

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

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: S3/3/15
A Bill

SENATE BILL 569

By: Senators G. Stubblefield, *Collins-Smith, J. Cooper, Flipppo, Hester, B. Johnson, B. King, Rapert, Rice*
By: Representatives Lundstrum, *Ballinger, Baltz, Bentley, Brown, Copeland, Gates, Gonzales, Harris, D. Meeks, Miller, Payton, Rushing, B. Smith, Sullivan, Womack*

For An Act To Be Entitled

AN ACT TO BAR THE DISBURSEMENT OF FUNDS BY THE STATE
TO CERTAIN ENTITIES; AND FOR OTHER PURPOSES.

Subtitle

TO BAR THE DISBURSEMENT OF FUNDS BY THE
STATE TO CERTAIN ENTITIES.

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

SECTION 1. DO NOT CODIFY. Legislative findings.

The General Assembly finds that:

(1) The State of Arkansas facilitates the disbursement of both state and federal funds to qualifying entities for purposes of conducting certain activities;

(2) Public dollars awarded to qualifying entities may facilitate or subsidize directly or indirectly expenses or activities not directly related to those for which the funds were intended, including without limitation shared administrative costs, overhead, employee salaries, rent, utilities, and various other expenses;

(3) It is possible that public dollars made available by or through the State of Arkansas may be awarded to an entity that performs elective abortions or subsidizes or otherwise facilitates the entity's ability to perform elective abortions although the funds were not disbursed specifically for the purpose of performing elective abortions;

(4) Amendment 68 to the Arkansas Constitution of 1874 states,



"No public funds will be used to pay for any abortion, except to save the mother's life";

(5) The direct or indirect subsidization or facilitation of abortion with funds distributed by the state constitutes paying for an abortion and, therefore, conflicts with Amendment 68 to the Arkansas Constitution of 1874;

(6) As elected representatives of the people of Arkansas, the members of the General Assembly are entrusted with ensuring that all activities conducted with the aid of public funds are in accordance with the wishes of the people of Arkansas and the intent of the laws of this state; and

(7) It is within the purview of the General Assembly to establish criteria as the basis on which public funds are disbursed.

SECTION 2. Arkansas Code Title 20, Chapter 16, is amended to add an additional subchapter to read as follows:

Subchapter 15 – Advancing Women's Health Act of 2015

20-16-1501. Definitions.

As used in this subchapter:

(1)(A) "Abortion" means the act of using or prescribing an instrument, medicine, drug, device, or another 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 act under subdivision (1)(A) of this section is not an abortion if the act 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;

(4) "Pregnancy" means the female reproductive condition of having an unborn child in the woman's uterus; and

(5) "Unborn child" means the offspring of human beings from fertilization until birth.

20-16-1502. Awarding of public funds to entities that perform abortions prohibited.

(a) An agency or instrumentality of the state shall not award a grant to pay the direct or indirect costs of performing, inducing, referring, or counseling in favor of abortions, including without limitation:

(1) Administrative costs and expenses;

(2) Overhead costs;

(3) Employee salaries;

(4) Rent and mortgage payments; and

(5) Telephone and other utility payments.

(b) An agency or instrumentality of the state shall not grant, appropriate, or distribute a grant to an individual or entity that:

(1) Performs abortions, induces abortions, provides abortion referrals, or counsels in favor of elective abortions; or

(2) Is an affiliate of a person or entity that performs abortions, induces abortions, provides abortion referrals, or counsels in favor of elective abortions.

20-16-1503. Construction.

(a)(1) This subchapter does not affect the funding of a hospital, medical school, or university.

(2) The restrictions under § 20-16-1502 do not apply to funding available through the Arkansas Medicaid Program.

(b) This subchapter does not create or recognize:

(1) A right to an abortion; or

(2) A right to public funds, a contract, or a grant.

/s/G. Stubblefield