

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

A Bill

SENATE BILL 569

5 By: Senator G. Stubblefield
6 By: Representative Lundstrum
7

For An Act To Be Entitled

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

Subtitle

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14 TO BAR THE DISBURSEMENT OF FUNDS BY THE
15 STATE TO CERTAIN ENTITIES.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. DO NOT CODIFY. Legislative findings.

21 The General Assembly finds that:

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

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

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

35 (4) Amendment 68 to the Arkansas Constitution of 1874 states,
36 "No public funds will be used to pay for any abortion, except to save the



1 mother's life";

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

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

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

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

16 Subchapter 15 – Advancing Women’s Health Act of 2015

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18 20-16-1501. Definitions.

19 As used in this subchapter:

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

25 (B) An act under subdivision (1)(A) of this section is not
26 an abortion if the act is performed with the intent to:

27 (i) Save the life of the mother;

28 (ii) Save the life or preserve the health of the
29 unborn child;

30 (iii) Remove a dead unborn child caused by
31 spontaneous abortion; or

32 (iv) Remove an ectopic pregnancy;

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

36 (3) "Affiliate" means an individual or entity that, directly or

1 indirectly, owns, controls, is controlled by, or is under the common control
2 of another person or entity, in whole or in part, or a subsidiary, parent, or
3 sibling entity;

4 (4) "Pregnancy" means the female reproductive condition of
5 having an unborn child in the woman's uterus; and

6 (5) "Unborn child" means the offspring of human beings from
7 fertilization until birth.

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9 20-16-1502. Awarding of public funds to entities that perform
10 abortions prohibited.

11 (a) An agency or instrumentality of the state shall not award a grant
12 to pay the direct or indirect costs of performing, inducing, referring, or
13 counseling in favor of abortions, including without limitation:

14 (1) Administrative costs and expenses;

15 (2) Overhead costs;

16 (3) Employee salaries;

17 (4) Rent and mortgage payments; and

18 (5) Telephone and other utility payments.

19 (b) An agency or instrumentality of the state shall not grant,
20 appropriate, or distribute a grant to an individual or entity that:

21 (1) Performs abortions, induces abortions, provides abortion
22 referrals, or counsels in favor of elective abortions; or

23 (2) Is an affiliate of a person or entity that performs
24 abortions, induces abortions, provides abortion referrals, or counsels in
25 favor of elective abortions.

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27 20-16-1503. Construction.

28 (a)(1) This subchapter does not affect the funding of a hospital,
29 medical school, or university.

30 (2) The restrictions under § 20-16-1502 do not apply to funding
31 available through the Arkansas Medicaid Program.

32 (b) This subchapter does not create or recognize:

33 (1) A right to an abortion; or

34 (2) A right to public funds, a contract, or a grant.

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