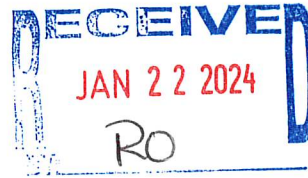


Popular Name

Arkansas Abortion Amendment



JAN 22 REC'D

ATTORNEY GENERAL
OF
ARKANSAS

Ballot Title

AN AMENDMENT TO THE ARKANSAS CONSTITUTION PROVIDING THAT THE GOVERNMENT OF THE STATE OF ARKANSAS, ITS OFFICERS, OR ITS POLITICAL SUBDIVISIONS SHALL NOT PROHIBIT, PENALIZE, DELAY, OR RESTRICT ABORTION SERVICES (A) IN CASES OF RAPE, (B) IN CASES OF INCEST, (C) IN THE EVENT OF A FATAL FETAL ANOMALY, OR (D) WHEN, IN A PHYSICIAN'S GOOD-FAITH MEDICAL JUDGMENT, ABORTION SERVICES ARE NEEDED TO PROTECT A PREGNANT FEMALE'S LIFE OR TO PROTECT A PREGNANT FEMALE FROM A PHYSICAL DISORDER, PHYSICAL ILLNESS, OR PHYSICAL INJURY; THE GOVERNMENT OF THE STATE OF ARKANSAS, ITS OFFICERS, OR ITS POLITICAL SUBDIVISIONS SHALL NOT PROHIBIT, PENALIZE, DELAY OR RESTRICT ABORTION SERVICES WITHIN 18 WEEKS OF FERTILIZATION; A "FATAL FETAL ANOMALY" MEANS A MEDICAL CONDITION DIAGNOSED BEFORE BIRTH THAT, IN THE PHYSICIAN'S GOOD-FAITH MEDICAL JUDGMENT, WILL LEAD TO FETAL OR NEONATAL DEATH FOR WHICH LIFE-SAVING MEDICAL INTERVENTION WOULD BE FUTILE; "PHYSICAL DISORDER, PHYSICAL ILLNESS, OR PHYSICAL INJURY" INCLUDES, WITHOUT LIMITATION, A LIFE-ENDANGERING PHYSICAL DISORDER, PHYSICAL ILLNESS OR PHYSICAL INJURY CAUSED BY OR ARISING FROM THE PREGNANCY ITSELF AND ANY SITUATION IN WHICH CONTINUATION OF A PREGNANCY WILL CREATE A SERIOUS RISK OF SUBSTANTIAL IMPAIRMENT OF A MAJOR BODILY FUNCTION OF A PREGNANT FEMALE; "MAJOR BODILY FUNCTION" INCLUDES, WITHOUT LIMITATION, FUNCTIONS OF THE IMMUNE SYSTEM, NORMAL CELL GROWTH, AND DIGESTIVE, BOWEL, BLADDER, NEUROLOGICAL, BRAIN, RESPIRATORY, CIRCULATORY, ENDOCRINE, AND REPRODUCTIVE FUNCTIONS, AND OPERATION OF AN INDIVIDUAL ORGAN WITHIN A BODY SYSTEM; "FERTILIZATION" MEANS THE FUSION OF A HUMAN SPERMATOZOON WITH A HUMAN OVUM; "ABORTION SERVICES" ARE MEDICAL INTERVENTIONS PROVIDED TO PREGNANT FEMALES TO END THE MEDICAL CONDITION OF PREGNANCY BUT DO NOT INCLUDE ACCIDENTAL OR UNINTENTIONAL INJURY OR DEATH OF AN EMBRYO OR FETUS PRIOR TO BIRTH; ABORTION SERVICES ASSISTED BY A PHYSICIAN MAY BE PROVIDED IN A HOSPITAL, EMERGENCY DEPARTMENT, PHYSICIAN'S OFFICE OR CLINIC, SURGERY CENTER, FREE-STANDING BIRTHING CENTER, OR OTHER LICENSED HEALTHCARE FACILITY; AMENDMENT 68 OF THE ARKANSAS CONSTITUTION IS AMENDED TO READ: "SECTION 2: PUBLIC POLICY: THE POLICY OF ARKANSAS IS TO PROTECT THE LIFE OF EVERY UNBORN CHILD FROM CONCEPTION UNTIL BIRTH, TO THE EXTENT PERMITTED BY THE FEDERAL

CONSTITUTION AND THE CONSTITUTION OF THE STATE OF ARKANSAS”; ALL PROVISIONS OF THE CONSTITUTION, STATUTES, AND COMMON LAW OF THIS STATE TO THE EXTENT INCONSISTENT OR IN CONFLICT WITH ANY PROVISION OF THIS AMENDMENT ARE EXPRESSLY DECLARED NULL AND VOID; THIS AMENDMENT SHALL BE SELF-EXECUTING; ANY PROVISION OF THIS AMENDMENT HELD INVALID SHALL BE SEVERABLE FROM THE REMAINING PORTIONS OF THIS AMENDMENT.

Amendment Text

1. The government of the State of Arkansas, its officers, or its political subdivisions shall not prohibit, penalize, delay, or restrict abortion services (A) in cases of rape, (B) in cases of incest, (C) in the event of a fatal fetal anomaly, or (D) when, in a physician’s good-faith medical judgment, abortion services are needed to protect a pregnant female’s life or to protect a pregnant female from a physical disorder, physical illness, or physical injury.

2. The government of the State of Arkansas, its officers, or its political subdivisions shall not prohibit, penalize, delay, or restrict abortion services within 18 weeks of fertilization.

3. Definitions:

A. “Fatal fetal anomaly” means a medical condition diagnosed before birth that, in the physician’s good-faith medical judgment, will lead to fetal or neonatal death for which life-saving medical intervention would be futile.

B. “Physical disorder, physical illness, or physical injury” includes, without limitation, a life-endangering physical disorder, physical illness or physical injury caused by or arising from the pregnancy itself and any situation in which continuation of a pregnancy will create a serious risk of substantial impairment of a major bodily function of a pregnant female.

(i) “Major bodily function” includes, without limitation, functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions; and operation of an individual organ within a body system.

C. “Fertilization” means the fusion of a human spermatozoon with a human ovum.

D. “Abortion services” are medical interventions provided to pregnant females to end the medical condition of pregnancy but do not include accidental or unintentional injury or death of an embryo or fetus prior to birth. Abortion services assisted by a physician

may be provided in a hospital, emergency department, physician's office or clinic, surgery center, free-standing birthing center, or other licensed healthcare facility.

4. Amendment 68 of the Arkansas Constitution shall be amended as follows: "Section 2: Public Policy: The policy of Arkansas is to protect the life of every unborn child from conception until birth, to the extent permitted by the Federal Constitution and the Constitution of the State of Arkansas."

5. All provisions of the Constitution, statutes, and common law of this State to the extent inconsistent or in conflict with any provision of this Amendment are expressly declared null and void.

6. This Amendment shall be self-executing. Any provision of this Amendment held invalid shall be severable from the remaining portions of this Amendment.