

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 525

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO PUBLIC MONEYS; AMENDING CHAPTER 16, TITLE 31, IDAHO CODE, BY  
2 THE ADDITION OF A NEW SECTION 31-1614, IDAHO CODE, TO PROHIBIT A COUNTY  
3 GOVERNMENT FROM EXPENDING FUNDS TO A PROVIDER OF ABORTION AND TO PRO-  
4 VIDE EXCEPTIONS; AMENDING CHAPTER 10, TITLE 50, IDAHO CODE, BY THE  
5 ADDITION OF A NEW SECTION 50-1050, IDAHO CODE, TO PROHIBIT A CITY GOV-  
6 ERNMENT FROM EXPENDING FUNDS TO A PROVIDER OF ABORTION AND TO PROVIDE  
7 EXCEPTIONS; AMENDING CHAPTER 35, TITLE 67, IDAHO CODE, BY THE ADDITION  
8 OF A NEW SECTION 67-3533, IDAHO CODE, TO PROHIBIT THE STATE GOVERNMENT  
9 FROM EXPENDING FUNDS TO A PROVIDER OF ABORTION AND TO PROVIDE EXCEP-  
10 TIONS; AMENDING CHAPTER 4, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW  
11 SECTION 39-427, IDAHO CODE, TO PROHIBIT A PUBLIC HEALTH DISTRICT FROM  
12 EXPENDING FUNDS TO A PROVIDER OF ABORTION AND TO PROVIDE EXCEPTIONS; AND  
13 PROVIDING SEVERABILITY.  
14

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

16 SECTION 1. That Chapter 16, Title 31, Idaho Code, be, and the same is  
17 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
18 ignated as Section 31-1614, Idaho Code, and to read as follows:

19 31-1614. DISTRIBUTION OF PUBLIC MONEYS TO PROVIDERS OF ABORTION PRO-  
20 HIBITED. (1) A county government shall be prohibited from expending, or  
21 in any way transferring, funds to any individual or organization that is a  
22 provider of abortion as defined in section 18-604(1), Idaho Code, notwith-  
23 standing any other provision of federal law to the contrary.

24 (2) The prohibition in subsection (1) of this section shall not apply  
25 to:

26 (a) Abortions eligible for public funding under circumstances where  
27 the abortion is necessary to save the life of the woman, or in cases of  
28 rape or incest as determined by the courts, or where no court determina-  
29 tion has been made, if reported to a law enforcement agency;

30 (b) Any claims for public funding for a service that was otherwise el-  
31 igible for payment if such service was performed, billed, or authorized  
32 prior to the effective date of this section; or

33 (c) Any hospital as defined in section 18-604(6), Idaho Code, that  
34 performs an abortion due to a medical emergency as defined in section  
35 18-604(8), Idaho Code, or due to failure of the fetus to remain viable as  
36 described in section 18-604(14), Idaho Code.

37 SECTION 2. That Chapter 10, Title 50, Idaho Code, be, and the same is  
38 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
39 ignated as Section 50-1050, Idaho Code, and to read as follows:

1           50-1050. DISTRIBUTION OF PUBLIC MONEYS TO PROVIDERS OF ABORTION PRO-  
 2 HIBITED. (1) A city government shall be prohibited from expending, or in any  
 3 way transferring, funds to any individual or organization that is a provider  
 4 of abortion as defined in section 18-604(1), Idaho Code, notwithstanding any  
 5 other provision of federal law to the contrary.

6           (2) The prohibition in subsection (1) of this section shall not apply  
 7 to:

8           (a) Abortions eligible for public funding under circumstances where  
 9 the abortion is necessary to save the life of the woman, or in cases of  
 10 rape or incest as determined by the courts, or where no court determina-  
 11 tion has been made, if reported to a law enforcement agency;

12           (b) Any claims for public funding for a service that was otherwise el-  
 13 ible for payment if such service was performed, billed, or authorized  
 14 prior to the effective date of this section; or

15           (c) Any hospital as defined in section 18-604(6), Idaho Code, that  
 16 performs an abortion due to a medical emergency as defined in section  
 17 18-604(8), Idaho Code, or due to failure of the fetus to remain viable as  
 18 described in section 18-604(14), Idaho Code.

19           SECTION 3. That Chapter 35, Title 67, Idaho Code, be, and the same is  
 20 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
 21 ignated as Section 67-3533, Idaho Code, and to read as follows:

22           67-3533. DISTRIBUTION OF PUBLIC MONEYS TO PROVIDERS OF ABORTION PRO-  
 23 HIBITED. (1) The state government shall be prohibited from expending, or  
 24 in any way transferring, funds to any individual or organization that is a  
 25 provider of abortion as defined in section 18-604(1), Idaho Code, notwith-  
 26 standing any other provision of federal law to the contrary.

27           (2) The prohibition in subsection (1) of this section shall not apply  
 28 to:

29           (a) Abortions eligible for public funding under circumstances where  
 30 the abortion is necessary to save the life of the woman, or in cases of  
 31 rape or incest as determined by the courts, or where no court determina-  
 32 tion has been made, if reported to a law enforcement agency;

33           (b) Any claims for public funding for a service that was otherwise el-  
 34 ible for payment if such service was performed, billed, or authorized  
 35 prior to the effective date of this section; or

36           (c) Any hospital as defined in section 18-604(6), Idaho Code, that  
 37 performs an abortion due to a medical emergency as defined in section  
 38 18-604(8), Idaho Code, or due to failure of the fetus to remain viable as  
 39 described in section 18-604(14), Idaho Code.

40           SECTION 4. That Chapter 4, Title 39, Idaho Code, be, and the same is  
 41 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
 42 ignated as Section 39-427, Idaho Code, and to read as follows:

43           39-427. DISTRIBUTION OF PUBLIC MONEYS TO PROVIDERS OF ABORTION PRO-  
 44 HIBITED. (1) A public health district shall be prohibited from expending, or  
 45 in any way transferring, funds to any individual or organization that is a  
 46 provider of abortion as defined in section 18-604(1), Idaho Code, notwith-  
 47 standing any other provision of federal law to the contrary.

1 (2) The prohibition in subsection (1) of this section shall not apply  
2 to:

3 (a) Abortions eligible for public funding under circumstances where  
4 the abortion is necessary to save the life of the woman, or in cases of  
5 rape or incest as determined by the courts, or where no court determina-  
6 tion has been made, if reported to a law enforcement agency;

7 (b) Any claims for public funding for a service that was otherwise el-  
8 igible for payment if such service was performed, billed, or authorized  
9 prior to the effective date of this section; or

10 (c) Any hospital as defined in section 18-604(6), Idaho Code, that  
11 performs an abortion due to a medical emergency as defined in section  
12 18-604(8), Idaho Code, or due to failure of the fetus to remain viable as  
13 described in section 18-604(14), Idaho Code.

14 SECTION 5. SEVERABILITY. The provisions of this act are hereby declared  
15 to be severable, and if any provision of this act or the application of such  
16 provision to any person or circumstance is declared invalid for any reason,  
17 such declaration shall not affect the validity of the remaining portions of  
18 this act.