

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

As Engrossed: H3/29/21

# A Bill

HOUSE BILL 1592

By: Representative Lowery

## For An Act To Be Entitled

AN ACT TO CREATE THE ARKANSAS STUDENT PROTECTION ACT;  
AND FOR OTHER PURPOSES.

### Subtitle

TO CREATE THE ARKANSAS STUDENT PROTECTION  
ACT.

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

SECTION 1. Arkansas Code Title 6, Chapter 18, is amended to add an additional subchapter to read as follows:

#### Subchapter 22 – Arkansas Student Protection Act

##### 6-18-2201. Creation.

This subchapter shall be known and may be cited as the "Arkansas Student Protection Act".

##### 6-18-2202. Definition.

As used in this subchapter:

(1)(A) "Abortion" means the act of using or prescribing an instrument, medicine, drug, device, or other substance or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will with reasonable likelihood cause the death of the unborn child.

(B) An action taken under subdivision (1)(A) of this section is not an abortion if the action taken is performed with the intent to:



- (i) Save the life of the mother;
  - (ii) Save the life or preserve the health of the unborn child;
  - (iii) Remove a dead unborn child caused by spontaneous abortion; or
  - (iv) Remove an ectopic pregnancy;
- (2) "Abortion referral" means the act of recommending a pregnant woman to a doctor, clinic, or other person or entity for the purpose of obtaining or learning about obtaining an abortion;
- (3) "Affiliate" means an individual or entity that, directly or indirectly, owns, controls, is controlled by, or is under the common control of another person or entity, in whole or in part, or a subsidiary, parent, or sibling entity; and
- (4) "Transaction" means a formal or informal agreement, contract, or arrangement of any kind between a public school or open-enrollment public charter school and a private entity, regardless of whether the private entity or the public school or open-enrollment public charter school receives anything of value in return.

6-18-2203. Prohibited transactions.

A public school or open-enrollment public charter school shall not knowingly enter into any type of transaction with an individual or entity that:

- (1) Performs abortions;
- (2) Induces abortions; or
- (3) Provides abortions.

6-18-2204. Rules – Enforcement.

- (a) The Division of Elementary and Secondary Education shall promulgate rules to implement this subchapter.
- (b) Each public school and open-enrollment public charter school shall promulgate policies for the implementation of this subchapter and the rules promulgated by the division.
- (c) A public school or an open-enrollment public charter school that knowingly violates this subchapter shall, at the direction of the division or the State Board of Education, appear before the state board for the purpose

of determining:

(1) Why this subchapter and division rules were violated; and

(2) How to prevent the violation of this subchapter and division rules in the future.

/s/Lowery

**APPROVED: 4/21/21**