



FAMILY COUNCIL

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MAY 2019 UPDATE LETTER

DEAR FRIENDS,

Thirty years ago our graphic designer was a young guy who worked out of his home in Little Rock. In the evenings I would take letters, articles, and material to him for layout and design. Mike and I would pore over his Macintosh screen or drawing table while his wife sat out in the living room with my older two sons—who were probably six and four at the time. Getting Family Council off the ground took long hours, so we included the whole family in the process as much as we could. We don't call it "Family Council" for nothing.

Back then we wrote an insert for Focus on the Family's *Citizen* magazine each month, and we were always down to the wire on meeting our deadline. Of course this was long before email, so we had to ship everything. It seems like I memorized the pickup times for every Federal Express and post office in town. If I left a package at FedEx by 8:00PM, they could have it in Colorado by 10:00AM the next morning. The post office distribution center in North Little Rock was the last place you could drop mail at night, if you wanted it to go out that same day, and there were a few times I found myself running a load of letters to them at the eleventh hour.

I remember one night Mike and I were trying to get a layout for the *Citizen* insert wrapped up, and we were running dangerously late. Mike put the finishing touches on the artwork. I snatched it from his desk and blew out the door to my old Chevy pickup parked in the driveway. I didn't have time to load my boys in the truck. Mike and his wife let them play with racecars in their living room while I tore through the dark toward the FedEx office in Little Rock's Midtown district. As I wheeled down the streets with the magazine artwork—trying to get it to Dr. James Dobson's team at Focus on the Family by the next morning—I thought to myself, "I'm going to win this fight, because I doubt the folks at the ACLU will work this hard."

Now, in all honesty I cannot say I know what it's like working for the ACLU. I've never worked there. But I think it's safe to assume most ACLU attorneys don't barrel through the night in rusty Chevrolets to file legal briefs on time, and that most Planned Parenthood doctors don't burn the midnight oil fighting for abortion. Family Council has been successful because God has blessed us and because we have good friends like you who stand with us, but we also have a simple philosophy that I think has added to our success: We believe in outworking our opponents. Sometimes that means making a last-minute post office run. Other times it means staying at the Capitol late in the evening—long after most people have gone home. And other times it means spending six hours on the road so you can talk about traditional family values to a dozen retirees who invited you to speak at their Thursday-night prayer group.

Thomas Edison is credited with saying, "Opportunity is missed by most people, because it is dressed in overalls and looks like work." I like to think part of the reason we've been as successful and effective as we have been these past 30 years is because we aren't afraid to put in the work it takes to be successful.

We just wrapped up a hugely successful legislative session. All told, we supported, opposed, or offered input on some 60 pieces of legislation. We helped pass nearly a dozen pro-life laws that will save hundreds of unborn children from abortion every single year. There were a couple of disappointments at the legislature, but on the whole it was a great session, and 2019 is shaping up to be one of our best years yet. We've come a long way since the days of rushing to FedEx in my old Chevy.

And now let me tell you a little more about the 2019 Arkansas Legislature—and what we have planned for the rest of the year.

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Family Council
President Jerry Cox

MY THOUGHTS: SIXTEEN LEGISLATIVE SESSIONS IN THE BAG

A few days ago my team and I wrapped up Family Council's sixteenth legislative session, not counting special sessions and meetings that have been called at odd times over the years. We've done our best to be at the Capitol faithfully during every session of the Arkansas Legislature since 1989. I probably could write a book about the past 30 years of lobbying (maybe someday I will), but here are a few somewhat-humorous memories that stand out when I reflect on three decades of service.

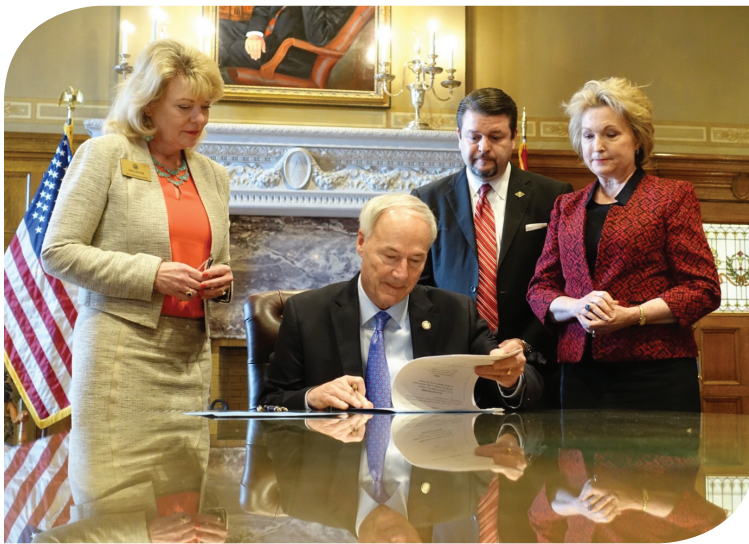
1. Many years ago Dr. Joycelyn Elders said in a news interview that our pro-life work was being done by people who were "mean, ugly, and evil" (for what it's worth, she later apologized for making this statement). After a while you try to take comments like that in stride. There were only two of us working in the office in those days, so I asked my co-worker, "If you had to choose, which would you want to be: Mean, ugly or evil?" He chuckled and said, "I don't want to be mean or evil. I guess I'd choose to be ugly." I laughed and said, "I think I would rather be mean or evil." Surprised, my friend asked me why. I told him, "You can repent of being mean or evil, but you can't repent of being ugly."
2. Toward the end of the session, sleep deprivation and long meetings begin to take their toll on lawmakers. A few years ago I watched a state representative—who will remain nameless—present a concealed-carry bill in committee. The meeting started like any other, but the gentleman looked as if he had not slept in a day or two. During testimony he became flustered and confused, and by the end of the meeting he was testifying against his own bill. The other committee members watched in bewilderment as he asked everyone to vote against his legislation—which they did. The bill failed. With a nod to his fellow legislators, the gentleman got up and left the committee room. Only later did he realize what had happened.
3. A few years ago, a state representative—who also will remain nameless—testified against one of our home school bills on the floor of the Arkansas House during a rare night-meeting. One of his points was that home school parents could not be trusted to keep accurate grades for their children. "After all," he said, "if I were making my kids' report cards, they would have all A's in every subject." One of my staff members nudged me and asked, "Did he just tell the entire Arkansas House of Representatives that he would lie about his kids' grades, if he could get away with it?"
4. Many years ago a legislator proposed a particularly unpopular tax increase. The bill somehow made it out of committee, but had no chance whatsoever of passing the Arkansas House. However, a group of citizens drove to Little Rock to protest the tax hike. Their strategy was to sit in the gallery overlooking the House of Representatives, loudly rattling aluminum cans full of pennies. They were so annoying that the Arkansas House passed the tax increase out of spite. The Arkansas Senate killed the proposal later, but a lot of folks learned a valuable lesson that day in how not to lobby.
5. A few years ago I was working with a very conservative senator to defeat an effort to ratify the liberal Equal Rights Amendment. The senator had invited his father to the capitol to attend meetings that day. When the senator and I walked into the committee room, we found his dad sitting with a group of very liberal feminists, wearing one of their campaign buttons in favor of the Equal Rights Amendment. The senator looked like someone had thrown a bucket of ice on him. "Dad, what are you doing?" he asked. His father shrugged and said, "Some nice lady gave me a button to wear and told me I could sit over here." The senator shook his head and said, "Dad, you can't let people see you wearing this button! What will everyone think?" Apparently you're never too old for your parents to embarrass you in front of your friends.



