

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

SENATE BILL NO. 2129
(Senators Myrdal, Dever, Mathern)
(Representatives McLeod, Meier, D. Ruby)

AN ACT to amend and reenact section 50-06-26 of the North Dakota Century Code, relating to the alternatives-to-abortion program; and to provide for an appropriation to the department of health and human services to establish and maintain the alternatives-to-abortion program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

1. As used in this section, "support services" includes medical services and post-abortion services.
2. The department shall establish and maintain an alternatives-to-abortion program that disburses funds to nongovernmental entities that provide services that promote childbirth instead of abortion by providing information, counseling, support services, and material assistance to pregnant women, women who believe they may be pregnant, and parents or other relatives caring for children twelve months of age or younger.
3. The department, in consultation with a nongovernmental entity that provides alternatives-to-abortion services, shall contract to inform the public about this program.
4. A religious organization receiving disbursements under the alternatives-to-abortion program may retain its independence from state and local governments, including the organization's control over the definition, development, practice, and expression of its religious beliefs.
5. The department may not require a religious organization to alter its form of internal governance, or remove religious art, icons, scripture, or other symbols as a condition to receiving disbursements from the alternatives-to-abortion program.
6. If an individual receiving services under the alternatives-to-abortion program has an objection to the religious character of the entity providing alternatives-to-abortion services, the department shall, within a reasonable period of time after the date of the objection, make reasonable efforts to provide the individual with assistance of an equal value from an alternative provider accessible to the individual.
7. Except as otherwise provided by law, a religious organization may not discriminate against an individual in regard to providing alternatives-to-abortion services on the basis of religion, religious belief, or refusal to actively participate in religious practice.

8. If a religious organization segregates funds received from the alternatives-to-abortion program into a separate account, then only the account in which funds were deposited may be subject to an audit by the state.
9. Funds from the alternatives-to-abortion program may not be used for religious worship, instruction, or proselytization.

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

Tammunfillen
President of the Senate

Dennis Johnson
Speaker of the House

Sharon Meyer
Secretary of the Senate

Bruce J. Reich
Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2129.

Senate Vote: Yeas 42 Nays 4 Absent 1

House Vote: Yeas 80 Nays 10 Absent 4

Sharon Meyer
Secretary of the Senate

Received by the Governor at 3:37 PM. on April 26, 2023.

Approved at 10:38 AM. on April 28, 2023.

Doug Burgum
Governor

Filed in this office this 29th day of April, 2023,
at 12:19 o'clock P M.

Michael Howe
Secretary of State