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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO HEALTH AND SAFETY -- THE LIFE APPROPRIATIONS ACT

Introduced By: Representatives McLaughlin, Jackson, and Vella-Wilkinson

Date Introduced: February 26, 2020

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 4.14

4 LIFE APPROPRIATIONS ACT

5 **23-4.14-1. Legislative findings.**

6 The general assembly finds that:

7 (1) The state of Rhode Island facilitates the disbursement of both state and federal funds to
8 qualifying entities for purposes of conducting certain activities;

9 (2) Public dollars awarded to qualifying entities may facilitate or subsidize directly or
10 indirectly expenses or activities not directly related to those for which the funds were intended,
11 including, without limitation shared administrative costs, overhead, employee salaries, rent,
12 utilities, and various other expenses;

13 (3) It is possible that public dollars made available by or through the state of Rhode Island
14 may be awarded to an entity that performs convenience abortions or subsidizes or otherwise
15 facilitates the entity's ability to perform convenience abortions although the funds that were not
16 disbursed specifically for the purpose of performing convenience abortions;

17 (4) As elected representatives of the people of Rhode Island the members of the general
18 assembly are entrusted with ensuring that all activities conducted with the aid of public funds are
19 in accordance with the "wishes of the people of Rhode Island and the intent of the laws of this state;

1 (5) It is within the purview of the general assembly to establish criteria as the basis on
2 which public funds are disbursed unless prohibited by the United States Constitution;

3 (6) The United States is a Constitutional Republic of which the state of Rhode Island is a
4 part;

5 (7) The United States Constitution preempts state action, when they conflict under the
6 doctrine of preemption;

7 (8) The Establishment Clause of the First Amendment of the United States Constitution
8 states, "Congress shall make no law respecting an establishment of religion;"

9 (9) The Establishment Clause of the First Amendment of the United States Constitution
10 applies to the state of Rhode Island through the Fourteenth Amendment of the United States
11 Constitution;

12 (10) As elected representatives, the members of the general assembly have a duty under
13 Article IV of the United States Constitution to not appropriate funds in a manner that violates the
14 Establishment Clause of the United States Constitution;

15 (11) The United States Supreme Court has recognized that Secular Humanism is a religion
16 for purposes of the Establishment Clause in *Torcaso v. Watkins*, 367 U.S. 488 (1961) and so have
17 many federal courts of appeals, such as *Malnak v. Yogi*, 592 F.2d 197, 200-15 (3d Cir.1979);
18 *Therriault v. Silber*, 547 F.2d 1279, 1281 (5th Cir.1977); *Thomas v. Review Bd.*, 450 U.S. 707, 714,
19 101 S.Ct. 1425, 67 L.Ed.2d 624 (1981); *Lindell v. McCallum*, 352 F.3d 11071, 1110 (7th 19
20 Cir.2003); *Real Alternatives, Inc. v. Sec'y Dep't of Health & Human Servs.*, 150 F. Supp. 3d 419,
21 2017 WL3324690 (3d Cir. Aug. 4, 2017); and *Wells v. City and County of Denver*, 257 F.3d 1132,
22 1148 (10th Cir. 2001);

23 (12) The naked assertions that "abortion is not murder," "that abortion is not immoral," and
24 that "life does not begin at conception" are unproven faith-based assumptions that are implicitly
25 religious and are unproven truth claims that are inseparably linked to the religion of secular
26 humanism;

27 (13) Many taxpayers, who are non-observers to the religion of secular humanism, object to
28 their tax dollars being spent to enable convenience abortions because such appropriations
29 coercively causes them to violate their conscience by forcing them to indirectly endorse non-secular
30 acts that they consider to be immoral and offensive;

31 (14) Some taxpayers in Rhode Island consider convenience abortions to be modern day
32 child sacrifice conducted on the altar of convenience, which is a practice that is non-secular and
33 controversial;

34 (15) The Establishment Clause prohibits the state of Rhode Island from enforcing,

1 respecting, recognizing, favoring, or endorsing policies that fund abortion facilities with tax dollars
2 because the practices are non-secular and such appropriations have the effect of excessively
3 entangling the government with the religion of secular humanism, putting religion over non-
4 religion;

5 (16) The direct or indirect subsidization or facilitation of abortion with funds distributed
6 by the state constitutes paying for an abortion and, therefore, conflicts with the First Amendment
7 Establishment Clause of the United States Constitution;

8 (17) The state of Rhode Island may not favor or endorse one religion over another, nor may
9 the state of Rhode Island favor or endorse the religion of secular humanism generally over non-
10 religion;

11 (18) It is the policy of the state of Rhode Island to:

12 (i) Favor childbirth and family planning services that do not include convenience abortions
13 or the promotion of convenience abortions within the continuum of care or services; and

14 (ii) Avoid the direct or indirect use of state funds to promote or support convenience
15 abortions; and

16 (19) The state of Rhode Island has a compelling interest to uphold community standards
17 of decency; and

18 (20) Abortion facilities that provide convenience abortions tend to erode community
19 standards of decency.