Good Bills Passed at the Legislature This Year

Act 180 / S.B. 149 (Abortion): This good law by Sen. Jason Rapert (R – Conway) and Rep. Mary Bentley (R – Perryville) prohibits abortion in Arkansas if *Roe v. Wade* is overturned. The bill was hotly debated in the Arkansas Legislature, but ultimately passed and was signed into law.

Act 493 / H.B. 1439 (Abortion): This good law by Rep. Robin Lundstrum (R – Elm Springs) and Sen. Jason Rapert (R – Conway) prohibits abortion in Arkansas during or after the eighteenth week of pregnancy unless the mother's life or physical health is in serious jeopardy. Our team estimates that this law will save upwards of 170–200 unborn children from abortion each year.



From Left (Standing): Rep. Robin Lundstrum (R – Rogers), Sen. Jason Rapert (R – Conway), and First Lady Susan Hutchinson watch as Gov. Asa Hutchinson (seated) signs Act 493 at a special bill-signing ceremony in the Governor's Conference Room on April 4.

Act 700 / S.B. 448 (Abortion): This good law by Sen. Gary Stubblefield (R – Branch) and Rep. Sonia Barker (R – Smackover) requires an abortionist to be a board-certified or board-eligible OB/GYN. Currently any medical doctor or doctor of osteopathy in Arkansas can perform a chemical or surgical abortion. S.B. 448 will protect women from dangerous abortion practices and cut down on the number of doctors performing abortions. The bill also updates Arkansas' definition of a "viable fetus." Under current federal law, states have a lot of leeway to restrict abortion when an unborn child is considered "viable." Updating this definition will make it easier to pass and enforce pro-life legislation in Arkansas. Planned Parenthood dubbed this pro-life bill "the worst" one they faced all session—**so you know it's a good law.**

From Left: Family Council staff member Ken Yang testifies in favor of pro-life bill S.B. 278 in the House Public Health Committee, alongside Rep. Spencer Hawks (R – Conway).

S.B. 278 (Abortion): This good law by Sen. Gary Stubblefield (R – Branch) and Rep. Spencer Hawks (R – Conway) makes several improvements to Arkansas' abortion laws. It expands the waiting period for an abortion from 48 hours to 72 hours. This will give women more time to consider all their options besides abortion—which will make them less likely to have an abortion. We estimate this law will save as many as 50–100 unborn children each year.

H.B. 1453 (Abortion): This good law by Rep. Clint Penzo (R – Springdale) and Sen. Kim Hammer (R – Benton) requires abortionists to give women information about perinatal palliative care. Modern medicine has made it possible to test unborn children for deadly fetal abnormalities, and most children who test positive for these abnormalities are aborted. Perinatal hospice services provide palliative care for women whose unborn children are not expected to survive to birth or live long following birth. They provide emotional support for the woman and her family and hospice services for the child after birth. Data shows when women know about perinatal hospice services, they are less likely to have an abortion. H.B. 1453 will help women choose options besides abortion when their unborn child has a life-threatening condition.

H.B. 1399 (Pro-Life): This good law by Rep. Karilyn Brown (R – Sherwood) and Sen. Scott Flippo (R – Bull Shoals) prohibits public funds from being used to clone or kill unborn children for scientific research. This good law protects unborn children from being treated like lab material.

Act 185 / S.B. 168 (Pro-Life): This good law by Sen. Cecile Bledsoe (R – Rogers) and Rep. Rebecca Petty (R – Rogers) updates Arkansas' Safe Haven Act. It lets a woman surrender her newborn to law enforcement personnel, fire department personnel, or medical personnel. Arkansas' Safe Haven Act protects children from being abandoned, and it provides women with options besides abortion.



Good Bills Passed at the Legislature This Year (continued)

Act 522 / S.B. 341 (Abortion): This good law by Sen. Missy Irvin (R – Mountain View) and Rep. Joe Cloud (R – Russellville) amends Arkansas' informed-consent law for abortion to ensure women know how to find information about chemical abortion pill reversal. Doctors have demonstrated that chemical abortion drugs can be counteracted if the woman receives treatment quickly. This law ensures women know about this possibility.

S.B. 2 (Abortion): This good law by Sen. Trent Garner (R – El Dorado) and Rep. Sonia Barker (R – Smackover) prohibits abortions performed because the baby has Down Syndrome.

Act 429 / H.B. 1413 (Home Schooling): This good law by Rep. Mark Lowery (R – Maumelle) prevents schools from charging home schooled students extra to take concurrent credit courses for college credit.

Act 430 / H.B. 1419 (Home Schooling): This good law by Rep. Mark Lowery (R – Maumelle) makes it easier for home schooled students to access academic courses offered through the local public school system.

