

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

SENATE BILL 53

5 By: Senators Irvin, Bledsoe, Caldwell, Collins-Smith, J. Cooper, J. Dismang, J. English, Flippo, J.
6 Hendren, Hester, Hickey, J. Hutchinson, B. Johnson, Rapert, Rice, G. Stubblefield, E. Williams
7 By: Representatives J. Mayberry, Hammer, Bentley, Sullivan, Wardlaw, Henderson, Baltz, Cozart,
8 Lowery, D. Meeks, Lundstrum, Sorvillo, Gates, Richmond, House, Womack, Branscum, Boyd, Lemons,
9 Bragg, Drown, Beck, Hickerson, Collins, Payton, Brown, Copeland, Tosh, Wallace, Ladyman, Rushing,
10 Ballinger, C. Douglas, Gonzales, K. Hendren, S. Meeks, Dotson, C. Fite
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For An Act To Be Entitled

12 AN ACT TO REGULATE THE USE OF CERTAIN DRUGS USED TO
13 INDUCE AN ABORTION; TO DEFINE CERTAIN TERMS; TO
14 PROVIDE FOR DISCIPLINARY PROCEEDINGS FOR ABORTIONS
15 PERFORMED IN VIOLATION OF THIS ACT; TO PROVIDE A
16 CIVIL CAUSE OF ACTION FOR VIOLATIONS OF THIS ACT; TO
17 REQUIRE PHYSICIAN REPORTING; AND FOR OTHER PURPOSES.
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Subtitle

21 TO REGULATE THE USE OF CERTAIN DRUGS USED
22 TO INDUCE AN ABORTION; AND TO PROVIDE FOR
23 DISCIPLINARY PROCEEDINGS FOR ABORTIONS
24 PERFORMED IN VIOLATION OF THIS ACT.
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28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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30 SECTION 1. Arkansas Code Title 20, Chapter 16, Subchapter 6, is
31 amended to add an additional section to read as follows:

32 20-16-603. Drug-induced abortions – Procedures – Penalties – Causes of
33 action.

34 (a) As used in this section:

35 (1) "Abortion" means the use or prescription of an instrument,
36 medicine, drug, or another substance or device to terminate the pregnancy of



1 a woman known to be pregnant with an intention other than to increase the
2 probability of a live birth, to preserve the life or health of the child
3 after live birth, or to remove a dead unborn child who died in utero as the
4 result of natural causes, accidental trauma, or a criminal assault on the
5 pregnant woman or her unborn child, and that causes the premature termination
6 of the pregnancy;

7 (2) "Attempt to perform or induce an abortion" means an act or
8 an omission of a statutorily required act that, under the circumstances as
9 the physician believes them to be, constitutes a substantial step toward the
10 performance or induction of an abortion in violation of this section;

11 (3) "Mifepristone" means the specific abortion-inducing drug
12 regimen known as RU-486; and

13 (4) "Physician" means a natural person licensed to practice
14 medicine in the State of Arkansas under the Arkansas Medical Practices Act, §
15 17-95-201 et seq., § 17-95-301 et seq., and § 17-95-401 et seq.

16 (b)(1) When mifepristone or another drug or chemical is used to induce
17 an abortion, the initial administration of the drug or chemical shall occur
18 in the same room and in the physical presence of the physician who
19 prescribed, dispensed, or otherwise provided the drug or chemical to the
20 patient.

21 (2) The physician who induces the abortion, or a person acting
22 on behalf of the physician who induces the abortion, shall make all
23 reasonable efforts to ensure that the patient returns twelve (12) to eighteen
24 (18) days after the administration or use of mifepristone or another drug or
25 chemical for a follow-up visit so that the physician can confirm that the
26 pregnancy has been terminated and can assess the patient's medical condition.

27 (3) A brief description of the efforts made to comply with this
28 section, including the date, time, and identification by name of the person
29 making the efforts, shall be included in the patient's medical record.

30 (c) This section does not affect telemedicine practice that does not
31 involve the use of mifepristone or another drug or chemical to induce an
32 abortion.

33 (d)(1) If the Arkansas State Medical Board finds that a physician
34 licensed by the board has violated the rules of professional conduct by
35 performing an abortion in violation of this subchapter, the board shall
36 revoke the physician's license.

1 (2) A penalty shall not be assessed against the woman upon whom
2 the abortion is performed or attempted to be performed.

3 (e)(1)(A) A woman who receives an abortion, the father of the unborn
4 child who was the subject of the abortion if the father was married to the
5 woman who received the abortion at the time the abortion was performed, or a
6 maternal grandparent of the unborn child may maintain an action against the
7 person who performed the abortion in violation of this section for actual and
8 punitive damages.

9 (B) A woman who attempts to receive an abortion in
10 violation of this section may maintain an action against the person who
11 attempted to perform the abortion for actual and punitive damages.

12 (2)(A) A cause of action for injunctive relief against a person
13 who has knowingly or recklessly violated this section may be brought by the
14 woman who receives or attempts to receive an abortion in violation of this
15 section, by a prosecuting attorney, or by the Attorney General.

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