



FAMILY
COUNCIL

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**MAY 2023
UPDATE LETTER**

Dear Friends,

"I pray for the day when state legislators wake up in a cold sweat in the middle of the night, because they're worried about voting against a pro-life bill."

That's what a pro-life attorney and friend of mine said over 30 years ago when we were trying to pass pro-life laws at the state capitol. Not able to imagine such a day, I thought to myself, "That will be the day!" At the time, being pro-life generally meant we were on the losing side at the Arkansas Legislature. When we testified against abortion at the capitol, lawmakers typically either thumbed their noses at us—or they gave us a proverbial elbow to the mouth as they voted us down. Three decades later, it seems my friend's prayers have been answered. Today, for most Republicans, it's almost "fighting words" for someone to say that they're not pro-life.

We've written time and again about how abortion is prohibited in Arkansas except to save the life of the mother now that the U.S. Supreme Court has reversed *Roe v. Wade*. What we rarely talk about is just how much support pro-life legislation has at the capitol. At the start of the year, Family Council made a firm commitment to stop any effort to weaken our good, pro-life laws. Thanks to the resolve of Arkansas' lawmakers and pro-life organizations like Arkansas Right to Life, we were able to do that.

H.B. 1301 and H.B. 1670—which you can read about in this letter—were two bills that would have written additional exceptions into Arkansas' abortion laws. We testified against H.B. 1301 in the House Public Health Committee, and the committee defeated that bad measure. When H.B. 1670 was placed on the agenda for the House Judiciary Committee for March 30, we began speaking with state representatives about how the bill weakened our laws against abortion. It quickly became so obvious that the bill would not pass that our lobby team decided testifying against it at the committee meeting would be a waste of the lawmakers' time. Coincidentally, my team and I actually left the committee meeting just as the bill's sponsor was preparing to testify in support of her abortion bill. It was almost a surreal moment to be walking out of a meeting knowing that an abortion bill at the capitol was so doomed that there was no need for us to say a word about it.

As good as this is, there is a downside to lawmakers not wanting to be on record opposing any pro-life measures. Occasionally a poorly written pro-life bill gets filed. You can keep reading this letter to find out about a couple of them from this session. When that happens, some legislators seem worried about possibly having to amend or oppose a pro-life measure that is well-intended, but not well written. They don't want to face a challenger in the spring primaries who can tell voters, "My opponent voted against a pro-life bill at the legislature." It's an unfortunate political reality of the times we are living in. But when it's all said and done, I like this pro-life environment far better than the environment we operated in 20 or 30 years ago. When it comes to protecting the unborn, Arkansas has come a long way.

Family Council just wrapped up one of its busiest and most successful legislative sessions in the past 34 years. All told, we tracked approximately 100 measures at the Arkansas Capitol this year, and we helped secure passage of dozens of good laws. We also helped defeat several bad bills, and we mobilized voters to make their voices heard at the legislature. This was a great legislative session, and I am proud of my lobby team—Luke, Charisse, Erin, and David—who helped make this possible. I have a long list of goals met, promises kept, laws passed, and legislative commentary I want to share with you. I hope you will keep reading this letter to find out what you have helped us accomplish over the 88 days of the 2023 legislative session.



Executive Director Jerry Cox

MY THOUGHTS: GOALS MET AND PROMISES KEPT AT THE ARKANSAS LEGISLATURE

We are exhausted! But we won! When the legislature convened on January 9, we had 12 goals. By the time they adjourned on April 7, we had crossed every goal off our list and achieved even more!

Pregnancy Center Funding:

We secured \$1 million to fund a grant program for pregnancy help organizations. This will help

women and girls with an unplanned pregnancy. By giving them an alternative to abortion, we are helping pregnancy centers across Arkansas save the unborn.

Religious Freedom: Arkansas now has the nation's best religious freedom law. Also written into it is a ban on government discrimination against religious people or organizations. This will protect churches, religious persons, and those who operate businesses. This helps churches stay open during pandemics, adoption agencies operate by their faith, and individuals not have to compromise their convictions.

School Choice and More: We worked with Gov. Sanders and her team on the LEARNS Act. This good law addresses three of our 12 goals. It prevents the teaching of gender identity studies before fifth grade. It prevents the teaching of Critical Race Theory, and it ushers in real school choice with almost \$6,000 per year following the student to a public or private school, and it even provides funds for homeschools.

Human Trafficking: We worked with our friends in the legislature to pass five good laws against human trafficking. These increase penalties for trafficking, broaden who can be charged, and give victims greater ability to file civil lawsuits against perpetrators.

Nursing Homes: We thought the nursing home industry might introduce legislation to make it easier to withhold care from the terminally ill—putting us on a path to assisted suicide—but they didn't. They also did not attempt to shield themselves from lawsuits if they neglect or abuse a resident. Our work against these forces in previous sessions is paying off. Many lawmakers don't want to deal with such bad legislation.

Pro-Abortion Attack: As predicted, pro-abortion lawmakers attacked our good pro-life laws. They introduced an amendment to the Arkansas Constitution that would have repealed our pro-life Amendment 68 and made Arkansas one of three states to enshrine abortion as a state constitutional right. In addition, they attempted to pass laws allowing abortions for health reasons and in cases of incest. We joined Arkansas Right to Life in opposing these bad laws, and they all failed.