Act 184 / S.B. 156 (Free Speech): This good law by Sen. Bob Ballinger (R – Berryville) and Rep. Dan Sullivan (R – Jonesboro) prevents public colleges and universities from infringing the free speech of students and faculty on campus.

S.B. 440 (Marijuana Edibles): This good law by Sen. Cecile Bledsoe (R – Rogers) and Rep. Robin Lundstrum (R – Elm Springs) prohibits marijuana stores from selling marijuana-infused candy and other foods that are likely to appeal to children. We have read time and again about children hospitalized after eating gummies, cookies, or other foods laced with so-called "medical" marijuana. S.B. 440 helps protect Arkansas' children from this dangerous drug.

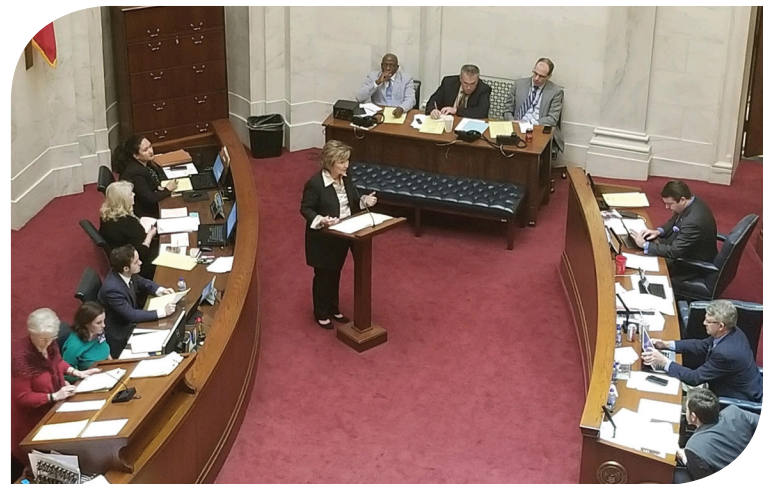
We have read time and again about children hospitalized after eating gummies, cookies, or foods laced with so-called "medical" marijuana. S.B. 440 helps protect Arkansas' children.

S.B. 441 (Marijuana Advertising): This good law by Sen. Cecile Bledsoe (R – Rogers) and Rep. Robin Lundstrum (R – Elm Springs) restricts medical marijuana advertisements in much the same way as tobacco advertisements. Marijuana ads cannot target children. They cannot be placed near schools or daycares. And they have to include disclaimers about the dangers of marijuana. This bill will help tighten Arkansas' restrictions on "medical" marijuana.

S.B. 3 (Abortion): This good law by Sen. Trent Garner (R – El Dorado) and Rep. Sonia Barker (R – Smackover) requires abortionists to report complications arising from an abortion. The abortion reporting required by this law will help Arkansas craft even better pro-life laws in the future.

H.B. 1856 (Abortion): This good law by Rep. Jim Dotson (R – Bentonville) and Sen. Bob Ballinger (R – Berryville) prohibits the state from using public funds to abort the baby of a pregnant woman in state custody. This will ensure taxpayer dollars aren't used to perform abortions on women in state prison or girls in the state foster care system.

S.B. 503 (Anti-Assisted Suicide): This good law by Sen. Cecile Bledsoe (R – Rogers) and Rep. Mary Bentley (R – Perryville) enhances the penalty for physician-assisted suicide in Arkansas. Besides increasing the penalty for this crime, the bill sent a powerful message that the Arkansas Legislature opposes assisted suicide.



Sen. Cecile Bledsoe (R – Rogers) presents S.B. 440 and S.B. 441 regulating marijuana edibles and marijuana advertising.

Good Bills That Failed to Pass at the Legislature

H.B. 1289 (Conscience): This good bill by Rep. Brandt Smith (R – Jonesboro) protects the rights of conscience of all healthcare workers and companies. This would prevent people and organizations from being forced to promote, participate in, or pay for medical procedures that violate their conscience. Unfortunately, the bill failed to pass in the House Public Health Committee after members of Governor Hutchinson's staff and others lobbied heavily against the bill.



Rep. John Payton (R – Wilburn) presents H.B. 1342, a bill that would have alleviated the tax burden Arkansans face when buying a used car.

H.B. 1342 (Used Car Tax Relief): This good bill by Rep. John Payton (R – Wilburn) and Sen. Terry Rice (R – Waldron) eliminates the sales tax on used cars sold for less than \$7,500. Currently, sales tax is collected on new and used cars sold for \$4,000 or more. This bill would have provided tax relief to a lot of families who rely on used vehicles. The bill passed in the Arkansas House, but failed to pass in the Senate Revenue and Tax Committee.

H.B. 1761 (Pro-Life/Bioethics): This good bill by Rep. Cindy Crawford (R – Fort Smith) and Sen. Missy Irvin (R – Mountain View) regulates the buying and selling of human eggs. Arkansas law currently lets companies harvest women's

eggs for profit. Commercial egg harvesting carries a number of risks and is ethically suspect. H.B. 1761 prohibits companies from paying women for their eggs, but contains exceptions for free egg donations and for fertility treatments. The bill passed in the Arkansas House, but did not get a hearing in the Senate Public Health Committee before the session adjourned.

H.B. 1511 (Home Schooling): This good bill by Rep. Mark Lowery (R – Maumelle) ensures home schooled students and private school students can access the Succeed Scholarship the state offers to students with special needs. Currently, this scholarship is only available for students enrolled in a public school. Unfortunately, the bill never really got off the ground at the legislature.

H.B. 1378 (Lottery): This good bill by Rep. Jim Dotson (R – Bentonville) and Sen. Bob Ballinger (R – Berryville) raises the percentage of Arkansas Lottery revenue allocated for college scholarships to 25% by the year 2025. Currently, the Arkansas Lottery spends about 18% of the money it makes on scholarships. Unfortunately, the bill did not pass the House Rules Committee.

S.B. 387 (Lottery): This good bill by Sen. Joyce Elliott (D – Little Rock) and Rep. Jasen Kelly (R – Benton) raises the percentage of Arkansas Lottery revenue allocated for college scholarships to 25% by the year 2025. Currently, the Arkansas Lottery spends about 18% of the money it makes on scholarships. Unfortunately, the bill failed to pass in the Senate Education Committee.

