

Popular Name

Arkansas Abortion Amendment of 2024

Ballot Title

An amendment to the Arkansas Constitution to change Arkansas law regarding abortion; current Arkansas law prohibits abortion except to save the life of the pregnant female in a medical emergency, and the current Arkansas Constitution does not restrict the State of Arkansas's authority to regulate abortion services to protect the health and safety of the pregnant female or for other purposes; this amendment changes Arkansas law by amending the Arkansas Constitution to provide that the government of the State of Arkansas, its officers, or its political subdivisions shall not prohibit, penalize, delay, or restrict abortion services (1) in cases of rape, (2) in cases of incest, (3) in the event of a fatal fetal anomaly, or (4) when, in a physician's good-faith medical judgment, abortion services are needed to protect a pregnant female's life or to protect a pregnant female from a physical disorder, physical illness, or physical injury; to provide that the government of the State of Arkansas, its officers, or its political subdivisions shall not prohibit, penalize, delay, or restrict abortion services within 18 weeks of fertilization, which equates to approximately 20 weeks since the first day of the pregnant female's last menstrual period; to define a "fatal fetal anomaly" as a medical condition diagnosed before birth that, in a physician's good-faith medical judgment, will lead to fetal or neonatal death and for which life-saving medical intervention would be futile; to define "physical disorder, physical illness, or physical injury" to include, without limitation, (1) a life-endangering physical disorder, physical illness, or physical injury caused by or arising from the pregnancy itself and (2) any situation in which continuation of a pregnancy will create a serious risk of substantial impairment of a major bodily function of a pregnant female; to define "major bodily function" to include, without limitation, (1) functions of the immune system, (2) normal cell growth, (3) digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions, and (4) operation of an individual organ within a body system; to define "fertilization" as the fusion of a human spermatozoon with a human ovum; to define "abortion services" as medical interventions provided to a pregnant female to end the medical condition of pregnancy but not to include accidental or unintentional injury or death of an embryo or fetus before birth; to provide that abortions services assisted by a physician may be provided in a hospital, emergency department, a physician's office or clinic, a surgery center, a free-standing birthing center, or other licensed healthcare facility; to provide that section 2 of Amendment 68 of the Arkansas Constitution is amended to add the phrase "and the Constitution of the State of Arkansas," and would read as follows: "Section 2: Public Policy: The policy of Arkansas is to protect the life of every unborn child from conception until birth, to the extent permitted by the Federal Constitution and the Constitution of the State of Arkansas"; to declare that all provisions of the constitution, statutes, and common law of the State of Arkansas are null and void to the extent they conflict with any provision of this amendment; to provide that this amendment shall be self-executing; and to provide that any provision of this amendment that is held to be invalid shall be severable from the remaining provisions of this amendment.

Amendment Text

1. The government of the State of Arkansas, its officers, or its political subdivisions shall not prohibit, penalize, delay, or restrict abortion services (A) in cases of rape, (B) in cases of incest, (C) in the event of a fatal fetal anomaly, or (D) when, in a physician's good-faith medical judgment, abortion services are needed to protect a pregnant female's life or to protect a pregnant female from a physical disorder, physical illness, or physical injury.

2. The government of the State of Arkansas, its officers, or its political subdivisions shall not prohibit, penalize, delay, or restrict abortion services within 18 weeks of fertilization.

3. Definitions:

A. "Fatal fetal anomaly" means a medical condition diagnosed before birth that, in the physician's good-faith medical judgment, will lead to fetal or neonatal death for which life-saving medical intervention would be futile.

B. "Physical disorder, physical illness, or physical injury" includes, without limitation, a life-endangering physical disorder, physical illness or physical injury caused by or arising from the pregnancy itself and any situation in which continuation of a pregnancy will create a serious risk of substantial impairment of a major bodily function of a pregnant female.

(i) "Major bodily function" includes, without limitation, functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions; and operation of an individual organ within a body system.

C. "Fertilization" means the fusion of a human spermatozoon with a human ovum.

D. "Abortion services" are medical interventions provided to pregnant females to end the medical condition of pregnancy but do not include accidental or unintentional injury or death of an embryo or fetus prior to birth. Abortion services assisted by a physician may be provided in a hospital, emergency department, physician's office or clinic, surgery center, free-standing birthing center, or other licensed healthcare facility.

4. Amendment 68 of the Arkansas Constitution shall be amended as follows: "Section 2: Public Policy: The policy of Arkansas is to protect the life of every unborn child from conception until birth, to the extent permitted by the Federal Constitution and the Constitution of the State of Arkansas."

5. All provisions of the Constitution, statutes, and common law of this State to the extent inconsistent or in conflict with any provision of this Amendment are expressly declared null and void.

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