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HUMAN RESOURCES

HOUSE FILE 111
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Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to criteria to be used in the awarding of grants
2 or contracts relating to family planning and reproductive
3 health services.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 111

1 Section 1. NEW SECTION. 135M.1 FUNDING OF FAMILY
2 PLANNING, PREGNANCY PREVENTION, AND REPRODUCTIVE HEALTH
3 SERVICES -- PRIORITIZATION.

4 1. Except as otherwise provided in this section, the Iowa
5 department of public health, the department of human services,
6 and any other state agency that awards grants or contracts
7 under 42 C.F.R., subpt. A, pt. 59, or state-appropriated
8 family planning, pregnancy prevention, or reproductive health
9 services grant or contract funding, shall give priority in the
10 awarding of such grants or contracts to entities that engage
11 in the least number of the following activities:

- 12 a. Performance of abortions or the allowing of the
13 performance of abortions within a facility owned or operated
14 by the entity.
- 15 b. Referral of pregnant women to abortion providers.
- 16 c. Adoption or maintenance of a policy, in writing, that
17 abortion is considered part of the continuum of family
18 planning or reproductive health services.
- 19 d. Public advocacy promoting the legality or accessibility
20 of abortion.

21 2. Subsection 1 shall not apply in the awarding of a grant
22 or contract if the only applicant for the grant or contract
23 engages in one or more of the activities described in
24 subsection 1.

25 3. Subsection 1 shall not apply to an applicant if the
26 applicant's participation in any activity described in
27 subsection 1 is required under federal law as a basis for
28 receiving federal funding.

29 4. If an applicant for a grant or contract is affiliated
30 with another entity that engages in one or more of the
31 activities described in subsection 1, the activities of the
32 affiliate shall be considered activities of the applicant.
33 However, for the purposes of the awarding of the grant or
34 contract, the applicant shall be considered independent of the
35 affiliated entity if all of the following conditions are met:

1 a. The physical properties and equipment of the applicant
2 are separate and not shared with the affiliated entity.

3 b. The financial records of the applicant and the
4 affiliated entity demonstrate that the affiliated entity does
5 not receive funds from the applicant.

6 c. The paid personnel of the applicant do not perform any
7 function or duty on behalf of the affiliated entity while on
8 the physical property of the applicant or during the hours the
9 personnel are being compensated by the applicant.

10 5. For the purposes of this section:

11 a. "Abortion" means abortion as defined in section 146.1.

12 b. "Affiliated" means the sharing between entities of any
13 of the following:

14 (1) A common name or other identifier.

15 (2) Members of a governing board.

16 (3) A director.

17 (4) Paid personnel.

18 c. "Entity" means an agency, organization, or corporation,
19 or a subdivision, contractee, subcontractee, or grant
20 recipient of an agency, organization, or corporation.

21 d. "Public advocacy" means any of the following:

22 (1) To regularly engage in efforts to encourage the
23 passage or defeat of legislation pertaining to continued or
24 expanded availability of abortion.

25 (2) To publicly endorse or recommend the election or
26 defeat of a candidate for public office based on the
27 candidate's position on the legality of abortion.

28 (3) To engage in civil litigation against a unit of
29 government as a plaintiff seeking to enjoin or otherwise
30 prohibit enforcement of a statute, ordinance, rule, or
31 regulation pertaining to abortion.

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EXPLANATION

33 This bill requires the Iowa department of public health,
34 the department of human services, and any other state agency
35 that awards grants or contracts under the federal family

1 planning services program or under state-appropriated family
2 planning, pregnancy prevention, or reproductive health
3 services grant or contract funding, to give priority in the
4 awarding of such grants or contracts to entities that engage
5 in the least number of the following activities: performance
6 of abortions or the allowing of the performance of abortions
7 within a facility owned or operated by the entity; referral of
8 pregnant women to abortion providers; adoption or maintenance
9 of a policy, in writing, that abortion is considered part of
10 the continuum of family planning or reproductive health
11 services; or public advocacy promoting the legality or
12 accessibility of abortion.

13 The requirements do not apply in the awarding of a grant or
14 contract if the only applicant for the grant or contract
15 engages in one or more of the activities. The requirements
16 also do not apply to an applicant if the applicant's
17 participation in any activity described is required under
18 federal law as a basis for receiving federal funding.

19 The bill provides that if an applicant for a grant or
20 contract is affiliated with another entity that engages in one
21 or more of the activities described, the activities of the
22 affiliate are to be considered activities of the applicant.
23 However, the applicant may be considered independent of the
24 affiliated entity if the physical properties and equipment of
25 the applicant are separate and not shared with the affiliated
26 entity, the financial records of the applicant and the
27 affiliated entity demonstrate that the affiliated entity does
28 not receive funds from the applicant and the paid personnel of
29 the applicant do not perform any function or duty on behalf of
30 the affiliated entity while on the physical property of the
31 applicant or during the hours the personnel are being
32 compensated by the applicant.

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