S.J.R. 4 and S.J.R. 9 (Ballot Initiatives): These were proposed constitutional amendments by Sen. Keith Ingram (D – West Memphis), Rep. Jon Eubanks (R – Paris), and Sen. Mark Johnson (R – Little Rock) that we worked on extensively. The measures were amended several times, and ultimately would have helped put an end to multimillion-dollar corporations hijacking Arkansas' petition drive process to write themselves into the Arkansas Constitution the way gambling businesses have in recent years. Unfortunately, these measures did not pass.

Bad Bills Passed at the Legislature

Act 812 / S.B. 492 (Public Drinking in Entertainment Districts): This bad law by Sen. Trent Garner (R – El Dorado) and Rep. Sonia Barker (R – Smackover) lets cities create "entertainment districts" where open containers of alcohol can be carried and consumed outdoors. Entertainment districts essentially are areas where public drinking and public intoxication are legal. Under this law, an entertainment district could be temporary—such as at an event or festival—or it

could be permanent. Public drinking in entertainment districts raises serious concerns about public safety. Cities like Memphis and New Orleans have had significant problems with violence in their entertainment districts. This bad bill narrowly passed the Arkansas House and Senate, and Governor Hutchinson signed the bill into law despite numerous requests from the public that he veto the bill.

Bad Bills Defeated at the Legislature

S.B. 304 (Comprehensive Sex-Education): This bad bill by Sen. Will Bond (D – Little Rock) and Rep. LeAnne Burch (D – Monticello) would have made it possible for Planned Parenthood—the nation’s largest abortion provider and largest provider of sex-education—to worm its way into Arkansas’ public schools under the auspices of teaching sex-education and teen pregnancy prevention. The initial draft of the bill would have mandated sex-education for students in grades 7–12 in every public school in Arkansas. That bill passed the Arkansas Senate, but was amended in the House to make the sex-education optional. Even with amendments, the bill still left the door wide open for Planned Parenthood to teach its liberal sex-education in Arkansas’ public schools. Rep. Mark Lowery (R – Maumelle) proposed the House Education Committee amend the



Jerry Cox testifies against S.B. 304 in the House Education Committee on April 2. The bill was narrowly defeated.

bill to ensure abortion-providers would not be able to teach sex-education in Arkansas’ public schools. This would have addressed our concerns and kept Planned Parenthood out of our public schools, but his good amendment failed to get enough support from committee members.

Family Council spent many years working with our friends in the Arkansas Legislature to root Planned Parenthood out of Arkansas’ public schools. That was a top priority for us until 2015, when we finally secured legislation that defunded Planned Parenthood, putting an end to a lot of their programs in Arkansas’ public schools. S.B. 304 threatened to undo all of those gains we made. Thankfully we were narrowly able to defeat this bad bill in committee, but the fight lasted until the final days of the session.

S.J.R. 18 (Ratifying the Federal Equal Rights Amendment): This proposal by Sen. Joyce Elliott (D – Little Rock) and Rep. Jamie Scott (D – North Little Rock) would have made Arkansas the 38th state to ratify the federal Equal Rights Amendment. This amendment to the U.S. Constitution is intended to prevent discrimination on the basis of sex, but the way it is worded could cause it to have a number of unintended consequences. States that have passed similar amendments have been forced to pay for abortions with taxpayer funds, and the Equal Rights Amendment could affect everything from college fraternities and sororities to how men and women are housed in federal prisons. The measure was defeated in the Senate State Agencies Committee in February. This was

Sen. Joyce Elliott presents S.J.R. 18 in the Senate State Agencies Committee in February. The bill was defeated.

at least the fourth time we have fought against ratification of the Equal Rights Amendment at the legislature.

H.B. 1290 (Contraceptives): This bill by Rep. Aaron Pilkington (R – Clarksville) and Sen. Bart Hester (R – Cave Springs) let pharmacists dispense oral contraceptives to women without a prescription from a doctor. Oral contraceptives carry a number of health risks—which is why women currently need a prescription from a doctor—and they can cause the death of an unborn child by preventing the unborn child from implanting and growing inside the mother’s womb. Our office has analyzed three decades worth of data from the state Department of Health and the federal Center for Disease Control that indicates that promoting contraceptive access simply does not reduce abortion or unplanned pregnancies. Think tanks like the Heritage Foundation have a number of theories on the reasons, but the reality is bills like H.B. 1290 threaten the lives and health of women and unborn children and don’t have an impact on abortion rates. That’s why Family Council opposed H.B. 1290. Unfortunately, opposing this bill put us at odds with a number of lawmakers with whom we normally agree. The fight against it lasted literally until the end of the session.

H.B. 1705 (Judicial Candidates): This bill by Rep. Jimmy Gaway (R – Paragould) and Sen. Jonathan Dismang (R – Beebe) would have made it harder for groups to educate voters about judicial candidates. The bill’s goal was to cut down on “dark money” and the shady attack ads we see every election cycle, but its wording was so broad that it would have affected the ability of groups like Family Council to tell voters who their judicial candidates are and where the candidates stand on certain issues. Ultimately, this bill was defeated.

H.B. 1536 (Legalizing Physician-Assisted Suicide): This bill by Rep. Dan Douglas (R – Bentonville) would have let doctors prescribe lethal drugs to terminally-ill patients who want to end their lives. There was so much wrong with H.B. 1536 that it’s hard to know where to begin. In one way or another, the bill was worse than virtually any other assisted-suicide proposal that’s been offered elsewhere in the U.S. After intense outcry, the bill was soundly defeated in the House Public Health Committee in March.





A Few Other Noteworthy Bills

Although we did not take a position on them one way or the other, here are a few noteworthy bills that came up at the legislature this year:

H.B. 1523: This bill by Rep. Rebecca Petty (R – Rogers) and Sen. Cecile Bledsoe (R – Rogers) generally prohibits jails from shackling pregnant inmates, except in cases when the inmate is a flight risk or poses a serious threat to herself or other people. This bill is nearly identical to one Family Council unsuccessfully supported—alongside the ACLU, oddly enough—in 2009. H.B. 1523 passed into law, and not a single legislator voted against it.

