

Stricken language would be deleted from and underlined language would be added to present law.
Act 1057 of the Regular Session

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: H3/25/19

A Bill

HOUSE BILL 1856

By: Representative Dotson

By: Senator B. Ballinger

For An Act To Be Entitled

AN ACT TO PROHIBIT STATE AGENCIES FROM CONSENTING TO OR APPROVING THE TERMINATION OF PREGNANCY FOR AN INDIVIDUAL IN THE CUSTODY OR GUARDIANSHIP OF THE STATE AND FROM EXPENDING STATE FUNDS FOR THE PURPOSE OF TERMINATING A PREGNANCY; AND FOR OTHER PURPOSES.

Subtitle

TO PROHIBIT STATE AGENCIES FROM CONSENTING OR APPROVING THE TERMINATION OF PREGNANCY FOR AN INDIVIDUAL IN THE CUSTODY OR GUARDIANSHIP OF THE STATE AND FROM EXPENDING STATE FUNDS FOR THE PURPOSE OF TERMINATING A PREGNANCY.

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

SECTION 1. Arkansas Code Title 20, Chapter 16, Subchapter 6, is amended to add an additional section to read as follows:

20-16-605. In custody or guardianship of state.

(a) A state agency shall not:

(1) Consent to or approve the termination of a pregnancy for a pregnant woman in the custody or guardianship of the state; or

(2) Authorize the expenditure of state funds for the purpose of paying for the termination of a pregnancy for a pregnant woman in the custody of the state except to save the life of the pregnant woman, or as required by federal law.



(b) A pregnant woman in the custody or guardianship of the state, her family, or a third-party payer is responsible for all costs, including transportation costs, associated with a medical appointment, or any subsequent healthcare service determined necessary, related to the termination of her pregnancy, except as required by federal law.

(c) A state agency may be involved in a court proceeding related to the consideration by the court of whether to approve the termination of a pregnancy for a pregnant woman in the custody or guardianship of the state.

(d) A state agency under the section shall report annually to the Senate Committee on Public Health, Welfare, and Labor and the House Committee on Public Health, Welfare, and Labor the number of any terminations of pregnancies that occurred for women in the custody or guardianship of the state agency.

(e)(1) A state agency under this section shall promulgate rules necessary to implement this section.

(2)(A) When adopting the initial rules to implement this section, the final rule shall be filed with the Secretary of State for adoption under § 25-15-204(f):

(i) On or before January 1, 2020; or

(ii) If approval under § 10-3-309 has not occurred by January 1, 2020, as soon as practicable after approval under § 10-3-309.

(B) A state agency shall file the proposed rule with the Legislative Council under § 10-3-309(c) sufficiently in advance of January 1, 2020, so that the Legislative Council may consider the rule for approval before January 1, 2020.

/s/Dotson

APPROVED: 4/16/19