ARIZONA SUPREME COURT

PLANNED PARENTHOOD ARIZONA, INC., et al., Plaintiffs-Appellants, v. KRISTIN MAYES, Attorney General of the State of Arizona, et al., Defendants-Appellees, and ERIC HAZELRIGG, M.D., as guardian ad litem of all Arizona unborn infants, Intervenor-Appellee.	) Supreme Court No. CV-23-0005-PR) Court of Appeals, Division Two No. 2 CA-CV-2022-0116) Pima County Superior Court No. C127867

PLAINTIFF-APPELLANT PLANNED PARENTHOOD ARIZONA, INC.'S RESPONSE TO TEN *AMICUS CURIAE* BRIEFS IN SUPPORT OF INTERVENOR-APPELLEE'S PETITION FOR REVIEW

D. Andrew Gaona (028414)
agaona@cblawyers.com
Austin C. Yost (034602)
ayost@cblawyers.com
COPPERSMITH BROCKELMAN PLC
2800 N. Central Avenue, Suite 1900
Phoenix, Arizona 85004
T: (602) 381-5486

Diana O. Salgado*
diana.salgado@ppfa.org
PLANNED PARENTHOOD FEDERATION OF AMERICA
1110 Vermont Ave. NW, Suite 300
Washington, D.C. 20005
T: (212) 261-4399

**Admitted Pro Hac Vice*

Attorneys for Plaintiff-Appellant Planned Parenthood Arizona, Inc.

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I. INTRODUCTION

Planned Parenthood Arizona, Inc. ("PPAZ") submits this response to the amicus curiae briefs submitted in support of Intervenor-Appellee Eric Hazelrigg, M.D.'s Petition for Review ("Petition") filed by (i) Speaker of the Arizona House of Representatives Ben Toma and President of the Arizona Senate Warren Petersen ("Toma and Petersen Brief"), (ii) Jill Norgaard, Former Representative of the Arizona House of Representatives, District 18 ("Norgaard Brief"), (iii) Center for Arizona Policy ("CAP Brief"), (iv) Arkansas & 16 Other States ("Other States Brief"), (v) Arizona Life Coalition, Frederick Douglass Foundation, and the National Hispanic Christian Leadership Conference, (vi) Prolife Center at the University of St. Thomas (MN), (vii) Charlotte Lozier Institute & American Center for Law and Justice, (viii) American Association of Pro-Life Obstetricians and Gynecologists, (ix) American College of Pediatricians, and (x) Christian Medical & Dental Association.

Despite the quantity and length of the amicus briefs filed in support of the Petition, amici fail to advance any relevant argument justifying this Court's review of the court of appeals' narrow decision, which merely applied well-established precedent on statutory construction and

harmonization. Though the amicus briefs differ in scope and approach, one common thread motivates them all: a fundamental opposition to abortion.

Four briefs make some legal arguments that warrant a substantive response: the Toma and Petersen Brief; Norgaard Brief; CAP Brief; and Other States Brief.[1] These amici generally assert that the court of appeals incorrectly analyzed and interpreted A.R.S. § 13-3603 and A.R.S. § 36-2322 ("15-week Law"), futilely repeating arguments made by Petitioner. *See White Mountain Health Ctr., Inc. v. Maricopa Cnty.*, 241 Ariz. 230, 238 ¶ 27 (App. 2016) (declining to address an amicus brief that "largely repeats Appellants' arguments"). Such arguments include attacks on the court of appeals' analysis and claims that the court defied the Legislature's express intent that the 15-week Law did not recognize a right to abortion. To the extent amici improperly made arguments Petitioner did not advance, *see City of Tempe v. Prudential Ins. Co. of Am.*, 109 Ariz. 429, 432 (1973) ("amicus curiae are not permitted to

[1] PPAZ disputes that Arkansas and the sixteen states joining its amicus brief have a relevant interest in this case, which centers on how to apply *Arizona's* long-standing statutory interpretation principles to interpret, reconcile, and give effect to all of *Arizona's* abortion statutes.

