

## POLICY BRIEF

## SB818

## Preventing the Disbursement of Funds by the State to the Abortion Industry

**Sponsors:** Senators Stubblefield, Clark, Dismang, Hester, King, Rapert; Representatives Alexander, Ballinger, Dotson, Fite, Harris, D. Meeks, S. Meeks, Miller, Neal, Womack

**Summary:** The purpose of this act is to prevent the State of Arkansas from awarding grants to entities that perform abortions or abortion referrals.

- ❖ Amendment 68 to the Arkansas Constitution declares, “No public funds shall be used to pay for any abortion, except to save the mother’s life.”
- ❖ The direct or indirect subsidization or facilitation of abortion with public funds disbursed by the state constitutes paying for an abortion, therefore conflicting Amendment 68.
- ❖ Planned Parenthood of the Heartland, which operates two facilities in Arkansas—one in Little Rock and another in Fayetteville—is the recipient of federal grants through the State of Arkansas totaling \$252,000 over a two year period.<sup>1</sup>
- ❖ SB818 would prevent Planned Parenthood from receiving these grants and encourage the State of Arkansas to seek out potential recipients for the funds that aren’t connected to the abortion industry.
- ❖ SB818 would also prevent grants or other public funds from being awarded to any other entity that is part of or connected to the abortion industry.
- ❖ This restriction **does not** apply to the Medicaid program and **does not** affect the funding of a hospital, school, or university owned or operated by the state.

### Abortion Industry Defund Efforts in Other States

Whenever similar laws in other states have been enjoined by a judge, it’s predominately been due to Medicaid. As previously stated, SB818 doesn’t touch Medicaid. The following states have enacted defund efforts, most of which were successful:<sup>2</sup>

- ❖ Florida (St. Lucie County)
- ❖ Indiana
- ❖ Kansas
- ❖ New Hampshire
- ❖ New Jersey
- ❖ North Carolina
- ❖ Tennessee
- ❖ Texas
- ❖ Wisconsin

<sup>1</sup> <http://swtimes.com/sections/news/politics/arkansas-senator-see-audit-state-grants-planned-parenthood.html>

<sup>2</sup> <http://www.sba-list.org/PPScoreboard>



# State-by-State Facts Sheet About Abortion Industry Defund Efforts

## Points to Consider

- ❖ **Indiana:** The Indiana General Assembly passed a similar law in 2011. It voted to withdraw and reallocate all state-controlled funding away from entities that perform abortions, totaling more than \$2 million.<sup>1</sup> In a response to a suit filed over the law (*Planned Parenthood v. Indiana*), the Seventh Circuit Court enjoined the law's application to Medicaid funds, but held Planned Parenthood could not likely challenge other grant monies affected by the act.
- ❖ **Arizona:** Arizona passed a similar law in 2012 barring family planning funds from entities that perform abortions. A federal judge has blocked the law, but the issue will likely go before the Ninth Circuit Court of Appeals.
- ❖ **Texas:** In 2011 the Texas Legislature voted to reallocate an estimated \$47 million away from entities that perform abortions, and opted not to include those groups in its Medicaid-funded programs serving low-income women.<sup>2</sup>
- ❖ **Florida:** In September, 2011, the St. Lucie County Children's Services Council (CSC) made the decision to revoke \$485,000 in taxpayer funding to Planned Parenthood due to their abortion-centered business model.<sup>3</sup>
  - The CSC, an independent taxing authority in Florida, had made over \$4 million in taxpayer funded grants to Planned Parenthood over the last nine years.
  - The CSC redirected the funds to organizations that do not provide abortions, including grants of \$220,000 to Kids Connected by Design for its Healthy Decision Making Program and \$188,550 to the St. Lucie County Boys and Girls Club for its after school/summer programs.
- ❖ **Kansas:** The State of Kansas has passed a law withdrawing approximately \$330,000 in state funding from organizations that perform abortions.<sup>4</sup> Planned Parenthood has filed a lawsuit against the State of Kansas. A judge has issued a preliminary injunction against the state until the suit is resolved.
- ❖ **Because litigation in several states has centered around Medicaid funding, SB818 deliberately exempts Medicaid.**

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<sup>1</sup> <http://www.sba-list.org/newsroom/press-releases/letter-senators-defend-indianas-law-defund-planned-parenthood>

<sup>2</sup> <http://www.lifenews.com/2011/05/03/texas-provision-ensures-planned-parenthood-denied-funding/>

<sup>3</sup> <http://www.lifenews.com/2011/09/08/florida-county-yanks-500k-for-planned-parenthood-abortion-biz/>

<sup>4</sup> <http://www.lifenews.com/2011/08/01/federal-judge-blocks-kansas-law-de-funding-planned-parenthood/>