

ARKANSAS SENATE
90th General Assembly - Regular Session, 2015
Amendment Form

Subtitle of Senate Bill No. 53

TO REGULATE THE USE OF CERTAIN DRUGS USED TO INDUCE AN ABORTION; AND TO PROVIDE
FOR DISCIPLINARY PROCEEDINGS FOR ABORTIONS PERFORMED IN VIOLATION OF THIS ACT.

Amendment No. 1 to Senate Bill No. 53

Amend Senate Bill No. 53 as originally introduced:

Add Senators B. King, D. Sanders, J. Woods as cosponsors of the bill

AND

Page 3, Line 16, add the following language:

"(B) An injunction under subdivision (e)(2)(A) of this section shall prevent the abortion provider from performing further abortions in violation of this section.

(f)(1) If a judgment is rendered in favor of the plaintiff who prevails in an action under subsection (e) of this section, the court shall award reasonable attorney's fees and costs in favor of the plaintiff against the defendant.

(2) If a judgment is rendered in favor of the defendant and the court finds that the plaintiff's suit was frivolous and brought in bad faith, the court shall order the plaintiff to pay reasonable attorney's fees to the defendant.

(g) A pregnant woman who obtains or possesses mifepristone or another drug or chemical used for the purpose of inducing an abortion to terminate her pregnancy shall not be subject to an action under subsection (e) of this section.

(h)(1) In a civil or criminal proceeding or action brought under this section, the court shall determine if the anonymity of a woman who receives or attempts to receive an abortion shall be preserved from public disclosure without her consent.

(2)(A) Upon determining that the woman's anonymity shall be preserved, the court shall issue an order to the parties, witnesses, and counsel and shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard the woman's identity from public disclosure.

(B) An order under subdivision (h)(2)(A) of this section shall be accompanied by specific written findings explaining:



(i) Why the anonymity of the woman should be preserved from public disclosure;
(ii) Why the order is essential to that end;
(iii) How the order is narrowly tailored to serve that interest; and
(iv) Why no reasonable, less restrictive alternative exists.

(C) In the absence of written consent of the woman who receives or attempts to receive an abortion, anyone other than a public official who brings an action under subsection (e) of this section shall bring the action under a pseudonym.

(D) This subsection does not conceal the identity of the plaintiff or of a witness from the defendant.

(i) This section does not create or recognize a right to abortion."

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

By: Senator Irvin

JMB/JMB - 01-20-2015 16:23:49

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Secretary