create, extend, or enlarge the issues"), PPAZ responds below. Some amici claim that the court of appeals improperly relied on legislative intent while others attempt to rebrand § 13-3603 as a trigger law, and the 15-week Law as a mere placeholder until § 13-3603 could take full effect. But these claims are not supported by any reliable evidence. Amici also make much of statements from one legislator and an attorney for one amici, but these statements are not evidence of the full Legislature's understanding of the 15-week Law—and, crucially, ignore the plain text of the 15-week Law and the express legislative intent. At bottom, the court of appeals opinion correctly applied well-settled principles of statutory construction and there is no need for this Court to weigh in.

For the remaining six amici, their briefs offer only policy arguments. But these policy preferences—no matter how strongly held—are irrelevant to the issues raised in the Petition. This case is about statutory interpretation principles, not the topic of abortion at large. Amici may think it wise to empty some of Arizona's abortion statutes of any meaning, but that is a job for the Legislature, not this Court.

None of the amici offer any good reason for this Court to review the court of appeals' thoughtful and well-reasoned ruling. For these reasons

and the reasons articulated in PPAZ's Response to Dr. Hazelrigg's Petition for Review, this Court should deny the Petition.

II. ARGUMENT

A. The court of appeals correctly applied well-settled principles of statutory construction.

As explained in PPAZ's Response to the Petition for Review, the court of appeals correctly applied well-settled principles of statutory construction to issue a narrow ruling that gives effect and meaning to all Arizona laws governing abortion. *See* PPAZ Response to Petition, May 1, 2023 at 10–12 ("Pet. Resp."). Consistent with this Court's precedent, the court of appeals considered the plain language of the relevant laws, the entire statutory scheme, and the express legislative intent. Appendix to Intervenor-Appellee Eric Hazelrigg, M.D.'s Petition for Review ("App.") at 82–87, ¶¶ 11, 15, 16, 19, 23, 24.

In large part, to the extent amici offer any legal arguments, they simply repeat arguments made by Dr. Hazelrigg in his Petition, which were squarely rejected by the court of appeals and rebutted by PPAZ in its Petition Response (and several other briefs throughout this litigation). These flawed arguments include claims that the court of appeals manufactured a conflict between § 13-3603 and the 15-week Law because

physicians may be prosecuted under either or both laws for the same conduct; and that the court of appeals' decision repealed § 13-3603. *See generally* Hazelrigg Petition; *see also, e.g.*, Toma and Petersen Brief at 5–6 ("Some abortions may contravene both sets of statutes; some may violate only one"); CAP Brief at 11–12 (arguing that the court of appeals impliedly repealed § 13-3603); Other States Brief at 11 ("The court created conflict where none exists."); *id.* at 13–14 ("Arizona's 15-week ban and its elective-procedure ban not only coexist but may be concurrently applied; a physician could be prosecuted simultaneously under both. That's because the two do not have the same elements.").

PPAZ will not take the Court's time to again dispel each of these arguments in detail as it did in its Petition Response, but does explain below why certain of amici's other arguments fail.

1. *The court of appeals did not improperly rely on legislative intent in analyzing and interpreting the statutes regulating abortion.*

To begin with, the court of appeals properly analyzed and interpreted the plain meaning of the statutes at issue. As PPAZ explained in its Petition Response, the court found that the plain language of § 13-3603 "encompass[es] abortions performed by licensed physicians,"

whereas Title 36, including specifically the 15-week Law, was "inten[ded] to restrict—but not to eliminate" abortions provided by physicians. *See* App. at 83–84 ¶¶ 15–16. Thus, "[r]eading § 13-3603 to impose criminal liability for physicians providing those restricted abortions would eliminate the elective abortions the legislature merely intended to regulate under Title 36," *id.* at 84 ¶ 16, and "render Title 36's regulation of elective abortion all but meaningless," *id.* at 84–85 ¶ 19; *see* Pet. Resp. at 10–11. The court of appeals' analysis had to consider the statutory scheme as a whole to resolve the apparent conflict between § 13-3603 and the 15-week Law and interpret the statutes in the only logical way to give effect and meaning to each. Therefore, the court rightly held that licensed physicians who perform abortions are not subject to prosecution under § 13-3603. App. at 85–87 ¶¶ 20, 24, 26; *see* Pet. Resp. at 9, 11–12.

