

1 HB349  
2 217215-3  
3 By Representatives Meadows, Holmes, Almond, Mooney,  
4 Stadthagen, Sorrell, Shaver, Kiel, Hanes, Whorton, Collins,  
5 Wilcox, Wood (D), Wingo and Shiver  
6 RFD: Judiciary  
7 First Read: 15-FEB-22

8 SYNOPSIS: Existing law requires abortion providers, 48  
9 hours before performing an abortion on a woman, to  
10 provide the woman with a state-produced pamphlet of  
11 pregnancy-related services in this state.

12 This bill would require a physician, before  
13 performing an abortion on a woman, to confirm that  
14 the woman has received a free resource access  
15 assistance offer. This offer would be provided  
16 through a phone call to a toll-free number that is  
17 staffed by support professionals who would explain  
18 available pregnancy-related services to the woman,  
19 help her learn about and connect to those  
20 resources, and make available additional direct  
21 support related to her pregnancy.

22 This bill would make available substantive  
23 services to help pregnant women and parents of  
24 young children navigate existing private and public  
25 resources to support their pregnancy and parenting,  
26 and would establish a process to ensure every woman

1 seeking to obtain an abortion in Alabama learns  
2 about those services prior to an abortion.

3 This bill would also support follow-up  
4 services for women after the birth of their  
5 children, including referrals to resources in their  
6 community and public assistance programs.

7  
8 A BILL  
9 TO BE ENTITLED  
10 AN ACT

11  
12 Relating to pregnancy, parenting, and abortion; to  
13 create the Every Mother Matters Act; to support certain  
14 services for women before and after childbirth; to require a  
15 physician, prior to the performance of an abortion, to confirm  
16 that a woman upon whom an abortion is to be performed has  
17 received a free resource access assistance offer; and to  
18 provide for the provision and contents of the offer.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. This act shall be known and may be cited  
21 as the Every Mother Matters Act.

22 Section 2. For the purposes of this act, the  
23 following terms have the following meanings:

24 (1) ABORTION. The same meaning as in Section  
25 26-23H-3, Code of Alabama 1975.

1 (2) ABORTION PROVIDER. An entity that offers or  
2 advertises the provision of abortions or that operates a  
3 facility at which abortions are performed or induced.

4 (3) ABUSE. The same meaning as in Section 30-5-2,  
5 Code of Alabama 1975.

6 (4) AGENCY. An entity that contracts with the  
7 department to provide the services required by this act.

8 (5) ASSAULT. The acts or offenses described in  
9 Sections 13A-6-20, 13A-6-21, and 13A-6-22, Code of Alabama  
10 1975.

11 (6) CARE AGENT. A person employed by an agency to  
12 perform the services required by this act.

13 (7) COERCION. The acts or offenses described in  
14 Section 13A-6-25, Code of Alabama 1975.

15 (8) DEPARTMENT. The Alabama Department of Public  
16 Health.

17 (9) ECTOPIC PREGNANCY. The same meaning as in  
18 Section 26-23H-3, Code of Alabama 1975.

19 (10) HUMAN TRAFFICKING. The acts or offenses  
20 described in Sections 13A-6-152 and 13A-6-153, Code of Alabama  
21 1975.

22 (11) MEDICAL EMERGENCY. A condition that, based on  
23 the good faith clinical judgment of a physician, has  
24 complicated the medical condition of a pregnant woman so as to  
25 necessitate the immediate termination of the woman's pregnancy  
26 to avert her death or for which a delay will create a serious

1 risk of substantial and irreversible impairment of a major  
2 bodily function.

3 (12) NEGLECT. The same meaning as in Section  
4 26-16-2, Code of Alabama 1975.

5 (13) PARTICIPANT. An individual receiving Pregnancy  
6 Launch Program Services as provided in this act.

7 (14) SEXUAL ABUSE. The acts or offenses described in  
8 Sections 13A-6-66 and 13A-6-67, Code of Alabama 1975.

9 Section 3. The department shall establish the  
10 Pregnancy Launch Program by contracting with one or more  
11 agencies to provide direct services, support, social services  
12 case management, and program referrals statewide to biological  
13 parents of unborn children, biological or adoptive parents of  
14 children under two years of age, and parents and legal  
15 guardians of pregnant minors.

