

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: S3/22/07

# A Bill

SENATE BILL 871

5 By: Senators Trusty, B. Pritchard, *Baker, Glover*  
6 By: Representatives *Lamoureux, M. Martin*  
7

## For An Act To Be Entitled

10 AN ACT TO PREVENT FORCED ABORTIONS; AND FOR OTHER  
11 PURPOSES.

### Subtitle

14 AN ACT TO PREVENT FORCED ABORTIONS.

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

19 *SECTION 1. Arkansas Code Title 20, Chapter 16 is amended to add an*  
20 *additional subchapter to read as follows:*

21 *20-16-1201. Definitions.*

22 *As used in this subchapter, "abortion" means the use or prescription of*  
23 *any instrument, medicine, drug, or any other substance or device*  
24 *intentionally to terminate the pregnancy of a woman known to be pregnant for*  
25 *a purpose other than to increase the probability of a live birth, to preserve*  
26 *the life or health of the child after live birth, or to remove a dead fetus.*

28 *20-16-1202. Sign posting.*

29 *(a) Any private office, free-standing surgical outpatient clinic or*  
30 *other facility, or clinic in which abortions are performed shall*  
31 *conspicuously post in a location defined in subsection (c) of this section so*  
32 *as to be clearly visible to patients a sign reading:*

33 *"Notice: By law, we cannot perform an abortion on*  
34 *you unless we have your freely given and voluntary*  
35 *consent. It is against the law to perform an*  
36 *abortion on you against your will.*



1  
2 You have the right to contact any local or state law  
3 enforcement agency to receive protection from any  
4 actual or threatened physical abuse or violence.”

5 (b) The sign required under subsection (a) of this section shall be  
6 printed with lettering that is legible and shall be at least three-quarter  
7 inch (3/4") boldface type.

8 (c)(1) A facility in which abortions are performed that is a private  
9 office or a free-standing surgical outpatient clinic shall post the sign  
10 required under subsection (a) of this section in each patient waiting room  
11 and patient consultation room used by patients on whom abortions are  
12 performed.

13 (2) A hospital or any other facility in which abortions are  
14 performed that is not a private office or a free-standing surgical outpatient  
15 clinic shall post the sign required under subsection (a) of this section in  
16 each patient admission area used by patients on whom abortions are performed.

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18 20-16-1203. Minors.

19 (a) If the pregnant female is a minor, the attending physician shall  
20 inform the female that no one can force her to have an abortion and that an  
21 abortion cannot be performed on her unless she provides her freely given,  
22 voluntary, and informed consent.

23 (b)(1) The minor female shall certify in writing, before the  
24 performance of the abortion, that she was informed by the attending physician  
25 of the information required under subsection (a) of this section.

26 (2) A copy of the written certification shall be placed in the  
27 minor's file and kept for at least seven (7) years or for two (2) years after  
28 the minor reaches the age of majority, whichever is greater.

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30 20-16-1204. Administrative remedies and penalties.

31 (a) The Division of Health of the Department of Health and Human  
32 Services shall have the authority to:

33 (1) Conduct at any time and from time to time such reasonable  
34 periodic, special, or other examination of any private office, free-standing  
35 surgical outpatient clinic, or other facility or clinic in which abortions  
36 are performed to ensure compliance with this subchapter;

1 (2) Suspend or revoke permits and assess fines under subsection  
2 (b) of this section for failure to comply with this subchapter; and

3 (3) Promulgate rules necessary to enforce this subchapter.

4 (b) Any facility or clinic that fails to post a sign required under §  
5 20-16-1202 in knowing, reckless, or negligent violation of this subchapter  
6 shall be assessed a fine of one thousand dollars (\$1,000).

7 (c) Each day on which an abortion is performed in a facility or clinic  
8 during which the sign required under § 20-16-1202 is not posted during a  
9 portion of business hours when patients or prospective patients are present  
10 is a separate violation of this subchapter.

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12 20-16-1205. Civil remedies.

13 (a) An action may be brought by or on behalf of an individual injured  
14 by the failure to post the sign required by this subchapter.

15 (b) A plaintiff in an action under this section may recover damages  
16 for emotional distress and other damages allowed by law.

17 (c) An action may be brought by or on behalf of an individual injured  
18 by the failure to inform a minor female of the required information.

19 (d) The sanctions and actions provided in this section do not displace  
20 any sanction applicable under other law.

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22 SECTION 2. Section 1 of this act becomes effective on October 1 of the  
23 first October after the effective date of this act.

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25 /s/ Trusty  
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