

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2129

Introduced by

Senators Myrdal, Dever, Mathern

Representatives McLeod, Meier, D. Ruby

1 A BILL for an Act to amend and reenact section 50-06-26 of the North Dakota Century Code,
2 relating to the alternatives-to-abortion program; and to provide for an appropriation to the
3 department of health and human services to establish and maintain the alternatives-to-abortion
4 program.

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

6 **SECTION 1. AMENDMENT.** Section 50-06-26 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **50-06-26. Alternatives-to-abortion services program.**

9 ~~The department shall disburse funds available through title IV-A of the Social Security Act~~
10 ~~[42 U.S.C. 601 et seq.] to nongovernmental entities that provide alternatives to abortion~~
11 ~~services and expend funds to inform the public about this program. The services must be~~
12 ~~outcome-based with positive outcome-based results. The department, in consultation with a~~
13 ~~nongovernmental entity that provides alternatives to abortion services, shall contract to inform~~
14 ~~the public about this program. For purposes of this section, "alternatives to abortion services"~~
15 ~~are those services that promote childbirth instead of abortion by providing information,~~
16 ~~counseling, and support services that assist pregnant women or women who believe they may~~
17 ~~be pregnant to choose childbirth and to make informed decisions regarding the choice of~~
18 ~~adoption or parenting with respect to their children.~~

- 19 1. As used in this section, "support services" includes medical services and post-abortion
20 services.
- 21 2. The department shall establish and maintain an alternatives-to-abortion program that
22 disburses funds to nongovernmental entities that provide services that promote
23 childbirth instead of abortion by providing information, counseling, support services,
24 and material assistance to pregnant women, women who believe they may be

- 1 pregnant, and parents or other relatives caring for children twelve months of age or
2 younger.
- 3 3. The department, in consultation with a nongovernmental entity that provides
4 alternatives-to-abortion services, shall contract to inform the public about this program.
- 5 4. A religious organization receiving disbursements under the alternatives-to-abortion
6 program may retain its independence from state and local governments, including the
7 organization's control over the definition, development, practice, and expression of its
8 religious beliefs.
- 9 5. The department may not require a religious organization to alter its form of internal
10 governance, or remove religious art, icons, scripture, or other symbols as a condition
11 to receiving disbursements from the alternatives-to-abortion program.
- 12 6. If an individual receiving services under the alternatives-to-abortion program has an
13 objection to the religious character of the entity providing alternatives-to-abortion
14 services, the department shall, within a reasonable period of time after the date of the
15 objection, make reasonable efforts to provide the individual with assistance of an
16 equal value from an alternative provider accessible to the individual.
- 17 7. Except as otherwise provided by law, a religious organization may not discriminate
18 against an individual in regard to providing alternatives-to-abortion services on the
19 basis of religion, religious belief, or refusal to actively participate in religious practice.
- 20 8. If a religious organization segregates funds received from the alternatives-to-abortion
21 program into a separate account, then only the account in which funds were deposited
22 may be subject to an audit by the state.
- 23 9. Funds from the alternatives-to-abortion program may not be used for religious
24 worship, instruction, or proselytization.

25 **SECTION 2. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES -**
26 **ALTERNATIVES-TO-ABORTION PROGRAM.** There is appropriated out of any moneys in the
27 general fund in the state treasury, not otherwise appropriated, ~~and from special funds derived~~
28 ~~from the American Rescue Plan Act or other federal funds and other income,~~ the sum of
29 ~~\$4,000,000~~\$400,000, or so much of the sum as may be necessary, to the department of health
30 and human services for the purpose of establishing and maintaining the alternatives-to-abortion
31 program, for the biennium beginning July 1, 2023, and ending June 30, 2025.