

1 State of Arkansas
2 93rd General Assembly
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4

As Engrossed: S4/22/21

A Bill

HOUSE BILL 1870

5 By: Representative Pilkington
6 By: Senators T. Garner, B. Davis
7

For An Act To Be Entitled

9 AN ACT CONCERNING PREGNANCY AND CHILDBIRTH EXPENSES;
10 AND FOR OTHER PURPOSES.
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Subtitle

12 CONCERNING PREGNANCY AND CHILDBIRTH
13 EXPENSES.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code § 9-10-110 is amended to read as follows:

21 9-10-110. Judgment for ~~lying-in pregnancy and childbirth~~ expenses –
22 Commitment on failure to pay – Definition.

23 (a) As used in this section, "pregnancy and childbirth expenses" means
24 an amount equal to the sum of a pregnant woman's health insurance premiums
25 while pregnant that are not paid by an employer or government program and
26 medical costs related to the pregnancy incurred after the date of conception
27 and before the pregnancy ends, including costs related to a miscarriage or
28 stillbirth, minus any portion of the health insurance premiums or medical
29 costs related to pregnancy that a court determines are equitable based on the
30 totality of the circumstances, not including any amount paid by the pregnant
31 woman or the biological father of the child.

32 (b)(1) Except as otherwise provided under this section, a putative
33 father who is found by a court to be the biological father of a child shall
34 pay fifty percent (50%) of pregnancy and childbirth expenses incurred by the
35 mother of the child.

36 (2)(A) If it is found by the court that the ~~accused~~ putative



1 father is the biological father of the child, the court shall render judgment
2 against him the putative father for the lying-in pregnancy and childbirth
3 expenses in favor of the mother, person, or agency incurring the lying-in
4 expenses, of the child in accordance with subdivisions (b)(1) and (b)(3) of
5 this section, if claimed.

6 (B) If the mother of the child, person, or agency
7 incurring the pregnancy and childbirth expenses claims an entitlement to the
8 payment of pregnancy and childbirth expenses by the biological father under
9 subdivision (b)(1) of this section and submits documentation of payments,
10 medical expenses, and insurance premiums to the court, the court, after
11 reviewing the documents, shall order the biological father to pay the
12 pregnancy and childbirth expenses as provided under this section.

13 (C) This section does not create a right of subrogation in
14 favor of any provider of public or private health insurance benefits.

15 (3) Regardless of when the pregnancy and childbirth expenses are
16 paid, any portion of the pregnancy and childbirth expenses paid by the mother
17 of the child or by a putative father who is found to be the biological father
18 of the child shall:

19 (A) Not reduce the total amount of pregnancy and
20 childbirth expenses;

21 (B) Reduce the mother's fifty percent (50%) share if the
22 portion of the pregnancy and childbirth expenses was paid by the mother; and

23 (C) Reduce the putative father's fifty percent (50%) share
24 if the portion of the pregnancy and childbirth expenses was paid by the
25 putative father.

26 (4) A biological father of a child shall not be ordered to pay
27 for pregnancy and childbirth expenses if:

28 (A) The mother of the child receives an abortion without
29 the consent of the biological father of the child unless the:

30 (i) Abortion is necessary to avert the death of the
31 mother; or

32 (ii) Mother of the child became pregnant as a result
33 of rape as described in § 5-14-103 or incest as described in § 5-26-202; or

34 (B) The claim against the biological father for pregnancy
35 and childbirth expenses is filed with the court more than five (5) years
36 after the:

1 (i) Child's date of birth;

2 (ii) Miscarriage of the child; or

3 (iii) Stillbirth of the child.

4 (5) Subdivision (b)(1) of this section does not apply if
5 pregnancy and childbirth expenses have previously been apportioned by a court
6 in a child support, custody, or visitation order concerning the child.

7 (6) This section does not require a biological father to be
8 separately billed for pregnancy and childbirth expenses.

9 ~~(b)(c)~~ If the ~~lying-in~~ pregnancy and childbirth expenses are not paid
10 upon the rendition of the judgment, together with all costs that may be
11 adjudged against him in the case, then the court shall have the power to
12 commit the accused person to jail until the ~~lying-in~~ pregnancy and childbirth
13 expenses are paid, with all costs.

14 ~~(e)(1)(d)(1)~~ Bills and invoices for pregnancy and childbirth expenses
15 and paternity testing are admissible as evidence in the circuit court or
16 juvenile division of circuit court without third-party foundation testimony
17 if such bills or invoices are regular on their face.

18 ~~(2) Such bills or invoices~~ Bills and invoices for pregnancy and
19 childbirth expenses shall constitute prima facie evidence of amounts incurred
20 for ~~such~~ pregnancy or childbirth services or for testing on behalf of the
21 child.

22 (e) This section does not apply in the case of a woman who becomes
23 pregnant through in vitro fertilization or artificial insemination if at the
24 time of the procedure the woman and the donor did not intend for the donor to
25 have parental rights or participate in the upbringing of the child.

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27 /s/Pilkington
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