Amicus Norgaard relies on the concurrence in the *Tunkey* decision to argue that the court of appeals improperly relied on legislative intent. *See* Norgaard Brief at 3–5, *discussing* *State ex rel. Arizona Department of Revenue v. Tunkey*, 254 Ariz. 432 (2023). Ironically, amicus Norgaard criticizes the court of appeals for looking beyond the plain text of § 13-3603 and the 15-week Law to reconcile the apparent conflict between the

statutes, yet a few paragraphs later asserts that "context is key" in reviewing statutes and proceeds to speculate that the intent of these statutes was to "limit, minimize, and restrict abortion to the maximum extent possible." *See* Norgaard Brief at 5–9; *id.* at 7 (claiming that all Arizona abortion statutes should be "considered in light of a federally mandated 'right' to abortion" and the Supreme Court's "misreading of the US Constitution").

As noted above, the court of appeals analyzed the plain language of the statutes at issue, while also considering the statutory scheme as a whole. And as PPAZ explained to the court of appeals, the language used in the 15-week Law makes clear that, although the Legislature prohibited some conduct, the use of the language "may not . . . unless" allows physicians to engage in some conduct under specific circumstances. The 15-week Law provides that "[e]xcept in a medical emergency, a physician ***may not*** perform, induce or attempt to perform or induce an abortion ***unless*** the physician or the referring physician has first made a determination of the probable gestational age . . . and documented that gestational age." (Emphasis added). Subsection (B) of the statute adds that except in a medical emergency, an abortion may not

be performed "if the probable gestational age . . . has been determined to be greater than fifteen weeks." This is a common framing used by the Arizona Legislature to reflect it is in fact *allowing* some type of behavior provided certain prerequisites are met. *See* PPAZ Reply Brief, Nov. 17, 2022 at 22–23 (providing examples of other Arizona laws using similar "may not . . . unless" framing). Amicus Norgaard disregards this statutory language in the 15-week Law and ignores PPAZ's related arguments; indeed, none of the amici refute or even respond to PPAZ's analysis of this language.

The court of appeals also correctly looked to the *express* legislative intent to confirm its analysis. The court looked at the plain text in S.B. 1164 itself titled "Legislative intent," in which the Legislature unambiguously stated it sought to "restrict" (not eliminate) abortions "to the period up to fifteen weeks of gestation." App. at 83–84 ¶ 15 (*discussing* S.B. 1164, 55th Leg., 2nd Reg. Sess. (Ariz. 2022) (codified as the 15-week Law)); *see* Pet. Resp. at 13–14.

In *Tunkey*, the concurrence did not state that legislative intent should never be considered when interpreting statutes, but only that the primary tool should be a plain meaning analysis. *Tunkey*, 254 Ariz. at __

¶ 27 (Bolick, J. concurring) ("as a *secondary* interpretative device, legislative history can often help illuminate statutory meaning") (emphasis in original). While this is helpful guidance, it is not a precedential opinion of this Court. And in any event—far from the type of "cosmic search for legislative intent" with which the *Tunkey* concurrence took issue, *id.* at __ ¶ 26—the court of appeals here did conduct a plain meaning analysis of *all* the relevant laws and review the express legislative intent. What's more, *Tunkey* is distinguishable because the *Tunkey* Court did not have to consider the meaning of two apparently conflicting laws, and even the concurrence recognized that "[d]ue process requires that statutes 'provide clear notice of obligations'" under the law. *Id.* at __ ¶ 35 (internal citations omitted).

