

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

As Engrossed: S3/27/13

# A Bill

SENATE BILL 1157

5 By: Senator D. Sanders  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW REGARDING VOLUNTARY AND  
9 INFORMED CONSENT FOR AN ABORTION; AND FOR OTHER  
10 PURPOSES.  
11

## Subtitle

12  
13  
14 TO AMEND THE LAW REGARDING VOLUNTARY AND  
15 INFORMED CONSENT FOR AN ABORTION.  
16

17  
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
19

20 *SECTION 1. Arkansas Code § 20-16-903 is amended to read as follows:*

21 *20-16-903. Informed consent.*

22 *(a) No abortion shall be performed in this state except with the*  
23 *voluntary and informed consent of the woman upon whom the abortion is to be*  
24 *performed.*

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

27 *(1)(A) ~~Before and in no event on the same day as~~ At least*  
28 *twenty-four (24) hours before the abortion , the woman is told the following*  
29 *~~by telephone or orally and~~ in person by the physician who is to perform the*  
30 *abortion, by a referring physician, or by an agent of either physician:*

31 *(i) The name of the physician who will perform the*  
32 *abortion;*

33 *(ii) The medical risks associated with the*  
34 *particular abortion procedure to be employed;*

35 *(iii) The probable gestational age of the fetus at*  
36 *the time the abortion is to be performed;*



1 (iv) The medical risks associated with carrying the  
2 fetus to term; ~~and~~

3 (v) That a spouse, boyfriend, parent, friend, or  
4 other person cannot force her to have an abortion;

5 (vi) A description of the proposed abortion method;

6 (vii) The immediate and long-term medical risks

7 associated with the proposed abortion method, including without limitation  
8 the risks of:

9 (a) Cervical or uterine perforation;

10 (b) Danger of subsequent pregnancies;

11 (c) Hemorrhage;

12 (d) Increased risk of breast cancer; and

13 (e) Infection;

14 (viii) Alternatives to the abortion; and

15 (ix) The probable anatomical and physiological  
16 characteristics of the fetus at the time the abortion is performed.

17 (B) The information required by this subdivision (b)(1):

18 (i) Shall be provided during a consultation in which  
19 the physician or ~~his or her agent~~ a referring physician is able to ask  
20 questions of the woman and the woman is able to ask questions of the  
21 physician; and

22 ~~(ii)(a) May be provided by telephone without~~  
23 ~~conducting a physical examination or tests on the woman.~~

24 ~~(b) If the information is supplied by~~  
25 ~~telephone, the information may be based both on facts supplied to the~~  
26 ~~physician or his or her agent by the woman and on whatever other relevant~~  
27 ~~information is reasonably available to the physician or his or her agent; and~~

28 ~~(iii)(ii) Shall not be provided by a tape recording.~~

29 (C) If a physical examination, tests, or other new  
30 information subsequently indicates the need in the medical judgment of the  
31 physician for a revision of the information previously supplied to the woman,  
32 that revised information may be communicated to the woman at any time before  
33 the performance of the abortion.

34 (D) This section does not preclude the provision of  
35 required information through a translator in a language understood by the  
36 woman;

1           (2)(A) Before and in no event on the same day as the abortion,  
2 the woman is informed by telephone or in person by the physician who is to  
3 perform the abortion, by a referring physician, or by an agent of either  
4 physician:

5                       (i) That medical assistance benefits may be  
6 available for prenatal care, childbirth, and neonatal care;

7                       (ii) That the father is liable to assist in the  
8 support of her child, even in instances in which the father has offered to  
9 pay for the abortion; and

10                      (iii) ~~That she has the option to review the printed~~  
11 ~~or electronic~~ At least twenty-four (24) hours before the abortion, the woman  
12 is given a copy of the printed materials described in § 20-16-904 and that  
13 those materials:

14                               (a) Have been provided by the state; and

15                               (b) Describe the fetus and list agencies that  
16 offer alternatives to abortion; ~~and~~

17                      ~~(iv) That if the woman chooses to exercise her~~  
18 ~~option to view the materials:~~

19                               ~~(a) In a printed form, the materials shall be~~  
20 ~~mailed to her by a method chosen by her; or~~

21                               ~~(b) Via the Internet, she shall be informed~~  
22 ~~before and in no event on the same day as the abortion of the specific~~  
23 ~~address of the website where the materials can be accessed.~~

24                      (B) The information required by this subdivision (b)(2)  
25 may be provided by a tape recording if provision is made to record or  
26 otherwise register specifically whether the woman does or does not choose to  
27 review the printed materials;

28           (3) Before the abortion, the woman certifies in writing that the  
29 information described in subdivision (b)(1) of this section and her options  
30 described in subdivision (b)(2) of this section have been furnished to her  
31 and that she has been informed of her option to review the information  
32 referred to in subdivision (b)(2)(A)(iii) of this section;

33           (4) Before the abortion, the physician who is to perform the  
34 procedure or the physician's agent receives a copy of the written  
35 certification prescribed by subdivision (b)(3) of this section; and

36           (5) Before the abortion, the physician confirms with the patient

1 *that she has received information regarding:*

2 *(A) The medical risks associated with the particular*  
3 *abortion procedure to be employed;*

4 *(B) The probable gestational age of the fetus at the time*  
5 *the abortion is to be performed;*

6 *(C) The medical risks associated with carrying the fetus*  
7 *to term; ~~and~~*

8 *(D) That a spouse, boyfriend, parent, friend, or other*  
9 *person cannot force her to have an abortion; and*

10 *(E) The name of the physician who will perform the*  
11 *abortion.*

12 *(c) The Arkansas State Medical Board shall ~~promulgate regulations~~*  
13 *adopt rules to ensure that physicians who perform abortions, referring*  
14 *physicians, or agents of either physician comply with all the requirements of*  
15 *this section.*

16  
17 */s/D. Sanders*  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36