

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

SENATE BILL 542

By: Senator Irvin

By: Representative L. Johnson

For An Act To Be Entitled

AN ACT TO AMEND THE RIGHT-TO-KNOW-AND-SEE ACT; TO REQUIRE AN ABORTION PROVIDER WHO KNOWINGLY PERFORMS OR REFERS A PATIENT FOR AN ABORTION TO COMPLY WITH THE RIGHT OF THE PATIENT TO VIEW ULTRASOUND IMAGES BEFORE AN ABORTION; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE RIGHT-TO-KNOW-AND-SEE ACT; AND TO REQUIRE AN ABORTION PROVIDER WHO KNOWINGLY PERFORMS OR REFERS A PATIENT FOR AN ABORTION TO COMPLY WITH THE RIGHT OF A PATIENT TO VIEW ULTRASOUND IMAGES BEFORE AN ABORTION.

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

SECTION 1. Arkansas Code § 20-16-602(c), concerning the Right-to-Know-and-See Act, is amended to read as follows:

(c)(1) An abortion provider who knowingly performs or refers for an abortion shall comply with the requirements of this section.

(2) Before a pregnant woman gives informed consent to an abortion or is referred for or administered any anesthesia or medication in preparation of an abortion, the physician or qualified technician shall:

(A) Perform an obstetric ultrasound on the pregnant woman using a method that the physician and the pregnant woman agree is best under the circumstances;



(B)(i) Provide a simultaneous verbal explanation of what the ultrasound is depicting that includes the presence and location of the unborn child within the uterus and the number of unborn children depicted.

(ii) If the ultrasound image indicates that the unborn child has died, the physician or qualified technician shall inform the pregnant woman of that fact;

(C) Display the ultrasound images so that the pregnant woman may view them and document in the pregnant woman's medical record that the ultrasound images were displayed to the pregnant woman;

(D) Provide a medical description of the ultrasound images, including the dimensions of the unborn child and the presence of external members and internal organs if present and viewable; and

(E) Retain the ultrasound image with the date that the ultrasound occurred in the pregnant woman's medical record.

SECTION 2. DO NOT CODIFY. SEVERABILITY CLAUSE. If any provision of this act or the application of this act to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end, the provisions of this act are declared severable.

APPROVED: 4/11/23