

House Research Act Summary

CHAPTER: 124

SESSION: 2005 Regular Session

TOPIC: Positive Abortion Alternatives

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Overview

This act establishes and appropriates funds for a Positive Abortion Alternatives grant program to fund programs that provide information, referrals and services to women that encourage and assist them in carrying their pregnancies to term and caring for their babies after birth.

Section

- 1 **Short title.** This act may be cited as the “Positive Alternatives Act.”
- 2 **Positive abortion alternatives.** § 145.4231.

Subd. 1. Definitions. Defines the terms “abortion,” “nondirective counseling,” and “unborn child.”

Subd. 2. Eligibility for grants. Paragraph (a). Directs the commissioner of health to make grants for reasonable expenses to alternative to abortion programs that provide information, referrals and assistance with securing necessary services that enable women to carry their pregnancies to term and care for their babies after birth. The necessary services must include: medical care; nutritional services; housing assistance; adoption services; education and employment assistance (including high school completion support services); child care assistance; and parenting education and support services.

Paragraph (b). Provides that an eligible program, in addition to providing information and referral to the necessary services in paragraph (a), may provide the necessary

services. Allows grantees to refer women to other public or private programs, if the women meet the eligibility requirements, in order to avoid duplication of efforts.

Paragraph (c). Provides that to be eligible for a grant, a program must: be a private, nonprofit corporation; be conducted under appropriate supervision; be free of charge; provide women with accurate information on the developmental characteristics of babies and unborn children; have the purpose of assisting and encouraging women to carry their pregnancies to term and maximize their potentials afterward; ensure that none of the funds are spent to encourage or counsel a woman to have an abortion not necessary to prevent her death; and have had or incorporated an alternatives to abortion program for at least one year as of July 1, 2005.

Paragraph (d). States that paragraph (c) is inseverable from the subdivision.

Paragraph (e). Provides that any organization or affiliate of an organization that provides or promotes abortions, or directly refers to an abortion provider for abortions is ineligible to receive a grant. In order to be eligible, an affiliate of ineligible organization must be separately incorporated and independent from the ineligible organization and not share any of the following: (1) the same or similar name; (2) medical or nonmedical facilities; (3) expenses; (4) employee wages or salaries; or (5) equipment or supplies.

Paragraph (f). Provides that a grantee that is affiliated with an organization that provides abortion services must maintain financial records that demonstrate strict compliance with this subdivision. The grantee must demonstrate that its affiliate receives no economic or marketing benefit from the grant under this section.

Paragraph (g). Requires the commissioner to approve any information provided by a grantee on the health risks associated with abortions to ensure the information is medically accurate.

Subd. 3. Privacy protection. Requires a grantee to have a privacy policy and procedures in place to ensure that the name, address, telephone number, or other information that may identify a woman seeking services remains confidential. If a grantee provides medical services, the requirements of § 144.335 must be followed before releasing information.

Subd. 4. Duties of the commissioner. Provides that the commissioner of health shall make grants no later than July 1, 2006. Requires the commissioner to consider the program's demonstrated capacity in providing services to assist pregnant women in carrying their pregnancy to term. Instructs the commissioner to monitor each grantee to ensure compliance with the purposes and requirements of subdivision 2. If a program does not adhere to the requirements, the commissioner is instructed to cease funding the program.

Subd. 5. Severability. Contains a severability clause, except as instructed for subdivision 2, paragraph (c).

Subd. 6. Supreme court jurisdiction. Gives the Minnesota Supreme Court

original jurisdiction in cases challenging the constitutionality of this section.

Requires the court to expedite the resolution of such cases.

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Appropriations. Appropriates \$2,500,000 from the general fund to the commissioner of health. Of the appropriation, \$50,000 is available in fiscal year 2006 and \$100,000 is available in fiscal year 2007 for administrative costs of program implementation. The balance of the appropriation is available in fiscal year 2007. The base funding for the program in fiscal years 2008 and 2009 is \$2,500,000 per year.