Abortion Drugs and Referrals: The problem with abortion drugs has proven hard to solve, but we made prog-

ress. Working with our friends at Arkansas Right to Life and in the legislature, we helped secure passage of a law that requires an ultrasound to be performed before a woman can be referred out-of-state for an abortion. We also helped secure passage of a law to revoke the license of doctors who provide abortion-causing drugs.

Clergy Visits: Two years ago, we helped pass the No Patient Left Alone Act. This good law allows people in hospitals and other facilities to have visitors during a pandemic. This year we strengthened this good law by ensuring that pastors must be allowed to visit if the facility allows any other visitors.

Stopping Marijuana: We helped stop a proposed state constitutional amendment to legalize recreational marijuana statewide. In addition, we worked to ban Delta-8 THC, a psychoactive marijuana derivative that is currently legal and being sold to kids in some parts of Arkansas.

Blunting the LGBT Agenda and Helping Homeschoolers: We helped secure passage of a bill that requires public schools to provide sex-specific facilities that correspond to the student's biological sex. In addition, we helped pass a bill that prevents teachers and students from being forced to use pronouns that do not correspond with the student's biological sex. In the homeschool arena, we successfully worked against a law that would have required state testing of all homeschoolers. We increased homeschoolers' opportunities by expanding their ability to play sports at public schools.

Suing Doctors for Sex-Change Procedures on Children: Right now the SAFE Act lawmakers passed in 2021 that prevents gender-reassignment procedures on children is tied up in court. This year we helped secure passage of a law that enables child victims of these surgeries or medical procedures to sue doctors until age 33.

Creating a Culture of Life: In 2021, we secured passage of a law that allows cities to pass resolutions declaring themselves to be Pro-Life. This year we expanded this law to include counties and any other political subdivisions of the state. We are looking forward to school districts declaring themselves to be pro-life.

Protecting Kids from Online Porn and Other Dangers: We helped pass two good laws that protect children online. One requires age verification with a driver's license to be scanned and uploaded before a person can access an Internet pornography site. The other requires age verification to ensure that children under age 18 cannot open an online social media account without parental consent.

Good Bills Passed This Year

PASSED: H.R. 1010 (Pro-Life): This good resolution by Rep. Cindy Crawford (R – Fort Smith) recognizes the vital role of pregnancy help organizations in Arkansas.

PASSED: Act 68 / H.B. 1098 (Pro-Life): This good law by Rep. Julie Mayberry (R – Hensley) and Sen. Missy Irvin (R – Mountain View) permits Safe Haven Baby Boxes at volunteer fire stations in Arkansas. Arkansas Right to Life was the lead pro-life proponent of this good law. Family Council was proud to support their efforts.

PASSED: Act 310 / S.B. 307 (Pro-Life): This good law by Sen. Kim Hammer (R – Benton) and Rep. Mary Bentley (R – Perryville) authorizes a monument on the Arkansas Capitol Grounds commemorating the unborn children whose lives were lost in abortion. Arkansas Right to Life was the lead pro-life proponent of this good law. Family Council was proud to support their efforts.

PASSED: S.B. 286 (Pro-Life): This good law by Sen. Scott Flippo (R – Bull Shoals) and Rep. Lane Jean (R – Magnolia) authorizes \$1 million in state-funded grants for crisis pregnancy centers, maternity homes, adoption agencies, and social services agencies that provide material support to women with unplanned pregnancies.

PASSED: S.B. 446 (Pro-Life): This good law by Sen. Joshua Bryant (R – Rogers) and Rep. Kendon Underwood (R – Cave Springs) expands the law that lets cities, counties, and other political subdivisions of the state pass resolutions affirming that they are Pro-Life.

PASSED: S.B. 452 (Pro-Life): This good law by Sen. Ben Gilmore (R – Crossett) and Rep. Mindy McAlindon (R – Centerton) amends the legislative declarations in the Arkansas Family Planning Act of 1973. The bill deletes legislative findings in state law that claim, “Continuing population growth either causes or aggravates many social, economic, and environmental problems, both in this state and in the nation,” and that “contraceptive procedures, supplies, and information as to and procedures for voluntary sterilization are not sufficiently available as a practical matter to many persons in this state.”

PASSED: S.B. 463 (Pro-Life): This good law by Sen. Ben Gilmore (R – Crossett) and Rep. Mindy McAlindon (R – Cen-

terton) clarifies that the State Medical Board will revoke the license of a physician who violates Arkansas’ laws against abortion-inducing drugs. This will help ensure Arkansas has strong penalties for dispensing illegal abortion drugs in the state.

PASSED: S.B. 466 (Pro-Life): This good law by Sen. Jim Dotson (R – Bentonville) and Rep. Sonia Barker (R – Smackover) says that a public school or open-enrollment public charter school shall not knowingly enter into any type of transaction with an individual or entity that offers or provides abortion referrals. This will help keep public schools from contracting with organizations like Planned Parenthood in Arkansas.

PASSED: S.B. 542 (Pro-Life): This good law by Sen. Missy Irvin (R – Mountain View) and Rep. Lee Johnson (R – Greenwood) clarifies that a physician must perform an ultrasound before referring a woman to an abortionist. Studies indicate women are less likely to choose abortion after seeing their child on an ultrasound screen. Currently, doctors in Arkansas are able to refer women to abortionists out of state. Federal law generally prevents state legislatures from prohibiting these abortion referrals altogether, but S.B. 542 will help restrict these abortion referrals and let women see an ultrasound image of their unborn child. Arkansas Right to Life was the lead pro-life proponent of this good bill. Family Council was proud to support their efforts.

