

Stricken language would be deleted from and underlined language would be added to present law.
Act 949 of the Regular Session

State of Arkansas *As Engrossed: S3/8/21 S3/23/21 S4/6/21*
93rd General Assembly **A Bill**
Regular Session, 2021

SENATE BILL 388

By: Senators Beckham, D. Sullivan, Gilmore, Rapert, G. Stubblefield, D. Wallace
By: Representatives Cloud, Lundstrum, Bentley, Crawford, Gazaway, Penzo, Ray, Wooten

For An Act To Be Entitled

AN ACT TO MODIFY LAWS CONCERNING ABORTION CLINICS;
AND FOR OTHER PURPOSES.

Subtitle

TO MODIFY LAWS CONCERNING ABORTION
CLINICS.

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

SECTION 1. Arkansas Code § 20-9-302(a)(1), concerning abortion clinics and health clinics, is amended to read as follows:

(a)(1)(A) A clinic, health center, or other facility in which ~~the pregnancies of ten (10) or more women~~ a pregnancy of a woman known to be pregnant ~~are~~ is willfully terminated or aborted in any month, including nonsurgical abortions, shall be licensed by the Department of Health.

(B) A hospital shall not perform an abortion unless the abortion is to save the life of the pregnant woman in a medical emergency.

(C) As used in subdivision (a)(1)(B) of this section:

(i)(a) "Abortion" means the act of using, prescribing, administering, procuring, or selling of any instrument, medicine, drug, or any other substance, device, or means with the purpose to terminate the pregnancy of a woman, with knowledge that the termination by any of those means will with reasonable likelihood cause the death of the unborn child.

(b) An act under subdivision (a)(1)(C)(i)(a) of this section is not an abortion if the act is performed with the purpose



to:

- (1) Save the life or preserve the health of the unborn child;
- (2) Remove a dead unborn child caused by spontaneous abortion; or
- (3) Remove an ectopic pregnancy; and
- (ii) "Medical emergency" means a condition in which an abortion is necessary to preserve the life of a pregnant woman whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy.

/s/D. Sullivan

APPROVED: 4/27/21