

1 State of Arkansas As Engrossed: S3/12/13 S3/25/13

2 89th General Assembly

# A Bill

3 Regular Session, 2013

SENATE BILL 818

4

5 *By: Senators G. Stubblefield, A. Clark, J. Dismang, Hester, B. King, Rapert*

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

10 AN ACT TO BAR THE DISBURSEMENT OF FUNDS BY THE STATE

11 TO CERTAIN ENTITIES; AND FOR OTHER PURPOSES.

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### Subtitle

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TO BAR THE DISBURSEMENT OF FUNDS BY THE

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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 elective abortions or subsidizes or otherwise facilitates the entity's  
34 ability to perform elective abortions although the funds were not disbursed  
35 specifically for the purpose of performing elective 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 – Advancing Women's Health Act of 2013*

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19 20-16-1301. Definitions.

20 As used in this subchapter:

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

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

30 (i) Save the life of the mother;

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

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

35 (iv) Remove an ectopic pregnancy;

36 (2) "Abortion referral" means the act of recommending a pregnant

1 woman to a doctor, clinic, or other person or entity for the purpose of  
2 obtaining or learning about obtaining an abortion;

3 (3) "Affiliate" means an individual or entity that has a legal  
4 relationship with another entity, which relation is created or governed by at  
5 least one (1) written instrument that demonstrates:

6 (A) Common ownership, management, or control;

7 (B) A franchise; or

8 (C) The granting or extension of a license or other  
9 agreement that authorizes the affiliate to use other entity's brand name,  
10 trademark, service mark, or other registered identification mark;

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 award a grant to an  
19 entity that:

20 (1) Performs abortions or provides 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.

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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*/s/G. Stubblefield*

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