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

Act 603 of the Regular Session

A Bill

HOUSE BILL 1566

State of Arkansas
91st General Assembly
Regular Session, 2017

By: Representatives Hammer, Cozart, C. Fite, D. Meeks, Payton, Penzo, Sullivan

For An Act To Be Entitled
AN ACT TO AMEND THE PROVISIONS OF LAW CONCERNING THE
DISPOSITION OF FETAL REMAINS; AND FOR OTHER PURPOSES.

Subtitle
TO AMEND THE PROVISIONS OF LAW CONCERNING
THE DISPOSITION OF FETAL REMAINS.

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

SECTION 1. Arkansas Code § 20-17-801(b)(1)(B), concerning the
disposition of a dead fetus, is amended to read as follows:

(B) A dead fetus shall not be disposed of within forty-
eight (48) hours of its removal or acquisition unless consent is obtained in
writing from the mother of the dead fetus or the mother's spouse be disposed
of in accordance with the Arkansas Final Disposition Rights Act of 2009, §
20-17-102.

SECTION 2. Arkansas Code § 20-17-801(b)(2)(C), concerning the
definition of "human tissue" within the law regarding the disposition of
human and fetal tissue, is amended to read as follows:

(C) “Human tissue” means any tissue of the human body,
including without limitation an external member of the human body, fetal
tissue, placenta, or fetal connective tissue; and

SECTION 3. Arkansas Code § 20-17-802 is amended to read as follows:

20-17-802. Fetal remains resulting from abortion.

(a) A physician or facility that performs an abortion shall ensure
that the fetal remains and all parts are disposed of in a fashion similar to
that in which other tissue is disposed in accordance with § 20-17-801 and the

(b) A person shall not perform any biomedical or behavioral research
on:

(1) A fetus born alive as the result of a legal abortion unless
the research is for the exclusive benefit of the fetus so born; or

(2) A fetus born dead as the result of a legal abortion or on
any fetal tissue produced by the abortion without permission of the mother.

(c) A person shall not buy, sell, give, exchange, or barter or offer
to buy, sell, give, exchange, or barter any fetus born dead as a result of a
legal abortion or any organ, member, or tissue of fetal material resulting
from a legal abortion.

(d) A person shall not possess either a fetus born dead as a result of
a legal abortion or any organ, member, or tissue of fetal material resulting
from a legal abortion.

(e) This section Subsection (d) of this section does not apply to:

(1) A physician performing a legal abortion or a pathologist
performing a pathological examination as the result of a legal abortion;

(2) An employee, agent, or servant of a physician performing a
legal abortion or pathologist performing a pathological examination as the
result of a legal abortion;

(3) The staff, faculty, students, or governing body of any
institution of higher learning or institution of secondary education to the
extent of courses of instruction taught and research conducted at the
institutions;

(4) Licensed physicians or their employees, agents, and servants
while in the conduct of medical research; or

(5) Any licensed physician when performing a standard autopsy
examination; or

(6) Any person acting in accordance with § 20-17-801 or the

(f) A person violating this section is guilty of a Class A
misdemeanor.

APPROVED: 03/23/2017