PASSED: H.B. 1786 (Pro-Life): This good bill by Rep. Aaron Pilkington (R – Knoxville) and Sen. Clint Penzo (R – Springdale) specifies that abortions performed to save the life of the mother must take place in a hospital or emergency room. This bill will help clarify Arkansas’ restrictions on abortion, and it will protect women’s health by ensuring that any abortion performed to save the mother’s life takes place in a facility that is properly equipped to handle medical emergencies.

PASSED: S.B. 384 (Adoption): This good bill by Sen. David Wallace (R – Leachville) requires public schools to provide at least one hour of education regarding adoption awareness to students in grades 6-12. Arkansas Right to Life was the lead pro-life proponent of this good law. Family Council was proud to support their efforts.

PASSED: Act 131 / S.B. 43 (Decency): This good law by Sen. Gary Stubblefield (R – Branch) and Rep. Mary Bentley (R – Perryville) prohibits adult performances on public property or in view of children. It also prohibits public funding of adult performances.

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Left: Family Council staff member Erin Hogan (left) testifies alongside Rep. Julie Mayberry in the House Public Health Committee on March 9.

Good Bills Passed This Year *(continued)*

PASSED: Act 372 / S.B. 81 (Obscenity): This good law by Sen. Dan Sullivan (R – Russellville) and Rep. Justin Gonzales (R – Okolona) prohibits giving or sending a child harmful sexual material that contains nudity or sexual activity.

PASSED: S.B. 66 (Pornography): This good law by Sen. Tyler Dees (R – Siloam Springs) and Rep. Mindy McAlindon (R – Centerton) requires pornographic websites to use a government-issued ID or a commercially available age verification method to protect children from pornography.

PASSED: S.B. 396 (Social Media): This good bill by Sen. Tyler Dees (R – Siloam Springs) and Rep. Jon Eubanks (R – Paris) requires social media companies to verify users' ages, and it prohibits them from letting minors access the social media platform without parental consent.

PASSED: Act 274 / S.B. 199 (Protecting Children): This good law by Sen. Gary Stubblefield (R – Branch) and Rep. Mary Bentley (R – Perryville) lets a child who undergoes a sex-change procedure sue the healthcare provider who performed the procedure if the child suffers any physical, psychological, or emotional injury as a result.

PASSED: S.B. 270 (Sexual Indecency): This good law by Sen. John Payton (R – Wilburn) and Rep. Cindy Crawford (R – Fort Smith) clarifies that an adult commits sexual indecency if the adult enters and remains in an opposite-sex changing area where a child of the opposite sex is present.

PASSED: H.B. 1468 (LGBT): This good bill by Rep. Wayne Long (R – Bradford) says that a teacher or faculty member who declines to use a student's or co-worker's preferred pronouns could not be held civilly, criminally, or administratively liable.

PASSED: Act 317 / H.B. 1156 (Privacy): This good law by Rep. Mary Bentley (R – Perryville) and Sen. Dan Sullivan (R – Jonesboro) addresses privacy in public school locker rooms,

showers, restrooms, changing areas, and similar facilities by requiring public schools to designate these facilities for "male" or "female" use.

PASSED: H.C.R. 1005 (Religious Freedom): This good measure by Rep. Mary Bentley (R – Perryville) and Sen. Gary Stubblefield (R – Branch) declares January 16, 2023, "Religious Freedom Day" in Arkansas.

PASSED: S.B. 517 (Religious Freedom): This good law by Sen. Clint Penzo (R – Springdale) is a good bill that helps facilitate in-person visits with clergy for patients in health-care facilities under Arkansas' No Patient Left Alone Act.

PASSED: H.B. 1615 (Religious Freedom): This good bill by Rep. Robin Lundstrum (R – Elm Springs) and Sen. Gary Stubblefield (R – Branch) makes important clarifications to the state Religious Freedom Restoration Act that helps safeguard the ability of religious people and religious organizations to operate according to their deeply held convictions.

PASSED: H.R. 1021 (Home Schooling): This good resolution by Reps. Cameron Cooper (R – Romance), Delia Haak (R – Siloam Springs), Wayne Long (R – Bradford), and Mindy McAlindon (R – Centerton) recognizes the fact that home schooling provides educational flexibility and benefits to more than 30,000 students in Arkansas.

PASSED: S.B. 361 (Education): This good law by Sen. Matt McKee (R – Percy) and Rep. Cameron Cooper (R – Romance) makes it easier for home schoolers to participate in an inter-scholastic activity in a neighboring school district if their local district doesn't offer the activity. It also clarifies requirements about enrollment in public school classes and about the waiting period for student athletes who withdraw from a public school to start home schooling.

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Above: Our team joined with friends who came out to the Arkansas Legislature in support of H.B. 1615 protecting religious freedom and rights of conscience in state law.



Above: Attorney Bob Ballinger (left) and Jerry Cox (right) visit following passage of H.B. 1615 in the House Judiciary Committee on March 30.

Good Bills Passed This Year *(continued)*

PASSED: Act 237 / S.B. 294 (Education): This omnibus education law by Sen. Breanne Davis (R – Russellville) and Rep. Keith Brooks (R – Little Rock) titled “The LEARNS Act” deals with critical race theory, teacher salaries, public school employment, early childhood care, and protecting elementary school children from inappropriate sexual material at school, and it provides a framework for implementing a voluntary school choice program that would make it possible for students to receive a publicly-funded education at a public or private school or at home.

