

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1605 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H3/20/07

A Bill

HOUSE BILL 2768

5 By: Representative Rosenbaum
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For An Act To Be Entitled

9 AN ACT TO INCLUDE WITH THE DEFINITION OF INFORMED
10 CONSENT FOR ABORTIONS INFORMATION THAT A SPOUSE,
11 A BOYFRIEND, A PARENT, A FRIEND, OR ANOTHER
12 PERSON CANNOT FORCE A WOMAN TO HAVE AN ABORTION;
13 AND FOR OTHER PURPOSES.
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Subtitle

16 AN ACT TO INCLUDE WITH THE DEFINITION OF
17 INFORMED CONSENT FOR ABORTIONS
18 INFORMATION THAT NO PERSON CAN FORCE A
19 WOMAN TO HAVE AN ABORTION.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 20-16-903(b), concerning information
26 necessary to constitute informed consent for an abortion, is amended to read
27 as follows:

28 (b) Except in the case of a medical emergency, consent to an abortion
29 is voluntary and informed only if:

30 (1) Prior to and in no event on the same day as the abortion,
31 the woman is told the following, by telephone or in person, by the physician
32 who is to perform the abortion, by a referring physician, or by an agent of
33 either physician:

34 (A) The name of the physician who will perform the
35 abortion;



1 (B) The medical risks associated with the particular
2 abortion procedure to be employed;

3 (C) The probable gestational age of the fetus at the time
4 the abortion is to be performed; ~~and~~

5 (D) The medical risks associated with carrying the fetus
6 to term; and

7 (E) That a spouse, boyfriend, parent, friend or other
8 person can not force her to have an abortion.

9 (2)(A)(i) The information required by subdivision (b)(1) of this
10 section may be provided by telephone without conducting a physical
11 examination or tests of the woman.

12 (ii) If the information is supplied by telephone,
13 the information may be based both on facts supplied to the physician or his
14 or her agent by the woman and on whatever other relevant information is
15 reasonably available to the physician or his or her agent.

16 (B) The information required by subdivision (b)(1) of this
17 section may not be provided by a tape recording but shall be provided during
18 a consultation in which the physician or his or her agent is able to ask
19 questions of the woman and the woman is able to ask questions of the
20 physician.

21 (C) If a physical examination, tests, or other new
22 information subsequently indicates the need in the medical judgment of the
23 physician for a revision of the information previously supplied to the woman,
24 that revised information may be communicated to the woman at any time prior
25 to the performance of the abortion.

26 (D) Nothing in this section may be construed to preclude
27 provision of required information through a translator in a language
28 understood by the woman;

29 (3) Prior to and in no event on the same day as the abortion,
30 the woman is informed, by telephone or in person, by the physician who is to
31 perform the abortion, by a referring physician, or by an agent of either
32 physician:

33 (A) That medical assistance benefits may be available for
34 prenatal care, childbirth, and neonatal care;

35 (B) That the father is liable to assist in the support of
36 her child, even in instances in which the father has offered to pay for the

1 abortion;

2 (C) That she has the option to review the printed or
3 electronic materials described in § 20-16-904 and that those materials:

4 (i) Have been provided by the State of Arkansas; and

5 (ii) Describe the fetus and list agencies that offer
6 alternatives to abortion; and

7 (D) That if the woman chooses to exercise her option to
8 view the materials:

9 (i) In a printed form, the materials shall be mailed
10 to her by a method chosen by her; or

11 (ii) Via the internet, she shall be informed prior
12 to and in no event on the same day as the abortion of the specific address of
13 the website where the materials can be accessed;

14 (4) The information required by subdivision (b)(3) of this
15 section may be provided by a tape recording if provision is made to record or
16 otherwise register specifically whether the woman does or does not choose to
17 review the printed materials;

18 (5) Prior to the termination of the pregnancy, the woman
19 certifies in writing that the information described in subdivision (b)(1) of
20 this section and her options described in subdivision (b)(3) of this section
21 have been furnished to her and that she has been informed of her option to
22 review the information referred to in subdivision (b)(3)(C) of this section;

23 (6) Prior to the abortion, the physician who is to perform the
24 procedure or the physician's agent receives a copy of the written
25 certification prescribed by subdivision (b)(5) of this section; ~~and~~

26 (7) Before the abortion procedure is performed, the physician
27 shall confirm with the patient that she has received information regarding:

28 (A) The medical risks associated with the particular
29 abortion procedure to be employed;

30 (B) The probable gestational age of the unborn child at
31 the time the abortion is to be performed; and

32 (C) The medical risks associated with carrying the fetus
33 to term; and

34 (D) That a spouse, boyfriend, parent, friend, or other
35 person can not force her to have an abortion.

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/s/ Rosenba

APPROVED: 4/9/2007m