2. *Amici misrepresent the court of appeals decision as erroneously relying on the existence of a right to abortion.*

Amici point out several times, as did Dr. Hazelrigg, that the 15-week Law states it does not "recognize a right to abortion," and claim the court of appeals erred by implying a recognized right to abortion in Arizona in its decision. *See* Norgaard Brief at 6–7, 10; Other States Brief *generally*. Amicus Norgaard goes so far as to argue that the Legislature "cannot regulate an activity if there is no right of a person to engage in

said activity" [at 6–7], but these arguments are off the mark and misunderstand the Legislature's repeated statement over the years that by regulating abortion it was not creating a right to abortion.

The Legislature has included this no "right to abortion" language in several bills that regulated everything from who could provide an abortion to what regulations a licensed abortion clinic must comply with to banning abortions for certain reasons—all while *allowing for* some abortions to be performed by licensed physicians. *See, e.g.*, 2009 Ariz. Sess. Laws ch. 172 § 6 (1st Reg. Sess.); 2017 Ariz. Sess. Laws ch. 133 § 7 (1st Reg. Sess.); 2021 Ariz. Sess. Laws ch. 286 § 17 (1st Reg. Sess.). The same is true of the 15-week Law. And PPAZ has not argued, nor did the court of appeals find, that physicians have a "right" under Title 36 to perform abortions at any gestational age or that the Legislature lacks the power to pass a future law that changes the gestational age at which abortions can be performed. Simply put, the Legislature's statement that it was not creating a "right" to abortion does not mean that it is not permissible for abortions to be performed in the manner that the Legislature *has explicitly allowed*, such as those permitted by the 15-week Law.

B. Amici arguments attempting to re-draft A.R.S. § 13-3603 as a trigger law must fail.

1. *Amici's arguments that the 15-week Law was merely a placeholder are unsupported.*

While amicus Norgaard argues the court of appeals improperly considered legislative intent, other amici use imagined legislative intent to rebrand § 13-3603 as a trigger law and the 15-week Law as a "placeholder"—neither of which is accurate. *See, e.g.*, Toma and Petersen Brief at 9 ("the Title 36 provisions, while indefinite in duration, were intended effectively as partial placeholders until *Roe*'s demise"); *id.* at 11 ("S.B. 1164 would serve as a partial proxy for A.R.S. § 13-3603 until a reversal of *Roe* could reimbue the latter with full effect"); CAP Brief at 12 ("Recall that § 13-3603 was fully enjoined when the legislature took care to specify that S.B. 1164 was not repealing it. That must mean that the legislature hoped that a future change in precedent would allow § 13-3603 to accomplish something the legislature could not accomplish under *Roe*."); Other States Brief at 7–11; Norgaard Brief at 6–8.

But the 15-week Law that S.B. 1164 enacted is neither a "placeholder" nor a "proxy" for § 13-3603—it is a valid law duly enacted by the Arizona Legislature, and it is to be given effect and meaning as the more recent and more specific of the two statutes. *See In re*

Guardianship/Conservatorship of Denton, 190 Ariz. 152, 157 (1997) (courts should follow the principle that "the more recent, specific statute governs over the older, more general statute") (quotation omitted); App. at 88 ¶ 29 (Eckerstrom, J., specially concurring).