20 **23-4.14-2. Definitions.**

21 As used in this chapter:

22 (1) "Abortion referral" means the act of recommending a pregnant woman to a doctor,
23 clinic, or other person or entity for the purpose of obtaining or learning about obtaining a
24 convenience abortion;

25 (2) "Affiliate" means an individual or entity that, directly or indirectly, owns, controls, is
26 controlled by, or is under the common control of another person or entity, in whole or in part, or a
27 subsidiary, parent, or sibling entity;

28 (3) "Convenience abortion" is an elective abortion that means the act of using or prescribing
29 an instrument, medicine, drug, device, or another substance or means with the intent to terminate
30 the clinically diagnosable pregnancy of a woman with knowledge that the termination by those
31 means will with reasonable likelihood cause the death of the unborn child.

32 (i) An act under subsection (3) of this section is not a convenience abortion if the act is
33 performed with the intent to:

34 (A) Save the life of the mother;

- 1 (B) Save the life or preserve the health of the unborn child;
- 2 (C) Remove a dead unborn child caused by spontaneous abortion;
- 3 (D) Remove an ectopic pregnancy; or
- 4 (E) Abort and remove an unborn child that is the result of rape or incest.

5 (4) "Pregnancy" means the female reproductive condition of having an unborn child in the
6 woman's uterus; and

7 (5) "Unborn child" means the offspring of human beings from fertilization until birth.

8 **23-4.14-3. Awarding of public funds to entities that perform convenience abortions**
9 **prohibited by the First Amendment Establishment Clause of the United States Constitution.**

10 (a) In view of the First Amendment Establishment Clause of the United States Constitution,
11 an agency or instrumentality of the state shall not award a grant to pay the direct or indirect costs
12 of performing, inducing, referring, or counseling in favor of abortions, including without limitation:

- 13 (1) Administrative costs and expenses;
- 14 (2) Overhead costs;
- 15 (3) Employee salaries;
- 16 (4) Rent and mortgage payments; or
- 17 (5) Telephone and other utility payments.

18 Such appropriations constitute an endorsement of non-secular conduct that is inseparably
19 linked to the religion of secular humanism and has the effect of excessively entangling the state of
20 Rhode Island with the religion of secular humanism.

21 (b) In view of the First Amendment Establishment Clause of the United States Constitution,
22 an agency or instrumentality of the state shall not grant, appropriate, or distribute a grant to an
23 individual or entity that:

- 24 (1) Performs convenience abortion, induces convenience abortions, provides convenience
25 abortion referrals, or counsels in favor of convenience abortions; or
- 26 (2) Is an affiliate of a person or entity that performs abortions, induces abortions, provides
27 abortion referrals, or counsels in favor of convenience abortions because such appropriations have
28 the effect of endorsing non-secular practices that excessively entangles the government with the
29 religion of secular humanism;

30 **23-4.14-4. Construction.**

31 (a)(1) This chapter shall not affect the funding of a hospital, medical school, or university.

32 (2) The restrictions of § 23-4.14-3 do not apply to funding available through the Rhode
33 Island Medicaid program.

34 (b) This chapter does not create or recognize:

- 1 (1) A right to an abortion; or
- 2 (2) A right to public funds, a contract, or a grant.
- 3 (c) This chapter recognizes:
- 4 (1) The members of the general assembly have a duty to comply with the Establishment
5 Clause of the First Amendment of the United States Constitution pursuant to Article VI;
- 6 (2) That convenience abortions are by their nature non-secular practices that are implicitly
7 religious and inseparably linked to the religion of secular humanism;
- 8 (3) That the state of Rhode Island is prohibited under the First Amendment Establishment
9 Clause from funding or promoting convenience abortions directly or indirectly because such
10 appropriations constitute an endorsement of the religion of secular humanism and have the effect
11 of excessively entangling the government with the religion of secular humanism;
- 12 (4) That the United States Supreme Court and this general assembly have recognized that
13 secular humanism is a religion for the purposes of the Establishment Clause and convenience
14 abortions are non-secular practices that are inseparably linked to the religion of secular humanism;
- 15 (5) That it is the policy of the state of Rhode Island to favor childbirth and family planning
16 services that do not include convenience abortions or the promotion of convenience abortions
17 within the continuum of care or services and to avoid the direct or indirect use of state funds to
18 promote or support convenience abortions;
- 19 (6) That the state of Rhode Island has a compelling interest to uphold community standards
20 of decency; and
- 21 (7) That facilities that provide convenience abortions tend to erode community standards
22 of decency by encouraging promiscuity and normalizing false permission giving beliefs about sex.

23 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO HEALTH AND SAFETY -- THE LIFE APPROPRIATIONS ACT

1 This act would create the life appropriations act which would prohibit public dollars made
2 available by or through the state of Rhode Island to be awarded to any entity that performs
3 convenience abortions or otherwise facilitates the entity's ability to perform convenience abortions.

4 This act would take effect upon passage.

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