

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

As Engrossed: H3/5/25

A Bill

HOUSE BILL 1610

5 By: Representatives Lundstrum, Achor, Bentley, A. Brown, K. Brown, M. Brown, R. Burkes, Crawford,
6 Cozart, Gazaway, Gramlich, Hall, L. Johnson, Ladyman, Long, J. Mayberry, Maddox, McClure,
7 McGrew, Milligan, Puryear, Richmond, Rose, Underwood, Rye, Torres, Unger, Wing, Wooten, S. Berry,
8 Barker, C. Cooper, Hawk, McNair, Tosh, Holcomb
9 By: Senators Hickey, Irvin, J. Payton, C. Penzo

For An Act To Be Entitled

12 AN ACT TO AMEND THE ARKANSAS HUMAN LIFE PROTECTION
13 ACT AND THE ARKANSAS UNBORN CHILD PROTECTION ACT; TO
14 MODIFY THE DEFINITION OF "MEDICAL EMERGENCY"; AND FOR
15 OTHER PURPOSES.

Subtitle

18 TO AMEND THE ARKANSAS HUMAN LIFE
19 PROTECTION ACT AND THE ARKANSAS UNBORN
20 CHILD PROTECTION ACT.
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22
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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25 SECTION 1. DO NOT CODIFY. Legislative findings and intent.

26 (a) The General Assembly finds that:

27 (1) Emergency medical situations can present a danger to the
28 life of pregnant women and unborn children if proper care and treatment is
29 not rendered;

30 (2)(A) In a tragic case where pregnancy poses a serious danger
31 to a pregnant woman's life, the General Assembly has prescribed an objective
32 standard, requiring a doctor to exercise "reasonable medical judgment" before
33 ending the pregnancy.

34 (B) The reasonable medical judgment standard is the
35 longstanding norm and applies in all medical contexts;

36 (3)(A) The reasonable medical judgment standard has never been



1 found unworkable or vague in any medical context, including abortion.

2 (B) Under Karlin v. Foust, 188 F.3d 446, 464 (7th Cir.
3 1999), the reasonable medical judgement standard “is the same standard by
4 which all ... medical decisions are judged under traditional theories of tort
5 law”; and

6 (4) The addition of guidance and clarifications in state law
7 ensures that physicians and medical facilities will continue to administer
8 appropriate emergency medical treatment to save the lives of pregnant women
9 in medical emergencies.

10 (b) It is the intent of the General Assembly to provide guidance and
11 clarification regarding abortion laws and appropriate emergency medical
12 procedures to save the lives of pregnant women.

14 SECTION 2. Arkansas Code § 5-61-303 is amended to read as follows:

15 5-61-303. Definitions.

16 As used in this subchapter:

17 (1)(A) “Abortion” means the act of using, prescribing,
18 administering, procuring, or selling of any instrument, medicine, drug, or
19 any other substance, device, or means with the purpose to terminate the
20 pregnancy of a woman, with knowledge that the termination by any of those
21 means will with reasonable likelihood cause the death of the unborn child.

22 (B) An act under subdivision (1)(A) of this section is not
23 an abortion if the act is performed with the purpose to:

24 (i) Save the life or preserve the health of the
25 unborn child;

26 (ii) Remove a dead unborn child caused by
27 spontaneous abortion; or

28 (iii) Remove an ectopic pregnancy;

29 (2) “Fertilization” means the fusion of a human spermatozoon
30 with a human ovum;

31 (3)(A) “Medical emergency” means a condition in which, in
32 reasonable medical judgment, complicates the medical condition of a pregnant
33 woman to such an extent that termination of a pregnancy ~~an abortion~~ is
34 necessary to preserve the life of a pregnant woman whose life is endangered
35 by a physical disorder, physical illness, or physical injury, including a
36 life-endangering physical condition caused by or arising from the pregnancy

1 itself. ~~and~~

2 (B) "Medical emergency" does not include:

3 (i) Conditions for which treatment is available that
 4 can, in reasonable medical judgement, be expected to preserve or sustain the
 5 life of the pregnant woman without ending the pregnancy;

6 (ii) A psychological or emotional condition; or

7 (iii) A medical diagnosis that is based on a claim
 8 made by the pregnant woman or based on a presumption that the pregnant woman
 9 will engage in conduct that could result in her death or that could cause
 10 substantial and irreversible physical impairment of a major bodily function
 11 of the pregnant woman;

12 (4) "Reasonable medical judgment" means a medical judgment that
 13 would be made or medical action that would be undertaken by a reasonably
 14 prudent, qualified physician, knowledgeable about the case and the treatment
 15 possibilities with respect to the medical conditions involved; and

16 ~~(4)~~(5) "Unborn child" means an individual organism of the
 17 species Homo sapiens from fertilization until live birth.

18
 19 SECTION 3. Arkansas Code § 5-61-304(d), concerning the prohibition
 20 within the Arkansas Human Life Protection Act, is amended to read as follows:

21 (d) It is ~~an affirmative defense to prosecution~~ not a violation under
 22 this section if a licensed physician provides medical treatment to a pregnant
 23 woman which results in the accidental or unintentional injury or death to the
 24 unborn child.

25
 26 SECTION 4. Arkansas Code § 5-61-403 is amended to read as follows:

27 5-61-403. Definitions.

28 As used in this subchapter:

29 (1)(A) "Abortion" means the act of using, prescribing,
 30 administering, procuring, or selling of any instrument, medicine, drug, or
 31 any other substance, device, or means with the purpose to terminate the
 32 pregnancy of a woman, with knowledge that the termination by any of those
 33 means will with reasonable likelihood cause the death of the unborn child.

34 (B) An act under subdivision (1)(A) of this section is not
 35 an abortion if the act is performed with the purpose to:

36 (i) Save the life or preserve the health of the

1 unborn child;

2 (ii) Remove a dead unborn child caused by
3 spontaneous abortion; or

4 (iii) Remove an ectopic pregnancy;

5 (2) "Fertilization" means the fusion of a human spermatozoon
6 with a human ovum;

7 (3)(A) "Medical emergency" means a condition in which, in
8 reasonable medical judgment, complicates the medical condition of a pregnant
9 woman to such an extent that termination of a pregnancy ~~an abortion~~ is
10 necessary to preserve the life of a pregnant woman whose life is endangered
11 by a physical disorder, physical illness, or physical injury, including a
12 life-endangering physical condition caused by or arising from the pregnancy
13 itself. ~~and~~

14 (B) "Medical emergency" does not include:

15 (i) Conditions for which treatment is available that
16 can, in reasonable medical judgement, be expected to preserve or sustain the
17 life of the pregnant woman without ending the pregnancy;

18 (ii) A psychological or emotional condition; or

19 (iii) A medical diagnosis that is based on a claim
20 made by the pregnant woman or based on a presumption that the pregnant woman
21 will engage in conduct that could result in her death or that could cause
22 substantial and irreversible physical impairment of a major bodily function
23 of the pregnant woman;

24 (4) "Reasonable medical judgment" means a medical judgment that
25 would be made or medical action that would be undertaken by a reasonably
26 prudent, qualified physician, knowledgeable about the case and the treatment
27 possibilities with respect to the medical conditions involved; and

28 ~~(4)(5)~~ (5) "Unborn child" means an individual organism of the
29 species Homo sapiens from fertilization until live birth.

30

31 SECTION 5. Arkansas Code § 5-61-404(d), concerning the prohibition
32 within the Arkansas Unborn Child Protection Act, is amended to read as
33 follows:

34 (d) It is ~~an affirmative defense to prosecution~~ not a violation under
35 this section if a licensed physician provides medical treatment to a pregnant
36 woman which results in the accidental or unintentional physical injury or

1 death to the unborn child.

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/s/Lundstrum

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