

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

A Bill

SENATE BILL 818

5 By: Senators Rapert, A. Clark, J. Dismang, Hester, B. King
6 By: Representatives Alexander, Ballinger, Dotson, Fite, Harris, D. Meeks, S. Meeks, Miller, Neal,
7 Womack
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For An Act To Be Entitled

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10 AN ACT TO BAR THE DISBURSEMENT OF FUNDS BY THE STATE
11 TO CERTAIN ENTITIES; AND FOR OTHER PURPOSES.
12
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Subtitle

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15 TO BAR THE DISBURSEMENT OF FUNDS BY THE
16 STATE TO CERTAIN ENTITIES.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. DO NOT CODIFY. Findings.

22 The General Assembly finds that:

23 (1) The State of Arkansas facilitates the disbursement of both
24 state and federal funds to qualifying entities for purposes of conducting
25 certain activities;

26 (2) Public dollars awarded to qualifying entities may facilitate
27 or subsidize directly or indirectly expenses or activities not directly
28 related to those for which the funds were intended, including without
29 limitation shared administrative costs, overhead, employee salaries, rent,
30 utilities, and various other expenses;

31 (3) It is possible that public dollars made available by or
32 through the State of Arkansas may be awarded to an entity that performs
33 abortions or subsidizes or otherwise facilitates the entity's ability to
34 perform abortions although the funds were not disbursed specifically for the
35 purpose of performing abortions;

36 (4) Amendment 68 to the Arkansas Constitution of 1874 says, "No



1 public funds will be used to pay for any abortion, except to save the
2 mother's life";

3 (5) The direct or indirect subsidization or facilitation of
4 abortion with funds distributed by the state constitutes paying for an
5 abortion, and, therefore, conflicts with Amendment 68 to the Arkansas
6 Constitution of 1874;

7 (6) As elected representatives of the people of Arkansas, the
8 members of the General Assembly are entrusted with ensuring that all
9 activities conducted with the aid of public funds are in accordance with the
10 wishes of the people of Arkansas and the intent of the laws of this state;
11 and

12 (7) It is within the purview of the General Assembly to
13 establish criteria as the basis on which public funds are disbursed.

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15 SECTION 2. Arkansas Code Title 20, Chapter 16, is amended to add an
16 additional subchapter to read as follows:

17 Subchapter 13 – Defunding the Abortion Industry and Advancing Women’s
18 Health Act of 2012

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20 20-16-1301. Definitions.

21 As used in this subchapter:

22 (1)(A) "Abortion" means the act of using or prescribing an
23 instrument, medicine, drug, another substance, device, or means with the
24 intent to terminate the clinically diagnosable pregnancy of a woman with
25 knowledge that the termination by those means will with reasonable likelihood
26 cause the death of the unborn child.

27 (B) "Abortion" does not include the act of using or
28 prescribing any instrument, medicine, drug, another substance, device, or
29 means with the intent to terminate the clinically diagnosable pregnancy if
30 done with the intent to:

31 (i) Save the life of the mother;

32 (ii) Save the life or preserve the health of the
33 unborn child;

34 (iii) Remove a dead unborn child caused by
35 spontaneous abortion; or

36 (iv) Remove an ectopic pregnancy;

1 (2) "Abortion referral" means the act of recommending a pregnant
2 woman to a doctor, clinic, or other person or entity for the purpose of
3 obtaining or learning about obtaining an abortion;

4 (3) "Affiliate" means an organization that:

5 (A) Owns or controls or is owned or controlled, in whole
6 or in part, by another organization;

7 (B) Is related by shareholdings or other means of control
8 to another organization; or

9 (C) Is a subsidiary, parent, or sibling corporation of
10 another organization;

11 (3) "Pregnancy" means that female reproductive condition of
12 having an unborn child in the woman's uterus; and

13 (4) "Unborn child" means the offspring of human beings from
14 fertilization until birth.

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16 20-16-1302. Awarding of public funds to entities that perform
17 abortions prohibited.

18 An agency or instrumentality of the state shall not contract with or
19 award public funds to an entity that:

20 (1) Performs abortions or abortion referrals;

21 (2) Contracts with a person or entity that performs abortions or
22 abortion referrals; or

23 (3) Is an affiliate of a person or entity that performs
24 abortions or abortion referrals.

25
26 20-16-1303. Construction – Severability.

27 (a) This subchapter does not affect the funding of a hospital, medical
28 school, or university owned or operated by the state.

29 (b) This subchapter does not create or recognize a right to an
30 abortion.

31 (c) This subchapter does not create or recognize a right to public
32 funds, a contract, or a grant.

33 (d) If a court determines that a provision of this subchapter or the
34 application of this subchapter is invalid, the determination shall not affect
35 the provisions or applications of this subchapter that can be given effect
36 without the invalid provision or application, and to that end the provisions

1 of this subchapter are severable.
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