

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: S1/28/99 S2/2/99 S2/16/99

A Bill

SENATE BILL 251

5 By: Senators Bradford, Hoofman, Mahony, Scott, *Bearden, B. Walker*
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For An Act To Be Entitled

9 "AN ACT TO BAN PARTIAL-BIRTH ABORTIONS; AND FOR OTHER
10 PURPOSES. "

Subtitle

13 "AN ACT TO BAN PARTIAL-BIRTH ABORTIONS. "

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16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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18 SECTION 1. Definitions. As used in this act:

19 (1) "Dilation and evacuation" means the use of forceps to grasp and
20 remove the fetus where the fetus is dismembered and removed in pieces;

21 (2) "Dilation and evacuation with labor induction" means the use of a
22 chemical injected by amniocentesis through the woman's abdominal wall into the
23 gestational sac around the fetus to cause fetal death and labor to begin;

24 (3) "Hysterectomy" means a surgical method whereby the woman's uterus
25 is removed;

26 (4) "Hysterotomy" means a surgical method where the surgeon removes the
27 fetus by opening the abdominal and uterine walls;

28 (5) "Partial-birth abortion" means an intact dilation and extraction
29 which contains all of the following four elements in sequence:

30 (A) Deliberate dilation of the cervix, usually over a sequence of
31 days;

32 (B) Instrumental conversion of the fetus to a footling breech;

33 (C) Breech extraction of the body excepting the head; and

34 (D) Partial evacuation of the intracranial contents of a living
35 fetus to effect vaginal delivery of a dead but otherwise intact fetus; this
36 definition does not include the dilation and evacuation procedure involving

1 dismemberment prior to removal, the suction curettage procedure, dilation and
2 evacuation with labor induction, hysterotomy, hysterectomy, or the suction
3 aspiration procedure for abortion;

4 (6) "Physician" means a doctor of medicine or osteopathy legally
5 authorized to practice medicine and surgery in this state or any other
6 individual legally authorized by this state to perform abortions. However, any
7 individual who is not a physician or not otherwise legally authorized by this
8 state to perform abortions, but who nevertheless directly performs a partial-
9 birth abortion, shall be subject to the provisions of this act;

10 (7) "Suction curettage" means a gradual dilation of the cervix and then
11 the evacuation of the fetus through a cannula attached to a vacuum device
12 inserted through the vagina into the uterus; and

13 (8) "Viable human fetus" shall mean a human fetus that can live outside
14 the uterus.

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16 SECTION 2. Presumption of viability.

17 For the purpose of this act, a fetus shall be presumed not to be viable
18 prior to the end of the twenty-fifth (25th) week of pregnancy.

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20 SECTION 3. Partial-birth abortions prohibited.

21 (a) Whoever knowingly performs a partial-birth abortion on a viable
22 human fetus, knowing the fetus to be viable, and thereby takes the life of a
23 human fetus shall be guilty of a Class D felony.

24 (b) A woman upon whom a partial-birth abortion is performed may not be
25 prosecuted under this section for conspiracy, solicitation, attempt or
26 complicity to violate this section.

27 (c) Exception. This act shall not apply to cases in which the partial-
28 birth abortion was, in the medical judgment of the attending physician,
29 necessary to preserve the life or health of the woman upon whom it was
30 performed.

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32 SECTION 4. All provisions of this act of a general and permanent nature
33 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
34 Revision Commission shall incorporate the same in the Code.

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36 SECTION 5. If any provision of this act or the application thereof to

1 any person or circumstance is held invalid, such invalidity shall not affect
2 other provisions or applications of the act which can be given effect without
3 the invalid provision or application, and to this end the provisions of this
4 act are declared to be severable.

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6 SECTION 6. All laws and parts of laws in conflict with this act are
7 hereby repealed.

8 /s/ Bradford
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