

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

SENATE BILL 138

5 By: Senator Irvin
6 By: Representative Burkes
7

For An Act To Be Entitled

9 AN ACT TO REPEAL THE LICENSING REQUIREMENT OF CLINICS
10 AND HEALTH CENTERS IN WHICH A PREGNANCY OF A WOMAN
11 KNOWN TO BE PREGNANT IS WILLFULLY TERMINATED OR
12 ABORTED; AND FOR OTHER PURPOSES.
13

Subtitle

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15 TO REPEAL THE LICENSING REQUIREMENT OF
16 CLINICS AND HEALTH CENTERS IN WHICH A
17 PREGNANCY OF A WOMAN KNOWN TO BE PREGNANT
18 IS WILLFULLY TERMINATED OR ABORTED.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 20-9-302(a)(1), concerning the licensure of
25 an abortion clinic or health center, is amended to read as follows:

26 (a)(1)(A) ~~A clinic, health center, or other facility in which a~~
27 ~~pregnancy of a woman known to be pregnant is willfully terminated or aborted~~
28 ~~in any month, including nonsurgical abortions, shall be licensed by the~~
29 ~~Department of Health.~~

30 ~~(B)~~ A hospital shall not perform an abortion unless the
31 abortion is to save the life of the pregnant woman in a medical emergency.

32 ~~(C)~~(B) As used in subdivision ~~(a)(1)(B)~~ (a)(1)(A) of this
33 section:

34 (i)(a) "Abortion" means the act of using,
35 prescribing, administering, procuring, or selling of any instrument,
36 medicine, drug, or any other substance, device, or means with the purpose to



1 terminate the pregnancy of a woman, with knowledge that the termination by
2 any of those means will with reasonable likelihood cause the death of the
3 unborn child.

4 (b) An act under subdivision ~~(a)(1)(C)(i)(a)~~
5 (a)(1)(B)(i)(a) of this section is not an abortion if the act is performed
6 with the purpose to:

7 (1) Save the life or preserve the health of
8 the unborn child;

9 (2) Remove a dead unborn child caused by
10 spontaneous abortion; or

11 (3) Remove an ectopic pregnancy; and

12 (ii) "Medical emergency" means a condition in which
13 an abortion is necessary to preserve the life of a pregnant woman whose life
14 is endangered by a physical disorder, physical illness, or physical injury,
15 including a life-endangering physical condition caused by or arising from the
16 pregnancy.

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18 SECTION 2. Arkansas Code § 19-6-301(132), concerning the enumeration
19 of special revenues, is repealed.

20 ~~(132) Abortion clinic license fees, § 20-9-302;~~