

REFERENCE TITLE: pregnancy centers; grant program

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2216

Introduced by
Representative Blackman

AN ACT

AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 42;
RELATING TO HEALTH CARE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, Arizona Revised Statutes, is amended by adding
3 chapter 42, to read:

4 CHAPTER 42

5 PREGNANCY CENTERS

6 ARTICLE 1. POSITIVE ALTERNATIVES FOR PREGNANCY
7 AND PARENTING GRANT PROGRAM

8 36-4201. Definitions

9 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

10 1. "ATTENDING PHYSICIAN" MEANS THE PHYSICIAN WHO HAS PRIMARY
11 RESPONSIBILITY AT THE TIME OF REFERENCE FOR TREATING AND CARING FOR THE
12 CLIENT.

13 2. "CLIENT" MEANS A PERSON WHO SEEKS OR RECEIVES PREGNANCY SUPPORT
14 SERVICES.

15 3. "CONTRACT MANAGEMENT AGENCY" OR "AGENCY" MEANS A NONGOVERNMENTAL
16 CHARITABLE ORGANIZATION IN THIS STATE THAT IS A 501(c)(3) TAX-EXEMPT
17 ORGANIZATION UNDER THE INTERNAL REVENUE CODE OF 1986 AND WHOSE MISSION AND
18 PRACTICE IS TO PROMOTE ALTERNATIVES TO ABORTION SERVICES AT NO COST.

19 4. "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH SERVICES.

20 5. "DIRECT CLIENT SERVICE PROVIDER" OR "PROVIDER" MEANS A NONPROFIT
21 ORGANIZATION THAT HAS A CONTRACTUAL RELATIONSHIP WITH THE CONTRACT
22 MANAGEMENT AGENCY AND THAT PROVIDES DIRECT PREGNANCY SUPPORT SERVICES TO
23 CLIENTS AT NO COST.

24 6. "PREGNANCY SUPPORT SERVICES" MEANS SERVICES THAT ENCOURAGE
25 CHILDBIRTH INSTEAD OF VOLUNTARY TERMINATION OF PREGNANCY AND THAT ASSIST
26 PREGNANT WOMEN OR WOMEN WHO BELIEVE THEY MAY BE PREGNANT TO CHOOSE
27 CHILDBIRTH WHETHER THEY INTEND TO PARENT OR SELECT ADOPTION FOR THE CHILD.

28 7. "PROGRAM" MEANS THE POSITIVE ALTERNATIVES FOR PREGNANCY AND
29 PARENTING GRANT PROGRAM ESTABLISHED BY THIS ARTICLE.

30 36-4202. Positive alternatives for pregnancy and parenting
31 grant program; contract management agencies

32 A. THE POSITIVE ALTERNATIVES FOR PREGNANCY AND PARENTING GRANT
33 PROGRAM IS ESTABLISHED IN THE DEPARTMENT. THE PURPOSE OF THE PROGRAM IS TO
34 DEVELOP A STATEWIDE EFFORT THAT PROMOTES HEALTHY PREGNANCIES AND
35 CHILDBIRTH BY AWARDING GRANTS TO NONPROFIT ORGANIZATIONS THAT PROVIDE
36 PREGNANCY SUPPORT SERVICES. IN ADDITION TO ANY LEGISLATIVE
37 APPROPRIATIONS, THE DEPARTMENT MAY ACCEPT AND SPEND GIFTS, GRANTS AND
38 DONATIONS FOR THE PURPOSES OF THE PROGRAM.

39 B. THE DEPARTMENT SHALL OVERSEE THE PROGRAM AND IS AUTHORIZED TO
40 CONTRACT WITH A CONTRACT MANAGEMENT AGENCY TO ADMINISTER THE PROGRAM. THE
41 CONTRACT MANAGEMENT AGENCY SHALL DO AT LEAST THE FOLLOWING:

42 1. ESTABLISH A GRANT APPLICATION PROCESS.

43 2. EVALUATE GRANT APPLICATIONS AND MAKE RECOMMENDATIONS TO THE
44 DEPARTMENT.

1 3. COMMUNICATE ACCEPTANCE OR DENIAL OF GRANT APPLICATIONS TO DIRECT
2 CLIENT SERVICE PROVIDERS.

3 4. MONITOR COMPLIANCE OF DIRECT CLIENT SERVICE PROVIDERS WITH THE
4 TERMS AND CONDITIONS OF GRANTS AWARDED.

5 5. MAINTAIN RECORDS FOR EACH GRANT APPLICANT AND RECIPIENT.

6 6. COORDINATE ACTIVITIES AND CORRESPONDENCE BETWEEN THE DEPARTMENT
7 AND DIRECT CLIENT SERVICE PROVIDERS.

8 36-4203. Program services

9 THE PROGRAM SHALL FUND SERVICES THAT INCLUDE PROVIDING THE
10 FOLLOWING:

11 1. MEDICAL CARE AND INFORMATION, INCLUDING PREGNANCY TESTS,
12 SEXUALLY TRANSMITTED INFECTION TESTS, OTHER HEALTH SCREENINGS, ULTRASOUND
13 SERVICES, PRENATAL CARE AND BIRTH CLASSES AND PLANNING.

