeking Plan B and any form of birth control.

2. Use of County Attorney Supervisory Authority:

- As Attorney General, Mayes will utilize her supervisory authority over County Attorneys to advise them that prosecuting women, doctors, PAs, nurses, midwives, doulas or pharmacists for providing reproductive care or IVF services would violate the Arizona Constitution.

3. Refuse to Extradite Arizonans to Other States for Prosecution and Refuse to Participate in Any Effort to Extradite an Arizonan From Another State Following an Abortion:

- As Attorney General, Mayes will not allow the state of Arizona to extradite any person to another state for an abortion-related prosecution. Additionally, Mayes will not allow the state of Arizona to engage in any attempt to extradite an Arizonan who has traveled to another state for an abortion, for the purpose of a prosecution in Arizona.

4. Guidance to Arizonans on How to Keep Their Reproductive Digital Data Private:

- Mayes will issue comprehensive guidance to Arizona families who are seeking reproductive care regarding how they can protect their digital privacy. Digital privacy – including preventing apps from tracking a woman’s presence at abortion facilities or IVF clinics, and their purchase of medications such as contraception or Plan B at pharmacies – will be important in an age of increasing criminalization by states of abortion care. This guidance will include such measures as turning off cellular tracking functions while visiting reproductive facilities and drug stores.

5. Work to Prevent Apps and Internet Companies from Violating the Privacy of Women (and Others) in AZ:

- Mayes will aggressively pursue measures that would prevent internet service companies and app owners from providing any private information regarding reproductive care to a governmental or private entity, without that person's express consent.

6. Fight Subpoenas Issued to Medical Professionals or Others Regarding Provision of Reproductive Care:

- Mayes will fight in court to quash subpoenas issued to doctors, PAs, nurses, midwives, doulas, pharmacists, medical professionals or women who provide or receive reproductive services, in order to protect the privacy of Arizonans seeking reproductive services.

7. Establish a Crisis Legal Hotline Inside the AG's Office for Arizonans:

- Mayes will establish a crisis hotline at the Attorney General's office for women and families who are the subject of legal harassment by private parties or attempts by law enforcement agencies seeking to prosecute them. This hotline will also provide information to Arizonans about their rights, about data privacy, and information about non-profits that are assisting women in counties where access to reproductive care is being disrupted.

8. Convene a Working Group of State Legal Leaders on Reproductive Rights:

- Mayes will convene a working group of County Attorneys and other state leaders to discuss legal issues surrounding reproductive care in Arizona, including the status of efforts to prevent prosecutions and protect reproductive care.

9. Convene a Working Group of Medical and Reproductive Care Service Providers:

- Mayes will convene a working group consisting of doctors, PAs, midwives, doulas, pharmacists, IVF specialists, and abortion providers to share information about the status of reproductive rights in Arizona and the efforts of the Arizona Attorney General and County Attorneys to maintain the legality of reproductive care.

10. Work to Ensure Safe Passage of Persons to Other States for Abortion Care When Requested:

- As Attorney General, Mayes will work with surrounding state Attorneys General, including those in Nevada, Colorado, New Mexico and California, to ensure safe passage of people to those states, if they choose to seek reproductive or fertility care there rather than in Arizona.

11. Join Pro-Choice Attorneys General in Federal Legal Actions Aimed at Bolstering Reproductive Rights:

- As Attorney General, Mayes will join other states seeking actions before federal courts to halt the criminalization of abortion.

12. Support Constitutional Measure to Explicitly Enshrine the Right to Abortion in the Arizona Constitution:

- Mayes will aggressively support a Constitutional amendment formally and expressly enshrining the right to an abortion and other reproductive care in the Arizona Constitution in 2024, should the current 2022 petition fail.

Thank You





**KRIS
MAYES**

ATTORNEY GENERAL