

ARKANSAS SENATE
88th General Assembly - Regular Session, 2011
Amendment Form

Subtitle of Senate Bill No. 845

AN ACT TO CREATE THE ABORTION PATIENTS' ENHANCED SAFETY ACT AND TO
DECLARE AN EMERGENCY.

Amendment No. 1 to Senate Bill No. 845

Amend Senate Bill No. 845 as originally introduced:

Delete Page 2 in its entirety

AND

Page 3, delete lines 1 through 23 and substitute the following:

"(C) In most instances, the woman's only actual contact with the abortion provider occurs simultaneously with the abortion procedure with little opportunity to ask questions about the procedure, potential complications, and proper follow-up care;

(2) For most abortions, the woman arrives at the clinic on the day of the procedure, has the procedure in a room within the clinic, and recovers under the care of clinic staff, all without a hospital admission;

(3)(A) Abortion is an invasive, surgical procedure that can lead to numerous and serious medical complications.

(B) Potential complications for first trimester abortions include, among others, bleeding, hemorrhage, infection, uterine perforation, blood clots, cervical tears, incomplete abortion, retained tissue, failure to actually terminate the pregnancy, free fluid in the abdomen, acute abdomen, missed ectopic pregnancies, cardiac arrest, sepsis, respiratory arrest, reactions to anesthesia, fertility problems, emotional problems, and even death;

(4)(A) The risks for second trimester abortions are greater than for first trimester abortions.

(B) The risk of hemorrhage, in particular, is greater and the resultant complications may require a hysterectomy, other reparative surgery, or a blood transfusion;

(5) As stated in Williamson v. Lee Optical, 348 U.S. 483, 486 (1955), the State of Arkansas has a legitimate concern for the public's health and safety;

(6)(A) As stated in Planned Parenthood of Southeastern Pennsylvania v. Casey, 505 U.S. 833, 846 (1992), the State of Arkansas "has



legitimate interests from the outset of the pregnancy in protecting the health of the woman”.

(B) As stated in Akron v. Akron Ctr. for Reproductive Health, Inc., 462 U.S. 416, 428 (1983), the State of Arkansas “has a legitimate concern with the health of women who undergo abortions”;

(7) Moreover, as stated in Roe v. Wade, 410 U.S. 113, 150 (1973), the State of Arkansas “has a legitimate interest in seeing to it that abortion, like any other medical procedure, is performed under circumstances that insure maximum safety for the patient”;

(8) An ambulatory surgery center is a health care facility that specializes in providing surgery services in an outpatient setting; and”

AND

Page 3, line 24, delete "(12)" and substitute "(9)"

AND

Page 3, delete lines 30 through 32 and substitute the following:

"(1) Regulate abortion clinics in a manner consistent with rules applied to ambulatory surgery centers in this state;"

AND

Page 4, delete lines 34 through 36 and substitute the following:

"A violation of this subchapter is a Class A misdemeanor."

AND

Page 5, delete lines 22 through 36

AND

Page 6, delete line 1 and substitute the following:

"20-9-1308. Inspection of abortion facilities.

(a)(1) The Department of Health shall establish policies and procedures for conducting annual inspections of abortion clinics regulated under this subchapter.

(2) The department shall adopt rules for the conduct of on-site inspections to ensure compliance with the requirements of this subchapter.

(b)(1) The department also shall establish policies and procedures for conducting inspections and investigations pursuant to complaints received by the department for alleged violations of the requirements of this subchapter.

(2) The department shall receive, record, and dispose of complaints under the policies and procedures established in this section.

(c) In promulgating rules under subsections (a) and (b) of this section, the department shall specifically include rules protecting the confidentiality of all patient records and patient-identifying information reviewed or accessed during the inspections required under this subchapter."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Rapert

MGF/CDS - 03/14/11 04:01

MGF425

Secretary