Many of amici's claims about the Legislature's intent lack an evidentiary basis. For example, amici Speaker Toma and President Petersen claim [at 8], without supporting citations, that "the Legislature worked within the mutating interstices of the Supreme Court's abortion case law to reconstruct and recodify as much of the dormant A.R.S. § 13-3603 as the federal authorities allowed" and that the Title 36 laws "were designed to restrict abortion relative to the constitutional baseline announced in *Roe*, and to bridge the regulatory gap between *Roe* and A.R.S. § 13-3603 until such time as the federal courts permitted A.R.S. § 13-3603's Revivification." Speaker Toma and President Petersen point to various amendments to Title 36, including one from 2009 when neither was an Arizona legislator, claiming that "while indefinite in duration, [these amendments] were intended effectively as partial placeholders until *Roe*'s demise" [at 8–9]. Unsupported speculation from two lawmakers about the entire Legislature's intent, especially with respect

to laws passed when they were not even in office, can hardly be considered reliable evidence when analyzing the meaning of a statutory scheme. *See* *Hayes v. Cont'l Ins. Co.*, 178 Ariz. 264, 272 (1994) (it is "unwise" to "speculat[e] about legislative intent").

Moreover, while Speaker Toma and President Petersen claim the "historical and legal context in which the relevant laws were adopted" is important [at 6], they distort the actual historical and legal backdrop against which S.B. 1164 was considered and enacted [at 9–10]. In the summer of 2021, the state of Mississippi asked the U.S. Supreme Court not only to uphold its ban on abortion at 15 weeks of pregnancy, but also to overrule *Roe v. Wade*, 410 U.S. 113 (1973). *Dobbs v. Jackson Women's Health Org.*, 142 S. Ct. 2228 (2022). The Supreme Court heard arguments in December 2021, with questioning focused largely on *Roe*, and it was evident at that time that the Court might consider overturning *Roe*. While the Arizona Legislature was considering S.B. 1164 (which was introduced in January 2022 and voted on in March 2022), it was aware of the possibility that *Roe* may soon be overturned. *See* CAP Brief at 8 (readily acknowledging that "the legislature knew that the U.S. Supreme Court might soon overturn *Roe* entirely"). Yet the Arizona Legislature

did not enact a "trigger law" like other states (including Mississippi), which would ban abortion upon *Roe* being overturned, but instead enacted S.B. 1164 to "restrict the practice" of abortions "to the period up to fifteen weeks of gestation." To the extent historical context is relevant, the actual backdrop against which S.B. 1164 was enacted cannot be ignored or rewritten.

At bottom, the text of the statutes and the express legislative intent speak for themselves. If the Legislature wanted to pass a trigger law, it would have done so. *See* App. at 87 ¶ 24 (the court of appeals recognized that "despite otherwise mirroring Mississippi's law, almost word for word, in all other respects," unlike the Mississippi law, Arizona's 15-week Law "conspicuously avoided statutory language stating that § 13-3603 should govern irrespective of other law should *Roe* be overturned").[2]

[2] Furthermore, the Center for Arizona Policy's argument [at 4–7] that A.R.S. § 1-219—a statute currently enjoined from enforcement—should be interpreted as a de facto trigger law preventing the enactment of *any* laws allowing *any* abortions fails. *See Isaacson v. Brnovich*, 610 F. Supp. 3d 1243, 1257 (D. Ariz. 2022) ("Defendants are enjoined from enforcing A.R.S. § 1-219 as applied to abortion care that is otherwise permissible under Arizona law."). A.R.S. § 1-219 was enacted alongside an amendment to A.R.S. § 13-3603.02, which sought to criminalize the provision of abortions if the provider has some level of knowledge that the patient's decision is to some degree motivated by certain fetal conditions. *See* S.B. 1457, 55th Leg., 1st Reg. Sess. (Ariz. 2021) *enjoined*

2. *Statements made by individual legislators during discussions of S.B. 1164 do not help resolve the question presented to this Court.*

Amici cite the statements of a single legislator—Senator Nancy Barto—to support their argument that the 15-week Law was merely a "placeholder" pending a reversal of *Roe*. *See, e.g.*, Toma and Petersen Brief at 10–11 (quoting Senator Barto's statements as sponsor to the House Judiciary Committee re S.B. 1164); CAP Brief at 10 (quoting Senator Barto's statements to the Senate Committee). Although Arizona courts sometimes give consideration to statements made by the sponsor of a bill, such statements are not dispositive of legislative intent and do not necessarily reflect the intent of all the legislators who passed the bill. *See State of the Netherlands v. MD Helicopters, Inc.*, 250 Ariz. 235, 240 ¶ 19 (2020) (remarks from the sponsoring senator do not "reflect the

