

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

HOUSE BILL 1834

5 By: Representatives Long, McAlindon, Rose, Bentley, Milligan, Womack  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE ABORTION-INDUCING DRUGS SAFETY  
9 ACT TO INCREASE THE CRIMINAL PENALTIES AND CLARIFY  
10 THE CIVIL PENALTIES; AND FOR OTHER PURPOSES.  
11

## Subtitle

12  
13 TO AMEND THE ABORTION INDUCING DRUGS  
14 SAFETY ACT TO INCREASE THE CRIMINAL  
15 PENALTIES AND CLARIFY THE CIVIL  
16 PENALTIES.  
17  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

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

25 (a) A person who intentionally, knowingly, or recklessly violates a  
26 provision of this subchapter is guilty of a ~~Class A misdemeanor~~ Class D  
27 felony.  
28

29 SECTION 2. Arkansas Code § 20-16-1507 is amended to read as follows:  
30 20-16-1507. Civil remedies and professional sanctions.

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

34 (1) A civil malpractice action for actual and punitive damages;

35 (2) A professional disciplinary action under § 16-114-201 et

36 seq.; and



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

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

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

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

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

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

18                   **(C) A prosecuting attorney with appropriate jurisdiction;**  
19 **or**

20                   **(D) The Attorney General.**

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

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

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

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

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