

IN THE SENATE

SENATE BILL NO. 1077

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO PREGNANCY; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF
2 A NEW CHAPTER 62, TITLE 39, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO
3 PROVIDE FOR THE CRISIS PREGNANCY CENTER GRANT FUND, TO DEFINE TERMS,
4 TO PROVIDE FOR SCOPE OF GRANT SUPPORT AND AWARD CRITERIA, TO ESTABLISH
5 PROVISIONS REGARDING APPLICATIONS, TO ESTABLISH PROVISIONS REGARDING
6 THE GRANT AWARD SCHEDULE, AND TO ESTABLISH PROVISIONS REGARDING FRAUDU-
7 LENT INFORMATION ON GRANT APPLICATIONS; AMENDING SECTION 18-622, IDAHO
8 CODE, TO REVISE PROVISIONS REGARDING ABORTIONS PERFORMED IN CASES OF
9 RAPE OR INCEST; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE
10 DATE.
11

12 Be It Enacted by the Legislature of the State of Idaho:

13 SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended
14 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
15 ter 62, Title 39, Idaho Code, and to read as follows:

16 CHAPTER 62

17 IDAHO CRISIS PREGNANCY CENTER GRANT PROGRAM

18 39-6201. SHORT TITLE. This chapter shall be known and may be cited as
19 the "Idaho Crisis Pregnancy Center Grant Program."

20 39-6202. CRISIS PREGNANCY CENTER GRANT FUND. There is hereby created
21 in the state treasury the crisis pregnancy center grant fund. Subject to ap-
22 propriation by the legislature, moneys in the fund shall be used exclusively
23 for the purpose of grants for crisis pregnancy centers in order to improve
24 access to pregnancy-related health care services and to provide for the ad-
25 ministration of grants pursuant to this chapter.

26 39-6203. DEFINITIONS. As used in this chapter:

27 (1) "Applicant" means an entity submitting documents required by the
28 crisis pregnancy center grant program for the purpose of requesting a grant
29 from the crisis pregnancy center grant fund.

30 (2) "Application period" means the time period from July 1 to August 1
31 of the state fiscal year for which funding is requested.

32 (3) "Approval" means written notification that the application will be
33 awarded funding through the crisis pregnancy center grant fund.

34 (4) "Crisis pregnancy center" means a nonprofit corporation provid-
35 ing counseling and other support services to pregnant women in the state
36 of Idaho, but which does not provide abortions, as that term is defined in
37 section 18-604, Idaho Code, or otherwise counsel or aide in procuring or
38 performing abortions, whether within the state or outside the state.

- 1 (5) "Crisis pregnancy center grant" means a grant awarded pursuant to
2 this chapter.
- 3 (6) "Crisis pregnancy center grant program" means the program that ad-
4 ministers the crisis pregnancy center grant fund.
- 5 (7) "Department" means the state department of health and welfare.
- 6 (8) "Director" means the director of the department of health and wel-
7 fare.
- 8 (9) "Grant period" means the time period from July 1 through June 30 for
9 which funding is granted.

10 39-6204. SCOPE OF GRANT SUPPORT AND AWARD CRITERIA. (1) The department
11 shall award grants, in accordance with the procedures and criteria in this
12 chapter, to crisis pregnancy centers for the purpose of improving access to
13 pregnancy-related counseling and other services.

14 (2) The amount of individual grant awards shall be determined by the de-
15 partment based on an amount proportionate to the number of clients served by
16 the applicant in the previous calendar year. If a crisis pregnancy center
17 has been operating for less than one (1) year and does not have data regarding
18 the number of clients served in the previous calendar year, the crisis preg-
19 nancy center shall be eligible for a minimum award of twenty-five thousand
20 dollars (\$25,000).

21 (3) As a condition of awarding grants, the department shall not inter-
22 fere with the internal operations or policies of the recipient crisis preg-
23 nancy center. Furthermore, the department shall minimize the administra-
24 tive burden on crisis pregnancy centers to that which is necessary to provide
25 for public accountability of grant awards.

26 39-6205. APPLICATION REQUIRED. (1) A completed crisis pregnancy cen-
27 ter grant application must be submitted by the applicant for the purpose of
28 requesting a grant on or before the conclusion of the application period
29 specified for the appropriate grant cycle.

- 30 (2) Each application shall include:
- 31 (a) Identification of the geographical area to be served;
- 32 (b) The name of the entity requesting funds;
- 33 (c) Certification of the number of clients served by the applicant dur-
34 ing the previous calendar year;
- 35 (d) A description of the intended use of any funds awarded; and
- 36 (e) The center's federal tax identification number.
- 37 (3) All applications shall include all required information.
- 38 (4) The grant application and any attachments submitted by the appli-
39 cant shall be the primary source of information for awarding a grant.

