

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.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003  
4

*As Engrossed: S3/20/03*

# A Bill

SENATE BILL 757

5 By: Senator Steele  
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## For An Act To Be Entitled

9 AN ACT TO REQUIRE WRITTEN INFORMED CONSENT BEFORE  
10 GASTRIC BYPASS SURGERY; AND FOR OTHER PURPOSES.  
11

### Subtitle

12 AN ACT TO REQUIRE WRITTEN INFORMED  
13 CONSENT BEFORE GASTRIC BYPASS SURGERY.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 SECTION 1. Arkansas Code Title 17, Chapter 95, Subchapter 2 is amended  
20 to add an additional section to read as follows:

21 17-95-108.

22 No gastric bypass surgery shall be performed unless the physician who  
23 will perform the surgery has informed the patient in writing of all known  
24 side effects of the surgery and all the known future side effects of the  
25 surgery, including but not limited to:

26 (1)(A) Surgical risks of:

27 (i) Death;

28 (ii) Perforation of the stomach, of the intestines, or  
29 leakages causing abscess;

30 (iii) Internal bleeding requiring transfusion;

31 (iv) Severe wound infection, opening of the wound, or  
32 incisional hernia;

33 (v) Spleen injury requiring removal, and other organ  
34 injuries; and

35 (vi) Gastric outlet or bowel obstruction;

36 (B) Pulmonary risks of:



- 1                    (i) Pneumonia, collapse of lung tissue, fluid in the
- 2 chest;
- 3                    (ii) Respiratory insufficiency or pulmonary edema, fluid
- 4 in the lungs; and
- 5                    (iii) Blood clots, embolism , in the legs, lungs, or both;
- 6                    (C) Cardiovascular risks of:
- 7                    (i) Heart attack, congestive heart failure;
- 8                    (ii) Irregular heart beat; and
- 9                    (iii) Stroke;
- 10                   (D) Osteoporosis and metabolic bone disease requiring
- 11 replacement of hips, knees, and other joints;
- 12                   (E) Kidney and liver risks of:
- 13                   (i) Renal disease, acute kidney failure; and
- 14                   (ii) Liver failure, hepatitis that may progress to
- 15 cirrhosis;
- 16                   (F) Psychosocial risks of:
- 17                   (i) Anorexia nervosa or bulimia;
- 18                   (ii) Post operative depression and dysfunctional social
- 19 problems; and
- 20                   (iii) Psychosis;
- 21                   (G) Other Complications that may pose serious risks:
- 22                   (i) Minor or severe wound or skin infections, scarring,
- 23 deformity, and loose skin;
- 24                   (ii) Urinary tract infection;
- 25                   (iii) Allergic reactions to drugs and medications;
- 26                   (iv) Vomiting or nausea coupled with an inability to eat
- 27 certain foods;
- 28                   (v) Inflammation of the esophagus, acid reflux;
- 29                   (vi) Low sodium, low potassium, low blood sugar, and low
- 30 blood pressure;
- 31                   (vii) Problems with outlet of the stomach, through
- 32 narrowing or stitching;
- 33                   (viii) Anemia-metabolic deficiency, especially iron,
- 34 vitamins, and minerals;
- 35                   (ix) Hair loss, tooth loss, and eyesight failure;
- 36                   (x) Constipation, diarrhea, bloating, cramping, and

1 malodorous stool or flatus;

2 (xi) Development of gallstones or gallbladder disease;

3 (xii) Stomach or outlet ulcers, peptic ulcer;

4 (xiii) Staple-line disruption;

5 (xiv) Penetration of foreign material inside the stomach;

6 and

7 (xv) Intolerance to refined sugars, known as dumping  
8 syndrome, coupled with nausea, sweating, and weakness;

9 (2) Statements to women of childbearing age that:

10 (A) Women of childbearing age should avoid pregnancy until  
11 weight has stabilized;

12 (B) Rapid weight loss and nutritional deficiencies can harm a  
13 developing fetus;

14 (C) Malnutrition during pregnancy can cause miscarriages or  
15 premature birth; and

16 (C) Children born to mothers suffering from malnutrition are  
17 also born with the same malnutrition, possibly resulting in low birth weight  
18 and slow development; and

19 (3) Explanations of:

20 (A) Neuropathy, including, but not limited to:

21 (i) The number of cases of post gastric bypass neuropathy;

22 (ii) The percentage of gastric bypass patients suffering  
23 from neuropathy; and

24 (ii) The crippling effects of neuropathy on feet, legs,  
25 and hands;

26 (B) The need for a commitment to life long medical follow up due  
27 to malabsorption in the blood of crucial vitamins and minerals;

28 (C) The need for ten percent (10%) to twenty percent (20%) of  
29 all patients who have weight loss operations to undergo follow up operations  
30 to correct complications; and

31 (D) The fact that:

32 (i) Thirty-four percent (34%) of obese persons who have  
33 gastric bypass surgery develop gallstones; and

34 (ii) Nearly thirty percent (30%) of patients who have  
35 weight loss surgery develop nutritional deficiencies causing numerous and  
36 various blood related problems.

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*/s/ Steele*