

POLICY BRIEF

HB 1979

A Bill to Ban Abortion at State Medical Facilities

Sponsor: Rep. Bruce Westerman

Summary: This bill prohibits abortions in state medical facilities, except to save the mother's life.

Current Laws & Facts

- ❖ Currently, state-owned medical facilities in Arkansas choose not to perform elective abortions. HB 1979 codifies that policy.

Points to Consider

- ❖ The bill applies equally to all hospitals, clinics, or other health facilities that are owned or operated by the State of Arkansas, an Arkansas county, or an Arkansas city.
- ❖ It prevents a state-run or state-owned facility from leasing a portion of its facility for the purpose of providing abortions.
- ❖ It prohibits a state-run or state-owned medical facility from entering into a contract with a physician or another medical facility for the purpose of providing abortions.
- ❖ This bill would permit an abortion performed to save the life of the mother.
- ❖ The bill would not prevent a state-owned or state-operated hospital or health facility from treating health complications a woman encounters as a result of having an abortion.
- ❖ The following states have passed legislation similar to this bill:
 - Missouri¹
 - Louisiana²
 - Mississippi³
 - Pennsylvania⁴
- ❖ A 1989 U.S. Supreme Court ruling upheld Missouri's law as constitutional⁵. As far as can be determined, no other such cases have gone to court.

Please Vote FOR HB 1979

¹ Missouri Revised Statutes § 188.215

² Louisiana Revised Statutes Chapter 40 §§ 1299.34, 1299.34.5

³ Mississippi Code § 41-41-91

⁴ 18 Pa. Cons. Stat. § 3215

⁵ *Webster v. Reprod. Health Servs.*, 492 U.S. 490 (1989)



Questions and Answers

1. Why bother to ban abortions at state hospitals?

Answer: People don't want their tax dollars to pay for abortions. That's why voters passed Amendment 68 to the Arkansas Constitution. It says that no public funds will be used to pay for abortions except to save the mother's life. State hospitals and their employees are paid for with tax dollars. Using those facilities and those staff members to perform abortions amounts to an indirect funding of abortions with our tax dollars.

2. Which hospitals would this bill affect?

Answer: The University of Arkansas For Medical Sciences is the only hospital in Arkansas that this bill would currently affect.

3. Does UAMS in Little Rock currently do abortions?

Answer: According to UAMS they do not track the number of abortions they do, but they say that the number is very small.

3. How many elective abortions (abortions for reasons other than saving the mother's life) does UAMS perform?

Answer: None.

4. If our state hospitals stop performing abortions, won't this make it more difficult for women who need an abortion to get one?

Answer: No. UAMS is the only hospital this law would affect, and they're not doing any abortions on demand. Since they're not doing abortions on demand at UAMS, this would not impact the availability of abortions in Arkansas.

5. If UAMS is not doing abortions, why pass a law prohibiting what they're not doing in the first place?

Answer: Now is the best possible time to pass this law. It prevents our state hospitals from spending our tax dollars to perform an abortion.

6. Does UAMS offer abortion counseling or referrals?

Answer: No.

7. Does UAMS perform any abortions using abortion-causing drugs?

Answer: No.

8. Does our current existing law allow UAMS to perform abortions?

Answer: Yes. In 1997 the Arkansas Supreme Court affirmed that UAMS can perform abortions as long as they are not paid for directly by public funds.

9. Does the 1997 court ruling mean that UAMS has to perform abortions?

Answer: No. It simply means that they can fund abortions if they choose to do so.

10. Would this law affect the Arkansas Department of Health?

Answer: No. The Health Department does not do abortions.

11. Will this law affect private hospitals or clinics?

Answer: No. It only applies to hospitals or health facilities funded by the state.

12. What if a woman needs an abortion to save her life?

Answer: This law permits abortions to save the life of the mother.