



NOV 09 REC'D
ATTORNEY GENERAL
OF
ARKANSAS

Popular Name

The Arkansas Reproductive Healthcare Amendment

Ballot Title

AN AMENDMENT TO THE ARKANSAS CONSTITUTION PROVIDING THAT THE GOVERNMENT OF THE STATE OF ARKANSAS, ITS OFFICERS, OR ITS POLITICAL SUBDIVISIONS SHALL NOT PROHIBIT, PENALIZE, DELAY OR RESTRICT ACCESS TO ABORTION WITHIN 18 WEEKS OF CONCEPTION, OR IN CASES OF RAPE, INCEST, IN THE EVENT OF A FATAL FETAL ANOMALY, OR WHEN ABORTION IS NEEDED TO PROTECT THE PREGNANT FEMALE'S LIFE OR HEALTH; EXCEPT FOR THE CIRCUMSTANCES DESCRIBED ABOVE, THE ARKANSAS GENERAL ASSEMBLY MAY PROHIBIT OR RESTRICT ACCESS TO ABORTION ONLY WHEN IT ESTABLISHES A COMPELLING GOVERNMENT INTEREST ACHIEVED BY THE LEAST RESTRICTIVE MEANS; THE GOVERNMENT OF THE STATE OF ARKANSAS, ITS OFFICERS OR ITS POLITICAL SUBDIVISIONS SHALL NOT PENALIZE AND INDIVIDUAL FOR REQUESTING OR RECEIVING ABORTION SERVICES NOR SHALL IT PENALIZE A PERSON OR ENTITY THAT ASSISTS AN INDIVIDUAL IN RELATION TO ABORTION SERVICES; PROVIDING THAT A GOVERNMENT INTEREST IS "COMPELLING" ONLY IF IT IS FOR THE PURPOSE OF PROTECTING THE HEALTH OF AN INDIVIDUAL SEEKING ACCESS, DOES NOT INFRINGE ON THE INDIVIDUAL'S DECISION MAKING, AND IS CONSISTENT WITH WIDELY ACCEPTED CLINICAL STANDARDS OF PRACTICE AND EVIDENCE-BASED MEDICINE; PROVIDING THAT A FATAL FETAL ANOMALY MEANS A FETAL CONDITION DIAGNOSED BEFORE BIRTH THAT, IN THE PHYSICIAN'S GOOD FAITH MEDICAL JUDGMENT, IS INCOMPATIBLE WITH LIFE OUTSIDE THE WOMB AND FOR WHICH MEDICAL INTERVENTION WOULD BE FUTILE; PROVIDING THAT THE AMENDMENT IS SELF-EXECUTING AND THAT IF ANY SECTION IS HELD INVALID IT SHALL BE SEVERABLE FROM THE REMAINING PORTIONS OF THE AMENDMENT.

Amendment Text

1. The government of the State of Arkansas, its officers, or its political subdivisions shall not prohibit, penalize, delay, or restrict access to abortion within 18 weeks of conception, or in cases of rape, incest, in the event of a fatal fetal anomaly, or when abortion is needed to protect the pregnant female's life or health.
2. Except for the circumstances enumerated in Section 1, the Arkansas General Assembly may prohibit or restrict access to abortion only when it establishes a compelling government interest achieved by the least restrictive means. The government of the State of Arkansas, its officers or its political subdivisions shall not penalize an individual for requesting or receiving abortion

services nor shall it penalize a person or entity that assists an individual in relation to abortion services.

3. A government interest is “compelling” only if it is for the purpose of protecting the health of an individual seeking access, does not infringe on the individual’s decision making, and is consistent with widely accepted clinical standards of practice and evidence-based medicine.

4. A fatal fetal anomaly means a fetal condition diagnosed before birth that, in the physician's good faith medical judgment, is incompatible with life outside the womb and for which medical intervention would be futile.

5. This Amendment shall be self-executing. Any provision of this Amendment held invalid shall be severable from the remaining portions of this Amendment.