H.B. 1664: This bill by Rep. Cindy Crawford (R – Fort Smith) and Sen. Bob Ballinger (R – Berryville) creates programs that assist women and families with unplanned pregnancies and young children. The bill passed into law.

H.B. 1664 creates programs that assist women and families with unplanned pregnancies and young children. The bill passed into law.

S.B. 470: This bill by Rep. Cindy Crawford (R – Fort Smith) and Sen. Bob Ballinger (R – Berryville) provided \$1.5 million in funding for the program created by H.B. 1664. However, the bill did not pass.

H.B. 1625: This bill by Rep. Jimmy Gazaway (R – Paragould) makes it a felony to encourage someone to commit suicide. The bill passed into law.

H.B. 1621: This bill by Rep. Jim Dotson (R – Bentonville) and Sen. Cecile Bledsoe (R – Rogers) creates “primary prevention programs” that teach students how to avoid risky behaviors and situations and minimize risk overall. These programs are similar to Arkansas’ successful abstinence education programs of the late 1990s and early 2000s. The bill passed into law.

H.B. 1508: This bill by Rep. Andy Davis (R – Little Rock) helps close loopholes in Arkansas’ “Tim Tebow” law that had previously kept some home schoolers from being able to participate in extracurricular activities in their local private schools. The bill passed into law.

S.B. 463: This bill by Sen. Mark Johnson (R – Little Rock) regulated paid petition canvassers and organizations that employ paid petition canvassers in efforts to gather signatures and place measures on the ballot. The bill was referred to Interim Study, and the issue will be researched and discussed by lawmakers over the next two years.

S.B. 352: This bill by Sen. Alan Clark (R – Lonsdale) provided protections for faith-based adoption and foster care agencies operating according to their religious beliefs. However, the bill never made it out of committee.



HERE'S HOW MANY LIVES WE ESTIMATE ARKANSAS' NEW PRO-LIFE LAWS WILL SAVE EACH YEAR

The pro-life laws we help pass don't just stop abortion. They save lives. Our team has analyzed state reports from the Arkansas Department of Health that show how many abortions are performed in Arkansas each year, what procedures abortionists use, how old the unborn children were when they were aborted, and other important information. Using that data, we've estimated the number of lives some of Arkansas' newest pro-life laws will save each year, if they are enforced properly. We have tried to keep our estimates conservative; the actual numbers could be much higher.

Act 493 (Banning abortions after 18 weeks).....	170
S.B. 448 (Requiring abortionists to be board certified or board eligible OB/GYNs).....	300
S.B. 278 (Extending the waiting period for abortion to 72 hours).....	50
S.B. 2 (Prohibiting abortion because the baby has Down Syndrome).....	100

Total Number of Unborn Children Saved Every Year..... 620

It's possible some of these laws will get tied up in courts, which means we may not see their fruits for a year or two. It's also possible our estimates are off a little. However, I believe it's safe to say the average number of abortions performed in Arkansas each year could drop by more than 500 thanks to the good laws the Arkansas Legislature has passed this year.



Could These New Pro-Life Laws Cause the Court to Overturn *Roe v. Wade*?

This year Arkansas passed a law that could set the stage for the U.S. Supreme Court to overturn its infamous *Roe v. Wade* abortion decision. Here's how:

Act 493, the Cherish Act, prohibits abortions during or after the eighteenth week of pregnancy. Utah's legislature passed a similar law around the same time Arkansas passed Act 493. Because Utah is in the ultra-liberal Ninth Circuit Court of Appeals, a lot of pundits expect the ACLU and Planned Parenthood to challenge Utah's 18-week law, and they expect the liberal courts to strike it down as unconstitutional.

Arkansas, meanwhile, is in the much more conservative Eighth Circuit Court of Appeals. If Planned Parenthood and the ACLU challenge our 18-week abortion ban, a lot of pundits believe it will be upheld. That's going to trigger what's known as a "split decision," where the lower federal courts disagree on whether or not a law is constitutional. At that point, the U.S. Supreme Court would almost certainly take up the issue.

If that happens, the court likely will give us a good ruling. It could cause the court to reverse its 1992 *Planned Parenthood v. Casey* decision—the court case that reiterated the "right" to abortion and instituted the "viability rule" that makes it difficult to pass laws restricting abortion early in pregnancy. Reversing *Casey* would set the stage for the court to overturn or dismantle *Roe v. Wade* in a subsequent ruling.

Planned Parenthood knows this, and that's why I think they may be reluctant to challenge Arkansas' 18-week abortion ban. If they don't challenge it, Arkansas will have an excellent pro-life law on the books that will save nearly 2,000 children from abortion over the next decade. If they do challenge it, Arkansas will play an integral part in overturning one of the worst court decisions of the past 200 years. Either one sounds good to us.

Could These Pro-Life Laws Close Arkansas' Abortion Clinics?

S.B. 448 by Sen. Gary Stubblefield (R – Branch) and Rep. Sonia Barker (R – Smackover) prohibits a doctor from performing abortions unless he or she is a board-eligible or board-certified OB/GYN. This is a good law that will protect women from dangerous abortion practices. For perspective, under our old law any medical doctor or doctor of osteopathy could perform an abortion in Arkansas. Legally, a dermatologist who is an M.D. or D. O. could do surgical abortions. To put it plainly, that's ludicrous! S.B. 448 closes this dangerous loophole in state law, but there's more.

From what we've been told, Planned Parenthood's abortion doctor in Arkansas is not a board-certified or board-eligible OB/GYN. Under this law, if Planned Parenthood wants to keep doing chemical abortions in Arkansas, they will need to find a board-certified or board-eligible OB/GYN or their current abortion doctor will need to undergo the training and testing required for board eligibility or certification. **This could force Planned Parenthood to stop doing abortions.**

Overall, the pro-life laws we've helped pass this session could reduce the number of abortions performed in Arkansas by about 10%–20% per year.

