

House Bill 3024

Sponsored by Representative LEIF

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits use of public funds, except state medical assistance program funds, to pay costs associated with convenience abortions. Defines "convenience abortion."

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to abortion; and prescribing an effective date.

3 Whereas Oregon facilitates the disbursement of state and federal funds to qualifying entities for
4 purposes of conducting certain activities; and

5 Whereas public dollars awarded to qualifying entities may facilitate or subsidize directly or in-
6 directly expenses or activities not directly related to those for which the funds were intended, in-
7 cluding shared administrative costs, overhead, employee salaries, rent, utilities and various other
8 expenses; and

9 Whereas it is possible that public dollars made available by or through the state may be
10 awarded to an entity that performs convenience abortions or subsidizes or otherwise facilitates the
11 entity's ability to perform convenience abortions although the funds were not disbursed specifically
12 for the purpose of performing convenience abortions; and

13 Whereas the members of the Legislative Assembly are entrusted with ensuring that all activities
14 conducted with the aid of public funds are in accordance with the wishes of the people of Oregon
15 and the intent of the laws of this state; and

16 Whereas it is within the purview of the Legislative Assembly to establish criteria as the basis
17 on which public funds are disbursed unless prohibited by the United States Constitution; and

18 Whereas the United States is a constitutional republic of which Oregon is a part; and

19 Whereas the United States Constitution preempts state action that conflicts with the United
20 States Constitution under the doctrine of federal preemption; and

21 Whereas the Establishment Clause of the First Amendment to the United States Constitution
22 provides that "Congress shall make no law respecting an establishment of religion;" and

23 Whereas the Establishment Clause of the First Amendment to the United States Constitution
24 applies to Oregon through the Fourteenth Amendment to the United States Constitution; and

25 Whereas as elected representatives, the members of the Legislative Assembly have a duty under
26 Article IV of the United States Constitution to not appropriate funds in a manner that violates the
27 Establishment Clause of the First Amendment to the United States Constitution; and

28 Whereas the Supreme Court of the United States has recognized that Secular Humanism is re-
29 ligion for purposes of the Establishment Clause in *Torcaso v. Watkins*, 367 U.S. 488 (1961), *Edwards*
30 *v. Aguillard*, 482 U.S. 578 (1987), and elsewhere; and

31 Whereas the naked assertions that, "abortion is not murder," "abortion is normal" and "life does

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 not begin at conception” are unproved faith-based assumptions that are implicitly religious and are
 2 unproven truth claims that are inseparably linked to the religion of Secular Humanism; and

3 Whereas many taxpayers who are non-observers of Secular Humanism object to their tax dollars
 4 being spent to enable convenience abortions because such appropriations coercively cause those
 5 taxpayers to violate their consciences by forcing them to indirectly endorse non-secular acts that
 6 the taxpayers consider to be immoral and offensive; and

7 Whereas some taxpayers in Oregon consider convenience abortions to be modern day child
 8 sacrifice conducted on the altar of convenience, which is a practice that is non-secular and contro-
 9 versial; and

10 Whereas the Establishment Clause prohibits the state from enforcing, respecting, recognizing,
 11 favoring or endorsing policies that fund abortion facilities with tax dollars because the practice of
 12 abortion is non-secular and the appropriations have the effect of excessively entangling the govern-
 13 ment with Secular Humanism, thereby elevating religion over non-religion; and

14 Whereas the state may not favor or endorse one religion over another, nor may the state favor
 15 Secular Humanism generally over non-religion; and

16 Whereas it is the policy of the state to favor childbirth and family planning services that do not
 17 include convenience abortions or the promotion of convenience abortions within the continuum of
 18 care or services; and

19 Whereas the state policy further includes the avoidance of direct or indirect use of state funds
 20 to promote or support convenience abortions; and

21 Whereas the state has a compelling interest in upholding community standards of decency; and

22 Whereas abortion facilities that provide convenience abortions tend to erode community stan-
 23 dards of decency; now, therefore,

24 **Be It Enacted by the People of the State of Oregon:**

25 **SECTION 1. (1) As used in this section:**

26 (a) **“Abortion” means the use or prescription of any instrument, medicine, drug or any**
 27 **other substance or device to terminate the pregnancy of a person known to be pregnant and**
 28 **that causes the premature termination of the pregnancy.**

29 (b)(A) **“Convenience abortion” means an elective abortion.**

30 (B) **“Convenience abortion” does not include an abortion that is performed with the in-**
 31 **tent to:**

32 (i) **Save the life of the pregnant person;**

33 (ii) **Save the life or preserve the health of the unborn child;**

34 (iii) **Abort and remove an unborn child that is the result of rape or incest;**

35 (iv) **Remove a dead unborn child that died as a result of spontaneous abortion; or**

36 (v) **Remove an ectopic pregnancy.**

37 (2) **Public funds may not be appropriated, granted or otherwise distributed to an individ-**
 38 **ual or entity, or affiliate of an individual or entity, that performs or induces convenience**
 39 **abortions, counsels in favor of convenience abortions or provides referrals for convenience**
 40 **abortions for the purpose of paying the costs described in subsection (3) of this section.**

41 (3) **The direct and indirect costs to an individual or entity, or affiliate of an individual**
 42 **or entity, of performing or inducing convenience abortions, counseling in favor of conven-**
 43 **ience abortions or providing referrals for convenience abortions include:**

44 (a) **Administrative costs and expenses;**

45 (b) **Overhead costs;**

- 1 (c) Employee salaries or wages;
- 2 (d) Rent and mortgage payments; and
- 3 (e) Telephone and other utility expenses.

4 (4) This section does not:

- 5 (a) Apply to the state's medical assistance program.
- 6 (b) Impact the distribution of public funds to a hospital or school of medicine.
- 7 (5) The Oregon Health Authority may adopt rules to carry out this section.

8 **SECTION 2.** (1) Section 1 of this 2021 Act becomes operative on January 1, 2022.

9 (2) The Oregon Health Authority may take any action before the operative date specified
10 in subsection (1) of this section that is necessary to enable the authority to exercise, on and
11 after the operative date specified in subsection (1) of this section, all of the duties, functions
12 and powers conferred on the authority by section 1 of this 2021 Act.

13 **SECTION 3.** This 2021 Act takes effect on the 91st day after the date on which the 2021
14 regular session of the Eighty-first Legislative Assembly adjourns sine die.

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