

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

SENATE BILL 581

By: Senator C. Penzo

For An Act To Be Entitled

AN ACT TO REQUIRE LICENSURE OF A CLINIC AND HEALTH CENTER IN WHICH A PREGNANCY OF A WOMEN KNOWN TO BE PREGNANT IS WILLFULLY TERMINATED OR ABORTED; AND FOR OTHER PURPOSES.

Subtitle

TO REQUIRE LICENSURE OF A CLINIC AND HEALTH CENTER IN WHICH A PREGNANCY OF A WOMEN KNOWN TO BE PREGNANT IS WILLFULLY TERMINATED OR ABORTED.

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

SECTION 1. Arkansas Code § 20-9-302(a)(1), as enacted by Acts 2023, No. 162, and concerning the licensure of an abortion clinic or health center, is amended to read as follows:

(a)(1)(A) A clinic, health center, or other facility in which a pregnancy of a woman known to be pregnant is willfully terminated or aborted in any month, including nonsurgical abortions, shall be licensed by the Department of Health.

(B) A hospital shall not perform an abortion unless the abortion is to save the life of the pregnant woman in a medical emergency.

~~(B)(C)~~ As used in subdivision ~~(a)(1)(A)~~ (a)(1)(B) of this section:

(i)(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 ~~(a)(1)(B)(i)(a)~~ (a)(1)(C)(i)(a) of this section is not an abortion if the act is performed with the purpose to:

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

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

(3) Remove an ectopic pregnancy; and

(ii) "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.

SECTION 2. DO NOT CODIFY. Contingent effective date.

Section 1 of this act shall become effective only upon the certification that:

(1) Arkansas is enjoined from preventing an individual from purposely performing or attempting to perform an abortion except to save the life of a pregnant woman in a medical emergency as provided in § 5-61-301 et seq. and § 5-61-401 et seq.; or

(2) Sections 5-61-301 et seq. and § 5-61-401 et seq. have been repealed in whole or in part to allow an individual to purposely perform or attempt to perform an abortion except to save the life of a pregnant woman in a medical emergency.