To be clear, Planned Parenthood could still offer STD screenings, pregnancy tests, referrals for cancer screenings, and other legitimate healthcare services. But they wouldn't be able to kill unborn babies. Planned Parenthood has indicated they will challenge S.B. 448 in court. That might buy them some time—maybe a year or two—while their case works its way through the legal system. Eventually, however, the courts will rule, and I believe they will rule in Arkansas' favor. S.B. 448 is a reasonable law that protects women from dangerous abortion practices, and it can withstand a legal challenge.

Overall, the pro-life laws we've helped pass this session could reduce the number of abortions performed in Arkansas by about 10%–20% per year. That's going to affect the abortion clinics' profit margins. Some folks believe if you can cut into an abortion facility's business by 15% or so, it may affect their bottom line enough that they have to shut down. There are plenty of ways to cut costs at an abortion facility, and in other states Planned Parenthood is experimenting with abortion facilities that have very low overhead expenses. However, it's possible the good laws we helped pass this year could force Arkansas' abortion facilities to restructure their businesses or shut down completely. Either one of those would be good for Arkansas' unborn children.



Watch Out for Public Drinking Districts in Your Community!

The Arkansas Legislature passed only one bill that Family Council strongly opposed: S.B. 492 by Sen. Trent Garner (R – El Dorado) and Rep. Sonia Barker (R – Smackover). This bad law lets cities and municipalities in wet counties establish “entertainment districts” in neighborhoods with bars, restaurants, art galleries, taverns, theaters, hotels, distilleries, dance clubs, concert halls, and similar establishments. Entertainment districts effectively are parts of town where public drinking and public intoxication are legal. People can walk up and down sidewalks and streets, drinking beer or hard liquor. Under current law, if a person were found drinking on a sidewalk outside a bar, he or she could be charged with public drinking and public intoxication. Under S.B. 492, this kind of behavior will be legal if it occurs in a part of town the city or municipality designated as an entertainment district.

For perspective, these sorts of public drinking districts are fairly rare in America. The closest ones to Arkansas are Beale Street in Memphis and Bourbon Street in New Orleans. These are not family-friendly locations. If you browse the headlines, Memphis has had serious issues lately with drunken violence on Beale Street. Similar problems have occurred in entertainment districts elsewhere around the country. That’s why Family Council has opposed entertainment districts every time the issue has come up at the Arkansas Legislature.

In 2005, Democrats in the legislature passed a bill legalizing entertainment districts, but Republican Governor Mike Huckabee vetoed the bill. S.B. 492 is virtually identical to the Democrat-backed proposal that Governor Huckabee vetoed in 2005, but S.B. 492 narrowly passed and became law with Republicans controlling the Arkansas House, the Arkansas Senate, and the Governor’s Office.

Now that public drinking is legal in entertainment districts, here’s what we need to prepare for:

First, business interests in central Arkansas and northwest Arkansas will be anxious to create miniature Beale Streets or Bourbon Streets in their communities. Ground Zero for these efforts will be Dickson Street in Fayetteville, the Riv-

ermarket District in Little Rock, and the Argenta District in North Little Rock. These neighborhoods already have a lot of bars and restaurants as well as heavy foot-traffic, and it makes sense they would be the first places targeted for entertainment districts. Others to watch out for are downtown Texarkana—where officials are already talking about creating a public drinking district—Hot Springs, and the Murphy Arts District in downtown El Dorado.

Second, smaller communities will face pressure to designate temporary entertainment districts at local festivals and events. A temporary entertainment district could be established at a county fair if the fairgrounds are adjacent to any bars, restaurants, or similar businesses. Local officials could allow public drinking at, for example, Daffodil Days in Hot Springs, the Blossom Festival in Magnolia, the Dogwood Festival in Siloam Springs, and any other festival or event in a wet county. This means alcohol could be carried and consumed publicly on streets and sidewalks anywhere local officials decide at the festival.



Third, Arkansans need to be prepared to stand and fight when the liquor lobby and local officials try to establish an entertainment district in their communities. Citizens can oppose the entertainment district outright, or they can fight to keep it tightly-regulated and contained. For example, residents in Fayetteville can oppose converting Dickson Street into an entertainment district, but if an entertainment district appears inevitable, voters can insist their city council mem-

bers restrict the hours during which alcohol can be carried and consumed publicly on Dickson Street. City officials also could enact regulations to keep minors out of entertainment districts, prohibit excessive noise in the entertainment district, provide a police presence in the neighborhood, and manage the flow of traffic to and from the entertainment district to crack down on drunk driving.

If you want to know more about fighting public drinking and entertainment districts in your community, call us at (501) 375-7000.

Here is How Your State Representative and Your State Senator Voted on Public Drinking District Legislation

S.B. 492, the bad law that lets cities and municipalities create entertainment districts where public drinking is legal, narrowly passed the Arkansas House and Arkansas Senate, and Governor Hutchinson signed it into law despite receiving a number of calls from Arkansans asking him to veto the bill. Below is a breakdown of how the Arkansas House and Arkansas Senate voted on S.B. 492.

