

ARKANSAS REGISTER

Transmittal Sheet

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Secretary of State
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For Office
Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas State Medical Board

Department _____

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Statutory Authority for Promulgating Rules ACA § 17-95-202(4); ACA §19-95-209; ACA §17-95-303; Act 301 of 20

Rule Title: Regulation 36 Unborn Children Heartbeat Testing

Intended Effective Date
(Check One)

- Emergency (ACA 25-15-204)
- 30 Days After Filing (ACA 25-15-204)
- Other _____
(Must be more than 30 days after filing date.)

	Date
Legal Notice Published	<u>10/14/2014</u>
Final Date for Public Comment	<u>12/04/2014</u>
Reviewed by Legislative Council	<u>05/13/2015</u>
Adopted by State Agency	<u>12/04/2014</u>

Electronic Copy of Rule submitted under ACA 25-15-218 by:
 Kevin M. O'Dwyer kodwyer@htolaw.com 05/14/2015
Contact Person E-mail Address Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 the Arkansas Administrative Procedures Act. (ACA 25-15-201 et. seq.)


Signature

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Executive Secretary
Title

May 18, 2015
Date

Act 301 of 2013 codified in A.C.A. §20-16-1303

- A. A person authorized to perform abortions under Arkansas law shall not perform an abortion on a pregnant woman before the person tests the pregnant woman to determine whether the fetus that the pregnant woman is carrying possesses a detectible heartbeat.
- B. A person authorized to perform abortions under Arkansas law shall perform an abdominal ultrasound test necessary to detect a heartbeat of an unborn human individual according to standard medical practice, including the use of medical devices as determined by standard medical practice.
- C. Tests performed pursuant to Ark. Code Ann. §20-16-1303(b)(1) shall be:
 - a. Based on standard medical practice for testing for the fetal heartbeat of an unborn human individual which testing includes an abdominal ultrasound test necessary to detect a heartbeat of an unborn human individual according to standard medical practice, including the use of medical devices as determined by standard medical practice;
 - b. A test for fetal heartbeat is not required in the case of a medical emergency; and
- D. The physician shall obtain, based on available medical evidence, including testing and physical examination, the statistical probability of bringing an unborn human individual to term based on the gestational age of the unborn human individual possessing a detectible heartbeat.
- E. If a heartbeat is detected during the test required pursuant to this Rule, the person performing the test shall inform the pregnant woman in writing:

- a. That the unborn human individual that the pregnant woman is carrying possesses a heartbeat;
- b. Of the statistical probability of bringing the unborn human individual to term based on the gestational age of the unborn human individual possessing a detectible heartbeat; and
- c. If a heartbeat has been detected, the pregnant woman shall sign a form acknowledging the she has received the information required under Ark. Code Ann. §20-16-1303(d).