PASSED: H.B. 1559 (Education): This good bill by Rep. Mindy McAlindon (R – Centerton) and Sen. Kim Hammer (R – Benton) prohibits schools from requiring employees to participate in implicit bias training or training designed to expose an individual to biases or attempt to use the training to change the employee’s point of view.

PASSED: Act 354 / S.B. 282 (Human Trafficking): This good law by Sen. Missy Irvin (R – Mountain View) and Rep. Jimmy Gazaway (R – Paragould) makes it easier for victims of human trafficking to sue their traffickers and those who profited from the trafficking.

PASSED: Act 327 / H.B. 1459 (Human Trafficking): This good law by Rep. Charlene Fite (R – Van Buren) and Sen. Kim Hammer (R – Benton) strengthens Arkansas’ laws and penalties concerning human trafficking.

PASSED: Act 330 / H.B. 1470 (Human Trafficking): This good bill by Rep. Charlene Fite (R – Van Buren) and Sen. Kim Hammer (R – Benton) improves Arkansas’ laws pertaining to human trafficking.

PASSED: H.B. 1502 (Human Trafficking): This good bill by Rep. Jimmy Gazaway (R – Paragould) and Sen. Kim Hammer (R-Benton) strengthens and clarifies Arkansas law as it pertains to sexual solicitation of a minor.

PASSED: S.B. 358 (Marijuana): This good bill by Sen. Tyler Dees (R – Siloam Springs) and Rep. Jimmy Gazaway (R – Paragould) would prevent Delta-8 THC from being manufactured via industrial hemp, and it would place Delta-8, Delta-9, and Delta-10 THC on the list of controlled substances in state law.



Above: Sen. Tyler Dees presents S.B. 358 prohibiting Delta-8 THC in committee on March 14. The bill narrowly passed at the Arkansas Legislature.

Good Bills That Failed to Pass This Year

FAILED TO PASS: H.B. 1006 (Abortion): This good bill by Rep. Aaron Pilkington (R — Knoxville) would require an employer that covers abortions or travel expenses related to abortions to also provide 12 weeks of paid maternity leave to employees in Arkansas.

FAILED TO PASS: H.B. 1398 (Pro-Life): This good bill by Rep. Les Eaves (R – Searcy) raises the state income tax credit for stillborn children from \$500 to \$1,500.

FAILED TO PASS: S.B. 261 (Pro-Life): This good bill by Sen. John Payton (R – Wilburn) and Rep. Delia Haak (R – Siloam Springs) lets a person claim an unborn child as a dependent for income tax credit purposes.

FAILED TO PASS: H.B. 1428 (Education): This good bill by Rep. Cameron Cooper (R – Romance) and Sen. Matt McKee (R – Percy) ensures that public, private, and home

schooled students have equal access to college and career readiness assessments offered at public schools in Arkansas, and that students with disabilities receive appropriate accommodations when taking these exams. We hope to address this issue through other government action.

FAILED TO PASS: H.B. 1698 (Education): This good bill by Rep. Harlan Breaux (R – Holiday Island) would have affirmed that public schools may establish released time for students to travel off campus for religious instruction.

FAILED TO PASS: H.B. 1738 (Education): This good bill by Rep. Mindy McAlindon (R – Centerton) and Sen. Gary Stubblefield (R – Branch) would have required schools to be more transparent regarding curricula by affirming that parents have the right to examine all materials being used in the classroom.

Bad Bills Passed This Year

PASSED: Act 34 / H.B. 1024 (Public Drinking): This bad law by Rep. David Ray (R – Maumelle) and Sen. Matt McKee (R – Percy) lets cities and towns that do not collect advertising and promotion taxes on hotels and restaurants establish entertainment districts where public drinking is legal. This will let communities authorize public drinking in entertainment districts even if the community does not cater toward hospitality and tourism. That has the potential to expand public drinking in Arkansas.

PASSED: Act 162 / S.B. 138 (Abortion): This bad law by Sen. Missy Irvin (R – Mountain View) and Rep. Rebecca Burkes (R – Lowell) repeals abortion facility licensing requirements in state law. Arkansas' abortion facility licensing requirement is tied to other provisions related to abortion in state code. Repealing the licensing requirement could have unintended consequences for those good laws if abortion were once again made legal by a state or federal court decision or law. Family Council and Arkansas Right to Life were able to help secure passage of H.B. 1786 to help mitigate the unintended consequences Act 162 created.

PASSED: Act 169 / H.B. 1162 (Alcohol): This bad law by Rep. David Ray (R – Maumelle) and Sen. Justin Boyd (R – Fort Smith) expands alcohol sales via microbreweries.

PASSED: Act 334 / H.B. 1498 (Alcohol): This bad law by Rep. Matt Brown (R – Conway) and Sen. Missy Irvin (R – Mountain View) expands alcohol at microbrewery-restaurant private clubs and lets municipalities authorize public



Above: Family Council staff member Luke McCoy testifies against H.B. 1024 in the Senate City, County, and Local Affairs Committee on January 24.

drinking in entertainment districts outside microbrewery-restaurant private clubs.

PASSED: Act 439 / H.B. 1349 (Gambling): This bad law by Rep. David Ray (R – Maumelle) and Sen. Jim Dotson (R – Bentonville) legalizes paid “esports tournaments” in Arkansas. The bill was heavily amended, but it still does not adequately prohibit wagering at casinos on esports tournaments.

