

Fifty-seventh  
Legislative Assembly  
of North Dakota

## ENGROSSED 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. Service providers may not be reimbursed  
16          for providing inpatient hospital services, making cash payments to intended  
17          recipients of services, purchasing or improving land, or purchasing, constructing,  
18          or permanently improving, other than minor remodeling, any facility.
- 19          9.    A religious organization is eligible, on the same basis as any other  
20          nongovernmental organization, as a contractor to provide services so long as the  
21          program is implemented consistent with the Constitution of the United States and  
22          the Constitution of North Dakota. The department may not discriminate against an  
23          organization that is or applies to be a contractor on the basis that the organization  
24          has a religious character.
- 25          10.   A religious organization acting as a prime contractor or service provider retains its  
26          independence from state and local governments, including the organization's  
27          control over the definition, development, practice, and expression of its religious  
28          beliefs. The department may not require a religious organization to alter its form of  
29          internal governance or remove religious art, icons, scripture, or other symbols.
- 30          11.   A religious organization that provides services may require that its employees  
31          providing assistance under the program adhere to the religious tenets and

- 1 teachings of the organization, and the organization may require that those  
2 employees adhere to rules forbidding the use of drugs or alcohol.
- 3 12. If an eligible individual objects to the religious character of the organization from  
4 which the individual receives, or would receive, alternatives-to-abortion services,  
5 the department shall provide the individual, within a reasonable period of time after  
6 the date of the objection, with the names and addresses of alternative service  
7 providers that offer a range of services similar to those offered by the original  
8 service provider. Eligible individuals receiving alternatives-to-abortion services  
9 must be provided with notice of the rights of these individuals under this section.
- 10 13. The state may audit a religious organization's use of funds under this section in the  
11 same manner it would audit a nonreligious organization's use of funds under this  
12 section. If the organization has segregated the funds received under this section  
13 into separate accounts, only those separate accounts are subject to audit.
- 14 14. No grant funds obtained pursuant to this section may be expended for sectarian  
15 worship, instruction, or proselytization.
- 16 15. This section does not preempt any provision of the Constitution of North Dakota or  
17 state law which prohibits or restricts the expenditure of state funds by religious  
18 organizations.

19 **SECTION 2. APPROPRIATION.** There is appropriated out of any moneys from special  
20 funds derived from federal funds and other income for the temporary assistance to needy  
21 families program, the sum of \$200,000, or so much of the sum as may be necessary, to the  
22 department of human services for the purpose of establishing and operating an  
23 alternatives-to-abortion services program, for the biennium beginning July 1, 2001, and ending  
24 June 30, 2003.