

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4

As Engrossed: H3/5/97

## A Bill

ACT 891 OF 1997  
HOUSE BILL 1893

5 By: Representative Judy Smith  
6  
7

### For An Act To Be Entitled

9 "AN ACT TO PROVIDE FOR THE REGULATION OF FREE-STANDING  
10 BIRTHING CENTERS BY THE DEPARTMENT OF HEALTH; AND FOR  
11 OTHER PURPOSES."

### Subtitle

14 "TO PROVIDE FOR THE REGULATION OF  
15 FREE-STANDING BIRTHING CENTERS BY THE  
16 DEPARTMENT OF HEALTH"  
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. As used in this act:

21 (1) "Free-standing birthing center" means any facility, institution, or  
22 place, which is not an ambulatory surgical center or a hospital or in a  
23 hospital, organized to provide family-centered maternity care for women and  
24 childbearing families in which births are planned to occur in a home-like  
25 atmosphere away from the mothers' usual residence following a low-risk  
26 pregnancy; and

27 (2) "Low-risk pregnancy" means a normal uncomplicated pregnancy as  
28 determined by a generally accepted course of prenatal care and expectation of  
29 a normal uncomplicated birth as defined by reasonable and generally accepted  
30 criteria of maternal and fetal health.

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32 SECTION 2. (a) A free-standing birthing center shall have a qualified  
33 medical director, and deliveries shall be performed by a qualified physician  
34 or by a Certified Nurse Midwife in accordance with an arrangement with a  
35 physician as required by the Arkansas Nurse Practice Act, Arkansas Code  
36 Annotated §§ 17-87-101, et seq.

1        (b) A mother and her infant shall be dismissed from a free-standing  
2 birthing center within twenty-four (24) hours of the admission.

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4        SECTION 3. (a) The Department of Health shall establish and enforce  
5 regulations:

6                (1) setting minimum standards for the construction, maintenance,  
7 and operation of a free-standing birthing center; and

8                (2) setting qualifications for medical directors of free-standing  
9 birthing centers and for physicians who will perform deliveries in  
10 free-standing birthing centers.

11        (b) A free-standing birthing center shall meet life safety code and  
12 construction standards developed by the National Fire Protection Association  
13 and shall comply with regulations developed by the Department of Health.

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15        SECTION 4. Nothing in this act shall be construed to prohibit the  
16 lawful practice of lay midwifery in any location under Arkansas Code Annotated  
17 §§ 17-85-101, et seq.

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19        SECTION 5. The Health Department may levy and collect a fee for the  
20 issuance of an annual license to a freestanding birthing center. The license  
21 fee for a freestanding birthing center shall be an annual fee of one thousand  
22 dollars (\$1,000).

23

24        SECTION 6. All provisions of this act of a general and permanent nature  
25 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
26 Revision Commission shall incorporate the same in the Code.

27

28        SECTION 7. If any provision of this act or the application thereof to  
29 any person or circumstance is held invalid, such invalidity shall not affect  
30 other provisions or applications of the act which can be given effect without  
31 the invalid provision or application, and to this end the provisions of this  
32 act are declared to be severable.

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34        SECTION 8. All laws and parts of laws in conflict with this act are  
35 hereby repealed.

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*/s/Rep. Judy Smith*

APPROVED: 3-27-97