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by Isaacson v. Brnovich, 563 F. Supp. 3d 1024, 1047 (D. Ariz. 2021), *cert. granted before judgment, order vacated,* 142 S. Ct. 2893 (2022). Therefore, it is nonsensical to argue that § 1-219 requires a near-total ban, when it was enacted alongside a law that sought to ban *only* abortions that were sought for certain reasons. The Center for Arizona Policy asks too much of a law that a federal district court described as "purely symbolic" and that even former Attorney General Mark Brnovich seemed to believe had no practical force. *See Isaacson*, 610 F. Supp. 3d at 1256 (noting, "based on the answers Defendants gave to the Court's questions at oral argument, Defendants seem to believe [§ 1-219] does little to nothing at all").

intent of the legislators who voted to enact" the bill). Indeed, "[i]n most cases, the words of a statute are the only thing to which the legislature agreed" as "[l]egislators may have multiple intentions in enacting particular words . . . ." *Tunkey*, 254 Ariz. at __ ¶ 27 (Bolick, J. concurring).

Speaker Toma and President Petersen cite *Hernandez-Gomez v. Leonardo*, 185 Ariz. 509 (1996), to justify their reliance on two statements from Senator Barto [at 10]. In *Hernandez-Gomez*, although the Court did give some deference to a bill sponsor's statement, the Court reviewed that statement together with the Senate report and the House committee report, and cumulatively those pieces of evidence helped inform the Court's decision that the issue of preemption was considered by Congress in enacting the at-issue law. *Id.* at 513. The Court was mindful that, although these pieces of evidence may be "useful," they were not dispositive, and the "unenacted approvals, beliefs, and desires [of lawmakers] are not laws." *Id.* (internal citation omitted). Therefore, amici's steadfast reliance on statements made by a single legislator to support their interpretation of the 15-week Law is misguided.

What's more, Senator Barto's statements on which amici hang their hats do not support their argument that § 13-3603 should be interpreted

to function as a trigger law. In fact, her statements *support* the position that the Legislature was passing a law allowing abortions up to 15 weeks LMP.[3] *See, e.g.*, Toma and Petersen Brief at 10 ("In response to a committee member's query as to why S.B. 1164 did not extend to unborn life prior to 15 weeks' gestation, Senator Barto explained . . . that '[t]he reason we are moving in this direction is because we have a great opportunity to save many more lives . . . if and when the U.S. Supreme Court upholds the Mississippi law.'"); *see also Meeting on S.B. 1164 Before the House Comm. on the Judiciary*, 55th Legis., 2d Reg. Sess. (Mar. 9, 2022), [starting at 23:44][4] (Senator Barto stated that the bill was based on the Supreme Court upholding Mississippi's 15 week law but "if it were up to [her]" the Legislature "would honor the life of a child born at conception," further demonstrating that even she did not consider S.B. 1164 to trigger a total abortion ban).[5]

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[3] Pregnancy is commonly measured from the first day of a pregnant person's last menstrual period or LMP. A full-term pregnancy is approximately 40 weeks LMP.

[4] Available at https://www.azleg.gov/videoplayer/?eventID=2022031027&startStreamAt=440.

[5] Not all representatives who voted for S.B. 1164 interpreted § 13-3603 to be a trigger law. *See* Rep. Jacqueline Parker (@electjacqparker), Twitter (June 25, 2022, 10:10 AM), https://twitter.com/electjacqparker

The Center for Arizona Policy's further reliance on its own attorney's statements when testifying to the Senate Committee as a nonlegislator is far from relevant as "the best policy is not to consider nonlegislators' statements to determine the legislature's intent" without "sufficient guarantees that the statements reflect legislators' views." *Hayes*, 178 Ariz. at 269–70; *see* CAP Brief at 10 (quoting Cathi Herrod). Such guarantees are not present here.