14 2. NUTRITIONAL SERVICES AND EDUCATION.

15 3. HOUSING, EDUCATION AND EMPLOYMENT ASSISTANCE DURING PREGNANCY
16 AND FOR UP TO ONE YEAR FOLLOWING A BIRTH.

17 4. ADOPTION EDUCATION, PLANNING AND SERVICES.

18 5. CHILD CARE ASSISTANCE IF NECESSARY FOR THE CLIENT TO RECEIVE
19 PREGNANCY SUPPORT SERVICES.

20 6. PARENTING EDUCATION AND SUPPORT SERVICES FOR UP TO ONE YEAR
21 FOLLOWING A BIRTH.

22 7. MATERIAL ITEMS THAT ARE SUPPORTIVE OF PREGNANCY AND CHILDBIRTH,
23 INCLUDING CRIBS, CAR SEATS, CLOTHING AND FORMULA AND OTHER SAFETY DEVICES.

24 8. INFORMATION REGARDING HEALTH CARE BENEFITS, INCLUDING AVAILABLE
25 MEDICAID COVERAGE FOR THE CLIENT FOR PREGNANCY CARE THAT PROVIDES HEALTH
26 COVERAGE FOR THE CLIENT'S CHILD AT BIRTH.

27 36-4204. Program grants; awards; expenditures; prohibition;
28 exception

29 A. PROGRAM GRANTS SHALL BE AWARDED ANNUALLY ON A COMPETITIVE BASIS
30 TO DIRECT CLIENT SERVICE PROVIDERS THAT DISPLAY COMPETENT EXPERIENCE IN
31 PROVIDING ANY OF THE SERVICES LISTED IN SECTION 36-4203 PURSUANT TO THE
32 GUIDELINES AND CRITERIA ESTABLISHED PURSUANT TO THIS ARTICLE.

33 B. THE DEPARTMENT, WITH INPUT FROM THE CONTRACT MANAGEMENT AGENCY,
34 SHALL DETERMINE THE MAXIMUM GRANT AMOUNT TO BE AWARDED TO EACH DIRECT
35 CLIENT SERVICE PROVIDER. GRANT AMOUNTS MAY NOT EXCEED EIGHTY-FIVE PERCENT
36 OF THE ANNUAL REVENUE FOR THE PRIOR YEAR OF ANY PROVIDER.

37 C. THE GRANT AGREEMENT ENTERED INTO BETWEEN THE CONTRACT MANAGEMENT
38 AGENCY AND A DIRECT CLIENT SERVICE PROVIDER SHALL STIPULATE THAT THE GRANT
39 BE USED TO PROVIDE ANY PREGNANCY SUPPORT SERVICES AT THE DISCRETION OF THE
40 DIRECT CLIENT SERVICE PROVIDER. THE AGREEMENT SHALL FURTHER STIPULATE
41 THAT THE DIRECT CLIENT SERVICE PROVIDER MAY NOT PERFORM, PROMOTE OR ACT AS
42 A REFERRAL FOR AN ABORTION, EXCEPT AS OTHERWISE PROVIDED IN SECTION
43 36-4205, SUBSECTION A, PARAGRAPH 9, AND THAT GRANT MONIES MAY NOT BE SPENT
44 ON OR USED TO PROMOTE POLITICAL OR RELIGIOUS PURPOSES, INCLUDING
45 COUNSELING OR WRITTEN MATERIALS. THIS SUBSECTION DOES NOT PROHIBIT ANY

1 DIRECT CLIENT SERVICE PROVIDER FROM PROMOTING OR SPENDING NONGRANT MONIES
2 ON A POLITICAL OR RELIGIOUS PURPOSE.

3 36-4205. Grants; provider qualifications; requirements;
4 reporting; confidentiality

5 A. TO BE CONSIDERED FOR A GRANT UNDER THIS ARTICLE, EACH DIRECT
6 CLIENT SERVICE PROVIDER SHALL:

7 1. BE A NONPROFIT ORGANIZATION INCORPORATED IN THIS STATE WITH A
8 TAX-EXEMPT STATUS PURSUANT TO SECTION 501(c)(3) OF THE INTERNAL REVENUE
9 CODE OF 1986.

10 2. HAVE A PRIMARY MISSION OF PROMOTING HEALTHY PREGNANCY AND
11 CHILDBIRTH.

12 3. HAVE A SYSTEM OF FINANCIAL ACCOUNTABILITY CONSISTENT WITH
13 GENERALLY ACCEPTED ACCOUNTING PRINCIPLES, INCLUDING AN ANNUAL BUDGET.

14 4. HAVE A BOARD THAT HIRES AND SUPERVISES A DIRECTOR WHO MANAGES
15 THE ORGANIZATION'S OPERATIONS.

16 5. HAVE PROVIDED PREGNANCY SUPPORT SERVICES FOR AT LEAST ONE YEAR
17 BEFORE APPLYING FOR A GRANT.

18 6. AT A MINIMUM, OFFER PREGNANCY TESTS AND COUNSELING FOR WOMEN WHO
19 ARE OR MAY BE EXPERIENCING UNPLANNED PREGNANCIES.