PASSED: S.B. 475 (Alcohol): This bad law by Sen. Joshua Bryant (R – Rogers) amends Arkansas' law regarding alcohol sales via vending machine. The law authorizes self-serve machines that dispense beer, wine, mixed drinks, and distilled spirits for on-premises consumption in bars and restaurants.

Bad Bills Defeated This Year

DEFEATED: H.J.R. 1008 (Abortion): This bad measure by Rep. Deborah Ferguson (D – West Memphis) would have amended the Arkansas Constitution to recognize a fundamental right to abortion.

DEFEATED: H.B. 1670 (Abortion): This bad bill by Rep. Ashley Hudson (D – Little Rock) would have weakened Arkansas' pro-life laws by creating an exception for abortion in cases of incest. Rape and incest are evil, and any woman who is a victim of rape or incest is a victim in every sense of the word. However, legislation like H.B. 1670 fails to acknowledge that the unborn child is totally innocent. An unborn boy or girl has no control over how he or she was conceived. These are living human beings. It is not right to kill an unborn baby because the baby's father was a rapist or committed incest.

DEFEATED: H.B. 1301 (Abortion): This bad bill by Rep. Nicole Clowney (D – Fayetteville) would have legalized abortion in cases of “fetal abnormality incompatible with

life.” The bill does not define what is or is not a “fetal abnormality.” It is not clear how a federal judge might interpret this language. Unborn children should not be aborted simply because a doctor thinks they may be at risk for a fetal abnormality.

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Above: Jerry Cox testifies against abortion amendment H.J.R. 1008 in the House State Agencies and Governmental Affairs Committee on March 27.

Bad Bills Defeated This Year *(continued)*

mality. Family Council strongly opposed this bill—and any other bill that would weaken our state’s pro-life laws.

DEFEATED: H.B. 1684 (Abortion): This bad bill by Rep. Denise Garner (D – Fayetteville) would have permitted abortions performed to protect the health of the mother. Over the decades, courts have interpreted health exceptions like the ones in H.B. 1684 very broadly. As a result, adding this kind of vague exception to a pro-life law makes it much easier to justify abortion and can effectively permit abortion on demand.

DEFEATED: H.B. 1174 (Fetal Homicide and Wrongful Death): This bill by Rep. Richard Womack (R – Arkadelphia) would have changed Arkansas’ fetal homicide law and wrongful death statute. Among other things, the bill made it possible to prosecute or sue a woman for the death of her unborn child. It is unclear how a court might interpret and enforce this bill in light of Arkansas’ laws prohibiting abortion.

DEFEATED: H.B. 1605 (Marijuana): This bad bill by Rep. Jeremiah Moore (R – Clarendon) and Sen. Joshua Bryant (R – Rogers) would have legalized Delta-8 THC and other dangerous drugs made from cannabis under the state’s industrial hemp law.

DEFEATED: S.J.R. 13 (Marijuana): This bad proposed constitutional amendment by Sen. Joshua Bryant (R – Rogers) would have legalized marijuana “for the purposes of craft or home growing and adult use by Arkansas residents of a certain age.

Legislature Authorizes \$1 Million in Funding for Pregnancy Help Organizations

On April 4 the Arkansas Legislature passed a measure authorizing a million dollars in funding for grants to pregnancy help organizations in the state. S.B. 286 by Sen. Scott Flipppo (R – Bull Shoals) and Rep. Lane Jean (R – Magnolia) budgets \$1 million in state-funded grants for crisis pregnancy centers, maternity homes, adoption agencies, and social services agencies that provide material support to women with unplanned pregnancies. The bill also contains language clarifying that grant funding cannot go to abortion providers or their affiliates. This measure is virtually identical to a good appropriation measure the Arkansas Legislature passed last year—when lawmakers established a million dollar grant program for pregnancy help organizations. S.B. 286 ensures that the grant program that lawmakers authorized in 2022 will continue to provide funding for pregnancy help organizations in the coming year.

S.B. 286 passed at the Arkansas Legislature without a single lawmaker voting against it! We are grateful to the



Above: Family Council staff member Charisse Dean (right) testifies against pro-abortion measure H.B. 1301 in committee on March 7.

DEFEATED: H.B. 1204 (Nonpublic School Testing): This bill by Rep. Jim Wooten (R – Beebe) would have required nonpublic schools that receive any form of state funding to assess their students with a standardized test.

DEFEATED: H.B. 1587 (Home Schooling): This bad bill by Rep. Jim Wooten (R – Beebe) would have required home schoolers to take a nationally recognized norm-referenced test every year in order to receive any form of public funds. The testing requirements in H.B. 1587 do not seem to be connected to the LEARNS Act that Gov. Sanders recently signed into law. Home schoolers in Arkansas would have to test if they receive any type of public assistance or any type of grant or scholarship paid for with state or federal funds.

General Assembly for supporting this good measure. Now that abortion is prohibited except to save the life of the mother, legislation like S.B. 286 will help support women with unplanned pregnancies and build a culture of life in Arkansas. That’s something to celebrate.



Policy Points: Legislation Authorizing Tax Credits for Pregnancy Center Donations Fails in Arkansas

By David Cox, Assistant Director

Last year Family Council decided one of our goals for the 2023 session was to help establish a tax credit program for donations to pregnancy resource centers. In January, we learned Rep. Cameron Cooper (R – Romance) was working with the Arkansas Teenage Republicans on a measure that would

do precisely that. The tax credit legislation ended up being H.B. 1299, which was filed about three weeks into the session.

