

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 86th General Assembly  
3 Regular Session, 2007  
4

*As Engrossed: H3/20/07*

# A Bill

HOUSE BILL 2768

5 By: Representative Rosenbaum  
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## For An Act To Be Entitled

9 AN ACT TO INCLUDE WITH THE DEFINITION OF INFORMED  
10 CONSENT FOR ABORTIONS INFORMATION THAT A SPOUSE,  
11 A BOYFRIEND, A PARENT, A FRIEND, OR ANOTHER  
12 PERSON CANNOT FORCE A WOMAN TO HAVE AN ABORTION;  
13 AND FOR OTHER PURPOSES.  
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## Subtitle

16 AN ACT TO INCLUDE WITH THE DEFINITION OF  
17 INFORMED CONSENT FOR ABORTIONS  
18 INFORMATION THAT NO PERSON CAN FORCE A  
19 WOMAN TO HAVE AN ABORTION.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code § 20-16-903(b), concerning information  
26 necessary to constitute informed consent for an abortion, is amended to read  
27 as follows:

28 (b) Except in the case of a medical emergency, consent to an abortion  
29 is voluntary and informed only if:

30 (1) Prior to and in no event on the same day as the abortion,  
31 the woman is told the following, by telephone or in person, by the physician  
32 who is to perform the abortion, by a referring physician, or by an agent of  
33 either physician:

34 (A) The name of the physician who will perform the  
35 abortion;

36 (B) The medical risks associated with the particular



1 abortion procedure to be employed;

2 (C) The probable gestational age of the fetus at the time  
3 the abortion is to be performed; ~~and~~

4 (D) The medical risks associated with carrying the fetus  
5 to term; and

6 (E) That a spouse, boyfriend, parent, friend or other  
7 person can not force her to have an abortion.

8 (2)(A)(i) The information required by subdivision (b)(1) of this  
9 section may be provided by telephone without conducting a physical  
10 examination or tests of the woman.

11 (ii) If the information is supplied by telephone,  
12 the information may be based both on facts supplied to the physician or his  
13 or her agent by the woman and on whatever other relevant information is  
14 reasonably available to the physician or his or her agent.

15 (B) The information required by subdivision (b)(1) of this  
16 section may not be provided by a tape recording but shall be provided during  
17 a consultation in which the physician or his or her agent is able to ask  
18 questions of the woman and the woman is able to ask questions of the  
19 physician.

20 (C) If a physical examination, tests, or other new  
21 information subsequently indicates the need in the medical judgment of the  
22 physician for a revision of the information previously supplied to the woman,  
23 that revised information may be communicated to the woman at any time prior  
24 to the performance of the abortion.

25 (D) Nothing in this section may be construed to preclude  
26 provision of required information through a translator in a language  
27 understood by the woman;

28 (3) Prior to and in no event on the same day as the abortion,  
29 the woman is informed, by telephone or in person, by the physician who is to  
30 perform the abortion, by a referring physician, or by an agent of either  
31 physician:

32 (A) That medical assistance benefits may be available for  
33 prenatal care, childbirth, and neonatal care;

34 (B) That the father is liable to assist in the support of  
35 her child, even in instances in which the father has offered to pay for the  
36 abortion;

1 (C) That she has the option to review the printed or  
2 electronic materials described in § 20-16-904 and that those materials:

- 3 (i) Have been provided by the State of Arkansas; and  
4 (ii) Describe the fetus and list agencies that offer  
5 alternatives to abortion; and

6 (D) That if the woman chooses to exercise her option to  
7 view the materials:

8 (i) In a printed form, the materials shall be mailed  
9 to her by a method chosen by her; or

10 (ii) Via the internet, she shall be informed prior  
11 to and in no event on the same day as the abortion of the specific address of  
12 the website where the materials can be accessed;

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

17 (5) Prior to the termination of the pregnancy, the woman  
18 certifies in writing that the information described in subdivision (b)(1) of  
19 this section and her options described in subdivision (b)(3) of this section  
20 have been furnished to her and that she has been informed of her option to  
21 review the information referred to in subdivision (b)(3)(C) of this section;

22 (6) Prior to the abortion, the physician who is to perform the  
23 procedure or the physician's agent receives a copy of the written  
24 certification prescribed by subdivision (b)(5) of this section; ~~and~~

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

27 (A) The medical risks associated with the particular  
28 abortion procedure to be employed;

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

31 (C) The medical risks associated with carrying the fetus  
32 ~~to term~~; and

33 (D) That a spouse, boyfriend, parent, friend, or other  
34 person can not force her to have an abortion.

35  
36 /s/ Rosenbaum