16 Section 4. The Pregnancy Launch Program shall do all  
17 of the following:

18 (1) Encourage healthy childbirth.

19 (2) Support childbirth as an alternative to  
20 abortion.

21 (3) Promote family formation.

22 (4) Aid successful parenting.

23 (5) Increase families' economic self-sufficiency.

24 (6) Improve maternal health, mortality, and  
25 postpartum outcomes.

26 Section 5. (a) The Pregnancy Launch Program shall  
27 consist of at least the following components:

1           (1) The use of licensed nurses, community health  
2 workers, or other individuals of equivalent expertise to offer  
3 healthy pregnancy program services to participants in the  
4 Pregnancy Launch Program, including all of the following:

5           a. Assistance assessing and evaluating needs related  
6 to pregnancy or parenting.

7           b. Medically accurate pregnancy-related medical  
8 information.

9           c. Assistance obtaining obstetric care, primary  
10 care, mental health or behavioral health counseling, and  
11 postpartum care.

12           d. Support for factors affecting a pregnant woman's  
13 pregnancy, including her or her family's well-being and  
14 available support services.

15           e. Information on adoption.

16           (2) The use of licensed social workers, nurses,  
17 community health workers, licensed professional counselors, or  
18 other individuals of equivalent experience to offer care plan  
19 coordination services to participants in the Pregnancy Launch  
20 Program, including all of the following:

21           a. Assistance in identifying needs related to the  
22 pregnancy or parent's ability to care for his or her unborn  
23 child.

24           b. Development of a care plan of resources and  
25 support to address the needs identified.

1                   c. Referrals to appropriate local resources,  
2 including state and federal benefits programs and local  
3 charitable organizations.

4                   d. Assistance in applying for state and federal  
5 benefits programs.

6                   e. Assistance in accomplishing elements of the care  
7 plan.

8                   f. Services related to postpartum depression and  
9 related referrals.

10                  g. Assistance obtaining pediatric care and  
11 postpartum care.

12                  h. Assistance obtaining substance abuse treatment  
13 and alcohol abuse treatment.

14                  i. Education on available public and private  
15 resources to address the pregnant woman's or biological  
16 father's socioeconomic needs.

17                  j. Social services or assistance in obtaining social  
18 services related to education, professional certification,  
19 housing, employment, resume development, childcare, adoption  
20 services, financial needs, substance abuse, and health  
21 benefits plan coverage.

22                  k. Assistance for abuse, assault, sexual assault,  
23 neglect, coercion, and human trafficking.

24                  l. Assistance obtaining mental health or behavioral  
25 counseling.

1                   (3) Administrative support and other expenses  
2 necessary for the development or ongoing provision of  
3 services.

4                   (b) (1) The Pregnancy Launch Program shall be  
5 available to residents of all counties of the state, including  
6 residents in rural areas that may currently lack access to  
7 similar services.

8                   (2) Notwithstanding any law to the contrary, healthy  
9 pregnancy program services and care plan coordination services  
10 of the Pregnancy Launch Program may be provided in person  
11 through existing facilities or remotely through a telephonic  
12 system or other comparable, synchronous direct audio or video  
13 technologies.

14                   (c) To be eligible to be a participant, an  
15 individual shall, at the time of initial contact with the  
16 Pregnancy Launch Program, be one of the following:

17                   (1) A resident of this state who is the biological  
18 parent of an unborn child or a biological or adoptive parent  
19 of a child under two years of age.

20                   (2) A pregnant woman seeking to obtain an abortion  
21 in this state.

22                   (3) A parent or legal guardian of a minor residing  
23 in this state who is pregnant or has a child under the age of  
24 two years.

25                   (d) Existing participants of the Pregnancy Launch  
26 Program whose pregnancies are terminated are eligible to



1 continue to receive services for six months after the date of  
2 termination.

3 Section 6. Each agency providing Pregnancy Launch  
4 Program services shall record and report monthly to the  
5 department the following information pertaining to care plan  
6 coordination and healthy pregnancy services:

7 (1) The number of pregnant women, biological  
8 fathers, or parents or guardians of a pregnant minor  
9 requesting assistance in developing a personalized care plan.

10 (2) The number of unique pregnant women, biological  
11 fathers, or parents or guardians of a pregnant minor receiving  
12 support in the following categories:

13 a. Education.