Family Council strongly supports giving people a tax credit for donations to pregnancy resource centers. However, there were problems with the way H.B. 1299 was written. H.B. 1299's definition of "pregnancy resource center" excluded abortion providers, but the bill did not exclude organizations that affiliate with abortion providers. That means that an affiliate of an abortion provider—like Planned Parenthood Great Plains, which operates facilities in Little Rock and Rogers—could try to qualify as a "pregnancy resource center" under this bill. The way H.B. 1299 was written, a person might be able to claim a tax credit for donating to an affiliate of an abortion provider if the affiliate could somehow prove that it offered pregnancy testing and other support for pregnant women. If the State of Arkansas denied the tax credit, Planned Parenthood or its supporters might be able to sue the state. A simple clarification in H.B. 1299's language would have fixed this problem.

This wasn't the only flaw. The bill required the Department of Human Services (DHS) to determine what a pregnancy center is and empowered them to review the operation of any clinic wishing to participate in the tax-credit program. In addition, the bill required pregnancy centers to give the Department of Finance and Administration (DFA) a list of donors wishing to claim the credit. The bill also contained

some unusual provisions requiring DFA to disburse a certain amount of credits on a quarterly basis, thus making it uncertain as to whether or not the donor would actually receive a tax credit. The Department of Finance and Administration issued a very negative assessment of the bill's cost in staff time and increased bureaucracy.

We met with backers of the bill over a period of several weeks. Altogether we spent at least three hours in meetings trying to persuade them to improve the bill. Finally, it appeared that we were going to reach an agreement to make the bill tolerable. Instead, the bill was not amended, but was unexpectedly brought up for a hearing in the House Revenue and Tax Committee on March 30. We had little choice but to testify on the bill to point out its numerous flaws. No vote was taken on the bill and it ultimately died.

Unfortunately, this flawed bill—and the backers' unwillingness to fix its flaws—hampered the passage of a good tax credit bill. Holding out hope that the bill could be amended and made better, Family Council and others paused efforts to introduce their own tax credit legislation that had been planned for months. Tax credit legislation is notoriously difficult to enact because of the impact it can have on the state's budget. Along the way, I and others on our team became deeply frustrated with H.B. 1299's supporters over the way the legislation was handled. I'm not proud of that.

In the end, it might not have mattered since almost all tax credit bills failed to pass this year. Most extra funds are being diverted to the Governor's State Income Tax cuts. When the legislature convenes for the budget session in 2024, we are looking forward to working with pregnancy center directors, Governor Sanders, and our friends in the legislature to pass needed tax incentives for donations to pregnancy help organizations.



David Cox,
Family Council



Planned Parenthood Federation's regional affiliate Planned Parenthood Great Plains accepts donations to support its facilities in Little Rock and Rogers. The Arkansas facilities don't perform abortions, but they are abortion affiliates, because Planned Parenthood Great Plains operates abortion facilities in Kansas. H.B. 1299's definition of "pregnancy resource center" did not adequately exclude abortion affiliates like this one from its tax credit program. A simple clarification in H.B. 1299's language would have fixed this problem.

After 12 Years, Arkansas' Religious Freedom Restoration Act is Best in the Nation

Thanks to H.B. 1615, the Conscience Protection Act by Rep. Robin Lundstrum (R — Elm Springs) and Sen. Gary Stubblefield (R — Branch), Arkansas may now have the strongest protections for religious freedom of any state in the U.S. In fact, the Conscience Protection Act may be one of the best measures our organization has ever supported. Its passage completes an important chapter on a piece of legislation that Family Council has worked on for more than a decade.

In 2011 Family Council worked with then-Rep. Kim Hammer (R – Benton) in support of H.B. 1917, a state religious freedom restoration act. The bill passed in the Arkansas House of Representatives, but former Arkansas Gov. Mike Beebe, the Department of Human Services, the Department of Corrections, and others worked to ensure it never received a hearing in the Senate Judiciary Committee. **In 2013 we worked with Sen. Bart Hester (R – Cave Springs) and former Rep. Bob Ballinger on S.B. 1119**, the Religious Freedom Restoration Act. The bill affirmed religious freedom under the First Amendment, and it clarified that the government would have to clearly and convincingly demonstrate a compelling interest before it could burden the free exercise of religion. If passed, we argued, this bill would hamper the ACLU and other groups who use the courts to restrict religious freedom. S.B. 1119 of 2013 passed in the Arkansas Senate, but it failed in the House Judiciary Committee.

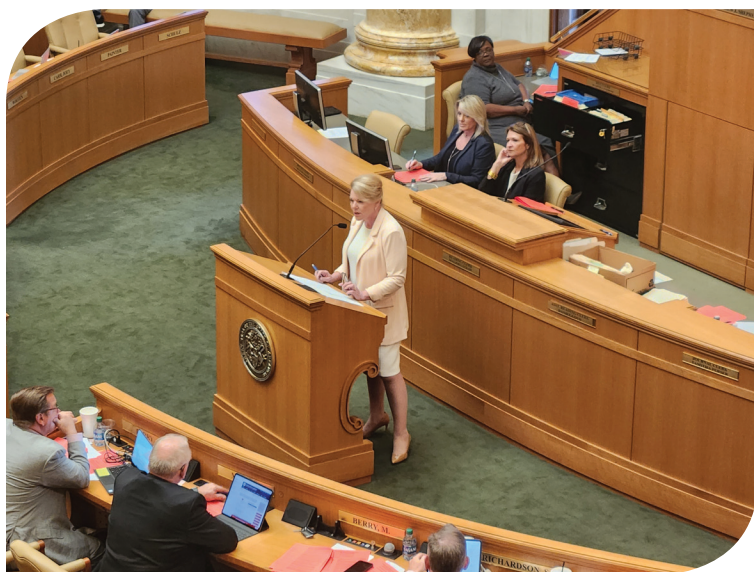
Two years later in 2015 we worked with Rep. Ballinger to pass Religious Freedom Restoration Act H.B. 1228. At the time, many legal experts rated H.B. 1228 as the strongest, most clearly-written religious freedom law in the nation. Lawmakers worked very hard to put H.B. 1228 on former Gov. Asa Hutchinson's desk near the end of the session. After the legislature passed the bill, Gov. Hutchin-

