

Sixty-eighth  
Legislative Assembly  
of North Dakota

## REENGROSSED SENATE BILL NO. 2129

Introduced by

Senators Myrdal, Dever, Mathern

Representatives McLeod, Meier, D. Ruby

1 A BILL for an Act to amend and reenact section 50-06-26 of the North Dakota Century Code,  
2 relating to the alternatives-to-abortion program; and to provide for an appropriation to the  
3 department of health and human services to establish and maintain the alternatives-to-abortion  
4 program.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 50-06-26 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **50-06-26. Alternatives-to-abortion services program.**

9 ~~The department shall disburse funds available through title IV-A of the Social Security Act~~  
10 ~~[42 U.S.C. 601 et seq.] to nongovernmental entities that provide alternatives to abortion~~  
11 ~~services and expend funds to inform the public about this program. The services must be~~  
12 ~~outcome-based with positive outcome-based results. The department, in consultation with a~~  
13 ~~nongovernmental entity that provides alternatives to abortion services, shall contract to inform~~  
14 ~~the public about this program. For purposes of this section, "alternatives to abortion services"~~  
15 ~~are those services that promote childbirth instead of abortion by providing information,~~  
16 ~~counseling, and support services that assist pregnant women or women who believe they may~~  
17 ~~be pregnant to choose childbirth and to make informed decisions regarding the choice of~~  
18 ~~adoption or parenting with respect to their children.~~

- 19 1. As used in this section, "support services" includes medical services and post-abortion  
20 services.
- 21 2. The department shall establish and maintain an alternatives-to-abortion program that  
22 disburses funds to nongovernmental entities that provide services that promote  
23 childbirth instead of abortion by providing information, counseling, support services,  
24 and material assistance to pregnant women, women who believe they may be

- 1           pregnant, and parents or other relatives caring for children twelve months of age or  
2           younger.
- 3           3. The department, in consultation with a nongovernmental entity that provides  
4           alternatives-to-abortion services, shall contract to inform the public about this program.
- 5           4. A religious organization receiving disbursements under the alternatives-to-abortion  
6           program may retain its independence from state and local governments, including the  
7           organization's control over the definition, development, practice, and expression of its  
8           religious beliefs.
- 9           5. The department may not require a religious organization to alter its form of internal  
10           governance, or remove religious art, icons, scripture, or other symbols as a condition  
11           to receiving disbursements from the alternatives-to-abortion program.
- 12           6. If an individual receiving services under the alternatives-to-abortion program has an  
13           objection to the religious character of the entity providing alternatives-to-abortion  
14           services, the department shall, within a reasonable period of time after the date of the  
15           objection, make reasonable efforts to provide the individual with assistance of an  
16           equal value from an alternative provider accessible to the individual.
- 17           7. Except as otherwise provided by law, a religious organization may not discriminate  
18           against an individual in regard to providing alternatives-to-abortion services on the  
19           basis of religion, religious belief, or refusal to actively participate in religious practice.
- 20           8. If a religious organization segregates funds received from the alternatives-to-abortion  
21           program into a separate account, then only the account in which funds were deposited  
22           may be subject to an audit by the state.
- 23           9. Funds from the alternatives-to-abortion program may not be used for religious  
24           worship, instruction, or proselytization.

25           **SECTION 2. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES -**  
26           **ALTERNATIVES-TO-ABORTION PROGRAM.** There is appropriated out of any moneys in the  
27           general fund in the state treasury, not otherwise appropriated, the sum of \$400,000, or so much  
28           of the sum as may be necessary, to the department of health and human services for the  
29           purpose of establishing and maintaining the alternatives-to-abortion program, for the biennium  
30           beginning July 1, 2023, and ending June 30, 2025.