

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 85th General Assembly  
3 Regular Session, 2005  
4

As Engrossed: S4/11/05

# A Bill

HOUSE BILL 2546

5 By: Representatives Pritchard, D. Creekmore, Jackson, Adams, Anderson, Berry, Borhauer, Bright,  
6 Childers, Cooper, Glidewell, R. Green, Harris, J. Hutchinson, T. Hutchinson, Kenney, Key, Lamoureux,  
7 Mack, M. Martin, Matayo, Medley, Pace, Pyle, Ragland, Rosenbaum, Walters  
8 By: Senators Altes, Womack  
9

## For An Act To Be Entitled

12 AN ACT TO BAN PARTIAL-BIRTH ABORTIONS; AND FOR  
13 OTHER PURPOSES.

### Subtitle

16 AN ACT TO BAN PARTIAL-BIRTH ABORTIONS;  
17 AND FOR OTHER PURPOSES.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code Title 5, Chapter 61 is amended to add an  
23 additional subchapter to read as follows:

24 5-61-301. Partial-birth abortion.

25 (a) As used in this section:

26 (1) "Partial-birth abortion" means an abortion procedure that  
27 includes the deliberate and intentional evacuation of all or a part of the  
28 intracranial contents of a viable fetus before removal of the otherwise  
29 intact fetus from the body of a pregnant woman; and

30 (2) "Partial-birth abortion" shall not include the:

31 (A) Suction curettage abortion procedure;

32 (B) Suction aspiration abortion procedure; or

33 (C) Dilation and evacuation abortion procedure involving  
34 dismemberment of the fetus before removal from the body of a pregnant woman  
35 performed during the first two (2) trimesters of a pregnancy.

36 (b) No person shall perform or induce a partial-birth abortion on a



1 viable fetus unless the person is a physician and has a documented referral  
2 from another physician not legally or financially affiliated with the  
3 physician performing or inducing the abortion and both physicians determine:

4 (1) The abortion is necessary to preserve the life of the  
5 pregnant woman; or

6 (2) A continuation of the pregnancy will cause a substantial and  
7 irreversible impairment of a major physical or mental function of the  
8 pregnant woman.

9 (c) The physician may perform a partial-birth abortion without a  
10 documented referral from another physician if:

11 (1) The life of a pregnant woman is in imminent danger;

12 (2) The pregnant woman is a patient in a hospital or a hospital  
13 emergency room; and

14 (3) The physician determines that a partial-birth abortion is  
15 necessary in accordance with subsection (b) of this section.

16 (d)(1) If a physician determines in accordance with the provisions of  
17 subsection (b) of this section that a partial-birth abortion is necessary and  
18 performs a partial-birth abortion on the pregnant woman, the physician shall,  
19 without providing the name of the patient, report the determination in  
20 writing to the Department of Health.

21 (2) The physician shall retain a copy of the written reports  
22 required under this subsection for not less than five (5) years.

23 (e) A pregnant woman upon whom a partial-birth abortion is performed  
24 shall not be prosecuted under this section for a conspiracy to violate this  
25 section.

26 (f)(1) Nothing in this section shall be construed to create a right to  
27 an abortion.

28 (2) Notwithstanding any provision of this section, a person  
29 shall not perform an abortion that is prohibited by law.

30 (g) A person who performs a partial-birth abortion in violation of  
31 this section is guilty of a Class D felony.

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33 */s/ Pritchard*  
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