REPRESENTATIVES WHO VOTED FOR S.B. 492

Rep. Fred Allen (D – Little Rock)
Rep. Sonia Barker (R – Smackover)
Rep. Mary Bentley (R – Perryville)
Rep. Charles Blake (D – Little Rock)
Rep. Harlan Breaux (R – Holiday Island)
Rep. Karilyn Brown (R – Sherwood)
Rep. LeAnne Burch (D – Monticello)
Rep. Sarah Capp (R – Ozark)
Rep. Frances Cavanaugh (R – Walnut Ridge)
Rep. Craig Christiansen (R – Bald Knob)
Rep. Nicole Clowney (D – Fayetteville)
Rep. Bruce Coleman (R – Mountainburg)
Rep. Andrew Collins (D – Little Rock)
Rep. Cindy Crawford (R – Fort Smith)
Rep. Carol Dalby (R – Texarkana)
Rep. Andy Davis (R – Little Rock)
Rep. Marsh Davis (R – Cherokee Village)
Rep. Jana Della Rosa (R – Rogers)
Rep. Dan Douglas (R – Bentonville)
Rep. Jon Eubanks (R – Paris)
Rep. Deborah Ferguson (D – West Memphis)
Rep. Kenneth Ferguson (D – Pine Bluff)
Rep. Vivian Flowers (D – Pine Bluff)
Rep. Denise Garner (D – Fayetteville)
Rep. Jimmy Gazaway (R – Paragould)
Rep. Don Glover (D – Dermott)
Rep. Megan Godfrey (D – Springdale)
Rep. Michelle Gray (R – Melbourne)
Rep. Grant Hodges (R – Rogers)
Rep. Monte Hodges (D – Blytheville)
Rep. Douglas House (R – North Little Rock)
Rep. Fredrick Love (D – Little Rock)
Rep. Stephen Magie (D – Conway)
Rep. Austin McCollum (R – Bentonville)
Rep. Tippi McCullough (D – Little Rock)
Rep. Reginald Murdock (D – Marianna)
Rep. Milton Nicks, Jr. (D – Marion)
Rep. Mark Perry (D – Jacksonville)
Rep. Rebecca Petty (R – Rogers)
Rep. Aaron Pilkington (R – Clarksville)
Rep. Jay Richardson (D – Fort Smith)
Rep. Chris Richey (D – West Helena)
Rep. Marcus Richmond (R – Harvey)
Rep. Laurie Rushing (R – Hot Springs)
Rep. Johnny Rye (R – Trumann)
Rep. Jamie Scott (D – North Little Rock)
Rep. Keith Slake (R – Compton)
Rep. Jim Sorvillo (R – Sorvillo)
Rep. John Walker (D – Little Rock)
Rep. Les Warren (R – Hot Springs)
Rep. David Whitaker (D – Fayetteville)

REPRESENTATIVES WHO VOTED AGAINST S.B. 492

Rep. Joe Cloud (R – Russellville)
Rep. Cameron Cooper (R – Romance)
Rep. Gary Deffenbaugh (R – Van Buren)
Rep. Jim Dotson (R – Bentonville)
Rep. Brian Evans (R – Cabot)
Rep. Lanny Fite (R – Benton)
Rep. Jack Fortner (R – Yellville)
Rep. David Hillman (R – Almyra)
Rep. Lee Johnson (R – Greenwood)
Rep. Jasen Kelly (R – Benton)
Rep. Mark Lowery (R – Maumelle)
Rep. Robin Lundstrum (R – Elm Springs)
Rep. John Maddox (R – Mena)
Rep. Gayla McKenzie (R – Gravette)
Rep. Stephen Meeks (R – Greenbrier)
Rep. John Payton (R – Wilburn)
Rep. Clint Penzo (R – Springdale)
Rep. Nelda Speaks (R – Mountain Home)
Rep. Richard Womack (R – Arkadelphia)

REPRESENTATIVES WHO VOTED “PRESENT” ON S.B. 492 (DID NOT VOTE FOR OR AGAINST IT)

Rep. Ken Bragg (R – Sheridan)
Rep. David Fielding (D – Magnolia)
Rep. Mike Holcomb (R – Pine Bluff)
Rep. Roger Lynch (R – Lonoke)
Rep. Brandt Smith (R – Jonesboro)
Rep. Dan Sullivan (R – Jonesboro)
Rep. Dwight Tosh (R – Jonesboro)
Rep. DeAnn Vaught (R – Horatio)
Rep. Danny Watson (R – Hope)
Rep. Carlton Wing (R – North Little Rock)

REPRESENTATIVES WHO DID NOT VOTE FOR OR AGAINST S.B. 492

Rep. Rick Beck (R – Center Ridge)
Rep. Stan Berry (R – Dover)
Rep. Justin Boyd (R – Fort Smith)
Rep. Bruce Cozart (R – Hot Springs)
Rep. Les Eaves (R – Searcy)
Rep. Charlene Fite (R – Van Buren)
Rep. Mickey Gates (R – Hot Springs)
Rep. Justin Gonzales (R – Okolona)
Rep. Spencer Hawks (R – Conway)
Rep. Steve Hollowell (R – Forrest City)
Rep. Lane Jean (R – Magnolia)
Rep. Joe Jett (R – Success)
Rep. Jack Ladyman (R – Jonesboro)
Rep. Julie Mayberry (R – Hensley)
Rep. Ron McNair (R – Alpena)
Rep. Josh Miller (R – Heber Springs)

Rep. Stu Smith (R – Batesville)
Rep. Jeff Wardlaw (R – Hermitage)
Rep. Jim Wooten (R – Beebe)
Rep. Matthew Shepherd (R – El Dorado)

SENATORS WHO VOTED FOR S.B. 492

Sen. Bob Ballinger (R – Berryville)
Sen. Will Bond (D – Little Rock)
Sen. Ronald Caldwell (R – Wynne)
Sen. Linda Chesterfield (D – Little Rock)
Sen. Breanne Davis (R – Russellville)
Sen. Lance Eads (R – Springdale)
Sen. Joyce Elliott (D – Little Rock)
Sen. Jane English (R – North Little Rock)
Sen. Trent Garner (R – El Dorado)
Sen. Jim Hendren (R – Gravette)
Sen. Jimmy Hickey (R – Texarkana)
Sen. Ricky Hill (R – Cabot)
Sen. Keith Ingram (D – West Memphis)
Sen. Mark Johnson (R – Little Rock)
Sen. Greg Leding (D – Fayetteville)
Sen. Terry Rice (R – Waldron)
Sen. Bill Sample (R – Hot Springs)
Sen. David Wallace (R – Leachville)

SENATORS WHO VOTED AGAINST S.B. 492

Sen. Cecile Bledsoe (R – Rogers)
Sen. Alan Clark (R – Lonsdale)
Sen. Jonathan Dismang (R – Beebe)
Sen. Scott Flippo (R – Bull Shoals)
Sen. Kim Hammer (R – Benton)
Sen. Bart Hester (R – Cave Springs)
Sen. Blake Johnson (R – Corning)
Sen. Bruce Maloch (D – Magnolia)
Sen. Jason Rapert (R – Conway)
Sen. Gary Stubblefield (R – Branch)
Sen. James Sturch (R – Batesville)
Sen. Larry Teague (D – Nashville)

SENATORS WHO VOTED “PRESENT” ON S.B. 492 (DID NOT VOTE FOR OR AGAINST IT)

Sen. John Cooper (R – Jonesboro)
Sen. Stephanie Flowers (D – Pine Bluff)
Sen. Missy Irvin (R – Mountain View)

SENATORS WHO DID NOT VOTE ON S.B. 492

Sen. Eddie Cheatham (D – Crossett)
Sen. Matthew Pitsch (R – Fort Smith)

If your senator or state representative voted against S.B. 492, I hope you will thank them. If you need help contacting your legislators, call our office at (501) 375-7000.

