

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

SENATE BILL 519

By: Senator B. Davis
By: Representative Vaught

For An Act To Be Entitled

AN ACT TO AMEND THE SEX DISCRIMINATION BY ABORTION
PROHIBITION ACT; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE SEX DISCRIMINATION BY
ABORTION PROHIBITION ACT.

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

SECTION 1. Arkansas Code § 20-16-1904 is amended to read as follows:
20-16-1904. Prohibition – Sex-selection abortion.

(a) A physician ~~or other person~~ shall not intentionally perform or attempt to perform an abortion with the knowledge that the pregnant woman is seeking the abortion solely on the basis of the sex of the unborn child.

(b)(1) Before performing an abortion, the physician ~~or other person~~ ~~who is~~ performing the abortion shall:

~~(1)(A) Ask~~ ask the pregnant woman if she knows the sex of the unborn child.

~~(B)(2)~~ If the pregnant woman knows the sex of the unborn child, the physician ~~or other person~~ who is performing the abortion shall:

(A) Inform ~~inform~~ the pregnant woman of the prohibition of abortion ~~as a method of sex selection for children~~ contained in subsection (a) of this section; and

~~(2)(A)(B)~~ Request the medical records of the pregnant woman relating directly to the entire pregnancy history of the woman relevant to determining whether the pregnant woman has previously aborted an unborn child



or children after she became aware of the sex of the unborn child.

~~(B)(3)~~ When the physician performing the ~~An~~ abortion shall not be performed until reasonable time and effort is spent is required to request the medical records of the pregnant woman under subdivision (b)(2)(B) of this section, the physician shall not perform an abortion until the physician spends at least fourteen (14) days attempting to obtain the medical records of the pregnant woman as described in subdivision ~~(b)(2)(A)~~ (b)(2)(B) of this section.

(c) If this section is held invalid as applied to the period of pregnancy prior to viability, then the section shall remain applicable to the period of pregnancy subsequent to viability.

(d) This section does not apply to an abortion performed on a pregnant woman if the pregnancy is the result of rape or incest.