At bottom, amici seek the same undemocratic outcome as Dr. Hazelrigg: for this Court to overturn the court of appeals' well-reasoned decision to render dozens of laws enacted over the past five decades meaningless, including a law enacted last year, and give precedence to one that was enacted over one hundred years ago. It is clear Speaker Toma and President Petersen did not have enough votes to pass a total abortion ban leading up to the *Dobbs* decision, and are now seeking to garner enough "votes" from this Court to do their job for them.

/status/1540698852377776129?s=20&t=PWghsD-XK_coQ19EqFRzsQ (Representative Parker stating that she and Representative Hoffman tried to introduce a bill after the *Dobbs* decision in June 2022 to clarify "the conflicting statutes" and make clear the territorial law would be the prevailing law but "were all but tackled to the ground by the other House republicans").

As PPAZ emphasized in its Petition Response, nothing justifies this extraordinary request.

C. Amici's policy arguments are irrelevant to the issues raised in the Petition.

The policy arguments raised by amici that attack abortion are irrelevant to the central issue Dr. Hazelrigg is asking this Court to consider. *See, e.g.*, Charlotte Lozier Institute & American Center for Law and Justice Brief (arguments relating to fetal pain); Christian Medical & Dental Association Brief (arguing that life begins at fertilization). These briefs inundate the Court with policy arguments that not only have no bearing on the question presented in the Petition, but are in large part misleading, inaccurate, and ideological.

In addition, the Arizona Legislature already considered many of these policy arguments when drafting and enacting the 15-week Law. Because they have already been taken into account by the Legislature in formulating the law, they are no longer a factor to be considered by the courts. For example, the Legislature made findings and incorporated them into the law, including findings related to fetal development, which was discussed by amici the Center for Arizona Policy, the American College of Pediatricians, and the Christian Medical & Dental Association;

and findings related to supposed health risks associated with abortion, which were discussed by amicus the American Association of Pro-Life Obstetricians and Gynecologists.[6] *See* S.B. 1164, Section 3.A., 55th Leg., 2nd Reg. Sess. (Ariz. 2022).[7]

III. CONCLUSION

For all these reasons, the Court should reject amici's arguments and deny Dr. Hazelrigg's Petition for Review.

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[6] PPAZ strongly disputes, in particular, amici's unfounded assertions about the safety of abortion. A robust analysis of the full spectrum of abortion care in the United States performed by the National Academies of Sciences, Engineering, and Medicine, a body composed of highly esteemed, independent experts, concluded that abortion is one of the safest medical procedures performed in the nation. Nat'l Acads. of Sci., Eng'g, & Med., *The Safety and Quality of Abortion Care in the United States*, at 77 (2018), http://nap.edu/24950. In addition, the National Academies determined that reliable research has concluded that "having an abortion does not increase a woman's risk of . . . mental health disorders (depression, anxiety, and PTSD)." *Id.* at 153. In fact, abortion carries far fewer risks than childbirth. A pregnant person's risk of death associated with childbirth, specifically, is more than 12 times higher than that associated with abortion. *Id.* at 75 tbl.2–4.

[7] PPAZ is not admitting the accuracy of these findings, only that they were already expressly considered by the Legislature.

RESPECTFULLY SUBMITTED this 12th day of June, 2023.

COPPERSMITH BROCKELMAN PLC

By: /s/ D. Andrew Gaona
D. Andrew Gaona
Austin C. Yost

PLANNED PARENTHOOD FEDERATION OF AMERICA
Diana O. Salgado*

**Admitted Pro Hac Vice*

Attorneys for Plaintiff-Appellant Planned Parenthood Arizona, Inc.