14 b. Training for a professional certification.

15 c. Housing.

16 d. Employment.

17 e. Resume development.

18 f. Child care.

19 g. Adoption services.

20 h. Financial needs.

21 i. Substance abuse.

22 j. Health benefit coverage.

23 (3) The number of pregnant women needing assistance  
24 for abuse, assault, sexual assault, neglect, coercion, and  
25 human trafficking.

26 (4) The number of women needing assistance for  
27 postpartum depression and related referrals.

1           (5) The number of pregnant women needing assistance  
2 obtaining obstetric care, pediatric care, postpartum care, or  
3 mental health or behavioral counseling.

4           (6) The number of pregnant women receiving  
5 assistance or education for issues related to their health,  
6 unborn children's health, pregnancy, abortion, fetal  
7 development, or birth.

8           Section 7. (a) An individual shall not perform or  
9 induce an abortion unless the individual verifies, in  
10 accordance with Section 12, that the woman upon whom the  
11 abortion is to be performed or induced has received a resource  
12 access assistance offer.

13           (b) A resource access assistance offer under  
14 subsection (a) shall consist of a care agent doing all of the  
15 following:

16           (1) Informing the pregnant woman of and making  
17 available the following:

18           a. Free healthy pregnancy program services offered  
19 under Section 5.

20           b. Free care plan coordination services offered  
21 under Section 5.

22           (2) Providing education on other public and private  
23 resources available to address the socioeconomic needs of the  
24 pregnant woman or the biological father of the unborn child.

25           (3) Offering screening and assistance for abuse,  
26 assault, sexual assault, neglect, coercion, and human  
27 trafficking.

1 (c) (1) The pregnant woman is not required to do  
2 either of the following in order to obtain an abortion:

3 a. Provide any personally identifiable information  
4 to the department, care agent, or contracting agency.

5 b. Initiate, accept, or complete any services  
6 offered pursuant to this section in order to obtain an  
7 abortion.

8 (2) The pregnant woman may decline services offered  
9 pursuant to Section 5 at any time.

10 (d) The resource access assistance offer shall be  
11 provided at the expense of the state at no cost to the woman.

12 (e) This section does not apply in the case of a  
13 medical emergency necessitating the performance of an  
14 abortion. An individual who performs or induces an abortion in  
15 a medical emergency shall do both of the following:

16 (1) Include in the woman's medical records a  
17 statement signed by the physician certifying the nature of the  
18 medical emergency.

19 (2) Not later than the 30th day after the  
20 performance of the abortion, certify to the department the  
21 specific medical condition that constituted the emergency.

22 (f) This section shall become operative 18 months  
23 following the effective date of this act.

24 Section 8. (a) The department shall, not later than  
25 nine months following the effective date of this act, contract  
26 with one or more agencies sufficient to ensure that every  
27 woman seeking an abortion in Alabama receives a resource

1 access assistance offer as well as the opportunity to receive  
2 free care plan coordination and free healthy pregnancy program  
3 services.

4 (b) The department shall only contract with agencies  
5 that are capable of offering resource access assistance  
6 offers, care plan coordination, and healthy pregnancy program  
7 services by telephonic means or other comparable, synchronous  
8 direct audio or video technologies.

9 Section 9. An agency and any of its subcontractors  
10 or agents who provide services under Sections 3 through 8  
11 shall not do any of the following:

12 (1) Be an abortion provider or entity that directly  
13 or indirectly promotes, refers for, or assists women in  
14 obtaining an abortion.

15 (2) Own, operate, or be affiliated with an abortion  
16 provider or an entity that directly or indirectly promotes,  
17 refers for, or assists women in obtaining an abortion.

18 (3) Employ an individual who has performed or  
19 induced an abortion in the last two years.

20 (4) Have as a director, board member, officer,  
21 volunteer, or employee an individual who has performed or  
22 induced an abortion in the last two years or who serves in any  
23 of these roles for an entity described in subdivision (1).

24 (5) Refer women to an abortion provider, recommend  
25 abortion, or take any other action that directly or indirectly  
26 assists a woman in obtaining an abortion.

1           Section 10. Each care agent providing services under  
2 this act, and any individual providing program services  
3 through a subcontract or through an agency on a volunteer  
4 basis, shall:

5           (1) Meet the qualifications established by the  
6 department.