son held a news conference where he announced he had decided not to sign the bill, but instead to ask the Arkansas House and Senate for more changes to the bill. Rather than recalling H.B. 1228 to amend it, Sens. Jeremy Hutchinson, Jim Hendren, Jimmy Hickey, Missy Irvin, Jane English, Bobby Pierce, Joyce Elliott, Linda Chesterfield, David Burnett, and John Cooper created a second religious freedom bill: S.B. 975. They passed it out of the Senate Judiciary Committee, and passed it on the Senate floor—all in less than five hours! The next morning S.B. 975 was heard in the House Judiciary Committee, where it passed with one vote to spare. Later that day the bill passed the entire Arkansas House of Representatives by better than a two-thirds vote. Within a matter of minutes, Gov. Hutchinson signed S.B. 975—Arkansas Religious Freedom Restoration Act of 2015—into law. It ended up being one of the final actions of the 2015 Arkansas Legislature.

Family Council has always been grateful to Gov. Hutchinson for signing the state's Religious Freedom Restoration Act. It's a good law that protects the free exercise of religion. The problem is that it isn't as strong as the original measure—H.B. 1228 of 2015—that the legislature sent to his desk. Since 2015, we have tried to shore up Arkansas' protections for religious liberty. H.B. 1615 of 2023 is a stronger religious freedom law than any of the measures offered in 2011, 2013, or 2015. Here's how:

H.B. 1615 Defines Important Terms in the 2015 RFRA. Arkansas' Religious Freedom Restoration Act from 2015 lets the government burden the free exercise of religion if it has a compelling interest at stake. Courts have always understood "compelling governmental interest" to mean things like enforcing criminal laws or upholding national

(continued on following page)



Above: Rep. Lundstrum presents the Conscience Protection Act in the House of Representatives on April 3.



Above: Jerry Cox discusses the Conscience Protection Act with Alliance Defending Freedom Attorney Stephanie Nichols. ADF is one of the nation's leading defenders of religious liberty, and Nichols is a legal expert on rights of conscience.

After 12 Years, Arkansas' Religious Freedom Restoration Act is Best in the Nation *(continued)*

security. That's why terrorists and cult leaders don't get to use religious freedom as an excuse to commit crimes in America. H.B. 1615 actually writes definitions for terms like "compelling governmental interest" and what it means to "burden" someone's religious expression. This will prevent activist judges from inventing their own definitions for these words in the future.

No other state in America has religious freedom protections quite like these.

H.B. 1615 Protects Religious Freedom For People and Organizations. This good law makes it clear that individuals, organizations, churches, denominations, estates, trusts, foundations, and other legal entities have religious free-

dom in Arkansas. This will help protect people and organizations that want to operate according to their deeply held religious convictions.

H.B. 1615 Clarifies What You Can Do When Someone Infringes Your Religious Freedom. H.B. 1615 spells out the different ways that Arkansans can invoke its protections in court if someone burdens their free exercise of religion. It also clarifies that religious freedom is meant to be broadly protected under Arkansas law and that courts should give the free exercise of religion as much leeway as possible.

No other state in America has religious freedom protections quite like these. That's why we say that H.B. 1615 may be the best law of its kind in America. We are grateful to Rep. Lundstrum and Sen. Stubblefield for sponsoring this good measure, and to the Arkansas General Assembly for passing it. Arkansas is leading the way when it comes to protecting religious liberty. That's something to be proud of.

Lawmakers Pass Measures Protecting Kids From Internet Pornography, Tech Giants

This year lawmakers in Arkansas passed two important laws protecting children from harmful material on the Internet. S.B. 66 by Sen. Tyler Dees (R – Siloam Springs) and Rep. Mindy McAlindon (R – Centerton) requires pornographic websites to use a government-issued ID or a commercially available age verification method to ensure their users are 18 or older. Technology has given children unprecedented access to pornography. S.B. 66 does not prohibit Internet pornography, but it will require porn sites to take important steps to prevent minors from accessing pornographic material online. Similar legislation passed in Louisiana last year, and it has made a difference there. S.B. 66 is a good law that will protect children in Arkansas.

The second law is S.B. 396, the Social Media Safety Act, by Sen. Tyler Dees (R – Siloam Springs) and Rep. Jon Eubanks (R – Paris). It simply says that social media companies must use age verification to ensure minors do not access social media platforms without parental consent. The law does not completely block children from accessing social media platforms, but it does require the tech giants like Facebook, Twitter, and TikTok who run these platforms to make sure kids have permission from their parents before opening a social media account. S.B. 66 and S.B. 396 both contain protections for user privacy. A company or website that violated either law could be held liable in court.

