

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

A Bill

SENATE BILL 448

5 By: Senator G. Stubblefield
6 By: Representative Barker
7

For An Act To Be Entitled

9 AN ACT TO REQUIRE PHYSICIANS TO HAVE CERTAIN
10 QUALIFICATIONS IN ORDER TO PERFORM ABORTIONS; TO
11 REPEAL THE PRESUMPTION OF VIABILITY OF A FETUS AT THE
12 TWENTY-FIFTH WEEK OF PREGNANCY; AND FOR OTHER
13 PURPOSES.
14
15

Subtitle

17 TO REQUIRE PHYSICIANS TO HAVE CERTAIN
18 QUALIFICATIONS TO PERFORM ABORTIONS; AND
19 TO REPEAL THE PRESUMPTION OF VIABILITY OF
20 A FETUS AT THE TWENTY-FIFTH WEEK OF
21 PREGNANCY.
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code Title 20, Chapter 16, Subchapter 6, is
27 amended to add an additional section to read as follows:

28 20-16-605. Qualifications to perform an abortion.

29 (a) A person shall not perform or induce an abortion unless that
30 person is a physician licensed to practice medicine in the state of Arkansas
31 and is board-certified or board-eligible in obstetrics and gynecology.

32 (b) A violation of this section is a Class D felony and may result in
33 the revocation, suspension, or nonrenewal of the professional license of an
34 abortion facility or physician.
35

36 SECTION 2. Arkansas Code § 20-16-702(3), concerning the definition of



1 "viable fetus" regarding abortions, is amended to read as follows:

2 (3) ~~"Viable fetus" means a fetus which can live outside the womb~~
3 "Viability" means the state of fetal development when, in the judgment of the
4 physician based on the particular facts of the case before him or her and in
5 light of the most advanced medical technology and information available to
6 him or her, there is a reasonable likelihood of sustained survival of the
7 unborn child outside the body of the mother, with or without artificial life
8 support.

9
10 SECTION 3. Arkansas Code § 20-16-703 is repealed.

11 ~~20-16-703. Presumption of viability.~~

12 ~~For the purpose of this subchapter, a fetus shall be presumed not to be~~
13 ~~viable prior to the end of the twenty-fifth week of the pregnancy.~~

14
15
16 APPROVED: 4/4/19
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36