7           (2) Have not performed or induced an abortion in the  
8 last two years.

9           (3) Have not, within the last two years, served as a  
10 director, board member, officer, volunteer, or employee for an  
11 entity that is an abortion provider or an entity that directly  
12 or indirectly promotes abortion or assists women in obtaining  
13 an abortion.

14           (4) Maintain the confidentiality of information the  
15 care agent obtains while performing services under this act.

16           (5) Complete a training program regarding  
17 recognizing signs that an individual may have been a victim of  
18 human trafficking and provide appropriate assistance to that  
19 individual.

20           (6) Not refer women to an abortion provider,  
21 recommend abortion, or take any other action that directly or  
22 indirectly assists a woman in obtaining an abortion.

23           Section 11. The department shall do all of the  
24 following:

25           (1) Annually designate the proportion of resource  
26 access assistance offers to be provided by each agency based

1 on the agency's share of participants initiating care plan  
2 coordination services or healthy pregnancy program services.

3 (2) Establish a single toll-free number by which all  
4 pregnant women seeking an abortion in Alabama may immediately  
5 receive resource access assistance offers by automatically  
6 connecting the pregnant woman to an agency based on this  
7 proportion.

8 (3)a. Develop and maintain a secure process for  
9 completing the verification requirements of this section and  
10 Section 12 and enforcing the auditing requirements of Section  
11 13.

12 b. The process shall not transmit any information to  
13 either of the following:

14 1. The agency or care agent concerning the identity  
15 or location of the individual who may perform or induce the  
16 abortion or the facility at which the abortion may occur.

17 2. The individual performing or inducing the  
18 abortion or the individual's agent regarding the identity of  
19 the agency or care agent providing the resource access  
20 assistance offer.

21 (4) Provide a monthly report to each agency  
22 regarding the percentage of pregnant women who were provided  
23 resource access assistance offers by the agency who  
24 subsequently obtained an abortion in this state.

25 (5) Adopt rules for the implementation of this act.  
26 Section 12.

1 (a) The individual who is to perform or induce an  
2 abortion, or the individual's agent, shall do each of the  
3 following before accepting any payment for abortion-related  
4 services, before an abortion is performed or induced, and  
5 before any sedative or anesthesia is administered:

6 (1) Verify through the department's secure  
7 verification process that the woman received a resource access  
8 assistance offer from an agency.

9 (2) Record the verification in the woman's medical  
10 record.

11 (3) Take any other steps required by department rule  
12 to complete the secure verification process.

13 (b) The individual who performs or induces an  
14 abortion, or the individual's agent, shall, within two  
15 business days of the completion of an abortion, report to the  
16 department confirmation for each abortion performed or induced  
17 and the date and time of the performance or induction of the  
18 abortion.

19 (c) Care agents shall do both of the following:

20 (1) Provide the resource access assistance offer,  
21 care coordination, and healthy pregnancy program services.

22 (2) Record the information required by Section 6.

23 (d) An agency shall record and report at least  
24 monthly to the department the following information pertaining  
25 to resource access assistance offers:

1           (1) The number of pregnant women needing assistance  
2 for violence, abuse, assault, sexual assault, coercion,  
3 neglect, or human trafficking.

4           (2) The number of women receiving a resource access  
5 assistance offer who initiate care plan coordination.

6           (3) The number of women receiving a resource access  
7 assistance offer who initiate healthy pregnancy program  
8 services.

9           (e) This section shall become operative 18 months  
10 following the effective date of this act.

11           Section 13. (a) The department, in order to enforce  
12 compliance with this act, shall audit the medical records kept  
13 by every individual who performs or induces an abortion and  
14 every abortion provider according to the following process:

15           (1) At least once a year, the department shall audit  
16 10 percent of the abortion medical records at random,  
17 unannounced, and reasonable times.

18           (2) The department shall determine for each audited  
19 medical record whether the individual who performed or induced  
20 the abortion fully complied with subsections (a) and (b) of  
21 Section 12.

22           (3) If the department finds that for five percent or  
23 more of the audited medical records, the individual who  
24 performed or induced the abortion failed to comply with  
25 subsections (a) and (b) of Section 12, the department shall  
26 audit all abortion medical records from that individual since  
27 the last inspection performed pursuant to this section.



