

1 HB401  
2 217856-1  
3 By Representatives Meadows, Collins, Stadthagen, Wilcox,  
4 Shaver, Wood (D), Sorrell, Hanes, Whorton, Kiel, Mooney, Wingo  
5 and Holmes  
6 RFD: Health  
7 First Read: 23-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.

26 (2) ABORTION PROVIDER. Any individual or entity that  
27 offers or advertises the provision of abortions or that

1 operates a facility at which abortions are performed or  
2 induced.

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

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

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

10 (6) CARE AGENT. An individual employed by an agency  
11 to perform the services required by this act.

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

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

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

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

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

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

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

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

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

14 Section 4. The Pregnancy Launch Program shall do all  
15 of the following:

16 (1) Encourage healthy childbirth.

17 (2) Support childbirth as an alternative to  
18 abortion.

19 (3) Promote family formation.

20 (4) Aid successful parenting.

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

22 (6) Improve maternal health, mortality, and  
23 postpartum outcomes.

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

26 (1) The use of licensed nurses, community health  
27 workers, or other individuals of equivalent expertise to offer

1 healthy pregnancy program services to participants in the  
2 Pregnancy Launch Program, including all of the following:

3 a. Assistance assessing and evaluating needs related  
4 to pregnancy or parenting.

5 b. Medically accurate pregnancy-related medical  
6 information.

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

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

13 e. Information on adoption.

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

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

22 b. Development of a care plan of resources and  
23 support to address the needs identified.

24 c. Referrals to appropriate local resources,  
25 including state and federal benefits programs and local  
26 charitable organizations.

1           d. Assistance in applying for state and federal  
2 benefits programs.

3           e. Assistance in accomplishing elements of the care  
4 plan.

5           f. Services related to postpartum depression and  
6 related referrals.

7           g. Assistance obtaining pediatric care and  
8 postpartum care.

9           h. Assistance obtaining substance abuse treatment  
10 and alcohol abuse treatment.

11           i. Education on available public and private  
12 resources to address the pregnant woman's or biological  
13 father's socioeconomic needs.

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

19           k. Assistance for abuse, assault, sexual assault,  
20 neglect, coercion, and human trafficking.

21           l. Assistance obtaining mental health or behavioral  
22 counseling.

23           (3) Administrative support and other expenses  
24 necessary for the development or ongoing provision of  
25 services.

26           (b) (1) The Pregnancy Launch Program shall be  
27 available to residents of all counties of the state, including

1 residents in rural areas that may currently lack access to  
2 similar services.

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

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

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

15 (2) A pregnant woman seeking to obtain an abortion  
16 in this state.

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

20 (d) Existing participants of the Pregnancy Launch  
21 Program whose pregnancies are terminated are eligible to  
22 continue to receive services for six months after the date of  
23 termination.

24 Section 6. Each agency providing Pregnancy Launch  
25 Program services shall record and report monthly to the  
26 department the following information pertaining to care plan  
27 coordination and healthy pregnancy services:



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

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

7 a. Education.

8 b. Training for a professional certification.

9 c. Housing.

10 d. Employment.

11 e. Resume development.

12 f. Child care.

13 g. Adoption services.

14 h. Financial needs.

15 i. Substance abuse.

16 j. Health benefit coverage.

17 (3) The number of pregnant women needing assistance  
18 for abuse, assault, sexual assault, neglect, coercion, and  
19 human trafficking.

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

22 (5) The number of pregnant women needing assistance  
23 obtaining obstetric care, pediatric care, postpartum care, or  
24 mental health or behavioral counseling.

25 (6) The number of pregnant women receiving  
26 assistance or education for issues related to their health,

1 unborn children's health, pregnancy, abortion, fetal  
2 development, or birth.

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

8 (b) A resource access assistance offer under  
9 subsection (a) shall consist of a care agent doing all of the  
10 following:

11 (1) Informing the pregnant woman of and making  
12 available the following:

13 a. Free healthy pregnancy program services offered  
14 under Section 5.

15 b. Free care plan coordination services offered  
16 under Section 5.

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

20 (3) Offering screening and assistance for abuse,  
21 assault, sexual assault, neglect, coercion, and human  
22 trafficking.

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

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

1           b. Initiate, accept, or complete any services  
2 offered pursuant to this section in order to obtain an  
3 abortion.

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

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

8           (e) This section does not apply in the case of a  
9 medical emergency necessitating the performance of an  
10 abortion. An individual who performs or induces an abortion in  
11 a medical emergency shall do both of the following:

12           (1) Include in the woman's medical records a  
13 statement signed by the physician certifying the nature of the  
14 medical emergency.

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

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

20           Section 8. (a) The department shall, not later than  
21 nine months following the effective date of this act, contract  
22 with one or more agencies sufficient to ensure that every  
23 woman seeking an abortion in Alabama receives a resource  
24 access assistance offer as well as the opportunity to receive  
25 free care plan coordination and free healthy pregnancy program  
26 services.

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

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

9 (1) Be an abortion provider that directly or  
10 indirectly promotes, refers for, or assists women in obtaining  
11 an abortion.