20 7. PROVIDE CONFIDENTIAL AND FREE PREGNANCY SUPPORT SERVICES.

21 8. PROVIDE EACH PREGNANT CLIENT WITH ACCURATE INFORMATION ON THE
22 DEVELOPMENTAL CHARACTERISTICS OF BABIES AND UNBORN CHILDREN, INCLUDING
23 OFFERING PRINTED MATERIALS ON FETAL DEVELOPMENT AND THE ASSISTANCE THAT IS
24 AVAILABLE FOLLOWING A BIRTH.

25 9. ENSURE THAT GRANT MONIES AWARDED PURSUANT TO THIS ARTICLE ARE
26 NOT USED TO:

27 (a) ENCOURAGE OR AFFIRMATIVELY COUNSEL A CLIENT TO HAVE AN ABORTION
28 UNLESS THE CLIENT'S ATTENDING PHYSICIAN DIAGNOSES A CONDITION THAT MAKES
29 AN ABORTION NECESSARY TO PREVENT THE WOMAN'S DEATH.

30 (b) PROVIDE THE WOMAN AN ABORTION.

31 (c) DIRECTLY REFER THE WOMAN TO AN ABORTION PROVIDER FOR AN
32 ABORTION.

33 10. MAINTAIN CONFIDENTIALITY OF ALL DATA, FILES AND RECORDS OF
34 CLIENTS RELATED TO THE SERVICES PROVIDED AND IN COMPLIANCE WITH STATE AND
35 FEDERAL LAWS.

36 B. THE DEPARTMENT SHALL PUBLISH THE DIRECT CLIENT SERVICE PROVIDER
37 CRITERIA ON ITS WEBSITE.

38 C. EACH DIRECT CLIENT SERVICE PROVIDER SHALL MAINTAIN ACCURATE
39 RECORDS AND REPORT DATA TO THE AGENCY ANNUALLY ON FORMS AND IN THE MANNER
40 REQUIRED BY THE DEPARTMENT. REPORTS SHALL INCLUDE THE NUMBER OF THE
41 DIRECT CLIENT SERVICE PROVIDER'S CLIENTS WHO:

42 1. USED THE DIRECT CLIENT SERVICE PROVIDER'S PREGNANCY SUPPORT
43 SERVICES.

44 2. ARE OR WERE PREGNANT.

45 3. CHOSE CHILDBIRTH AFTER RECEIVING PREGNANCY SUPPORT SERVICES.

- 1 4. CHOSE ADOPTION AFTER RECEIVING PREGNANCY SUPPORT SERVICES.
2 5. CHOSE ABORTION AFTER RECEIVING PREGNANCY SUPPORT SERVICES.
3 D. EACH PROVIDER MAY BE REQUIRED TO PROVIDE OTHER INFORMATION AND
4 DATA AT THE DISCRETION OF THE DEPARTMENT.
5 E. THE DEPARTMENT, THE CONTRACT MANAGEMENT AGENCY AND EACH DIRECT
6 CLIENT SERVICE PROVIDER SHALL MAINTAIN CONFIDENTIALITY OF ALL DATA, FILES
7 AND RECORDS OF CLIENTS RELATED TO THE SERVICES PROVIDED UNDER THIS ARTICLE
8 PURSUANT TO FEDERAL AND STATE LAWS RELATED TO PRIVACY OF MEDICAL RECORDS,
9 INCLUDING REQUIREMENTS UNDER THE HEALTH INSURANCE PORTABILITY AND
10 ACCOUNTABILITY ACT (45 CODE OF FEDERAL REGULATIONS SECTION 164.524).
11 36-4206. Annual audit; annual report
12 A. THE CONTRACT MANAGEMENT AGENCY SHALL CAUSE AN ANNUAL AUDIT OF
13 EACH DIRECT CLIENT SERVICE PROVIDER TO BE CONDUCTED BY AN INDEPENDENT
14 CERTIFIED PUBLIC ACCOUNTANT WITHIN ONE HUNDRED TWENTY DAYS AFTER THE END
15 OF THE AGENCY'S FISCAL YEAR VERIFYING THAT THE DIRECT CLIENT SERVICE
16 PROVIDER IS IN COMPLIANCE WITH ALL REQUIREMENTS OF THIS ARTICLE AND ANY
17 OTHER REQUIREMENTS OF THE DEPARTMENT.
18 B. ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE DEPARTMENT SHALL
19 REPORT TO THE GOVERNOR, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND
20 THE PRESIDENT OF THE SENATE, AND SHALL PROVIDE A COPY OF THE REPORT TO THE
21 SECRETARY OF STATE, THE FOLLOWING INFORMATION FOR THE IMMEDIATELY
22 PRECEDING FISCAL YEAR:
23 1. THE AMOUNT OF ANY GIFTS, GRANTS OR DONATIONS RECEIVED FOR THE
24 PROGRAM.
25 2. THE TOTAL AMOUNT OF PROGRAM EXPENSES AND THE AMOUNT OF MONIES
26 AWARDED AS GRANTS TO DIRECT CLIENT SERVICE PROVIDERS.