

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: H3/21/01

A Bill

HOUSE BILL 2359

5 By: Representative Magnus
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For An Act To Be Entitled

9 AN ACT TO AMEND ACT 353 OF 2001 TO MAKE TECHNICAL
10 CORRECTIONS; AND FOR OTHER PURPOSES.

Subtitle

13 TO AMEND ACT 353 OF 2001 TO MAKE
14 TECHNICAL CORRECTIONS.

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

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19 SECTION 1. Section 1 of uncodified Act 353 of 2001 is amended by
20 adding an additional subsection to read as follows:

21 (9) "Board" means the Arkansas State Medical Board or the appropriate
22 health care professional licensing board.

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24 SECTION 2. Section 3(b)(2)(A)(ii) of uncodified Act 353 of 2001 is
25 amended to read as follows:

26 (ii) If the information is supplied by telephone, the
27 information may be based both on facts supplied to the physician or his or
28 her agent by the woman and on whatever other relevant information is
29 reasonably available to the physician or his or her agent.

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31 SECTION 3. Section 3(b)(2)(B) of uncodified Act 353 of 2001 is amended
32 to read as follows:

33 (B) The information required by subdivision (b)(1) may not be provided
34 by a tape recording, but shall be provided during a consultation in which the
35 physician or his or her agent is able to ask questions of the woman and the
36 woman is able to ask questions of the physician or his or her agent.

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SECTION 4. Section 3(b)(3)(D)(ii) of uncodified Act 353 of 2001 is amended to read as follows:

(ii) That if the woman chooses to exercise her option to view the materials via the internet, the woman shall be informed prior to and in no event on the same day as the abortion of the specific address of the internet website where the material can be accessed.

SECTION 5. Section 3(b)(4) of uncodified Act 353 of 2001 is amended to read as follows:

(4) The information required by ~~this~~ subdivision (b)(3) may be provided by a tape recording if provision is made to record or otherwise register specifically whether the woman does or does not choose to review the printed materials.

SECTION 6. Section 3(b) of uncodified Act 353 of 2001 is amended by adding an additional subdivision to read as follows:

(7) Before the abortion procedure is performed the physician shall confirm with the patient that she has received information regarding:

(i) The medical risks associated with the particular abortion procedure to be employed;

(ii) The probable gestational age of the unborn child at the time the abortion is to be performed; and

(iii) The medical risks associated with carrying the fetus to term.

SECTION 7. Section 3(b)(3)(E) is repealed.

~~(E) Before the abortion procedure is performed the physician shall confirm with the patient that she has received information regarding:-~~

~~(i) The medical risks associated with the particular abortion procedure to be employed;~~

~~(ii) The probable gestational age of the unborn child at the time the abortion is to be performed; and~~

~~(iii) The medical risks associated with carrying the fetus to term.~~

1 SECTION 8. Section 8 of uncodified Act 353 of 2001 is amended to read
2 as follows:

3 Section 8. (a) In every ~~civil or criminal~~ proceeding or action
4 brought under this act, the court or board shall rule, upon motion or sua
5 sponte, whether the identity of any woman upon whom a termination of
6 pregnancy has been performed or attempted shall be preserved from public
7 disclosure if she does not give her consent to disclosure.

8 (b) If the court or board rules that the woman's anonymity should be
9 preserved, the court or board shall order the parties, witnesses, and counsel
10 to preserve her anonymity and shall direct the sealing of the record and the
11 exclusion of individuals from courtrooms or hearing rooms to the extent
12 necessary to safeguard her identity from public disclosure.

13 (c) Each order to preserve the woman's anonymity shall be accompanied
14 by specific written findings explaining:

15 (1) Why the anonymity of the woman should be preserved from
16 public disclosure;

17 (2) Why the order is essential to that end;

18 (3) How the order is narrowly tailored to serve that interest;
19 and

20 (4) Why no reasonable less restrictive alternative exists.

21 ~~(d) In the absence of written consent of the woman upon whom a~~
22 ~~termination of pregnancy has been performed or attempted, anyone other than a~~
23 ~~public official, who brings an action under subsection (a) of Section 8 shall~~
24 ~~do so under a pseudonym.~~

25 ~~(e)~~(d) This section shall not be construed to conceal the identity of
26 the plaintiff or of witnesses from the defendant.

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28 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the
29 General Assembly that Act 353 of 2001 goes into effect on May 1, 2001; that
30 this act makes technical corrections to that act; and that therefore this act
31 must go into effect at the same time as Act 353 of 2001. Therefore, an
32 emergency is declared to exist and this act being immediately necessary for
33 the preservation of the public peace, health and safety shall become
34 effective on May 1, 2001.

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36 /s/ Magnus