

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: H3/25/11

A Bill

HOUSE BILL 1872

5 By: Representative Collins-Smith
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAWS OF ARKANSAS CONCERNING
9 ABORTION; AND FOR OTHER PURPOSES.
10

Subtitle

11 AN ACT TO AMEND THE LAWS OF ARKANSAS
12 CONCERNING ABORTION.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 *SECTION 1. Arkansas Code Title 23, Chapter 79 is amended to add an*
20 *additional subchapter to read as follows:*

21 *Subchapter 15 – Federal Abortion-Mandate Opt-Out Act*
22

23 *23-79-1501. Title.*

24 *This subchapter shall be known and may be cited as the “Federal*
25 *Abortion-Mandate Opt-Out Act”.*
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27 *23-79-1502. Legislative findings – Purposes.*

28 *(a) The General Assembly finds that:*

29 *(1) Under the Patient Protection and Affordable Care Act, Pub.*
30 *L. No. 111-148, federal tax dollars, through affordability credits, subsidies*
31 *provided to individuals up to four hundred percent (400%) of the federal*
32 *poverty level, are routed to Exchange-participating health insurance plans,*
33 *including plans that provide coverage for abortions;*

34 *(2) However, section 1303(a) of the Patient Protection and*
35 *Affordable Care Act, Pub. L. No. 111-148, allows a state to “opt-out” of*
36 *permitting health insurance plans that cover abortions to participate in the*



1 Exchanges within that state, and thereby prohibit taxpayer money from
2 subsidizing plans that cover abortions within that state; and

3 (3) Furthermore, Arkansas Constitution Amendment 68 § 1 states
4 that “No public funds will be used to pay for any abortion, except to save
5 the mother’s life” and, as a matter of public policy under Arkansas
6 Constitution Amendment 68 § 2, declares that “The policy of Arkansas is to
7 protect the life of every unborn child from conception to until birth, to the
8 extent permitted by the Federal Constitution.”

9 (b) Based on the findings in subsection (a) of this section, it is the
10 purpose of this subchapter to affirmatively opt out of allowing qualified
11 health plans that cover abortions to participate in Exchanges with the State
12 of Arkansas.

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14 23-79-1503. Opt-out provision.

15 (a) Abortion coverage shall not be provided by a qualified health plan
16 offered through an Exchange created under the Patient Protection and
17 Affordable Care Act, Pub. L. No. 111-148, in the State of Arkansas.

18 (b) The limitation under subsection (a) of this section does not apply
19 to an abortion performed when the life of the mother is endangered by a
20 physical disorder, physical illness, or physical injury, including a life-
21 endangering condition caused by or arising from the pregnancy itself.

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23 23-79-1504. Construction – Application.

24 (a) This subchapter does not create or recognize a right to an
25 abortion.

26 (b) This subchapter is not intended to make lawful an abortion that is
27 currently unlawful.

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29 /s/Collins-Smith
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