

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

HOUSE BILL 1730

4
5 By: Representatives Molinaro, Young, Hunton, Wren, and Flanagan

For An Act To Be Entitled

9 "AN ACT TO REQUIRE THE DEPARTMENT OF HUMAN SERVICES TO
10 PROVIDE INFORMATION CONCERNING AN IMPLANT CONTRACEPTIVE
11 SYSTEM AND OTHER CONTRACEPTIVES TO RECIPIENTS OF PUBLIC
12 ASSISTANCE; TO PROVIDE A FINANCIAL INCENTIVE TO A
13 RECIPIENT OF TRANSITIONAL EMPLOYMENT ASSISTANCE (TEA) WHO
14 RECEIVES AN IMPLANT CONTRACEPTIVE SYSTEM; AND FOR OTHER
15 PURPOSES."

Subtitle

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18 "TO REQUIRE DHS TO PROVIDE INFORMATION
19 CONCERNING AN IMPLANT CONTRACEPTIVE
20 SYSTEM AND OTHER CONTRACEPTIVES TO
21 RECIPIENTS OF PUBLIC ASSISTANCE."

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

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25 SECTION 1. (a) The Department of Human Services shall establish a
26 program to make available an implant contraceptive system to each female
27 public assistance recipient who is able to become pregnant.

28 (b)(1) The Department of Human Services shall provide written
29 information concerning the availability through the Medicaid program of an
30 implant contraceptive system to all recipients of assistance under the
31 Transitional Employment Assistance (TEA) program when such persons apply for
32 assistance or are recertified. The Department of Human Services shall provide
33 information concerning the availability of birth control and an implant
34 contraceptive system to all males whose incomes are below the federal poverty
35 level and who are receiving any other state or federal government subsidies
36 including, but not limited to, food stamps, if such males also qualify for

1 Medicaid and are able to impregnate females. Such information shall also be
2 supplied to other women of child-bearing age whose income is below the federal
3 poverty level and are receiving any other state or federal government
4 subsidies, including, but not limited to, food stamps, if such persons also
5 qualify for Medicaid. The information provided shall clearly state that
6 qualified health care providers are available to discuss the availability of
7 birth control and an implant contraceptive system in more detail upon request.

8 (2) Together with the information concerning availability
9 required to be provided under subsection (b)(1), the Department of Human
10 Services shall also provide to each eligible recipient information regarding
11 any known significant or other material risks and any known adverse results
12 involved in having an implant contraceptive system as well as information on
13 the use of alternative methods of contraceptives, including abstinence, and
14 the moral benefits of abstinence until marriage, and the health and other
15 benefits of abstinence.

16 (c) The information required to be provided under this act shall be
17 disseminated in a manner that is reasonably calculated to make the information
18 easily accessible to all recipients of assistance under the Transitional
19 Employment Assistance (TEA) program as well as to other women and men who are
20 able to have children, whose incomes are below the federal poverty level, and
21 who are receiving any other state or federal government subsidies including,
22 but not limited to, food stamps, if such persons also qualify for Medicaid.

23 (d) Each public assistance recipient who has an implant contraceptive
24 system shall be eligible to receive a financial assistance grant in the amount
25 of one hundred dollars (\$100.00) per year during the period that the
26 contraceptive remains implanted and continues to be effective in preventing
27 pregnancy. The program shall provide for examination by health care providers
28 to provide for the health and safety of public assistance recipients who are
29 to have the contraceptive implanted. The Department of Human Services case
30 workers shall assist in referring the recipient to appropriate health care
31 providers.

32 (e) The Department of Human Services shall adopt regulations for the
33 administration of the program, including procedures for examination of and
34 consultation with public assistance recipients by health care providers to
35 assure continued eligibility for assistance grants under this program.

36 (f) The Department of Human Services shall publicize the program

1 established under this act to all public assistance recipients who are
2 eligible to participate in the program.

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4 SECTION 2. Neither the state nor any state official shall be liable to
5 suit or for damages for implementing any provision of this act.

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

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

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

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