

POLICY BRIEF

SB 113

Preventing Taxpayer-Funded Abortions in Healthcare

Sponsors: Sen. Cecile Bledsoe, Rep. Andrea Lea

- Amendment 68 to the Arkansas Constitution prohibits taxpayer-funded abortion except to save the life of the mother.
- Under the federal healthcare law recently passed by Congress, abortion services could be paid for using tax-dollars.
- The federal healthcare law explicitly permits states to choose not to pay for abortions with tax-dollars if they enact legislation like SB 113.
- Without SB 113, Arkansans **could be required** to pay for abortions with public funds.
- SB 113 will not prohibit abortion in cases of rape or incest. The cost simply will not be covered with public funds—just as Amendment 68 says.
- **According to the author of Amendment 68 to the Arkansas Constitution, amending SB 113 to include provisions for rape and incest would violate Amendment 68, making the bill unconstitutional.**
- SB 113 preserves existing Arkansas law, and prevents conflict with federal law.

Please Vote FOR SB 113



Questions and Answers

1. Does the new federal health care law mandate that states fund abortions?

No. The federal health care law allows each state to choose whether not to allow taxpayer-funded abortions.

2. What type of abortions can be funded under the federal health care law?

Right now, the future is unclear. There is an executive order from President Obama tentatively limiting the types of publicly-funded abortions to those performed on victims of rape or incest, or to save the life of the mother. Without his executive order, however, any abortion can be funded for any reason. It all depends on how states set up their health care exchanges, and whether or not President Obama's executive order remains.

3. Does this mean that Arkansas will definitely fund abortions with tax dollars?

No one knows. If SB 113 fails to pass, the federal health care law leaves the decision about abortion funding in the hands of Federal and State officials. It depends largely on how they decide to configure the health care exchanges.

4. Does the federal health care law allow states to refuse to fund abortion?

Yes. The federal health care law specifically recognizes state legislations choosing not to use public funds for abortion.

5. Does Arkansas currently fund abortions with tax dollars?

No. Amendment 68 to the Arkansas Constitution prohibits tax-funded abortions except to save the life of the mother. In addition, federal law allows tax-funded abortions for Medicaid recipients who are victims of rape and incest. Arkansas has never funded abortion on demand with public money.

6. Since Amendment 68 already prevents public funding of abortions isn't SB 113 unnecessary?

Constitutional Amendments often require enabling legislation. The lottery amendment required enabling legislation for its implementation. Amendment 68 clearly prohibits public funding of abortions except to save the mother's life. SB 113 helps implement and preserve that policy.

7. Why doesn't SB 113 allow the health care exchanges to fund abortions for victims of rape or incest?

This would be unconstitutional in Arkansas. Our Constitution only allows tax-funded abortions to save the mother's life.

8. If SB 113 passes, will poor victims of rape or incest be able to get an abortion in Arkansas?

Yes. SB 113 will not prevent victims of rap or incest from obtaining an abortion. It simply maintains Arkansas' current policy of not paying for these abortions with public funds. In that regard, SB 113 does not change anything.

9. What about concerns that SB 113 doesn't do anything?

Failure to pass this bill will leave the door open for Arkansas to start funding abortions with our tax dollars. If the Arkansas Legislature chooses not to exercise the right to opt out of abortion funding in the federal healthcare law, this may lead some officials to believe that the Legislature is in favor of tax-funded abortions.

Here are two primary reasons for supporting SB 113:

1. The Arkansas Constitution clearly states that no public funds will be used to pay for abortions. This should provide all the guidance lawmakers need in deciding how to vote.
2. Without this law, those who are responsible for setting up our health care exchanges will be left without clear guidance from the Legislature about how to deal with abortion as they implement the recently-passed federal health care law.