

1 HB620  
2 212194-2  
3 By Representatives Wingo, Carns, Mooney and Farley  
4 RFD: State Government  
5 First Read: 13-APR-21

8 SYNOPSIS: This bill would prohibit the public funding  
9 or subsidization of abortion activities, with  
10 exceptions.

11 This bill would prohibit government entities  
12 from allowing their property or facilities to be  
13 used for abortion activities, with exceptions.

14 This bill would prohibit government-owned  
15 healthcare facilities from contracting with  
16 healthcare providers for abortion services, with  
17 exceptions.

18 This bill would prohibit public funds from  
19 being expended, paid, or granted to or on behalf of  
20 an existing or proposed research project that  
21 involves abortion, human cloning, or prohibited  
22 human research.

23 This bill would prohibit facilities operated  
24 on the property of a public K-12 school or operated  
25 by a public school district and employees of public  
26 K-12 schools acting within the scope of their  
27 employment from providing abortion services to

1 public school students or counseling in favor of  
2 abortions.

3 This bill would prohibit federal or state  
4 funds that are appropriated by this state for the  
5 provision of legal services by private agencies  
6 from being used directly or indirectly to advocate  
7 for or provide legal assistance with respect to the  
8 right to abortion or the procurement of abortion  
9 services.

10 This bill would prohibit funds from an IOLTA  
11 (interest on lawyers' trust account) from being  
12 used directly or indirectly to advocate for or  
13 provide legal assistance with respect to the right  
14 to abortion or the procurement of abortion  
15 services.

16 This bill would also provide for a private  
17 right of action to enforce its provisions.

18  
19 A BILL

20 TO BE ENTITLED

21 AN ACT

22  
23 Relating to abortion; to prohibit the public funding  
24 or subsidization of abortion activities, with exceptions; to  
25 prohibit government entities from allowing their property or  
26 facilities to be used for abortion activities, with  
27 exceptions; to prohibit government-owned healthcare facilities

1 from contracting with healthcare providers for abortion  
2 services, with exceptions; to prohibit public funds from being  
3 used for certain endeavors, including abortion; to prohibit  
4 facilities operated on the property of a public K-12 school or  
5 operated by a public school district and employees of public  
6 K-12 schools acting within the scope of their employment from  
7 providing abortion services to public school students or  
8 counseling in favor of abortions; to prohibit federal or state  
9 funds that are appropriated by this state for the provision of  
10 legal services by private agencies from being used to advocate  
11 for or provide legal assistance with respect to the right to  
12 abortion or the procurement of abortion services; to prohibit  
13 funds from an IOLTA (interest on lawyers' trust account) from  
14 being used to advocate for or provide legal assistance with  
15 respect to the right to abortion or the procurement of  
16 abortion services; and to provide for a private right of  
17 action to enforce its provisions.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. (a) The Legislature finds as follows:

20 (1) A decision not to subsidize abortions with  
21 public funds would place no governmental obstacle in the path  
22 of a woman who chooses to terminate her pregnancy. *Rust v.*  
23 *Sullivan*, 500 U.S. 173, 201 (1991).

24 (2) The government may rationally distinguish  
25 between abortion and other medical procedures because "no  
26 other procedure involves the purposeful termination of a  
27 potential life." *Harris v. McRae*, 448 U.S. 297, 325 (1980).

1           (3) State policy is that normal childbirth is to be  
2 given preference, encouragement, and support by law and  
3 through state action and affirmed as serving the best  
4 interests and common good of Alabama residents.

5           (b) The purpose of this bill is to ensure that  
6 public funds are not used to subsidize abortions directly or  
7 indirectly.

8           Section 2. This act shall be known and may be cited  
9 as the Abortion Subsidy Prohibition Act.

10           Section 3. For the purposes of this act, the  
11 following terms have the following meanings:

12           (1) ABORTION. The use or prescription of any  
13 instrument, medicine, drug, or any other substance or device  
14 with the intent to terminate the pregnancy of a woman with  
15 knowledge that the termination by those means will with  
16 reasonable likelihood cause the death of the unborn child. The  
17 term does not include these activities if done with the intent  
18 to save the life or preserve the health of an unborn child,  
19 remove a dead unborn child, deliver the unborn child  
20 prematurely to avoid a serious health risk to the unborn  
21 child's mother, or preserve the health of the unborn child.  
22 The term does not include termination of the pregnancy of a  
23 woman with an ectopic pregnancy, nor does it include  
24 termination of the pregnancy of a woman when the unborn child  
25 has a lethal anomaly.

