

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

# A Bill

SENATE BILL 448

By: Senator G. Stubblefield  
By: Representative Barker

## For An Act To Be Entitled

AN ACT TO REQUIRE PHYSICIANS TO HAVE CERTAIN  
QUALIFICATIONS IN ORDER TO PERFORM ABORTIONS; TO  
REPEAL THE PRESUMPTION OF VIABILITY OF A FETUS AT THE  
TWENTY-FIFTH WEEK OF PREGNANCY; AND FOR OTHER  
PURPOSES.

## Subtitle

TO REQUIRE PHYSICIANS TO HAVE CERTAIN  
QUALIFICATIONS TO PERFORM ABORTIONS; AND  
TO REPEAL THE PRESUMPTION OF VIABILITY OF  
A FETUS AT THE TWENTY-FIFTH WEEK OF  
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. Qualifications to perform an abortion.

(a) A person shall not perform or induce an abortion unless that person is a physician licensed to practice medicine in the state of Arkansas and is board-certified or board-eligible in obstetrics and gynecology.

(b) A violation of this section is a Class D felony and may result in the revocation, suspension, or nonrenewal of the professional license of an abortion facility or physician.

SECTION 2. Arkansas Code § 20-16-702(3), concerning the definition of



"viable fetus" regarding abortions, is amended to read as follows:

(3) ~~“Viable fetus” means a fetus which can live outside the womb~~  
“Viability” means the state of fetal development when, in the judgment of the physician based on the particular facts of the case before him or her and in light of the most advanced medical technology and information available to him or her, there is a reasonable likelihood of sustained survival of the unborn child outside the body of the mother, with or without artificial life support.

SECTION 3. Arkansas Code § 20-16-703 is repealed.

~~20-16-703. Presumption of viability.~~

~~For the purpose of this subchapter, a fetus shall be presumed not to be viable prior to the end of the twenty-fifth week of the pregnancy.~~

**APPROVED: 4/4/19**