

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1566

By: Representatives Hammer, Cozart, C. Fite, D. Meeks, Payton, Penzo, Sullivan

For An Act To Be Entitled

AN ACT TO AMEND THE PROVISIONS OF LAW CONCERNING THE
DISPOSITION OF FETAL REMAINS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE PROVISIONS OF LAW CONCERNING
THE DISPOSITION OF FETAL REMAINS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 20-17-801(b)(1)(B), concerning the disposition of a dead fetus, is amended to read as follows:

(B) A dead fetus shall ~~not be disposed of within forty-eight (48) hours of its removal or acquisition unless consent is obtained in writing from the mother of the dead fetus or the mother's spouse~~ be disposed of in accordance with the Arkansas Final Disposition Rights Act of 2009, § 20-17-102.

SECTION 2. Arkansas Code § 20-17-801(b)(2)(C), concerning the definition of "human tissue" within the law regarding the disposition of human and fetal tissue, is amended to read as follows:

(C) "Human tissue" means any tissue of the human body, including without limitation an external member of the human body, ~~fetal tissue,~~ placenta, or fetal connective tissue; and

SECTION 3. Arkansas Code § 20-17-802 is amended to read as follows:
20-17-802. Fetal remains resulting from abortion.

(a) A physician or facility that performs an abortion shall ensure



that the fetal remains and all parts are disposed of ~~in a fashion similar to that in which other tissue is disposed~~ in accordance with § 20-17-801 and the Arkansas Final Disposition Rights Act of 2009, § 20-17-102.

(b) A person shall not perform any biomedical or behavioral research on:

(1) A fetus born alive as the result of a legal abortion unless the research is for the exclusive benefit of the fetus so born; or

(2) A fetus born dead as the result of a legal abortion or on any fetal tissue produced by the abortion ~~without permission of the mother.~~

(c) A person shall not buy, sell, give, exchange, or barter or offer to buy, sell, give, exchange, or barter any fetus born dead as a result of a legal abortion or any organ, member, or tissue of fetal material resulting from a legal abortion.

(d) A person shall not possess either a fetus born dead as a result of a legal abortion or any organ, member, or tissue of fetal material resulting from a legal abortion.

(e) ~~This section~~ Subsection (d) of this section does not apply to:

(1) A physician performing a legal abortion or a pathologist performing a pathological examination as the result of a legal abortion;

(2) An employee, agent, or servant of a physician performing a legal abortion or pathologist performing a pathological examination as the result of a legal abortion;

(3) The staff, faculty, students, or governing body of any institution of higher learning or institution of secondary education to the extent of courses of instruction taught and research conducted at the institutions;

(4) Licensed physicians or their employees, agents, and servants while in the conduct of medical research; ~~or~~

(5) Any licensed physician when performing a standard autopsy examination; or

(6) Any person acting in accordance with § 20-17-801 or the Arkansas Final Disposition Rights Act of 2009, § 20-17-102.

(f) A person violating this section is guilty of a Class A misdemeanor.

APPROVED: 03/23/2017