

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995

A Bill

HOUSE BILL 1911

4 By: Representatives J. Smith, Jones, Brown, Schexnayder, Bennett, Stewart,
5 Goodwin, Flanagan, and Harris

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For An Act To Be Entitled

8
9 "AN ACT TO SAFEGUARD THE INTEGRITY OF MEN_S MEDICAL
10 DECISIONS; AND FOR OTHER PURPOSES."

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Subtitle

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13 "TO SAFEGUARD THE INTEGRITY OF MEN_S
14 MEDICAL DECISIONS."

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16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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18 SECTION 1. (a) No vasectomy shall be performed except with the
19 voluntary and informed consent of the man upon whom the vasectomy is to be
20 performed.

21 (b) Consent to a vasectomy is voluntary and informed if and only if:

22 (1) At least twenty-four (24) hours prior to the vasectomy, the
23 physician who is to perform the vasectomy or the referring physician has
24 orally informed the man of:

25 (i) The nature of the proposed procedure;

26 (ii) Risks, including possible long-term side effects and
27 the likelihood that a vasectomy cannot be successfully reversed;

28 (iii) Alternatives to the procedure that a reasonable
29 patient would consider material to the decision of whether or not to undergo
30 the vasectomy; and

31 (iv) Printed materials published by the Arkansas
32 Department of Health that provide more detailed information on alternatives
33 to vasectomy and that list agencies where the alternatives are available to
34 him, possibly free of charge.

35 (2) A copy of the printed materials has been provided to the man

1 if he chooses to view these materials.

2 (3) The man certifies in writing, prior to the vasectomy, that
3 the information required to be provided under this subsection has been
4 provided.

5 (c) A physician who violates the provisions of this section is guilty
6 of unprofessional conduct and his or her license for the practice of medicine
7 and surgery shall be subject to suspension or revocation in accordance with
8 procedures provided under the Arkansas Medical Practices Act, Arkansas Code
9 Annotated § 17-93-401 et seq., or successor acts. A physician who performs a
10 vasectomy without first obtaining the certification required by subsection
11 (b)(3) or with knowledge or reason to know that the informed consent of the
12 man has not been obtained shall for a first offense be guilty of a Class A
13 misdemeanor. No physician shall be guilty of violating this section for
14 failure to furnish the information required by subsection (b) if he or she
15 can demonstrate, by a preponderance of the evidence, that he or she
16 reasonably believed that furnishing the information would have resulted in a
17 severely adverse effect on the physical or mental health of the patient.

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19 SECTION 2. (a) The Arkansas Department of Health shall cause to be
20 published within sixty (60) days after this act becomes law, and shall update
21 on an annual basis, the following easily comprehensible printed materials:

22 (1) Objective information describing the vasectomy procedure,
23 the medical risks commonly associated with such procedure, including possible
24 long-term side effects and the likelihood that a vasectomy cannot be
25 reversed;

26 (2) Information that is designed to inform the man of
27 alternatives to a vasectomy, their application and use;

28 (3) Geographically-indexed information designed to inform the
29 man of public and private agencies where alternatives to a vasectomy are
30 available, including services offered and telephone numbers; and

31 (4) Information that it is unlawful for any physician to perform
32 a vasectomy upon a man without obtaining his informed consent, and that a
33 physician performing a vasectomy without according the patient a private
34 medical consultation may be liable for damages in a civil action at law.

35 (b) The materials shall be printed in a typeface large enough to be

1 clearly legible.

2 (c) The materials required under this section shall be available at no
3 cost from the Department of Health upon request and in appropriate numbers to
4 any person, facility, or hospital.

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6 SECTION 3. All provisions of this act of a general and permanent
7 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
8 Code Revision Commission shall incorporate the same in the Code.

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10 SECTION 4. If any provision of this act or the application thereof to
11 any person or circumstance is held invalid, such invalidity shall not affect
12 other provisions or applications of the act which can be given effect without
13 the invalid provision or application, and to this end the provisions of this
14 act are declared to be severable.

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16 SECTION 5. All laws and parts of laws in conflict with this act are
17 hereby repealed.

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