40 39-6206. GRANT AWARD SCHEDULE. The department shall conduct the grant
41 process in accordance with the following schedule:

42 (1) The director shall develop an application form in conformance with
43 section 39-6205, Idaho Code, and make guidance available no later than July
44 1, which shall initiate the application period.

45 (2) The completed application shall be submitted no later than August
46 1.

1 (3) The department shall issue notification to every applicant regard-
2 ing the disposition of its grant request by October 30.

3 (4) Funds for approved grants shall be disbursed during November of
4 that grant period or over the course of the grant year as funds become avail-
5 able.

6 39-6207. FRAUDULENT INFORMATION ON GRANT APPLICATION. Providing
7 false information on any application or document submitted under this chap-
8 ter is a misdemeanor and grounds for declaring the applicant ineligible. Any
9 and all funds determined to have been acquired on the basis of fraudulent
10 information must be returned to the crisis pregnancy center grant program.
11 This section shall not limit other remedies that may be available for the
12 filing of false or fraudulent applications.

13 SECTION 2. That Section 18-622, Idaho Code, be, and the same is hereby
14 amended to read as follows:

15 18-622. DEFENSE OF LIFE ACT. (1) Except as provided in subsection (2)
16 of this section, every person who performs or attempts to perform an abortion
17 as defined in this chapter commits the crime of criminal abortion. Crimi-
18 nal abortion shall be a felony punishable by a sentence of imprisonment of no
19 less than two (2) years and no more than five (5) years in prison. The profes-
20 sional license of any health care professional who performs or attempts to
21 perform an abortion or who assists in performing or attempting to perform an
22 abortion in violation of this subsection shall be suspended by the appropri-
23 ate licensing board for a minimum of six (6) months upon a first offense and
24 shall be permanently revoked upon a subsequent offense.

25 (2) The following shall not be considered criminal abortions for pur-
26 poses of subsection (1) of this section:

27 (a) The abortion was performed or attempted by a physician as defined in
28 this chapter and:

29 (i) The physician determined, in his good faith medical judgment
30 and based on the facts known to the physician at the time, that the
31 abortion was necessary to prevent the death of the pregnant woman.
32 No abortion shall be deemed necessary to prevent the death of the
33 pregnant woman because the physician believes that the woman may
34 or will take action to harm herself; and

35 (ii) The physician performed or attempted to perform the abortion
36 in the manner that, in his good faith medical judgment and based
37 on the facts known to the physician at the time, provided the best
38 opportunity for the unborn child to survive, unless, in his good
39 faith medical judgment, termination of the pregnancy in that man-
40 ner would have posed a greater risk of the death of the pregnant
41 woman. No such greater risk shall be deemed to exist because the
42 physician believes that the woman may or will take action to harm
43 herself; or

44 (b) The abortion was performed or attempted by a physician as defined
45 in this chapter during the first trimester of pregnancy, the physician
46 provided the woman with copies of the informed consent printed mate-
47 rial described in section 18-609, Idaho Code, at least twenty-four (24)
48 hours prior to the performance of the abortion, and:

1 (i) If the woman is not a minor or subject to a guardianship, then,
2 prior to the performance of the abortion, the woman has reported to
3 a law enforcement agency that she is the victim of an act of rape or
4 incest and provided a copy of such report to the physician who is
5 to perform the abortion. The copy of the report shall remain a con-
6 fidential part of the woman's medical record subject to applicable
7 privacy laws; or

8 (ii) If the woman is a minor or subject to a guardianship, then,
9 prior to the performance of the abortion, the woman or her parent
10 or guardian has reported to a law enforcement agency or child pro-
11 tective services that she is the victim of an act of rape or incest
12 and a copy of such report has been provided to the physician who is
13 to perform the abortion. The copy of the report shall remain a con-
14 fidential part of the woman's medical record subject to applicable
15 privacy laws.

16 (3) If a report concerning an act of rape or incest is made to a law en-
17 forcement agency or child protective services pursuant to subsection (2) (b)
18 of this section, then the person who made the report shall, upon request, be
19 entitled to receive a copy of such report within seventy-two (72) hours of
20 the report being made, provided that the report may be redacted as necessary
21 to avoid interference with an investigation.

22 (4) Medical treatment provided to a pregnant woman by a health care pro-
23 fessional as defined in this chapter that results in the accidental death of,
24 or unintentional injury to, the unborn child shall not be a violation of this
25 section.

26 (5) Nothing in this section shall be construed to subject a pregnant
27 woman on whom any abortion is performed or attempted to any criminal convic-
28 tion and penalty.

29 SECTION 3. An emergency existing therefor, which emergency is hereby
30 declared to exist, this act shall be in full force and effect on and after
31 July 1, 2025.