Here are the Three Referred Measures You Will See on the Ballot in 2020

S.J.R. 15 (Term Limits): S.J.R. 15 changes provisions in the Arkansas Constitution concerning term limits. Under the current term limits structure, lawmakers can serve a total of 16 years in the Arkansas House or Senate; once those 16 years are up, their legislative career is over. S.J.R. 15 lets lawmakers serve a total of 12 years in the Arkansas House and Senate; after that, if they want to get re-elected, they have to sit out for four years first. This means a person could serve in the Arkansas House or Senate almost indefinitely, provided he or she is willing to take a four-year sabbatical from the legislature every 12 years. S.J.R. 15 will appear on the ballot in November of 2020.

H.J.R. 1008 (Ballot Initiatives and Referenda): This ballot proposal amends Article 5, § 1 of the Arkansas Constitution governing petition drives. It changes deadlines for filing petitions to place a measure on the ballot and challenging ballot measures in court. It also increases the number of counties from which petition signatures must be collected, and it eliminates the 30-day cure period that groups can use to correct their petitions or gather additional signatures if the Secretary of State determines they did not collect enough signatures. H.J.R. 1008 also affects referred measures that the Arkansas Legislature places on the ballot. Under H.J.R. 1008, a referred measure would have to get a 3/5 vote from the Arkansas House and Arkansas Senate before it can be placed on the ballot. Under the current rules of the Arkansas House and Arkansas Senate, referred measures must get a 2/3 vote—which is higher than a 3/5 vote. Unlike other proposals offered at the legislature this year, H.J.R. 1008 does not regulate paid canvassers; it does not prevent special interest groups from writing themselves into the Arkansas Constitution; and it does not empower the Arkansas Legislature to address petition fraud. H.J.R. 1008 will appear on the ballot in November of 2020.

H.J.R. 1018 (Highway Funding): This constitutional amendment permanently extends Arkansas' 0.5% sales tax on items besides food and food ingredients. The per-

The tax revenue from the amendment is supposed to fund improvements to highways, county roads, and city streets.

manent extension would become effective after the 0.5% sales tax currently levied by Amendment 91 in the Arkansas Constitution expires in 2023. The tax revenue from the amendment is supposed to fund improvements to highways, county roads, and city streets. H.J.R. 1018 will appear on the ballot in November of 2020.

Here are a Few of Our Goals for the Rest of 2019

We'll soon be halfway through 2019. Here's a quick snapshot of a few of the things we have planned for the rest of the year:

- 1. Host two home school graduations.** In a few days our home school office, the Education Alliance, will host two high school graduations—one in Searcy and one in Bentonville. Our home school graduations are a wonderful service that we are glad we get to offer to families all over Arkansas.
- 2. Make sure our new laws are properly implemented.** It isn't enough to pass laws. Those laws have to be implemented and enforced properly. Our new pro-life laws and marijuana restrictions may require new rules and regulations from the State of Arkansas. Those rules and regulations will help make sure that officials enforce those laws correctly. We plan to be part of the rulemaking process.
- 3. Oppose casino gambling.** A lot of legal minds believe the Arkansas Racing Commission can curtail casino gambling in our state through rules and regulations. We plan to work with our friends around the state to encourage the Racing Commission to restrict sports betting and other forms of casino gambling that are especially harmful to communities.
- 4. Oppose efforts to establish public drinking districts in Arkansas.** Nothing good will come of it if communities start letting people get drunk on streets and sidewalks in entertainment districts. Lawmakers decided to pass S.B. 492. Now it falls to us and our friends across the state to keep local officials from unleashing this blight in our communities.
- 5. Begin applying for funding for our new pro-life foundation.** The ARFuture Foundation has been approved by the IRS as a tax-exempt organization. We're now ready to start applying for funds and awarding grants to pro-life pregnancy resource centers around the state. This is exciting news, and we look forward to continuing our mission of making abortion illegal and unthinkable in Arkansas.
- 6. Start gearing up for the 2020 Arkansas Voter's Guide.** We have about a year until the 2020 Primary Elections. Between now and then we will survey candidates for office on a number of issues—abortion, education, taxes, and others—and we will publish their responses in print and online. That's a process that begins months before Election Day, and it's going to be one of our top priorities later this year.

WE NEED YOUR HELP

We just wrapped up one of our busiest and best legislative sessions ever. All told, we helped pass nearly a dozen pieces of pro-life legislation that will save the lives of hundreds of unborn children every year from now on. We secured some excellent laws that will help home schoolers, and we were able to pass legislation protecting free speech. We also pushed back against physician-assisted suicide and marijuana in Arkansas.

Now that the session is over, we have a lot of other really important work to do. That's why I hope you will partner with us by sending a generous, tax-deductible donation today, if you are able. Your gift will help us end abortion, fight gambling, keep our communities free of public drinking and public intoxication, and educate voters about candidates and issues. Enclosed are a response card and return envelope for your convenience.

Thank you for helping us make Arkansas a better place to live, work, and raise a family. **It's so good to know we have wonderful friends like you backing us.** Please let me know if there is ever anything my staff or I can do for you.

Sincerely,



Jerry Cox, President

Thank you!!

P.S. We recently helped pass nearly a dozen pieces of pro-life legislation that will save the lives of hundreds of unborn children every year from now on. By next fall we estimate that about 1,500–2,000 children ages five and under will be alive in Arkansas because of laws we've helped pass since 2015; about 400 of those kids will be starting preschool or Kindergarten. We have big plans for the rest of the year. That's why I hope you will partner with us by making a generous, tax-deductible donation today, if you are able. You're such an important part of our work. **Thank you for standing with us.**