1           (b) The results of the department's audit shall be a  
2 public writing for the purpose of the Alabama Open Records  
3 Law, Section 36-12-40, Code of Alabama 1975, and the  
4 department shall publicly post the results of each audit on  
5 its website, provided that the audit results shall not contain  
6 any personally identifying information on any woman who  
7 obtained an abortion.

8           (c) Any individual performing or inducing an  
9 abortion who fails to comply with subsections (a) and (b) of  
10 Section 12 shall be subject to a civil penalty of five  
11 thousand dollars (\$5,000) for each abortion he or she performs  
12 or induces in violation of subsections (a) and (b) of Section  
13 12.

14           (d) An abortion provider shall be jointly and  
15 severally liable for each fine associated with an abortion  
16 performed or induced at that facility.

17           (e) The Attorney General or the district attorney of  
18 the county in which the abortion was performed or induced may  
19 file an action to recover a civil penalty assessed under this  
20 section and, if any civil penalty is recovered, shall also  
21 recover attorney fees and costs incurred in bringing the  
22 action, provided no civil penalty may be recovered if the  
23 Attorney General, the district attorney of the county in which  
24 the abortion was performed or induced, or another individual  
25 has already recovered a civil penalty for that specific  
26 violation of subsections (a) and (b) of Section 12.

1 (f) (1) Any individual may bring a civil action to  
2 recover the civil penalty assessed under this section if both  
3 of the following are true:

4 a. An action has not already been initiated by the  
5 Attorney General or a district attorney.

6 b. Another individual has not already recovered a  
7 penalty for that specific violation of subsections (a) and (b)  
8 of Section 12.

9 (2) An individual who brings an action under this  
10 section and prevails may recover attorney fees and costs  
11 incurred in bringing the action.

12 (g) The civil penalty imposed by this section is in  
13 addition to the criminal liability established by the Woman's  
14 Right to Know Act, Chapter 23A of Title 26, Code of Alabama  
15 1975.

16 (h) The department shall revoke the license of an  
17 abortion provider if greater than five percent of medical  
18 records audited at that facility do not comply with  
19 subsections (a) and (b) of Section 12.

20 (i) This section shall become operative 18 months  
21 following the effective date of this act.

22 Section 14. Records that identify an individual care  
23 agent, pregnant woman, or biological or adoptive parent held  
24 by the department pursuant to this act are not open records  
25 for the purposes of Article 3 of Chapter 12 of Title 36, Code  
26 of Alabama 1975. Those records may be released or made public  
27 as follows:

1           (1) For statistical purposes, but only if a care  
2 agent, pregnant woman, or biological or adoptive parent is not  
3 identified.

4           (2) With the consent of each individual identified  
5 in the information released.

6           (3) To individuals performing or inducing abortions  
7 and to agencies, to the extent necessary to fulfill their  
8 obligations pursuant to this act.

9           (4) To appropriate state agencies or county and  
10 district courts to enforce this chapter.

11           (5) To appropriate state licensing boards to enforce  
12 state licensing laws.

13           (6) To licensed medical or health care personnel  
14 currently treating the pregnant woman.

15           (7) Pursuant to a subpoena issued by a court of  
16 competent jurisdiction, provided the release is made subject  
17 to a confidentiality requirement as determined by that court.

18           Section 15. This act does not:

19           (1) Create or recognize a right to abortion.

20           (2) Create or recognize a right to a particular  
21 method of abortion.

22           (3) Make lawful an abortion that is currently  
23 unlawful under any law of this state.

24           Section 16. Nothing in this act shall be interpreted  
25 to violate any speech or conduct rights protected by the First  
26 Amendment of the Constitution of the United States, as made  
27 applicable to the states through interpretations by the

1 Supreme Court of the United States of the Fourteenth Amendment  
2 of the Constitution of the United States, or by the  
3 Constitution of Alabama of 1901, including the Alabama  
4 Religious Freedom Amendment, Article 1, Section 3.01.

5 Section 17. The provisions of this act are  
6 severable. If any part of this act is declared invalid or  
7 unconstitutional, that declaration shall not affect the part  
8 which remains.

9 Section 18. This act shall become effective on the  
10 first day of the first month following its passage and  
11 approval by the Governor, or its otherwise becoming law.