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FAMILY PLANNING PROGRAM PRIORITIES

House Bill 4655

Sponsor: Rep. Mark Jansen

Committee: Family and Children
Services

Complete to 6-18-01

A SUMMARY OF HOUSE BILL 4655 AS INTRODUCED 4-24-01

The bill would create a new act to specify that, within certain exceptions, it would be the policy of the state for the Department of Community Health to give priority in the allocation of funds for family planning programs to agencies and organizations that do not perform abortions or advocate for abortion rights.

The policy would apply to the allocation of funds through grants or contracts for educational or other programs or services administered by the DCH and pertaining to family planning. It would apply to grants or contracts awarded to local agencies, organizations, or corporations, and to subdivisions, contractees, or grant recipients of such entities. Priority for funding would be given to an otherwise qualified applicant that does not:

- *perform elective abortions or allow the performance of elective abortions within its facilities;

- *refer pregnant women to abortion providers for elective abortions;

- *engage in public advocacy promoting the legality or accessibility of elective abortion; or

- *adopt or maintain a policy that elective abortion is considered part of a continuum of family planning or reproductive health services.

The bill states that its provisions would not apply if the only applicant or group of applicants for a grant or contract engaged in the listed activities. However, the bill would also specify that, if each of the applicants engaged in one or more of the activities listed, the department would have to give priority to those entities that engaged in the least number of activities listed. Moreover, if an applicant were affiliated with another entity that engaged in one or more of the listed activities, then the applicant would be considered independent of the affiliated entity for grant purposes if all of the following conditions were met:

- *The physical properties and equipment of the applicant were separate and not shared with the affiliated entity.

- *The financial records of the applicant and the affiliated entity demonstrated that the affiliated entity received no funds from the applying entity.

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*The paid personnel of the applicant did not perform any function or duty on behalf of the affiliated entity while on the applicant's physical property or during the hours the personnel were being paid by the applicant.

The bill defines "elective abortion" to mean "the choice of a pregnant woman to undergo a procedure involving the intentional use of an instrument, drug, or other substance or device to terminate a woman's pregnancy for a purpose other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus". The term would not include the use or prescription of a drug or device intended as a contraceptive, nor the termination of a woman's pregnancy "if the woman's physical condition, in the physician's reasonable medical judgment, necessitates the termination of the woman's pregnancy to avert her death".

"Public advocacy" would be defined to mean:

*regularly engaging in efforts to encourage the passage or defeat of legislation pertaining to continued or expanded availability of elective abortion;

*publicly endorsing or recommending the election or defeat of a candidate for public office based on the candidate's position on the legality of elective abortion, either directly or through an affiliated political action committee; or

*engaging in civil litigation against a unit of government as a plaintiff seeking to enjoin or otherwise prohibit enforcement of a statute, ordinance, rule, or regulation pertaining to elective abortion.

Analyst: R. Young

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.