12 (2) Own, operate, or be affiliated with an abortion  
13 provider that directly or indirectly promotes, refers for, or  
14 assists women in obtaining an abortion.

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

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

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

24 Section 10. Each care agent providing services under  
25 this act, and any individual providing program services  
26 through a subcontract or through an agency on a volunteer  
27 basis, shall:

1 (1) Meet the qualifications established by the  
2 department.

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

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

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

12 (5) Complete a training program regarding  
13 recognizing signs that an individual may have been a victim of  
14 human trafficking and provide appropriate assistance to that  
15 individual.

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

19 Section 11. The department shall do all of the  
20 following:

21 (1) Annually designate the proportion of resource  
22 access assistance offers to be provided by each agency based  
23 on the agency's share of participants initiating care plan  
24 coordination services or healthy pregnancy program services.

25 (2) Establish a single toll-free number by which all  
26 pregnant women seeking an abortion in Alabama may immediately  
27 receive resource access assistance offers by automatically

1 connecting the pregnant woman to an agency based on this  
2 proportion.

3 (3)a. Develop and maintain a secure process for  
4 completing the verification requirements of this section and  
5 Section 12 and enforcing the auditing requirements of Section  
6 13.

7 b. The process shall not transmit any information to  
8 either of the following:

9 1. The agency or care agent concerning the identity  
10 or location of the individual who may perform or induce the  
11 abortion or the facility at which the abortion may occur.

12 2. The individual performing or inducing the  
13 abortion or the individual's agent regarding the identity of  
14 the agency or care agent providing the resource access  
15 assistance offer.

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

20 (5) Adopt rules for the implementation of this act.  
21 Section 12.

22 (a) The individual who is to perform or induce an  
23 abortion, or the individual's agent, shall do each of the  
24 following before accepting any payment for abortion-related  
25 services, before an abortion is performed or induced, and  
26 before any sedative or anesthesia is administered:

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

4           (2) Record the verification in the woman's medical  
5 record.

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

8           (b) The individual who performs or induces an  
9 abortion, or the individual's agent, shall, within two  
10 business days of the completion of an abortion, report to the  
11 department confirmation for each abortion performed or induced  
12 and the date and time of the performance or induction of the  
13 abortion.

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

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

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

18           (d) An agency shall record and report at least  
19 monthly to the department the following information pertaining  
20 to resource access assistance offers:

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

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

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

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

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

10           (1) At least once a year, the department shall audit  
11 10 percent of the abortion medical records at random,  
12 unannounced, and reasonable times.

13           (2) The department shall determine for each audited  
14 medical record whether the individual who performed or induced  
15 the abortion fully complied with subsections (a) and (b) of  
16 Section 12.

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

23           (b) The results of the department's audit shall be a  
24 public writing for the purpose of the Alabama Open Records  
25 Law, Section 36-12-40, Code of Alabama 1975, and the  
26 department shall publicly post the results of each audit on  
27 its website, provided that the audit results shall not contain



1 any personally identifying information on any woman who  
2 obtained an abortion.

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

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

12 (e) The Attorney General or the district attorney of  
13 the county in which the abortion was performed or induced may  
14 file an action to recover the civil penalty assessed under  
15 this section.

16 (f) The civil penalty imposed by this section is in  
17 addition to the criminal liability established by the Woman's  
18 Right to Know Act, Chapter 23A of Title 26, Code of Alabama  
19 1975.

20 (g) The department shall revoke the license of an  
21 abortion provider if greater than five percent of medical  
22 records audited at that facility do not comply with  
23 subsections (a) and (b) of Section 12.

24 (h) This section shall become operative 18 months  
25 following the effective date of this act.

26 Section 14. Records that identify an individual care  
27 agent, pregnant woman, or biological or adoptive parent held

1 by the department pursuant to this act are not open records  
2 for the purposes of Article 3 of Chapter 12 of Title 36, Code  
3 of Alabama 1975. Those records may be released or made public  
4 as follows:

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

8 (2) With the consent of each individual identified  
9 in the information released.

10 (3) To individuals performing or inducing abortions  
11 and to agencies, to the extent necessary to fulfill their  
12 obligations pursuant to this act.

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

15 (5) To appropriate state licensing boards to enforce  
16 state licensing laws.

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

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

22 Section 15. This act does not:

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

24 (2) Create or recognize a right to a particular  
25 method of abortion.

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

1                   Section 16. Nothing in this act shall be interpreted  
2 to violate any speech or conduct rights protected by the First  
3 Amendment of the Constitution of the United States, as made  
4 applicable to the states through interpretations by the  
5 Supreme Court of the United States of the Fourteenth Amendment  
6 of the Constitution of the United States, or by the  
7 Constitution of Alabama of 1901, including the Alabama  
8 Religious Freedom Amendment, Article 1, Section 3.01.

9                   Section 17. The provisions of this act are  
10 severable. If any part of this act is declared invalid or  
11 unconstitutional, that declaration shall not affect the part  
12 which remains.

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