

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

State of Arkansas
93rd General Assembly
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As Engrossed: S4/22/21
A Bill

HOUSE BILL 1870

By: Representative Pilkington
By: Senators T. Garner, B. Davis

For An Act To Be Entitled

AN ACT CONCERNING PREGNANCY AND CHILDBIRTH EXPENSES;
AND FOR OTHER PURPOSES.

Subtitle

CONCERNING PREGNANCY AND CHILDBIRTH
EXPENSES.

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

SECTION 1. Arkansas Code § 9-10-110 is amended to read as follows:

9-10-110. Judgment for ~~lying in pregnancy and childbirth~~ expenses –
Commitment on failure to pay – Definition.

(a) As used in this section, "pregnancy and childbirth expenses" means an amount equal to the sum of a pregnant woman's health insurance premiums while pregnant that are not paid by an employer or government program and medical costs related to the pregnancy incurred after the date of conception and before the pregnancy ends, including costs related to a miscarriage or stillbirth, minus any portion of the health insurance premiums or medical costs related to pregnancy that a court determines are equitable based on the totality of the circumstances, not including any amount paid by the pregnant woman or the biological father of the child.

(b)(1) Except as otherwise provided under this section, a putative father who is found by a court to be the biological father of a child shall pay fifty percent (50%) of pregnancy and childbirth expenses incurred by the mother of the child.

(2)(A) If it is found by the court that the ~~accused~~ putative



father is the biological father of the child, the court shall render judgment against ~~him~~ the putative father for the ~~lying-in~~ pregnancy and childbirth expenses in favor of the mother, ~~person, or agency incurring the lying-in expenses~~, of the child in accordance with subdivisions (b)(1) and (b)(3) of this section, if claimed.

(B) If the mother of the child, person, or agency incurring the pregnancy and childbirth expenses claims an entitlement to the payment of pregnancy and childbirth expenses by the biological father under subdivision (b)(1) of this section and submits documentation of payments, medical expenses, and insurance premiums to the court, the court, after reviewing the documents, shall order the biological father to pay the pregnancy and childbirth expenses as provided under this section.

(C) This section does not create a right of subrogation in favor of any provider of public or private health insurance benefits.

(3) Regardless of when the pregnancy and childbirth expenses are paid, any portion of the pregnancy and childbirth expenses paid by the mother of the child or by a putative father who is found to be the biological father of the child shall:

(A) Not reduce the total amount of pregnancy and childbirth expenses;

(B) Reduce the mother's fifty percent (50%) share if the portion of the pregnancy and childbirth expenses was paid by the mother; and

(C) Reduce the putative father's fifty percent (50%) share if the portion of the pregnancy and childbirth expenses was paid by the putative father.

(4) A biological father of a child shall not be ordered to pay for pregnancy and childbirth expenses if:

(A) The mother of the child receives an abortion without the consent of the biological father of the child unless the:

(i) Abortion is necessary to avert the death of the mother; or

(ii) Mother of the child became pregnant as a result of rape as described in § 5-14-103 or incest as described in § 5-26-202; or

(B) The claim against the biological father for pregnancy and childbirth expenses is filed with the court more than five (5) years after the:

(i) Child's date of birth;

(ii) Miscarriage of the child; or

(iii) Stillbirth of the child.

(5) Subdivision (b)(1) of this section does not apply if pregnancy and childbirth expenses have previously been apportioned by a court in a child support, custody, or visitation order concerning the child.

(6) This section does not require a biological father to be separately billed for pregnancy and childbirth expenses.

~~(b)(c)~~ If the ~~lying-in~~ pregnancy and childbirth expenses are not paid upon the rendition of the judgment, together with all costs that may be adjudged against him in the case, then the court shall have the power to commit the accused person to jail until the ~~lying-in~~ pregnancy and childbirth expenses are paid, with all costs.

~~(e)(1)(d)(1)~~ Bills and invoices for pregnancy and childbirth expenses and paternity testing are admissible as evidence in the circuit court or juvenile division of circuit court without third-party foundation testimony if such bills or invoices are regular on their face.

~~(2) Such bills or invoices~~ Bills and invoices for pregnancy and childbirth expenses shall constitute prima facie evidence of amounts incurred for ~~such pregnancy or childbirth~~ services or for testing on behalf of the child.

(e) This section does not apply in the case of a woman who becomes pregnant through in vitro fertilization or artificial insemination if at the time of the procedure the woman and the donor did not intend for the donor to have parental rights or participate in the upbringing of the child.

/s/Pilkington