

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
89th General Assembly  
Regular Session, 2013

As Engrossed: S3/27/13  
**A Bill**

SENATE BILL 1157

By: Senator D. Sanders

### **For An Act To Be Entitled**

AN ACT TO AMEND THE LAW REGARDING VOLUNTARY AND  
INFORMED CONSENT FOR AN ABORTION; AND FOR OTHER  
PURPOSES.

### **Subtitle**

TO AMEND THE LAW REGARDING VOLUNTARY AND  
INFORMED CONSENT FOR AN ABORTION.

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

*SECTION 1. Arkansas Code § 20-16-903 is amended to read as follows:  
20-16-903. Informed consent.*

*(a) No abortion shall be performed in this state except with the  
voluntary and informed consent of the woman upon whom the abortion is to be  
performed.*

*(b) Except in the case of a medical emergency, consent to an abortion  
is voluntary and informed only if:*

*(1)(A) ~~Before and in no event on the same day as~~ At least  
twenty-four (24) hours before the abortion , the woman is told the following  
~~by telephone or orally and~~ in person by the physician who is to perform the  
abortion, by a referring physician, or by an agent of either physician:*

*(i) The name of the physician who will perform the  
abortion;*

*(ii) The medical risks associated with the  
particular abortion procedure to be employed;*

*(iii) The probable gestational age of the fetus at  
the time the abortion is to be performed;*



(iv) *The medical risks associated with carrying the fetus to term; and*

(v) *That a spouse, boyfriend, parent, friend, or other person cannot force her to have an abortion;*

(vi) A description of the proposed abortion method;

(vii) The immediate and long-term medical risks associated with the proposed abortion method, including without limitation the risks of:

(a) Cervical or uterine perforation;

(b) Danger of subsequent pregnancies;

(c) Hemorrhage;

(d) Increased risk of breast cancer; and

(e) Infection;

(viii) Alternatives to the abortion; and

(ix) The probable anatomical and physiological characteristics of the fetus at the time the abortion is performed.

(B) *The information required by this subdivision (b)(1):*

(i) *Shall be provided during a consultation in which the physician or ~~his or her agent~~ a referring physician is able to ask questions of the woman and the woman is able to ask questions of the physician; and*

~~(ii)(a) May be provided by telephone without conducting a physical examination or tests on the woman.~~

~~(b) If the information is supplied by telephone, the information may be based both on facts supplied to the physician or his or her agent by the woman and on whatever other relevant information is reasonably available to the physician or his or her agent; and~~

~~(iii)(ii) Shall not be provided by a tape recording.~~

(C) *If a physical examination, tests, or other new information subsequently indicates the need in the medical judgment of the physician for a revision of the information previously supplied to the woman, that revised information may be communicated to the woman at any time before the performance of the abortion.*

(D) *This section does not preclude the provision of required information through a translator in a language understood by the woman;*

(2)(A) Before and in no event on the same day as the abortion, the woman is informed by telephone or in person by the physician who is to perform the abortion, by a referring physician, or by an agent of either physician:

(i) That medical assistance benefits may be available for prenatal care, childbirth, and neonatal care;

(ii) That the father is liable to assist in the support of her child, even in instances in which the father has offered to pay for the abortion; and

~~(iii) That she has the option to review the printed or electronic~~ At least twenty-four (24) hours before the abortion, the woman is given a copy of the printed materials described in § 20-16-904 and that those materials:

(a) Have been provided by the state; and

(b) Describe the fetus and list agencies that offer alternatives to abortion; ~~and~~

~~(iv) That if the woman chooses to exercise her option to view the materials:~~

~~(a) In a printed form, the materials shall be mailed to her by a method chosen by her; or~~

~~(b) Via the Internet, she shall be informed before and in no event on the same day as the abortion of the specific address of the website where the materials can be accessed.~~

(B) The information required by this subdivision (b)(2) may be provided by a tape recording if provision is made to record or otherwise register specifically whether the woman does or does not choose to review the printed materials;

(3) Before the abortion, the woman certifies in writing that the information described in subdivision (b)(1) of this section and her options described in subdivision (b)(2) of this section have been furnished to her and that she has been informed of her option to review the information referred to in subdivision (b)(2)(A)(iii) of this section;

(4) Before the abortion, the physician who is to perform the procedure or the physician's agent receives a copy of the written certification prescribed by subdivision (b)(3) of this section; and

(5) Before the abortion, the physician confirms with the patient

that she has received information regarding:

(A) The medical risks associated with the particular abortion procedure to be employed;

(B) The probable gestational age of the fetus at the time the abortion is to be performed;

(C) The medical risks associated with carrying the fetus to term; ~~and~~

(D) That a spouse, boyfriend, parent, friend, or other person cannot force her to have an abortion; and

(E) The name of the physician who will perform the abortion.

(c) The Arkansas State Medical Board shall ~~promulgate regulations~~ adopt rules to ensure that physicians who perform abortions, referring physicians, or agents of either physician comply with all the requirements of this section.

/s/D. Sanders