

1 INTERIM STUDY PROPOSAL 2025-047

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

As Engrossed: H4/14/25

A Bill

HOUSE BILL 1678

6
7 By: Representatives Long, Bentley, Breaux, A. Brown, M. Brown, C. Cooper, Crawford, McGrew,
8 Pilkington, Rose, Rye, Torres, Underwood, Womack
9 By: Senator J. Payton

10 Filed with: House Committee on Judiciary
11 pursuant to A.C.A. §10-3-217.

12 **For An Act To Be Entitled**

13 AN ACT TO AMEND THE ABORTION-INDUCING DRUGS SAFETY
14 ACT TO INCREASE THE CRIMINAL PENALTIES AND CLARIFY
15 THE CIVIL PENALTIES; AND FOR OTHER PURPOSES.

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18 **Subtitle**

19 TO AMEND THE ABORTION-INDUCING DRUGS
20 SAFETY ACT TO INCREASE THE CRIMINAL
21 PENALTIES AND CLARIFY THE CIVIL
22 PENALTIES.

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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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26 SECTION 1. Arkansas Code § 20-16-1506(a), concerning the criminal penalties under the
27 Abortion-Inducing Drugs Safety Act, is amended to read as follows:

28 (a) A person who intentionally, knowingly, or recklessly violates a provision of this
29 subchapter is guilty of a ~~Class A misdemeanor~~ Class D felony.

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31 SECTION 2. Arkansas Code § 20-16-1506, concerning criminal penalties
32 for a violation of the Abortion-Inducing Drugs Safety Act, is amended to add
33 an additional subsection to read as follows:

34 (c) A licensed healthcare provider, pharmacist, or other individual or
35 entity that prescribes, authorizes, or approves the sale or delivery of
36 abortion-inducing drugs in violation of this subchapter is guilty of a Class

D felony and shall be fined fifty thousand dollars (\$50,000) per violation.

SECTION 3. Arkansas Code § 20-16-1507 is amended to read as follows:

20-16-1507. Civil remedies and professional sanctions.

(a) In addition to whatever remedies are available under the common or statutory law of this state, failure to comply with the requirements of this subchapter shall provide a basis for:

(1) A civil malpractice action for actual and punitive damages;

(2) A professional disciplinary action under § 16-114-201 et seq.; and

(3) Recovery for the woman's survivors for the wrongful death of the woman under § 16-62-102.

(b) A woman upon whom a drug-induced abortion has been performed or attempted in violation of this subchapter or the father of the unborn child who was the subject of the drug-induced abortion performed or attempted in violation of this subchapter may bring an action for actual and punitive damages against the person or entity that purposely, knowingly, or recklessly violates this subchapter.

(c) A cause of action against a person or entity that has purposely, knowingly, or recklessly violated this subchapter may be maintained by:

(A) The woman upon whom a drug-induced abortion was performed or induced or attempted to be performed or induced;

(B) The father of the unborn child who was the subject of the drug-induced abortion or attempted drug-induced abortion;

(C) A person who is the spouse, parent, or guardian of the woman upon whom a drug-induced abortion has been performed or induced or attempted to be performed or induced;

(D) A prosecuting attorney with appropriate jurisdiction; (E) *The Attorney General; or*

(F) *Any resident of this state that receives a shipment of abortion-inducing drugs for illegal purposes.*

(d) *Damages shall not be awarded to a plaintiff if the pregnancy resulted from the plaintiff's criminal conduct.*

(e) *A violation of this subchapter is a deceptive and unconscionable trade practice under the Deceptive Trade Practices Act, § 4-88-101 et seq., and is subject to the enforcement provisions of the Deceptive Trade Practices Act, § 4-88-101 et seq.*

(f) A civil liability may not be assessed against the pregnant woman upon whom the drug-induced abortion is performed.

~~(e)~~(g) When requested, the court shall allow a woman to proceed using solely her initials or

1 a pseudonym and may close any proceedings in the case and enter other protective orders to
2 preserve the privacy of the woman upon whom the drug-induced abortion was performed.

3 ~~(d)~~(h) If judgment is rendered in favor of the plaintiff, the court shall also render judgment
4 for a reasonable attorney's fee in favor of the plaintiff against the defendant.

5 ~~(e)~~(i) *If judgment is rendered in favor of the defendant and the court finds that the plaintiff's*
6 *suit was frivolous and brought in bad faith, the court shall also render judgment for a reasonable*
7 *attorney's fee in favor of the defendant against the plaintiff.*

8 ~~(f)~~(j) Upon a finding of the Arkansas State Medical Board that a physician failed to comply
9 with the requirements of this subchapter, the board shall revoke the physician's medical license.

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11 /s/Long
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14 Referred requested by the Arkansas House of Representatives

15 Prepared by: JMB/AMS
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