

1 SB361  
2 117431-1  
3 By Senator Erwin  
4 RFD: Economic Expansion and Trade  
5 First Read: 02-FEB-10

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8 SYNOPSIS: Existing law does not prohibit any  
9 organization or institution that performs abortions  
10 or advocates for abortions from receiving state  
11 taxpayer funds, state funds, or federal funds.

12 This bill would prohibit the provision of  
13 state taxpayer funds, state funds, or federal funds  
14 to any organization or institution that performs  
15 abortions or advocates for abortions.

16 This bill would provide for penalties.

17 Amendment 621 of the Constitution of Alabama  
18 of 1901, now appearing as Section 111.05 of the  
19 Official Recompilation of the Constitution of  
20 Alabama of 1901, as amended, prohibits a general  
21 law whose purpose or effect would be to require a  
22 new or increased expenditure of local funds from  
23 becoming effective with regard to a local  
24 governmental entity without enactment by a 2/3 vote  
25 unless: it comes within one of a number of  
26 specified exceptions; it is approved by the  
27 affected entity; or the Legislature appropriates

1 funds, or provides a local source of revenue, to  
2 the entity for the purpose.

3 The purpose or effect of this bill would be  
4 to require a new or increased expenditure of local  
5 funds within the meaning of the amendment. However,  
6 the bill does not require approval of a local  
7 governmental entity or enactment by a 2/3 vote to  
8 become effective because it comes within one of the  
9 specified exceptions contained in the amendment.

10  
11 A BILL  
12 TO BE ENTITLED  
13 AN ACT  
14

15 Relating to abortions; to prohibit the provision of  
16 taxpayer funds, state funds, or federal funds to certain  
17 organizations or institutions; to provide penalties; and in  
18 connection therewith would have as its purpose or effect the  
19 requirement of a new or increased expenditure of local funds  
20 within the meaning of Amendment 621 of the Constitution of  
21 Alabama of 1901, now appearing as Section 111.05 of the  
22 Official Recompilation of the Constitution of Alabama of 1901,  
23 as amended.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. This act shall be known and cited as  
26 Alabama Ban on Abortion Funding Act.

1           Section 2. The Legislature hereby finds all of the  
2 following:

3           (1) Each abortion ends the life of a person.

4           (2) The State of Alabama has a vested interest in  
5 all citizens, born and unborn persons, and legal protection of  
6 all human life within the borders of the State of Alabama.

7           Section 3. For the purpose of this act, the  
8 following terms shall have the following meanings:

9           (1) ABORTION. The use or prescription of any  
10 instrument, medicine, drug, or any other substance or device  
11 with the intent to terminate the pregnancy of a woman known to  
12 be pregnant. Such use or prescription is not an abortion if  
13 done with the intent to save the life or preserve the health  
14 of an unborn child, remove a dead unborn child, or to deliver  
15 an unborn child prematurely in order to preserve the health of  
16 both the mother and her unborn child.

17           (2) LIFE. Human life from conception to natural  
18 death.

19           (3) PHYSICIAN. Any person licensed to practice  
20 medicine in the State of Alabama. The term includes medical  
21 doctors and doctors of osteopathy.

22           Section 4. In accordance with the findings of the  
23 Legislature in Section 2, within the State of Alabama no  
24 taxpayer funds or State of Alabama funds shall be provided to  
25 organizations or institutions that perform abortions or  
26 advocate for abortions. In addition, no taxpayer or State of  
27 Alabama funds or federal funds shall be provided to an

1 individual or to a physician or other medical personnel for  
2 the purpose of funding abortions.

3 Section 5. Any person who intentionally, knowingly,  
4 or recklessly violates this act shall be guilty of a Class B  
5 misdemeanor.

6 Section 6. Although this bill would have as its  
7 purpose or effect the requirement of a new or increased  
8 expenditure of local funds, the bill is excluded from further  
9 requirements and application under Amendment 621, now  
10 appearing as Section 111.05 of the Official Recompilation of  
11 the Constitution of Alabama of 1901, as amended, because the  
12 bill defines a new crime or amends the definition of an  
13 existing crime.

14 Section 7. This act shall become effective 180 days  
15 following its passage and approval by the Governor, or its  
16 otherwise becoming law.