

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H3/25/19

A Bill

HOUSE BILL 1856

5 By: Representative Dotson
6 By: Senator B. Ballinger
7

For An Act To Be Entitled

9 AN ACT TO PROHIBIT STATE AGENCIES FROM CONSENTING TO
10 OR APPROVING THE TERMINATION OF PREGNANCY FOR AN
11 INDIVIDUAL IN THE CUSTODY OR GUARDIANSHIP OF THE
12 STATE AND FROM EXPENDING STATE FUNDS FOR THE PURPOSE
13 OF TERMINATING A PREGNANCY; AND FOR OTHER PURPOSES.
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Subtitle

16 TO PROHIBIT STATE AGENCIES FROM
17 CONSENTING OR APPROVING THE TERMINATION
18 OF PREGNANCY FOR AN INDIVIDUAL IN THE
19 CUSTODY OR GUARDIANSHIP OF THE STATE AND
20 FROM EXPENDING STATE FUNDS FOR THE
21 PURPOSE OF TERMINATING A PREGNANCY.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code Title 20, Chapter 16, Subchapter 6, is
28 amended to add an additional section to read as follows:

29 20-16-605. In custody or guardianship of state.

30 (a) A state agency shall not:

31 (1) Consent to or approve the termination of a pregnancy for a
32 pregnant woman in the custody or guardianship of the state; or

33 (2) Authorize the expenditure of state funds for the purpose of
34 paying for the termination of a pregnancy for a pregnant woman in the custody
35 of the state except to save the life of the pregnant woman, or as required by
36 federal law.



1 (b) A pregnant woman in the custody or guardianship of the state, her
2 family, or a third-party payer is responsible for all costs, including
3 transportation costs, associated with a medical appointment, or any
4 subsequent healthcare service determined necessary, related to the
5 termination of her pregnancy, except as required by federal law.

6 (c) A state agency may be involved in a court proceeding related to
7 the consideration by the court of whether to approve the termination of a
8 pregnancy for a pregnant woman in the custody or guardianship of the state.

9 (d) A state agency under the section shall report annually to the
10 Senate Committee on Public Health, Welfare, and Labor and the House Committee
11 on Public Health, Welfare, and Labor the number of any terminations of
12 pregnancies that occurred for women in the custody or guardianship of the
13 state agency.

14 (e)(1) A state agency under this section shall promulgate rules
15 necessary to implement this section.

16 (2)(A) When adopting the initial rules to implement this
17 section, the final rule shall be filed with the Secretary of State for
18 adoption under § 25-15-204(f):

19 (i) On or before January 1, 2020; or

20 (ii) If approval under § 10-3-309 has not occurred
21 by January 1, 2020, as soon as practicable after approval under § 10-3-309.

22 (B) A state agency shall file the proposed rule with the
23 Legislative Council under § 10-3-309(c) sufficiently in advance of January 1,
24 2020, so that the Legislative Council may consider the rule for approval
25 before January 1, 2020.

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27 /s/Dotson
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30 **APPROVED: 4/16/19**
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