

**BLR**      **DIVISION OF ELEMENTARY AND SECONDARY EDUCATION**  
**RULES GOVERNING THE ARKANSAS STUDENT PROTECTION ACT**  
**Effective May 2, 2022**

**1.0 REGULATORY AUTHORITY**

- 1.1** These Rules shall be known as the Division of Elementary and Secondary Education Rules Governing the Arkansas Student Protection Act.
- 1.2** These Rules are enacted pursuant to the Arkansas State Board of Education’s authority under Ark. Code Ann. § 6-18-2201 *et seq.*

**2.0 DEFINITIONS**

- 2.1** “Abortion” means the act of using or prescribing an instrument, medicine, drug, device, or other substance or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will with reasonable likelihood cause the death of the unborn child. “Abortion” does not include an action taken with the intent to:
- 2.1.1** Save the life of the mother;
  - 2.1.2** Save the life or preserve the health of the unborn child;
  - 2.1.3** Remove a dead unborn child caused by spontaneous abortion; or
  - 2.1.4** Remove an ectopic pregnancy.
- 2.2** “Abortion referral” means the act of recommending a pregnant woman to a doctor, clinic, or other person or entity for the purpose of obtaining or learning about obtaining an abortion.
- 2.3** “Affiliate” means an individual or entity that, directly or indirectly, owns, controls, is controlled by, or is under the common control of another person or entity, in whole or in part, or a subsidiary, parent, or sibling entity.
- 2.4** “Division” means the Division of Elementary and Secondary Education.
- 2.04** “Transaction” means a formal or informal agreement, contract, or arrangement of any kind between a public school or open-enrollment public charter school and a private entity, regardless of whether the private entity or the public school or open-enrollment public charter school receives anything of value in return.

### 3.0 PROHIBITED TRANSACTIONS AND ENFORCEMENT

- 3.1 A public school or open-enrollment public charter school shall not knowingly enter into any type of transaction with an individual or entity that:
- 3.01.1 Performs abortions;
  - 3.01.2 Induces abortions; ~~or~~
  - 3.01.3 Provides abortions; or
  - 3.01.4 Offers or provides abortion referrals.
- 3.2 Each public school and open-enrollment public charter school shall promulgate policies for the implementation of these Rules and Ark. Code Ann. § 6-18-2201 *et seq.*
- 3.3 A public school or open-enrollment public charter school that knowingly violates these Rules and Ark. Code Ann. § 6-18-2201 *et seq.* shall, at the direction of the Division or the State Board of Education, appear before the State Board at its next regularly scheduled meeting, for the purpose of determining:
- 3.3.1 Why these Rules and Ark. Code Ann. § 6-18-2201 *et seq.* were violated; and
  - 3.3.2 How to prevent a violation of these Rules and Ark. Code Ann. § 6-18-2201 *et seq.* in the future.

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

SENATE BILL 466

5 By: Senator J. Dotson  
6 By: Representative Barker  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE ARKANSAS STUDENT PROTECTION ACT;  
10 TO INCLUDE OFFERING OR PROVIDING ABORTION REFERRALS  
11 AS A PROHIBITED TRANSACTION BY A PUBLIC SCHOOL OR  
12 OPEN-ENROLLMENT CHARTER SCHOOL; AND FOR OTHER  
13 PURPOSES.  
14

## Subtitle

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16  
17 TO AMEND THE ARKANSAS STUDENT PROTECTION  
18 ACT; AND TO INCLUDE OFFERING OR PROVIDING  
19 ABORTION REFERRALS AS A PROHIBITED  
20 TRANSACTION BY A PUBLIC SCHOOL OR OPEN-  
21 ENROLLMENT CHARTER SCHOOL.  
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23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. Arkansas Code § 6-18-2203 is amended to read as follows:  
27 6-18-2203. Prohibited transactions.

28 A public school or open-enrollment public charter school shall not  
29 knowingly enter into any type of transaction with an individual or entity  
30 that:

- 31 (1) Performs abortions;  
32 (2) Induces abortions; ~~or~~  
33 (3) Provides abortions; or  
34 (4) Offers or provides abortion referrals.

35 APPROVED: 4/11/23  
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