

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021

# A Bill

HOUSE BILL 1870

4  
5 By: Representative Pilkington  
6 By: Senator B. Davis

## For An Act To Be Entitled

9 AN ACT CONCERNING PREGNANCY AND CHILDBIRTH EXPENSES;  
10 AND FOR OTHER PURPOSES.

## Subtitle

13 CONCERNING PREGNANCY AND CHILDBIRTH  
14 EXPENSES.

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

19  
20 SECTION 1. Arkansas Code § 9-10-110 is amended to read as follows:

21 9-10-110. Judgment for ~~lying-in pregnancy and childbirth~~ expenses –  
22 Commitment on failure to pay ~~– Definition.~~

23 (a) As used in this section, "pregnancy and childbirth expenses" means  
24 an amount equal to the sum of a pregnant woman's health insurance premiums  
25 while pregnant that are not paid by an employer or government program and  
26 medical costs related to the pregnancy incurred after the date of conception  
27 and before the pregnancy ends minus any portion of the health insurance  
28 premiums or medical costs related to pregnancy that a court determines are  
29 equitable based on the totality of the circumstances, not including any  
30 amount paid by the pregnant woman or the biological father of the child.

31 (b)(1) Except as otherwise provided under this section, a putative  
32 father who is found by a court to be the biological father of a child shall  
33 pay fifty percent (50%) of pregnancy and childbirth expenses incurred by the  
34 mother of the child.

35 (2)(A) If it is found by the court that the ~~accused~~ putative  
36 father is the biological father of the child, the court shall render judgment



1 against ~~him~~ the putative father for ~~the lying-in~~ pregnancy and childbirth  
2 expenses in favor of the:

3 (i) ~~mother,~~ Mother of the child in accordance with  
4 subdivisions (b)(1) and (b)(3) of this section; and

5 (ii) ~~person,~~ Person or agency incurring the ~~lying-in~~  
6 pregnancy and childbirth expenses, if claimed.

7 (B) If the mother of the child, person, or agency  
8 incurring the pregnancy and childbirth expenses claims an entitlement to the  
9 payment of pregnancy and childbirth expenses by the biological father under  
10 subdivision (b)(1) of this section and submits documentation of payments,  
11 medical expenses, and insurance premiums to the court, the court, after  
12 reviewing the documents, shall order the biological father to pay the  
13 pregnancy and childbirth expenses as provided under this section.

14 (3) Regardless of when the pregnancy and childbirth expenses are  
15 paid, any portion of the pregnancy and childbirth expenses paid by the mother  
16 of the child or by a putative father who is found to be the biological father  
17 of the child shall:

18 (A) Not reduce the total amount of pregnancy and  
19 childbirth expenses;

20 (B) Reduce the mother's fifty percent (50%) share if the  
21 portion of the pregnancy and childbirth expenses was paid by the mother; and

22 (C) Reduce the putative father's fifty percent (50%) share  
23 if the portion of the pregnancy and childbirth expenses was paid by the  
24 putative father.

25 (4) A biological father of a child shall not be ordered to pay  
26 for pregnancy and childbirth expenses if the mother of the child receives an  
27 abortion without the consent of the biological father of the child unless  
28 the:

29 (A) Abortion is necessary to avert the death of the  
30 mother; or

31 (B) Mother of the child became pregnant as a result of  
32 rape as described in § 5-14-103 or incest as described in § 5-26-202.

33 (5) Subdivision (b)(1) of this section does not apply if  
34 pregnancy and childbirth expenses have previously been apportioned by a court  
35 in a child support, custody, or visitation order concerning the child.

36 (6) This section does not require a biological father to be

1 separately billed for pregnancy and childbirth expenses.

2 ~~(b)~~(c) If the ~~lying-in~~ pregnancy and childbirth expenses are not paid  
3 upon the rendition of the judgment, together with all costs that may be  
4 adjudged against him in the case, then the court shall have the power to  
5 commit the accused person to jail until the ~~lying-in~~ pregnancy and childbirth  
6 expenses are paid, with all costs.

7 ~~(e)-(1)~~(d)(1) Bills and invoices for pregnancy and childbirth expenses  
8 and paternity testing are admissible as evidence in the circuit court or  
9 juvenile division of circuit court without third-party foundation testimony  
10 if such bills or invoices are regular on their face.

11 (2) ~~Such bills or invoices~~ Bills and invoices for pregnancy and  
12 childbirth expenses shall constitute prima facie evidence of amounts incurred  
13 for ~~such~~ pregnancy or childbirth services or for testing on behalf of the  
14 child.