

Representing the Diocese of Fargo
and the Diocese of Bismarck

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To: Senate Human Services Committee
From: Christopher Dodson, Executive Director
Subject: Senate Bill 2129 - Alternatives to Abortion
Date: January 23, 2023

North Dakota Catholic Conference supports Senate Bill 2129 to expand and improve the Alternatives-to-Abortion program.

The Legislative Assembly authorized the Alternatives-to-Abortion program in 2005. (A history of the program is attached.) Since then, the program has served thousands of women. Correspondingly, during the same years, the percentage of North Dakota pregnant women who choose abortion has dramatically dropped.

The program basics are simple. The state partially reimburses maternity homes, adoption agencies, and pregnancy resource organizations for services that promote childbirth instead of abortion by providing information, counseling, and support services that assist pregnant women or women who believe they may be pregnant.

Although the program has been successful, it falls short in three respects that are remedied by Senate Bill 2129.

First, the program only serves pregnant women or women who believe they may be pregnant. It does not include services provided after birth. Helping mothers, fathers, and infants during this time is an important part of providing alternatives to abortion and of giving families a healthy and supportive start.

Second, because the program is funded entirely through the Temporary Assistance for Needy Families (TANF) block grant, medical services are not reimbursed. Some of the providers are medical clinics and the restriction limits what services for which the clinic may seek reimbursement.

Third, the reliance on TANF funds has worked up to now, but it subjects the program to the uncertainties of the federal government and places pressure on the state's use of the block grant for other purposes.

Senate Bill 2129 addresses those shortfalls and sets the Alternatives to Abortion program on better footing for a post-*Dobbs* world.

The first part of SB 2129 revises the authorizing legislation by:

- Removing the requirement that the program funds come from the TANF block grant;

- Adds “medical services” within the meaning of “support services”; and
- Adds “parents or other relatives caring for children twelve months of age or younger” to the individuals who can receive services under the program.

Other than these changes, the definition and parameters of the program are substantially the same.¹

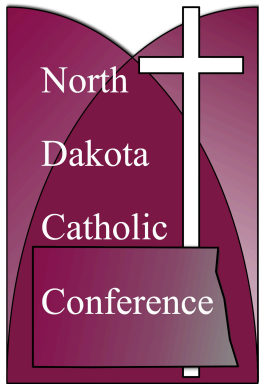
The new language on lines 5 through 24 results from the decoupling of the Alternatives to Abortion program from the TANF program. TANF has a built-in set of rules commonly called “charitable choice.” These rules protect the religious identity of the provider, prevent the use of the funds for strictly religious activities, and assure that if the recipient of services has an objection to the religious character of a provider, the Department of Health and Human Services will make reasonable efforts to provide an alternative provider.

The state and all providers in the Alternatives to Abortion program have operated under these rules since 2005. They would be lost, however, if the program is no longer funded through TANF. For that reason, SB 2129 codifies them into North Dakota law.

The final section provides an appropriation. The number is not set in stone. The current appropriation is \$600,000 a biennium. When considering the appropriation, please keep in mind that SB 2129 expands who can be served and slightly expands what services can be reimbursed. Moreover, please remember that whether or not North Dakota prohibits most abortions, the women and their needs still exist. Senate Bill 2129 enhances one of the best programs we have to help those who help them.

We urge a “Do Pass” recommendation on Senate Bill 2129.

¹ The one exception is that SB 2129 removes: “The services must be outcome-based with positive outcome-based results.” The language is awkward and representative of the types of services provided. In many cases, women come to the centers, receive services, and may not be seen again. It is sometimes impossible to know the outcomes. For that reason, the language is removed. Nevertheless, every provider does provide detailed information on the outcomes as they know them and this reporting would continue with or without the language. If these reports suffice to meet the languages requirements, the North Dakota Catholic Conference is not opposed to keeping the language.



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To: Senate Human Services
From: Christopher Dodson, Executive Director
Subject: A Brief History of the Alternatives to Abortion Program
Date: January 23, 2023

The Legislative Assembly enacted the Alternatives to Abortion program in 2005. The legislation appropriated \$500,000 for the program and put a sunset date of June 30, 2007.

The program was reauthorized in 2007. The sunset date was removed and the appropriation was lowered to \$400,000 a biennium.

Every provider agrees to a number of requirements including:

- (a) Not to counsel for, refer for, encourage, or perform abortions, or knowingly refer an Alternatives to Abortions client to another person or agency for the purpose of receiving counseling for, referral for, encouragement for, or the performance of an abortion; and
- (b) Not to discriminate against Alternatives to Abortions client on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to actively participate in a religious practice.

In 2011 the Department of Human Services contracted with the Village for the administration of the program. The Village collects the invoices and reimburses the providers based on quarter hours. The Village also collects outcome information.

Between 2012 and 2015, the number of clients served nearly doubled from 602 to 1,194. The appropriation, however, did not increase and the program ran out of money before the end of the 2013-2015 fiscal biennium.

The appropriation was subsequently increased. The program has not run out of money in subsequent biennia, but the Village has devoted less money on outreach and advertising to ensure that enough funds exist for provider reimbursement.

The current appropriation is \$600,000 for the biennium. Approximately 1,300 women are served per year.

During the 2021 Special Session, the legislature directed \$1,500,000 of the federal recovery money to the Alternatives to Abortion program for distribution to the providers to reimburse for select projects. The one-time funding and program was called "A to A 2."

Participating providers include:

Christian Adoption Services – West Fargo/Bismarck
Catholic Charities ND – Fargo/Grand Forks/Bismarck/Minot

The Village Family Service Center – Fargo/Grand Forks/Bismarck/Minot Women’s Pregnancy Center – Grand Forks
Dakota Hope Clinic – Minot
Connect Medical Center – Dickinson
Women’s Care Center – Bismarck
Women’s Care Center – Fargo
Women’s Care Center – Devils Lake
The Perry Center – West Fargo
St. Gianna’s Maternity Home – Minto
Red River Youth for Christ
Uspire ND

Some organizations are eligible to participate but choose not to.

Some organizations, such as St. Gianna’s Maternity Home, participate but rarely receive reimbursement because they primarily serve women who have recently given birth.