

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

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H4/3/23
A Bill

HOUSE BILL 1686

By: Representatives Long, *McAlindon, Rose, Bentley, Milligan, Womack*

For An Act To Be Entitled

AN ACT TO CREATE THE ARKANSAS CHEMICAL ABORTIONS BAN ACT; TO PROHIBIT CHEMICAL ABORTIONS; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE ARKANSAS CHEMICAL ABORTIONS BAN ACT.

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

SECTION 1. Arkansas Code Title 5, Chapter 61, is amended to add an additional subchapter to read as follows:

Subchapter 5 – Arkansas Chemical Abortions Ban Act

5-61-501. Title.

This subchapter shall be known and may be cited as the “Arkansas Chemical Abortions Ban Act”.

5-61-502. Definitions.

As used in this subchapter:

(1)(A) “Abortion” means the act of using, prescribing, administering, procuring, or selling of any instrument, medicine, drug, or any other substance, device, or means with the purpose to terminate the pregnancy of a woman, with knowledge that the termination by any of 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 purpose to:



(i) Save the life or preserve the health of the unborn child;

(ii) Remove a dead unborn child caused by spontaneous abortion; or

(iii) Remove an ectopic pregnancy;

(2) "Fertilization" means the fusion of a human spermatozoon with a human ovum;

(3) "Medical emergency" means a condition in which an abortion is necessary to preserve the life of a pregnant woman whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself; and

(4) "Unborn child" means an individual organism of the species Homo sapiens from fertilization until live birth.

5-61-503. Prohibition.

(a) It is unlawful to prescribe, dispense, distribute, sell, or use any drug for the purpose of procuring or performing an abortion on any person.

(b) This subchapter does not apply to:

(1) The sale, use, prescription or administration of any contraceptive agent administered before conception or before pregnancy can be confirmed through conventional medical testing;

(2) The treatment of a natural miscarriage according to currently accepted medical guidelines; or

(3) Treatment necessary to preserve the life of the woman in a medical emergency.

(c) Except as provided in subsection (d) of this section, a violation of subsection (a) of this section by a person is a Class D felony.

(d) A woman upon whom an abortion as prohibited by this subchapter is performed or attempted shall not be criminally prosecuted under subsection (c) of this section.

/s/Long