

Stricken language would be deleted from and underlined language would be added to the Arkansas Constitution.

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

HJR 1008

4
5 By: Representative D. Ferguson
6 By: Senator C. Tucker

HOUSE JOINT RESOLUTION

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8
9 AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO CREATE
10 THE PROTECT ARKANSAS HEALTHCARE AMENDMENT; TO AMEND
11 THE ARKANSAS CONSTITUTION CONCERNING REPRODUCTIVE
12 FREEDOM; AND TO REPEAL ARKANSAS CONSTITUTION,
13 AMENDMENT 68, § 2.
14
15

Subtitle

16
17 AN AMENDMENT TO THE ARKANSAS CONSTITUTION
18 TO CREATE THE PROTECT ARKANSAS HEALTHCARE
19 AMENDMENT.
20
21

22 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL
23 ASSEMBLY OF THE STATE OF ARKANSAS, AND BY THE SENATE, A MAJORITY OF ALL
24 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:
25

26 THAT the following is proposed as an amendment to the Constitution of
27 the State of Arkansas, and upon being submitted to the electors of the state
28 for approval or rejection at the next general election for Representatives
29 and Senators, if a majority of the electors voting thereon at the election
30 adopt the amendment, the amendment shall become a part of the Constitution of
31 the State of Arkansas, to wit:
32

33 SECTION 1. The Arkansas Constitution is amended to add an additional
34 amendment to read as follows:

35 § 1. Protect Arkansas Healthcare Amendment.

36 (a) This section shall be known and may be cited as the "Protect



1 Arkansas Healthcare Amendment."

2 (b) It is the policy of the State of Arkansas that every individual
3 has a fundamental right to reproductive freedom, which entails the right to
4 make and effectuate decisions about all matters relating to pregnancy,
5 including without limitation:

6 (1) Prenatal care;

7 (2) Childbirth;

8 (3) Postpartum care;

9 (4) Contraception;

10 (5) Sterilization;

11 (6) Abortion care;

12 (7) Miscarriage management; and

13 (8) Infertility care.

14 (c) An individual's right to reproductive freedom shall not be denied,
15 burdened, or infringed upon unless justified by a compelling state interest
16 achieved by the least restrictive means.

17 (d) Notwithstanding subsection (c) of this section, the state may
18 regulate the provision of abortion care after fetal viability, provided that
19 in no circumstance shall the state prohibit an abortion that, in the
20 professional judgment of an attending health care professional, is medically
21 indicated to protect the life or physical or mental health of the pregnant
22 individual.

23 (e) The state shall not discriminate in the protection or enforcement
24 of the fundamental right to reproductive freedom established in this section.

25 (f) The state shall not penalize, prosecute, or otherwise take adverse
26 action against an individual:

27 (1) Based on their actual, potential, perceived, or alleged
28 pregnancy outcomes, including without limitation:

29 (A) Miscarriage;

30 (B) Stillbirth; or

31 (C) Abortion; or

32 (2) For aiding or assisting a pregnant individual in
33 exercising their right to reproductive freedom with their voluntary consent.

34 (g) For the purposes of this section:

35 (1) A state interest is "compelling" only if it is for the
36 limited purpose of protecting the health of an individual seeking care,

1 consistent with accepted clinical standards of practice and
2 evidence-based medicine, and does not infringe on that individual's
3 autonomous decision-making; and

4 (2) "Fetal viability" means the point in pregnancy when, in the
5 professional judgment of an attending health care professional and based on
6 the particular facts of the case, there is a significant likelihood of the
7 fetus's sustained survival outside the uterus without the application of
8 extraordinary medical measures.

9 (h)(1) This section shall be self-executing.

10 (2) If any provision or section of this amendment or its
11 application to any person or circumstance is held invalid, the invalidity
12 shall not affect any other provisions or application of the amendment that
13 can be given effect without the invalid provisions or applications, and to
14 this end the provisions of this amendment are declared to be severable.

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16 SECTION 2. Arkansas Constitution, Amendment 68, § 2, is repealed.

17 ~~§ 2. Public policy.~~

18 ~~The policy of Arkansas is to protect the life of every unborn child~~
19 ~~from conception until birth, to the extent permitted by the Federal~~
20 ~~Constitution.~~

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22 SECTION 3. EFFECTIVE DATE. This amendment is effective on and after
23 January 1, 2025.

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25 SECTION 4. BALLOT TITLE AND POPULAR NAME. When this proposed
26 amendment is submitted to the electors of this state on the general election
27 ballot:

28 (1) The title of this Joint Resolution shall be the ballot
29 title; and

30 (2) The popular name shall be "A Constitutional Amendment to
31 Create the "Protect Arkansas Healthcare Amendment"; to Amend the Arkansas
32 Constitution Concerning Reproductive Freedom; and to Repeal Arkansas
33 Constitution, Amendment 68, § 2."