

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021

# A Bill

HOUSE BILL 1592

4  
5 By: Representative Lowery

## For An Act To Be Entitled

8 AN ACT TO CREATE THE ARKANSAS STUDENT PROTECTION ACT;  
9 AND FOR OTHER PURPOSES.

### Subtitle

12 TO CREATE THE ARKANSAS STUDENT PROTECTION  
13 ACT.

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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 SECTION 1. Arkansas Code Title 6, Chapter 18, is amended to add an  
20 additional subchapter to read as follows:

#### Subchapter 22 – Arkansas Student Protection Act

##### 6-18-2201. Creation.

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23 This subchapter shall be known and may be cited as the "Arkansas  
24 Student Protection Act".

##### 6-18-2202. Definition.

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27 As used in this subchapter:

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29 (1)(A) "Abortion" means the act of using or prescribing an  
30 instrument, medicine, drug, device, or other substance or means with the  
31 intent to terminate the clinically diagnosable pregnancy of a woman with  
32 knowledge that the termination by those means will with reasonable likelihood  
33 cause the death of the unborn child.

34 (B) An action taken under subdivision (1)(A) of this  
35 section is not an abortion if the action taken is performed with the intent  
36 to:



- 1 (i) Save the life of the mother;
- 2 (ii) Save the life or preserve the health of the
- 3 unborn child;
- 4 (iii) Remove a dead unborn child caused by
- 5 spontaneous abortion; or
- 6 (iv) Remove an ectopic pregnancy;

7 (2) "Abortion referral" means the act of recommending a pregnant  
 8 woman to a doctor, clinic, or other person or entity for the purpose of  
 9 obtaining or learning about obtaining an abortion;

10 (3) "Affiliate" means an individual or entity that, directly or  
 11 indirectly, owns, controls, is controlled by, or is under the common control  
 12 of another person or entity, in whole or in part, or a subsidiary, parent, or  
 13 sibling entity; and

14 (4) "Transaction" means a formal or informal agreement,  
 15 contract, or arrangement of any kind between a public school or open-  
 16 enrollment public charter school and a private entity, regardless of whether  
 17 the private entity or the public school or open-enrollment public charter  
 18 school receives anything of value in return.

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 20 6-18-2203. Prohibited transactions.

21 A public school or open-enrollment public charter school shall not  
 22 enter into any type of transaction with an individual or entity that:

- 23 (1) Performs abortions;
- 24 (2) Induces abortions;
- 25 (3) Provides abortions;
- 26 (4) Provides abortion referrals; or
- 27 (5) Counsels in favor of abortion.

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 29 6-18-2204. Rules – Enforcement.

30 (a) The Division of Elementary and Secondary Education shall  
 31 promulgate rules to implement this subchapter.

32 (b) Each public school and open-enrollment public charter school shall  
 33 promulgate policies for the implementation of this subchapter and the rules  
 34 promulgated by the division.

35 (c) A public school or an open-enrollment public charter school that  
 36 violates this subchapter shall, at the direction of the division or the State

1 Board of Education, appear before the state board for the purpose of  
2 determining:

3 (1) Why this subchapter and division rules were violated;

4 (2) How to prevent the violation of this subchapter and division  
5 rules in the future; and

6 (3) Any penalties that the state board recommends.

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