

Hall of the House of Representatives
88th General Assembly - Regular Session, 2011
Amendment Form

**

Subtitle of House Bill No. 1872

AN ACT TO AMEND THE LAWS OF ARKANSAS CONCERNING ABORTION.

Amendment No. 1 to House Bill No. 1872

Amend House Bill No. 1872 as originally introduced:

Page 1, line 5, delete "By: Representative Johnston" and substitute "By: Representative Collins-Smith"

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 23, Chapter 79 is amended to add an additional subchapter to read as follows:

Subchapter 15 – Federal Abortion-Mandate Opt-Out Act

23-79-1501. Title.

This subchapter shall be known and may be cited as the "Federal Abortion-Mandate Opt-Out Act".

23-79-1502. Legislative findings – Purposes.

(a) The General Assembly finds that:

(1) Under the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, federal tax dollars, through affordability credits, subsidies provided to individuals up to four hundred percent (400%) of the federal poverty level, are routed to Exchange-participating health insurance plans, including plans that provide coverage for abortions;

(2) However, section 1303(a) of the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, allows a state to "opt-out" of permitting health insurance plans that cover abortions to participate in the Exchanges within that



state, and thereby prohibit taxpayer money from subsidizing plans that cover abortions within that state; and

(3) Furthermore, Arkansas Constitution Amendment 68 § 1 states that "No public funds will be used to pay for any abortion, except to save the mother's life" and, as a matter of public policy under Arkansas Constitution Amendment 68 § 2, declares that "The policy of Arkansas is to protect the life of every unborn child from conception to until birth, to the extent permitted by the Federal Constitution."

(b) Based on the findings in subsection (a) of this section, it is the purpose of this subchapter to affirmatively opt out of allowing qualified health plans that cover abortions to participate in Exchanges with the State of Arkansas.

23-79-1503. Opt-out provision.

(a) Abortion coverage shall not be provided by a qualified health plan offered through an Exchange created under the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, in the State of Arkansas.

(b) The limitation under subsection (a) of this section does not apply to an abortion performed when the life of the mother is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering condition caused by or arising from the pregnancy itself.

23-79-1504. Construction – Application.

(a) This subchapter does not create or recognize a right to an abortion.

(b) This subchapter is not intended to make lawful an abortion that is currently unlawful."

The Amendment was read _____
By: Representative Johnston
MGF/CDS - 03/23/11 03:26
MGF483

Chief Clerk