26           (2) FACILITY or MEDICAL FACILITY. Any public or  
27 private hospital, clinic, center, medical school, medical

1 training institution, healthcare facility, physician's office,  
2 infirmary, dispensary, ambulatory surgical treatment center,  
3 or other institution or location wherein medical care is  
4 provided to any individual.

5 (3) HUMAN CLONING. Human asexual reproduction  
6 accomplished by doing any of the following:

7 a. Introducing the genetic material from one or more  
8 human somatic or embryonic cells into a fertilized or  
9 unfertilized oocyte whose nuclear material has been removed or  
10 inactivated before or after introduction, so as to produce an  
11 organism at any stage of development with a human or  
12 predominantly human genetic constitution.

13 b. Artificially subdividing a human embryo at any  
14 time from the two-cell stage onward, such that more than one  
15 human organism results.

16 c. Introducing pluripotent cells from any source  
17 into a human embryo, nonhuman embryo, or artificially  
18 manufactured human embryo or trophoblast, under conditions  
19 where the introduced cells generate all or most of the body  
20 tissues of the developing organism.

21 (4) PHYSICIAN. An individual licensed to practice  
22 medicine in this state.

23 (5)a. PROHIBITED HUMAN RESEARCH. Either of the  
24 following:

25 1. Any medical procedure, scientific or laboratory  
26 research, or other kinds of investigation that kills or

1 injures the human subject of the research at any stage of  
2 development.

3 2. Any scientific or laboratory research or other  
4 kinds of investigation conducted on fetal tissue obtained from  
5 an abortion, unless the research is done to obtain forensic or  
6 other evidence in a rape or incest investigation.

7 b. This term does not include any of the following:

8 1. In vitro fertilization and accompanying embryo  
9 transfer to a woman's body.

10 2. Research in the use of nuclear transfer or other  
11 cloning techniques to produce molecules, deoxyribonucleic  
12 acid, or cells other than human embryos, tissues, organs,  
13 plants, or animals other than humans.

14 3. Any diagnostic procedure that benefits the human  
15 subject of the tests.

16 (6) UNBORN CHILD. A human being, specifically  
17 including an unborn child in utero at any stage of  
18 development, regardless of viability.

19 Section 4. (a) Notwithstanding any other provision  
20 of law to the contrary, public funds made available to any  
21 institution, board, commission, department, agency, official,  
22 employee of the State of Alabama or of any of its political  
23 subdivisions, whether the funds are made available by the  
24 government of the United States, this state, a political  
25 subdivision thereof, or from any other public source, and  
26 monies paid by students as part of tuition or fees to a state  
27 university or a community college may not be used in any way

1 for, to assist in, or to provide facilities for, an abortion  
2 or for training to perform an abortion. It is unlawful for any  
3 individual employed by this state, any of its agencies, or any  
4 of its political subdivisions, within the scope of the  
5 individual's employment, to perform or assist an abortion.

6 (b) A fund or committee authorized by state law for  
7 the special protection of women or children may not be  
8 authorized to use or distribute public funds for the payment  
9 of abortions, abortion referrals, abortion counseling, or  
10 abortion-related services.

11 (c) An organization that receives funds authorized  
12 or appropriated by this state may not use those funds to  
13 perform or promote abortions, provide counseling in favor of  
14 abortions, or to make referrals for abortions.

15 (d) The limitations in subsections (a) through (c)  
16 shall not apply to an abortion performed when the life of the  
17 mother is endangered by a physical disorder, physical illness,  
18 or physical injury, including a life-endangering physical  
19 condition caused by or arising from the pregnancy itself.

20 Section 5. (a) It is unlawful for any public  
21 institution, public facility, public equipment, or other  
22 physical asset owned, leased, or controlled by this state or  
23 any of its agencies or political subdivisions, to be used for  
24 the purpose of performing or assisting in the performance of  
25 an abortion.

26 (b) It is unlawful for any public institution or  
27 facility to lease, sell, or permit the subleasing of its

1 facilities or property to any physician or health facility for  
2 use in the provision, inducement, or performance of an  
3 abortion.

4 (c) This section does not apply to an abortion  
5 performed when the physician reasonably believes that it is  
6 necessary to prevent either the death of the pregnant woman or  
7 the substantial and irreversible impairment of a major bodily  
8 function of the woman.

9 Section 6. An applicant, student, teacher, or  
10 employee of any public K-12 school or public institution of  
11 higher education may not be required to pay any fees that  
12 would, in whole or in part, fund an abortion for any other  
13 applicant, student, teacher, or employee of that school or  
14 university.

