

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

SENATE BILL 519

5 By: Senator B. Davis  
6 By: Representative Vaught  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE SEX DISCRIMINATION BY ABORTION  
10 PROHIBITION ACT; AND FOR OTHER PURPOSES.  
11

## Subtitle

14 TO AMEND THE SEX DISCRIMINATION BY  
15 ABORTION PROHIBITION ACT.  
16  
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. Arkansas Code § 20-16-1904 is amended to read as follows:  
21 20-16-1904. Prohibition – Sex-selection abortion.

22 (a) A physician ~~or other person~~ shall not intentionally perform or  
23 attempt to perform an abortion with the knowledge that the pregnant woman is  
24 seeking the abortion solely on the basis of the sex of the unborn child.

25 (b)(1) Before performing an abortion, the physician ~~or other person~~  
26 ~~who is~~ performing the abortion shall:

27 ~~(1)(A) Ask~~ ask the pregnant woman if she knows the sex of the  
28 unborn child.

29 ~~(B)(2)~~ If the pregnant woman knows the sex of the unborn  
30 child, the physician ~~or other person~~ who is performing the abortion shall:

31 (A) Inform ~~inform~~ the pregnant woman of the prohibition of  
32 abortion ~~as a method of sex selection for children~~ contained in subsection  
33 (a) of this section; and

34 ~~(2)(A)(B)~~ Request the medical records of the pregnant woman  
35 ~~relating directly to the entire pregnancy history of the woman~~ relevant to  
36 determining whether the pregnant woman has previously aborted an unborn child



1 or children after she became aware of the sex of the unborn child.

2 ~~(B)(3)~~ When the physician performing the An abortion shall  
3 ~~not be performed until reasonable time and effort is spent~~ is required to  
4 request the medical records of the pregnant woman under subdivision (b)(2)(B)  
5 of this section, the physician shall not perform an abortion until the  
6 physician spends at least fourteen (14) days attempting to obtain the medical  
7 records of the pregnant woman as described in subdivision ~~(b)(2)(A)~~ (b)(2)(B)  
8 of this section.

9 (c) If this section is held invalid as applied to the period of  
10 pregnancy prior to viability, then the section shall remain applicable to the  
11 period of pregnancy subsequent to viability.

12 (d) This section does not apply to an abortion performed on a pregnant  
13 woman if the pregnancy is the result of rape or incest.