

1 **State of Arkansas**

2 **79th General Assembly**

3 **Regular Session, 1993**

# **A Bill**

**HOUSE BILL 1796**

4 **By: Representatives Smith, Jones, Brown, Schexnayder, Roberts, Bennett, Northcutt, Pollan,**  
5 **Stewart, Brownlee, Wilkins, Landers, McGinnis, and McCuiston**

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## **For An Act To Be Entitled**

9 "AN ACT TO SAFEGUARD THE INTEGRITY OF MEN\_S MEDICAL  
10 DECISIONS; AND FOR OTHER PURPOSES."

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## **Subtitle**

13 "TO SAFEGUARD THE INTEGRITY OF MEN\_S MEDICAL DECISIONS."

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

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17 SECTION 1. (a) No vasectomy shall be performed except with the  
18 voluntary and informed consent of the man upon whom the vasectomy is to be  
19 performed.

20 (b) Consent to a vasectomy is voluntary and informed if and only if:

21 (1) At least twenty-four (24) hours prior to the vasectomy, the  
22 physician who is to perform the vasectomy or the referring physician has  
23 orally informed the man of:

24 (i) The nature of the proposed procedure;

25 (ii) Risks, including possible long-term side effects and  
26 the likelihood that a vasectomy cannot be successfully reversed;

27 (iii) Alternatives to the procedure that a reasonable  
28 patient would consider material to the decision of whether or not to undergo  
29 the vasectomy; and

30 (iv) Printed materials published by the Arkansas Department  
31 of Health that provide more detailed information on alternatives to vasectomy  
32 and that list agencies where the alternatives are available to him, possibly  
33 free of charge.

34 (2) A copy of the printed materials has been provided to the man  
35 if he chooses to view these materials.

1           (3) The man certifies in writing, prior to the vasectomy, that  
2 the information required to be provided under this subsection has been  
3 provided.

4           (c) A physician who violates the provisions of this section is guilty  
5 of unprofessional conduct and his or her license for the practice of medicine  
6 and surgery shall be subject to suspension or revocation in accordance with  
7 procedures provided under the Arkansas Medical Practices Act, Arkansas Code  
8 Annotated § 17-93-401 et seq., or successor acts. A physician who performs a  
9 vasectomy without first obtaining the certification required by subsection  
10 (b)(3) or with knowledge or reason to know that the informed consent of the  
11 man has not been obtained shall for a first offense be guilty of a Class A  
12 misdemeanor. No physician shall be guilty of violating this section for  
13 failure to furnish the information required by subsection (b) if he or she can  
14 demonstrate, by a preponderance of the evidence, that he or she reasonably  
15 believed that furnishing the information would have resulted in a severely  
16 adverse effect on the physical or mental health of the patient.

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18           SECTION 2. (a) The Arkansas Department of Health shall cause to be  
19 published within sixty (60) days after this act becomes law, and shall update  
20 on an annual basis, the following easily comprehensible printed materials:

21           (1) Objective information describing the vasectomy procedure,  
22 the medical risks commonly associated with such procedure, including possible  
23 long-term side effects and the likelihood that a vasectomy cannot be reversed;

24           (2) Information that is designed to inform the man of  
25 alternatives to a vasectomy, their application and use;

26           (3) Geographically-indexed information designed to inform the man  
27 of public and private agencies where alternatives to a vasectomy are  
28 available, including services offered and telephone numbers; and

29           (4) Information that it is unlawful for any physician to perform  
30 a vasectomy upon a man without obtaining his informed consent, and that a  
31 physician performing a vasectomy without according the patient a private  
32 medical consultation may be liable for damages in a civil action at law.

33           (b) The materials shall be printed in a typeface large enough to be  
34 clearly legible.

35           (c) The materials required under this section shall be available at no

1 cost from the Department of Health upon request and in appropriate numbers to  
2 any person, facility, or hospital.

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4 SECTION 3. All provisions of this act of a general and permanent nature  
5 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
6 Revision Commission shall incorporate the same in the Code.

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8 SECTION 4. If any provision of this act or the application thereof to  
9 any person or circumstance is held invalid, such invalidity shall not affect  
10 other provisions or applications of the act which can be given effect without  
11 the invalid provision or application, and to this end the provisions of this  
12 act are declared to be severable.

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14 SECTION 5. All laws and parts of laws in conflict with this act are  
15 hereby repealed.

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*/s/J. Smith, et al*

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***As Engrossed: 3/3/93***

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