

**SENATE BILL NO. 2354**

Introduced by

Senators Krauter, Erbele, Heitkamp

Representatives Fairfield, Hunskor, Renner

1 A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota  
2 Century Code, relating to an alternatives-to-abortion services program; and to provide an  
3 appropriation.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 50-06 of the North Dakota Century Code is  
6 created and enacted as follows:

7 **Alternatives-to-abortion services program.**

- 8 1. The department of human services shall establish and operate a program to  
9 provide alternatives-to-abortion services to eligible individuals.  
10 "Alternatives-to-abortion services" are those services that provide information,  
11 counseling, and support services that assist women to choose childbirth and to  
12 make informed decisions regarding the choice of adoption or parenting with  
13 respect to their children.
- 14 2. An eligible individual is:
- 15 a. A woman who is pregnant or who reasonably believes she may be pregnant;  
16 b. The parent or legal guardian of an infant under twelve months of age; or  
17 c. The spouse or other partner of an individual described in subdivision a or b.
- 18 3. The department shall contract with a nonprofit private entity that, under the  
19 contract, is designated as the prime contractor and has the principal responsibility  
20 for administering the program, including subcontracting with service providers.
- 21 4. The prime contractor shall subcontract with service providers for reimbursement of  
22 alternatives-to-abortion services provided to eligible individuals on a fee-for-service  
23 basis.

- 1           5.    The prime contractor may expend funds to administer the program, reimburse  
2                service providers, and to provide additional supportive services to assist providers  
3                in providing alternatives-to-abortion services to eligible individuals, including  
4                providing for a toll-free referral system, advertising alternatives-to-abortion  
5                services, purchasing educational materials, and providing grants for new sites and  
6                new project development. An entity may not become a prime contractor unless it  
7                has a stated policy of actively promoting childbirth instead of abortion.
- 8           6.    An entity may not become a service provider unless it operates a service provider  
9                project that has a stated policy of actively promoting childbirth instead of abortion  
10               and its project is physically and financially separate from any entity that advocates,  
11               performs, counsels for, or refers for abortion.
- 12          7.    No prime contractor or service provider project may perform an abortion, counsel  
13                for or refer for abortion, or advocate abortion.
- 14          8.    The prime contractor shall reimburse service providers for alternatives-to-abortion  
15                services provided to eligible individuals at the following fee-for-service rates: ten  
16                dollars for every ten minutes of counseling to eligible individuals; ten dollars for  
17                every ten minutes of referral time spent; twenty dollars per individual per hour of  
18                class instruction provided; ten dollars for each self-administered pregnancy test kit  
19                provided; and ten dollars for every pantry visit. Service providers may be  
20                reimbursed for providing sexual abstinence education, but not for providing,  
21                referring for, or advocating the use of contraceptive services, drugs, or devices.  
22                Service providers may not be reimbursed for providing inpatient hospital services,  
23                making cash payments to intended recipients of services, purchasing or improving  
24                land, or purchasing, constructing, or permanently improving, other than minor  
25                remodeling, any facility.
- 26          9.    A religious organization is eligible, on the same basis as any other  
27                nongovernmental organization, as a contractor to provide services so long as the  
28                program is implemented consistent with the Constitution of the United States and  
29                the Constitution of North Dakota. The department may not discriminate against an  
30                organization that is or applies to be a contractor on the basis that the organization  
31                has a religious character.

- 1           10.   A religious organization acting as a prime contractor or service provider retains its  
2                   independence from state and local governments, including the organization's  
3                   control over the definition, development, practice, and expression of its religious  
4                   beliefs. The department may not require a religious organization to alter its form of  
5                   internal governance or remove religious art, icons, scripture, or other symbols.
- 6           11.   A religious organization that provides services may require that its employees  
7                   providing assistance under the program adhere to the religious tenets and  
8                   teachings of the organization, and the organization may require that those  
9                   employees adhere to rules forbidding the use of drugs or alcohol.
- 10          12.   If an eligible individual objects to the religious character of the organization from  
11                   which the individual receives, or would receive, alternatives-to-abortion services,  
12                   the department shall provide the individual, within a reasonable period of time after  
13                   the date of the objection, with the names and addresses of alternative service  
14                   providers that offer a range of services similar to those offered by the original  
15                   service provider. Eligible individuals receiving alternatives-to-abortion services  
16                   must be provided with notice of the rights of these individuals under this section.
- 17          13.   The state auditor may audit a religious organization's use of funds under this  
18                   section if the organization has segregated the funds received under this section  
19                   into separate accounts, but only those separate accounts are subject to audit.
- 20          14.   No grant funds obtained pursuant to this section may be expended for sectarian  
21                   worship, instruction, or proselytization.
- 22          15.   This section does not preempt any provision of the Constitution of North Dakota or  
23                   state law which prohibits or restricts the expenditure of state funds by religious  
24                   organizations.

25           **SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the  
26   general fund in the state treasury, not otherwise appropriated, the sum of \$200,000, or so much  
27   of the sum as may be necessary, to the department of human services for the purpose of  
28   establishing and operating an alternatives-to-abortion services program, for the biennium  
29   beginning July 1, 2001, and ending June 30, 2003.