

Arkansas considers banning 'sex-selection' abortions

9 February 2017, by Kelly P. Kissel

Arkansas would become the eighth state to ban abortions based solely on whether a woman wants to have a girl or a boy under a measure a House panel approved Thursday that is part of a Republican agenda that started with the party's takeover of the Legislature four years ago.

Opponents said the measure is unconstitutional. Supporters said the ban on so-called sex-selection abortions would have a minimal effect because most abortions occur before the gender is known. However, Rep. Charlie Collins said it's still necessary because that could change with advances in technology.

"What's reasonable today and what's reasonable in the future could be very, very different," the Fayetteville Republican told colleagues on the House Public Health Committee.

Rita Sklar, the executive director of the American Civil Liberties Union in Arkansas, said any restriction would be illegal if the fetus isn't able to survive outside the womb.

"Any law passed about an abortion performed pre-viability under the current law is unconstitutional. It doesn't matter why. It doesn't matter the method," Sklar said. "There is very good potential for litigation because of this burden on women obtaining abortions that they want for whatever reason."

Arizona, Kansas, North Carolina, North Dakota, Oklahoma, Pennsylvania and South Dakota already ban such abortions, according to the Guttmacher Institute, a research center that favors abortion rights. Indiana's is on hold amid a court challenge.

Under the Arkansas measure, a doctor performing an abortion would ask the patient if she knows the sex of the child. If she does, the doctor lets her know that is illegal to have an abortion based

solely on gender, Collins said. Would-be parents can usually find out the sex of the child at the mother's 20-week checkup.

"Today's technology does not allow sex to be determined very early in a pregnancy," Collins said. "Viability, abortion timelines, etc. that exist today, and when sex is determinable are such that it would be almost impossible for this to be a massive issue in the United States today."

Planned Parenthood's Great Plains affiliate said the if the Legislature is concerned about gender bias, it should focus on equal pay for women and other unfair treatment.

"We can all agree that gender discrimination is a problem. This bill however does nothing to address that issue or actually solve that problem," public policy manager Ashley Wright said. "These laws would interfere with open, honest communication between doctors and patients."

The bill now heads to the full House for consideration.

Since Republicans took control of the Arkansas Legislature in 2013, the state has banned abortions after 20 weeks' gestation. Courts have blocked other laws banning abortions after 12 weeks and limiting how the abortion pill is administered in the state.

So far this session, legislators have outlawed dilation and evacuation abortions, which abortion-rights supporters say is the most common second-trimester procedure. The ban takes effect later this year.

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