Children should not have access to Internet pornography—period. And it's easy to forget, but social media platforms are created, operated, and managed by adults. These are multi-million dollar corporations with executive officers,

boards of directors, investors, and enormous teams of employees—virtually all of whom are adults. Right now, the adults who run these social media platforms are free to let a 13 year old boy or girl sign up for their social media platform and share photos and videos with millions of other users—adults and children alike—without even telling their parents. Do we really think it's alright for a teenager in Arkansas to share videos of herself on TikTok with grown men without at least letting her mom or dad know about it? S.B. 66 and S.B. 396 will help protect children online.



Right: Sen. Dees presents S.B. 396 in the Arkansas Senate on Thursday, April 6. The bill narrowly passed.

Other High Points From the Arkansas Legislature...

- **Abortion:** Sen. Irvin and Rep. Burks both supported H.B. 1786, a bill by Sen. Clint Penzo and Rep. Aaron Pilkington that fixed some unintended consequences

H.B. 1786 ensures that abortions to save the mother's life will be performed in a place equipped to handle this type of emergency.

with S.B. 138—a well-intended bill backed by Governor Sanders and sponsored by Sen. Irvin and Rep. Burks. Since abortion is illegal in Arkansas except to save the life of the mother, S.B. 138 repealed the licensing requirements for abortion facilities. H.B. 1786 makes it clear that abortions to save the life of the mother must be performed in a hospital. This ensures that abortions to save the mother's life will be performed in a place equipped to handle this type of emergency instead of in some doctor's office.

- **Drag Queens:** Lawmakers attempted to stop so-called "Drag-Queen Story Hours" at public libraries. Sen. Stubblefield and Rep. Bentley sponsored a bill that, in its original form, might have addressed the issue, but it

was amended. Sen. Sullivan and Rep. Gonzalez sponsored a bill to address obscene material in libraries.

- **Library Obscenity:** A bill by Sen. Sullivan and Rep. Gonzalez revealed a lot about some librarians. Current law allows librarians to promote obscene material. When Sen. Sullivan and Rep. Gonzalez tried to make librarians subject to the same law that applies to the rest of us, the librarians alleged it was "book banning." The bill passed.
- **Alcohol:** The Arkansas Legislature passed about half-a-dozen laws that expand the availability of alcohol, including a law that allows alcohol vending machines in limited locations.
- **Sex-Traffickers:** The legislature went after sex-traffickers with at least five good laws. Hopefully, Arkansas' "F" in preventing trafficking will improve.
- **Marijuana:** The marijuana industry worked hard to keep Delta-8 THC, a derivative of the hemp plant and CBD oil, legal. Some locations in Arkansas are selling this addictive and psychoactive substance to children, because there is no law against it. Rep. Moore sponsored a bill to permit the regulated sale of Delta-8. Sen. Dees sponsored a bill to prohibit it. The bill by Sen. Dees passed.



Jerry Cox visits with attorneys and lawmakers at the Arkansas Capitol during the legislative session.

THANK YOU FOR HELPING US HAVE SUCH A SUCCESSFUL LEGISLATIVE SESSION

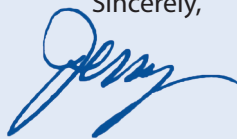
When I look at all that was accomplished I say, "Thank God!" I also say thanks to our lawmakers, Gov. Sanders, Attorney General Griffin, our friends at Arkansas Right to Life, and our team here at Family Council. Working together, we did it! We won!

But let me tell you who really won! It's the child that won't be aborted because of funding for pregnancy centers. It is the kids that won't be indoctrinated with lies about race and gender at their public schools. The winners are the parents who will have funds to send their child to the school of their choice. The winner is the young woman who doesn't end up in sex trafficking or those victims who can sue the daylighters out of the traffickers. The winners are people of all faiths who just want to live life according to what they believe without the government telling them otherwise. The winner is the person dying in the hospital who can now have his or her pastor pray with them as they take their last breath. The winner is the teenager who won't be snared by the pornography industry.

This is why we work so hard, and this is why our work matters so much. This is why your support means so much to us. We can take a dollar and turn it into an amazing amount of good. We always do our best to provide a good return on your investment with us. I am pleased to report that we have done so.

Your support means so much to us! You can use the enclosed envelope to make a generous, tax-deductible donation to help us replenish our funds expended winning these great victories. You can give online at FamilyCouncil.org. We love to hear from you, and we really need your support, if you are able. Thank you for standing with us. Please let me know if there is ever anything we can do for you.

Sincerely,



Thank you!!

Jerry Cox, President

P.S. We just wrapped up one of our busiest and most successful legislative sessions in our organization's history! From protecting religious freedom to supporting pro-life organizations to securing passage of legislation that will help home schoolers to protecting children from pornography, we were able to work with our friends to accomplish a lot over the 13 weeks that the lawmakers were at the capitol. Your friendship and support allow us to do this important work. Thank you for standing with us!



About Us: Family Council is a conservative, Christian non-profit organization based in Little Rock, Arkansas. Jerry Cox founded Family Council in 1989 in association with Dr. James Dobson and Focus on the Family. Our mission is to promote, protect, and strengthen traditional family values. We educate and equip families and churches to make Arkansas a better place to live, work, and raise a family, and we lobby lawmakers and elected officials on important issues that matter to families. Our work is funded by generous supporters all over Arkansas.
