

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

HOUSE BILL 1424

4
5 By: Representative Bledsoe

For An Act To Be Entitled

8 "AN ACT TO MODIFY THE DEFINITION OF FETAL VIABILITY;
9 AND FOR OTHER PURPOSES."

Subtitle

11 "AN ACT TO MODIFY THE DEFINITION OF FETAL
12 VIABILITY."
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16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 SECTION 1. Arkansas Code Title 20, Chapter 16, Subchapter 7 is amended
20 by adding the following section to be appropriately numbered by the Arkansas
21 Code Revision Commission:

22 "(a) Except as provided in subsection (c) of this section, no physician
23 shall perform or induce or attempt to perform or induce an abortion upon a
24 pregnant woman after the beginning of her twenty-second (22nd) week of
25 pregnancy unless, prior to the performance or inducement of the abortion or
26 the attempt to perform or induce the abortion, the physician determines, in
27 good faith and in the exercise of reasonable medical judgment, that the unborn
28 human is not viable, and the physician makes that determination after
29 performing a medical examination of the pregnant woman and after performing or
30 causing the performing of tests to determine gestational age, weight, lung
31 maturity, or other tests of the unborn human that a reasonable physician
32 making a determination as to whether an unborn human is or is not viable would
33 perform or cause to be performed.

34 (b) If any provision in subsection (a) of this section is held
35 unconstitutional by an appellate court of competent jurisdiction, then except
36 as provided in subsection (c) of this section, no physician shall perform or

1 induce or attempt to perform or induce an abortion upon a pregnant woman after
2 the beginning of her twenty-fourth (24th) week of pregnancy unless, prior to
3 the performance or inducement of the abortion or the attempt to perform or
4 induce the abortion, the physician determines, in good faith and in the
5 exercise of reasonable medical judgment, that the unborn human is not viable,
6 and the physician makes that determination after performing a medical
7 examination of the pregnant woman and after performing or causing the
8 performing of tests to determine gestational age, weight, lung maturity, or
9 other tests of the unborn human that a reasonable physician making a
10 determination as to whether an unborn human is or is not viable would perform
11 or cause to be performed.

12 (c) Subsection (a) of this section does not prohibit a physician from
13 performing or inducing or attempting to perform or induce an abortion upon a
14 pregnant woman after the beginning of her twenty-second (22nd) week of
15 pregnancy without making the determination described in subsection (a) of this
16 section if a medical emergency exists and subsection (b) of this section does
17 not prohibit a physician from performing or inducing or attempting to perform
18 or induce an abortion upon a pregnant woman after the beginning of her twenty-
19 fourth (24th) week of pregnancy without making the determination described in
20 subsection (b) of this section if a medical emergency exists."

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22 SECTION 2. All provisions of this act of a general and permanent nature
23 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
24 Revision Commission shall incorporate the same in the Code.

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26 SECTION 3. If any provision of this act or the application thereof to
27 any person or circumstance is held invalid, such invalidity shall not affect
28 other provisions or applications of the act which can be given effect without
29 the invalid provision or application, and to this end the provisions of this
30 act are declared to be severable.

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32 SECTION 4. All laws and parts of laws in conflict with this act are
33 hereby repealed.