

Hall of the House of Representatives
91st General Assembly - Regular Session, 2017
Amendment Form

Subtitle of House Bill No. 1428

TO AMEND LAWS CONCERNING UNLAWFUL ABORTIONS; TO AMEND LAWS CONCERNING THE
PROCEDURE OF DENIAL, SUSPENSION, OR REVOCATION OF A HEALTH FACILITIES SERVICE
LICENSE; AND TO AMEND THE LAWS REGARDING ABORTION CLINICS.

Amendment No. 1 to House Bill No. 1428

Amend House Bill No. 1428 as originally introduced:

Delete SECTION 2 in its entirety

AND

Delete SECTION 3 in its entirety and substitute the following:

"SECTION 2. Arkansas Code § 20-9-302 is amended to read as follows:
20-9-302. Abortion clinics, health centers, etc.

(a)(1) A clinic, health center, or other facility in which the pregnancies of ten (10) or more women known to be pregnant are willfully terminated or aborted ~~each~~ in any month, including nonsurgical abortions, shall be licensed by the Department of Health.

~~(2)(A) The facilities, equipment, procedures, techniques, and conditions of those clinics or similar facilities shall be subject to periodic inspection by the department~~ The department shall inspect a clinic, health center, or other facility at least annually, and inspections shall include without limitation:

(i) The facilities, equipment, and conditions of a clinic, health center, or other facility; and

(ii) A representative sample of procedures, techniques, medical records, informed consent signatures, and parental consent signatures.

(B) An inspector shall arrive at the clinic, health center, or other facility unannounced and without prior notice.

(b) The department ~~may~~ shall:

(1) ~~adopt~~ Adopt appropriate rules ~~and regulations regarding,~~ including without limitation the facilities, equipment, procedures, techniques, medical records, informed consent signatures, parental consent signatures, and conditions of elinies and other clinics, health centers, and other facilities subject to the provisions of this section to assure at a minimum that:

(A) The ~~the~~ facilities, equipment, procedures, techniques,



and conditions are aseptic and do not constitute a health hazard; and

(B) The medical records, informed consent signatures, and parental consent signatures meet statutory requirements;

(2) Levy and collect an annual fee of five hundred dollars (\$500) per facility for issuance of a permanent license to an abortion facility; and

(3)(A) Deny, suspend, or revoke licenses on any of the following grounds:

(i) The violation of any provision of law or rule;

or

(ii) The permitting, aiding, or abetting of the commission of any unlawful act in connection with the operation of the institutions.

(B)(i) If the department determines to deny, suspend, or revoke a license, the department shall send to the applicant or licensee, by certified mail, a notice setting forth the particular reasons for the determination.

(ii) The denial, suspension, or revocation shall become final thirty (30) days after the mailing of the notice unless the applicant or licensee gives written notice within the thirty-day period of a desire for hearing.

(iii)(a) The department shall issue an immediate suspension of a license if an investigation or survey determines that:

(1) The applicant or licensee is in violation of any state law, rule, or regulation; and

(2) The violation or violations pose an imminent threat to the health, welfare, or safety of a patient.

(b)(1) The department shall give the applicant or licensee written notice of the immediate suspension.

(2) The suspension of the license is effective upon the receipt of the written notice.

(iv) The denial, suspension, or revocation order shall remain in effect until all violations have been corrected.

(C) The applicant or licensee shall:

(i) Be given a fair hearing; and

(ii) Have the right to present evidence as may be proper.

(D)(i) On the basis of the evidence at the hearing, the determination involved shall be affirmed or set aside.

(ii) A copy of the decision, setting forth the finding of facts and the particular grounds upon which it is based, shall be sent by certified mail to the applicant or licensee.

(iii) The decision shall become final fifteen (15) days after it is mailed unless the applicant or licensee, within the fifteen-day period, appeals the decision to the court.

(E) A full and complete record of all proceedings shall be kept and all testimony shall be reported, but it need not be transcribed unless the decision is appealed or a transcript is requested by an interested party who shall pay the cost of preparing the transcript.

(F) Witnesses may be subpoenaed by either party and shall be allowed fees at a rate prescribed by rule.

(G) The procedure governing hearings authorized by this

section shall be in accordance with rules promulgated by the department.

~~(e)~~ The department may levy and collect an annual fee of five hundred dollars (\$500) per facility for issuance of a permanent license to an abortion facility.

~~(d)~~(c)(1) Applicants for a license shall file applications upon such forms as are prescribed by the department.

(2) A license shall be issued only for the premises and persons in the application and shall not be transferable.

~~(e)~~(d)(1) A license shall be effective on a calendar-year basis and shall expire on December 31 of each calendar year.

(2) Applications for annual license renewal shall be postmarked no later than January 2 of the succeeding calendar year.

(3) License applications for existing institutions received after that date shall be subject to a penalty of two dollars (\$2.00) per day for each day after January 2.

~~(f)~~(e) Subject to such rules and regulations as may be implemented by the Chief Fiscal Officer of the State, the disbursing officer for the department may transfer all unexpended funds relative to the abortion clinics that pertain to fees collected, as certified by the Chief Fiscal Officer of the State, to be carried forward and made available for expenditures for the same purpose for any following fiscal year.

~~(g)~~(f) All fees levied and collected under this section are special revenues and shall be deposited into the State Treasury, ~~there~~ to be credited to the Public Health Fund."

AND

Appropriately renumber the sections of the bill

The Amendment was read _____

By: Representative Lundstrum
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Chief Clerk