

ARKANSAS SENATE
86th General Assembly - Regular Session, 2007
Amendment Form

Subtitle of Senate Bill No. 871

"AN ACT TO PREVENT FORCED ABORTIONS."

Amendment No. 1 to Senate Bill No. 871.

Amend Senate Bill No. 871 as originally introduced:

Delete everything after the ENACTING clause and substitute the following:

"SECTION 1. Arkansas Code Title 20, Chapter 16 is amended to add an additional subchapter to read as follows:

20-16-1201. Definitions.

As used in this subchapter, "abortion" means the use or prescription of any instrument, medicine, drug, or any other substance or device intentionally to terminate the pregnancy of a female known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead unborn child who died as the result of a spontaneous abortion, accidental trauma, or a criminal assault on the pregnant female or her unborn child.

20-16-1202. Sign posting.

(a) Any private office, free-standing surgical outpatient clinic or other facility, or clinic in which abortions are performed shall conspicuously post in a location defined in subsection (c) of this section so as to be clearly visible to patients a sign reading:

"Notice: By law, we cannot perform an abortion on you unless we have your freely given and voluntary consent. It is against the law to perform an abortion on you against your will.

You have the right to contact any local or state law enforcement agency to receive protection from any actual or threatened physical abuse or violence."

(b) The sign required under subsection (a) of this section shall be printed with lettering that is legible and shall be at least three-quarter inch (3/4") boldface type.

(c)(1) A facility in which abortions are performed that is a private office or a free-standing surgical outpatient clinic shall post the sign required under subsection (a) of this section in each patient waiting room and patient consultation room used by patients on whom abortions are



performed.

(2) A hospital or any other facility in which abortions are performed that is not a private office or a free-standing surgical outpatient clinic shall post the sign required under subsection (a) of this section in each patient admission area used by patients on whom abortions are performed.

20-16-1203. Minors.

(a) If the pregnant female is a minor, the attending physician shall inform the female that no one can force her to have an abortion and that an abortion cannot be performed on her unless she provides her freely given, voluntary, and informed consent.

(b)(1) The minor female shall certify in writing, before the performance of the abortion, that she was informed by the attending physician of the information required under subsection (a) of this section.

(2) A copy of the written certification shall be placed in the minor's file and kept for at least seven (7) years or for two (2) years after the minor reaches the age of majority, whichever is greater.

20-16-1204. Administrative remedies and penalties.

(a) The Division of Health of the Department of Health and Human Services shall have the authority to:

(1) Conduct at any time and from time to time such reasonable periodic, special, or other examination of any private office, free-standing surgical outpatient clinic, or other facility or clinic in which abortions are performed to ensure compliance with this subchapter;

(2) Suspend or revoke permits and assess fines under subsection (b) of this section for failure to comply with this subchapter; and

(3) Promulgate rules necessary to enforce this subchapter.

(b) Any facility or clinic that fails to post a sign required under § 20-16-1202 in knowing, reckless, or negligent violation of this subchapter shall be assessed a fine of one thousand dollars (\$1,000).

(c) Each day on which an abortion is performed in a facility or clinic during which the sign required under § 20-16-1202 is not posted during a portion of business hours when patients or prospective patients are present is a separate violation of this subchapter.

20-16-1205. Civil remedies.

(a) An action may be brought by or on behalf of an individual injured by the failure to post the sign required by this subchapter.

(b) A plaintiff in an action under this section may recover damages for emotional distress and other damages allowed by law.

(c) An action may be brought by or on behalf of an individual injured by the failure to inform a minor female of the required information.

(d) The sanctions and actions provided in this section do not displace any sanction applicable under other law.

SECTION 2. Section 1 of this act becomes effective on October 1 of the first October after the effective date of this act."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Trusty

MGF/CDS - 03-15-2007 09:03

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Secretary