

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

State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

HOUSE BILL 1834

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

## For An Act To Be Entitled

AN ACT TO AMEND THE ABORTION-INDUCING DRUGS SAFETY  
ACT TO INCREASE THE CRIMINAL PENALTIES AND CLARIFY  
THE CIVIL PENALTIES; AND FOR OTHER PURPOSES.

## Subtitle

TO AMEND THE ABORTION INDUCING DRUGS  
SAFETY ACT TO INCREASE THE CRIMINAL  
PENALTIES AND CLARIFY THE CIVIL  
PENALTIES.

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

SECTION 1. Arkansas Code § 20-16-1506(a), concerning the criminal penalties under the Abortion-Inducing Drugs Safety Act, is amended to read as follows:

(a) A person who intentionally, knowingly, or recklessly violates a provision of this subchapter is guilty of a ~~Class A misdemeanor~~ Class D felony.

SECTION 2. Arkansas Code § 20-16-1507 is amended to read as follows:  
20-16-1507. Civil remedies and professional sanctions.

(a) In addition to whatever remedies are available under the common or statutory law of this state, failure to comply with the requirements of this subchapter shall provide a basis for:

- (1) A civil malpractice action for actual and punitive damages;
- (2) A professional disciplinary action under § 16-114-201 et

seq.; and



(3) Recovery for the woman's survivors for the wrongful death of the woman under § 16-62-102.

(b)(1) A woman upon whom the drug-induced abortion has been performed or the father of the unborn child who was the subject of the drug-induced abortion may bring an action against the person who purposely, knowingly, or recklessly violated this subchapter for actual and punitive damages.

(2) A woman upon whom a drug-induced abortion has been attempted may bring an action against the person who attempted purposely, knowingly, or recklessly violates this subchapter for actual and punitive damages.

(c)(1) A cause of action for injunctive relief against a person who has purposely, knowingly, or recklessly violated this subchapter may be maintained by:

(A) The woman upon whom a drug-induced abortion was performed or induced or attempted to be performed or induced;

(B) A person who is the spouse, parent, or guardian of the woman upon whom a drug-induced abortion has been performed or induced or attempted to be performed or induced;

(C) A prosecuting attorney with appropriate jurisdiction;

or

(D) The Attorney General.

(2) The injunction shall prevent the person from performing or inducing and from attempting to perform or induce further drug-induced abortions.

(d) A civil liability may not be assessed against the pregnant woman upon whom the drug-induced abortion is performed.

~~(e)~~(e) When requested, the court shall allow a woman to proceed using solely her initials or a pseudonym and may close any proceedings in the case and enter other protective orders to preserve the privacy of the woman upon whom the drug-induced abortion was performed.

~~(d)~~(f) If judgment is rendered in favor of the plaintiff, the court shall also render judgment for a reasonable attorney's fee in favor of the plaintiff against the defendant.

~~(e)~~(g) If judgment is rendered in favor of the defendant and the court finds that the plaintiff's suit was frivolous and brought in bad faith, the court shall also render judgment for a reasonable attorney's fee in favor of the defendant against the plaintiff.