

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

SENATE BILL 581

5 By: Senator C. Penzo  
6

## For An Act To Be Entitled

8 AN ACT TO REQUIRE LICENSURE OF A CLINIC AND HEALTH  
9 CENTER IN WHICH A PREGNANCY OF A WOMEN KNOWN TO BE  
10 PREGNANT IS WILLFULLY TERMINATED OR ABORTED; AND FOR  
11 OTHER PURPOSES.  
12  
13

## Subtitle

14 TO REQUIRE LICENSURE OF A CLINIC AND  
15 HEALTH CENTER IN WHICH A PREGNANCY OF A  
16 WOMEN KNOWN TO BE PREGNANT IS WILLFULLY  
17 TERMINATED OR ABORTED.  
18  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. Arkansas Code § 20-9-302(a)(1), as enacted by Acts 2023,  
24 No. 162, and concerning the licensure of an abortion clinic or health center,  
25 is amended to read as follows:

26 (a)(1)(A) A clinic, health center, or other facility in which a  
27 pregnancy of a woman known to be pregnant is willfully terminated or aborted  
28 in any month, including nonsurgical abortions, shall be licensed by the  
29 Department of Health.

30 (B) A hospital shall not perform an abortion unless the  
31 abortion is to save the life of the pregnant woman in a medical emergency.

32 ~~(B)(C)~~ As used in subdivision ~~(a)(1)(A)~~ (a)(1)(B) of this  
33 section:

34 (i)(a) "Abortion" means the act of using,  
35 prescribing, administering, procuring, or selling of any instrument,  
36 medicine, drug, or any other substance, device, or means with the purpose to



1 terminate the pregnancy of a woman, with knowledge that the termination by  
2 any of those means will with reasonable likelihood cause the death of the  
3 unborn child.

4 (b) An act under subdivision ~~(a)(1)(B)(i)(a)~~  
5 (a)(1)(C)(i)(a) of this section is not an abortion if the act is performed  
6 with the purpose to:

7 (1) Save the life or preserve the health  
8 of the unborn child;

9 (2) Remove a dead unborn child caused by  
10 spontaneous abortion; or

11 (3) Remove an ectopic pregnancy; and

12 (ii) "Medical emergency" means a condition in which  
13 an abortion is necessary to preserve the life of a pregnant woman whose life  
14 is endangered by a physical disorder, physical illness, or physical injury,  
15 including a life-endangering physical condition caused by or arising from the  
16 pregnancy.

17  
18 SECTION 2. DO NOT CODIFY. Contingent effective date.

19 Section 1 of this act shall become effective only upon the  
20 certification that:

21 (1) Arkansas is enjoined from preventing an individual from  
22 purposely performing or attempting to perform an abortion except to save the  
23 life of a pregnant woman in a medical emergency as provided in § 5-61-301 et  
24 seq. and § 5-61-401 et seq.; or

25 (2) Sections 5-61-301 et seq. and § 5-61-401 et seq. have been  
26 repealed in whole or in part to allow an individual to purposely perform or  
27 attempt to perform an abortion except to save the life of a pregnant woman in  
28 a medical emergency.