15 Section 7. A hospital, clinic, or other health  
16 facility owned or operated by this state, any of its political  
17 subdivisions, or any other governmental entity, except the  
18 government of the United States, another state, or a foreign  
19 nation, may not enter into any contract with any physician or  
20 health facility under the terms of which the physician or  
21 health facility agrees to provide, induce, or perform  
22 abortions, except when the physician reasonably believes that  
23 it is necessary to prevent either the death of the pregnant  
24 woman or the substantial and irreversible impairment of a  
25 major bodily function of the woman.

26 Section 8. (a) Public funds may not be expended,  
27 paid, or granted to or on behalf of an existing or proposed

1 research project that involves abortion, human cloning, or  
2 prohibited human research.

3 (b) Monies derived from an award of public funds may  
4 not be passed through to any other research project,  
5 individual, or entity that involves abortion, human cloning,  
6 or prohibited human research.

7 (c) A research project that receives an award of  
8 public funds shall maintain financial records that demonstrate  
9 strict compliance with this section.

10 (d) Any audit conducted pursuant to any grant or  
11 contract awarding public funds shall certify whether there is  
12 compliance with this section and shall note any noncompliance  
13 as a material audit finding.

14 Section 9. (a) A facility operated on the property  
15 of a public K-12 school or operated by a public school  
16 district, and an employee of any public K-12 school acting  
17 within the scope of his or her employment, may not provide any  
18 of the following services to public school students:

19 (1) Performance of abortions.

20 (2) Counseling in favor of abortion.

21 (3) Referrals for abortion.

22 (4) Dispensing drugs classified as emergency  
23 contraception by the Food and Drug Administration.

24 (b) The Alabama Department of Public Health and any  
25 county and local units of administration are prohibited from  
26 utilizing state funds for the procurement of abortions or

1 distribution of drugs classified as emergency contraception by  
2 the federal Food and Drug Administration.

3 Section 10. (a) Federal or state funds that are  
4 appropriated by this state for the provision of legal services  
5 by private agencies may not be used directly or indirectly to  
6 do any of the following:

7 (1) Advocate for a legal right to abortion.

8 (2) Provide legal assistance with respect to any  
9 proceeding or litigation that seeks to procure any abortion or  
10 to procure public funding for any abortion.

11 (3) Provide legal assistance with respect to any  
12 proceeding or litigation that seeks to compel the performance  
13 or assistance in the performance of any abortion or the  
14 provision of facilities for the performance of any abortion.

15 (b) Nothing in this section shall be construed to  
16 require or prevent the expenditure of funds pursuant to a  
17 court order awarding fees for attorney's services under the  
18 Civil Rights Attorney's Fees Awards Act of 1976, Public Law  
19 94-559, 90 Stat. 2641, nor shall this section be construed to  
20 prevent the use of public funds to provide court appointed  
21 counsel to a minor in a judicial bypass proceeding for  
22 abortion pursuant to Section 26-21-4, Code of Alabama 1975.

23 Section 11. Funds from an IOLTA (interest on  
24 lawyers' trust account) may not be used directly or indirectly  
25 to do any of the following:

26 (1) Advocate for a legal right to abortion.

1           (2) Provide legal assistance with respect to any  
2 proceeding or litigation that seeks to procure any abortion or  
3 to procure public funding for any abortion.

4           (3) Provide legal assistance with respect to any  
5 proceeding or litigation that seeks to compel the performance  
6 or assistance in the performance of any abortion or the  
7 provision of facilities for the performance of any abortion.

8           Section 12. A private right of action shall exist in  
9 a circuit court of this state for any resident of this state  
10 to enforce any of the provisions of this act. A court shall  
11 award reasonable attorney's fees, expenses, and costs to a  
12 resident who brings a successful action.

13           Section 13. (a) Nothing in this act shall be  
14 construed to recognize a right to abortion or to make legal an  
15 abortion that is otherwise unlawful. Nothing in this act shall  
16 be construed to repeal or modify any existing or future law  
17 that regulates or prohibits abortion.

18           (b) Nothing in this act shall be construed as  
19 creating or recognizing a right to abortion.

20           (c) Nothing in this act shall be construed as  
21 creating or recognizing a right to federal or state funds for  
22 abortions or family planning services.

23           Section 14. Any provision of this act held to be  
24 invalid or unenforceable by its terms, or as applied to any  
25 individual or circumstance, shall be construed to give it the  
26 maximum effect permitted by law, unless the holding is one of  
27 utter invalidity or unenforceability, in which event the

1 provision shall be deemed severable herefrom and shall not  
2 affect the remainder hereof or the application of the  
3 provision to other individuals not similarly situated or to  
4 other, dissimilar circumstances.

5 Section 15. This act shall become effective on the  
6 first day of the third month following its passage and  
7 approval by the Governor, or its otherwise becoming law.