

FEB 22 2005
HUMAN RESOURCES

HOUSE FILE 376
BY LUKAN

(COMPANION TO LSB 2534SS
BY BEHN)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the limitations regarding family planning
2 grant funds and recipients of such funds.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HF 376

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1 Section 1. NEW SECTION. 146A.1 DEFINITIONS.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "Abortion" means the use or prescription of any
5 instrument, medicine, drug, or any other substance or device
6 to intentionally terminate the pregnancy of a female known to
7 be pregnant, with an intention other than to prevent the death
8 of the female, increase the probability of a live birth,
9 preserve the life or health of the child after live birth, or
10 remove a dead fetus.

11 2. "Family planning grant funds" means funds distributed
12 under the maternal and child health services block grant
13 pursuant to Title V of the federal Social Security Act, the
14 social services block grant program under Title XX of the
15 federal Social Security Act, the federal family planning
16 services grant under Title X of the federal Public Health
17 Services Act, or any state program whose funds are or may be
18 used to fund family planning services.

19 3. "Family planning services" means preconception services
20 that limit or enhance fertility, including methods of
21 contraception, the management of infertility, preconception
22 counseling, education, and general reproductive health care.

23 4. "Nondirective counseling" means providing patients with
24 any of the following:

25 a. A list of health care providers and social service
26 providers that provide prenatal care, childbirth care, infant
27 care, foster care, adoption services, alternatives to
28 abortion, or abortion services.

29 b. Nondirective marketing information regarding the
30 providers specified under paragraph "a".

31 5. "Public advocacy" means engaging in any of the
32 following:

33 a. Regularly engaging in efforts to encourage the passage
34 or defeat of legislation pertaining to the continued or
35 expanded availability of abortion.

1 b. Publicly endorsing or recommending the election or
2 defeat of a candidate for public office based on the
3 candidate's position on the legality of abortion.

4 c. Engaging in civil litigation against a unit of
5 government as a plaintiff seeking to enjoin or otherwise
6 prohibit enforcement of a statute, ordinance, rule or
7 regulation pertaining to abortion.

8 Sec. 2. NEW SECTION. 146A.2 FAMILY PLANNING GRANT FUNDS
9 -- LIMITATIONS.

10 Family planning grant funds shall not be used for any of
11 the following:

12 1. Directly or indirectly subsidizing abortion services or
13 administrative expenses.

14 2. Payments or grants to an organization or an affiliate
15 of an organization that provides abortion services, unless the
16 affiliate is independent as provided in section 146A.4.

17 3. Payments or grants to an organization that has adopted
18 or maintains a policy in writing or through oral public
19 statements that abortion is considered part of a continuum of
20 family planning services, reproductive health services, or
21 both.

22 Sec. 3. NEW SECTION. 146A.3 RECIPIENTS OF FAMILY
23 PLANNING GRANTS -- AUTHORIZED ACTIVITIES.

24 An organization that receives family planning grant funds
25 shall comply with all of the following provisions:

26 1. The organization may provide nondirective counseling
27 relating to pregnancy, but shall not directly refer patients
28 who seek abortion services to any organization that provides
29 abortion services, including an independent affiliate, as
30 described in section 146A.4, of the organization receiving
31 family planning grant funds.

32 2. The organization shall not display and shall not
33 distribute to patients marketing materials about abortion
34 services.

35 3. The organization shall not engage in public advocacy

1 promoting the legality or accessibility of abortion.

2 4. The organization shall be separately incorporated from
3 any affiliated organization that provides abortion services.

4 Sec. 4. NEW SECTION. 146A.4 INDEPENDENT AFFILIATES.

5 1. An organization that receives family planning grant
6 funds shall not be affiliated with an organization that
7 provides abortion services unless the organizations are
8 independent of one another. An organization is deemed
9 independent from another if the organizations do not share any
10 of the following:

11 a. The same or a similar name.

12 b. Medical facilities or nonmedical facilities, including
13 but not limited to business offices, treatment rooms,
14 consultation rooms, examination rooms, and waiting rooms.

15 c. Expenses.

16 d. Employees.

17 e. Equipment or supplies, including but not limited to
18 computers, telephone systems, telecommunications equipment,
19 and office supplies.

20 2. An organization that receives family planning grant
21 funds and is affiliated with an organization that provides
22 abortion services shall maintain financial records that
23 demonstrate strict compliance with this section, demonstrate
24 that the organization is independent of the affiliate, and
25 that the independent affiliate that provides abortion services
26 receives no direct or indirect economic or marketing benefit
27 from the family planning grant funds.

28 Sec. 5. NEW SECTION. 146A.5 INDEPENDENT AUDIT.

29 An organization applying for family planning grant funds
30 shall submit with the application a copy of the organization's
31 most recent independent audit to ensure that the organization
32 is in compliance with section 146A.4. The independent audit
33 for which documentation is submitted shall have been conducted
34 within the two-year period preceding submission of the
35 application for family planning grant funds.

1 planning grant funds from being affiliated with an
2 organization that provides abortion services unless the
3 organizations are independent of one another. The bill
4 specifies the requirements for deeming an organization
5 independent from another and requires the maintaining of
6 financial records that demonstrate strict compliance with this
7 provision.

8 The bill requires an organization applying for family
9 planning grant funds to submit with the application a copy of
10 the organization's most recent independent audit, which audit
11 must have been conducted within the two-year period preceding
12 the submission of the application.

13 The bill also provides that the provisions of the bill are
14 not to be interpreted as prohibiting an organization that
15 receives funds under Title X of the federal Public Health
16 Services Act from performing any service that is required to
17 be provided as a condition of receiving such funds.

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