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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO HEALTH AND SAFETY -- THE LIFE APPROPRIATIONS ACT

Introduced By: Representatives Price, Roberts, and Quattrocchi

Date Introduced: February 27, 2019

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 4.13

4 LIFE APPROPRIATIONS ACT

5 **23-4.13-1. Legislative findings.**

6 The general assembly finds that:

7 (1) The state of Rhode Island facilitates the disbursement of both state and federal funds
8 to 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
14 Island may be awarded to an entity that performs convenience abortions or subsidizes or
15 otherwise facilitates the entity's ability to perform convenience abortions although the funds that
16 were not 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

1 state;

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

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

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

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

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

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

16 (11) The United States Supreme Court has recognized that Secular Humanism is a
17 religion for purposes of the Establishment Clause in *Torcaso v. Watkins*, 367 U.S. 488 (1961) and
18 so have many federal courts of appeals, such as *Malnak v. Yogi*, 592 F.2d 197, 200-15 (3d
19 Cir.1979); *Theriault v. Silber*, 547 F.2d 1279, 1281 (5th Cir.1977); *Thomas v. Review Bd.*, 450
20 U.S. 707, 714, 101 S.Ct. 1425, 67 L.Ed.2d 624 (1981); *Lindell v. McCallum*, 352 F.3d 11071,
21 1110 (7th 19 Cir.2003); *Real Alternatives, Inc. v. Sec'y Dep't of Health & Human Servs.*, 150 F.
22 Supp. 3d 419, 2017 WL3324690 (3d Cir. Aug. 4, 2017); and *Wells v. City and County of Denver*,
23 257 F.3d 1132, 1148 (10th Cir. 2001);

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

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

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

1 (15) The Establishment Clause prohibits the state of Rhode Island from enforcing,
2 respecting, recognizing, favoring, or endorsing policies that fund abortion facilities with tax
3 dollars because the practices are non-secular and such appropriations have the effect of
4 excessively entangling the government with the religion of secular humanism, putting religion
5 over non-religion;

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

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

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

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

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

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

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

22 **23-4.13-2. Definitions.**

23 As used in this chapter:

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

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

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

34 (i) An act under subsection (3) of this section is not a convenience abortion if the act is

1 performed with the intent to:

2 (A) Save the life of the mother;

3 (B) Save the life or preserve the health of the unborn child;

4 (C) Remove a dead unborn child caused by spontaneous abortion;

5 (D) Remove an ectopic pregnancy; or

6 (E) Abort and remove an unborn child that is the result of rape or incest.

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

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

10 **23-4.13-3. Awarding of public funds to entities that perform convenience abortions**
11 **prohibited by the First Amendment Establishment Clause of the United States Constitution.**

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

16 (1) Administrative costs and expenses;

17 (2) Overhead costs;

18 (3) Employee salaries;

19 (4) Rent and mortgage payments; or

20 (5) Telephone and other utility payments.

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

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

27 (1) Performs convenience abortion, induces convenience abortions, provides convenience
28 abortion referrals, or counsels in favor of convenience abortions; or

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

33 **23-4.13-4. Construction.**

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

1 university.

2 (2) The restrictions of § 23-4.13-3 do not apply to funding available through the Rhode
3 Island Medicaid program.

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

5 (1) A right to an abortion; or

6 (2) A right to public funds, a contract, or a grant.

7 (c) This chapter recognizes:

8 (1) The members of the general assembly have a duty to comply with the Establishment
9 Clause of the First Amendment of the United States Constitution pursuant to Article VI;

10 (2) That convenience abortions are by their nature non-secular practices that are
11 implicitly religious and inseparably linked to the religion of secular humanism;

12 (3) That the state of Rhode Island is prohibited under the First Amendment Establishment
13 Clause from funding or promoting convenience abortions directly or indirectly because such
14 appropriations constitute an endorsement of the religion of secular humanism and have the effect
15 of excessively entangling the government with the religion of secular humanism;

16 (4) That the United States Supreme Court and this general assembly have recognized that
17 secular humanism is a religion for the purposes of the Establishment Clause and convenience
18 abortions are non-secular practices that are inseparably linked to the religion of secular
19 humanism;

20 (5) That it is the policy of the state of Rhode Island to favor childbirth and family
21 planning services that do not include convenience abortions or the promotion of convenience
22 abortions within the continuum of care or services and to avoid the direct or indirect use of state
23 funds to promote or support convenience abortions;

24 (6) That the state of Rhode Island has a compelling interest to uphold community
25 standards of decency; and

26 (7) That facilities that provide convenience abortions tend to erode community standards
27 of decency by encouraging promiscuity and normalizing false permission giving beliefs about
28 sex.

29 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
2 made 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
4 abortions.

5 This act would take effect upon passage.

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