

1 INTERIM STUDY PROPOSAL 2025-051

2  
3 State of Arkansas  
4 95th General Assembly  
5 Regular Session, 2025

*As Engrossed: H4/14/25*

**A Bill**

HOUSE BILL 1678

6  
7 By: Representatives Long, Bentley, Breaux, A. Brown, M. Brown, C. Cooper, Crawford, McGrew,  
8 Pilkington, Rose, Rye, Torres, Underwood, Womack  
9 By: Senator J. Payton

10 Filed with: House Committee on Judiciary  
11 pursuant to A.C.A. §10-3-217.

12 **For An Act To Be Entitled**

13 AN ACT TO AMEND THE ABORTION-INDUCING DRUGS SAFETY  
14 ACT TO INCREASE THE CRIMINAL PENALTIES AND CLARIFY  
15 THE CIVIL PENALTIES; AND FOR OTHER PURPOSES.

16  
17  
18 **Subtitle**

19 TO AMEND THE ABORTION-INDUCING DRUGS  
20 SAFETY ACT TO INCREASE THE CRIMINAL  
21 PENALTIES AND CLARIFY THE CIVIL  
22 PENALTIES.

23  
24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

25  
26 SECTION 1. Arkansas Code § 20-16-1506(a), concerning the criminal  
27 penalties under the Abortion-Inducing Drugs Safety Act, is amended to read as  
28 follows:

29 (a) A person who intentionally, knowingly, or recklessly violates a  
30 provision of this subchapter is guilty of a ~~Class A misdemeanor~~ Class D  
31 felony.

32  
33 SECTION 2. Arkansas Code § 20-16-1506, concerning criminal penalties  
34 for a violation of the Abortion-Inducing Drugs Safety Act, is amended to add  
35 an additional subsection to read as follows:

36 (c) A licensed healthcare provider, pharmacist, or other individual or

1 entity that prescribes, authorizes, or approves the sale or delivery of  
2 abortion-inducing drugs in violation of this subchapter is guilty of a Class  
3 D felony and shall be fined fifty thousand dollars (\$50,000) per violation.  
4

5 SECTION 3. Arkansas Code § 20-16-1507 is amended to read as follows:  
6 20-16-1507. Civil remedies and professional sanctions.

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

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

11 (2) A professional disciplinary action under § 16-114-201 et  
12 seq.; and

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

15 (b) A woman upon whom a drug-induced abortion has been performed or  
16 attempted in violation of this subchapter or the father of the unborn child  
17 who was the subject of the drug-induced abortion performed or attempted in  
18 violation of this subchapter may bring an action for actual and punitive  
19 damages against the person or entity that purposely, knowingly, or recklessly  
20 violates this subchapter.

21 (c) A cause of action against a person or entity that has purposely,  
22 knowingly, or recklessly violated this subchapter may be maintained by:

23 (A) The woman upon whom a drug-induced abortion was  
24 performed or induced or attempted to be performed or induced;

25 (B) The father of the unborn child who was the subject of  
26 the drug-induced abortion or attempted drug-induced abortion;

27 (C) A person who is the spouse, parent, or guardian of the  
28 woman upon whom a drug-induced abortion has been performed or induced or  
29 attempted to be performed or induced;

30 (D) A prosecuting attorney with appropriate jurisdiction;

31 (E) The Attorney General; or

32 (F) Any resident of this state that receives a shipment of  
33 abortion-inducing drugs for illegal purposes.

34 (d) Damages shall not be awarded to a plaintiff if the pregnancy  
35 resulted from the plaintiff's criminal conduct.

36 (e) A violation of this subchapter is a deceptive and unconscionable

1 trade practice under the Deceptive Trade Practices Act, § 4-88-101 et seq.,  
2 and is subject to the enforcement provisions of the Deceptive Trade Practices  
3 Act, § 4-88-101 et seq.

4 (f) A civil liability may not be assessed against the pregnant woman  
5 upon whom the drug-induced abortion is performed.

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

10 ~~(d)~~(h) If judgment is rendered in favor of the plaintiff, the court  
11 shall also render judgment for a reasonable attorney's fee in favor of the  
12 plaintiff against the defendant.

13 ~~(e)~~(i) *If judgment is rendered in favor of the defendant and the court*  
14 *finds that the plaintiff's suit was frivolous and brought in bad faith, the*  
15 *court shall also render judgment for a reasonable attorney's fee in favor of*  
16 *the defendant against the plaintiff.*

17 ~~(f)~~(j) Upon a finding of the Arkansas State Medical Board that a  
18 physician failed to comply with the requirements of this subchapter, the  
19 board shall revoke the physician's medical license.

20  
21 /s/Long  
22  
23

24 Referred requested by the Arkansas House of Representatives

25 Prepared by: JMB/AMS  
26  
27