

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 236

Short Title: Revise Abortion Fund/Codify Law.

(Public)

Sponsors: Representative Mavretic.

Referred to: Finance.

February 24, 1993

A BILL TO BE ENTITLED

AN ACT TO ALLOW TAXPAYERS TO CONTRIBUTE TO THE STATE ABORTION FUND WHEN FILING THEIR INCOME TAX RETURNS, TO USE THESE CONTRIBUTIONS ALONG WITH OTHER CONTRIBUTIONS TO REPLACE STATE APPROPRIATIONS FOR ABORTIONS, AND TO CODIFY THE GUIDELINES USED IN DETERMINING WHO IS ELIGIBLE FOR ASSISTANCE FROM THE STATE ABORTION FUND.

The General Assembly of North Carolina enacts:

Section 1. Article 9 of Chapter 105 of the General Statutes is amended by adding a new section to read:

§ 105-269.7. Contribution of income tax refund to State Abortion Fund.

A taxpayer entitled to a refund of income taxes under Article 4 of this Chapter may elect to contribute all or part of the refund to the State Abortion Fund established under G.S. 108A-69. An election becomes irrevocable when the income tax return is filed. The Secretary must provide appropriate language and space on the income tax form in which to make the election. In the instructions that accompany the form, the Secretary must explain the election, explain how a taxpayer who is not entitled to a refund can make a contribution directly to the State Abortion Fund, and explain that a contribution to the State Abortion Fund is deductible in computing taxable income. Contributions received under this section must be credited to the State Abortion Fund on a monthly basis.

Sec. 2. G.S. 108A-25(a) reads as rewritten:

"(a) The following programs of public assistance are hereby established, and shall be administered by the county department of social services or the Department of

1 Human Resources under federal regulations or under rules ~~and regulations~~ adopted by the
2 Social Services Commission and under the supervision of the Department of Human
3 Resources:

- 4 (1) Aid to families with dependent ~~children;~~ children.
- 5 (2) State-county special assistance for ~~adults;~~ adults.
- 6 (3) Food stamp ~~program;~~ program.
- 7 (4) Foster care and adoption assistance ~~payments;~~ payments.
- 8 (5) Low income energy assistance program.
- 9 (6) Assistance with problem pregnancies through the State Abortion
10 Fund."

11 Sec. 3. Article 2 of Chapter 108A of the General Statutes is amended by
12 adding a new Part to read:

13 **"PART 7. ASSISTANCE WITH PROBLEM PREGNANCIES.**

14 **"§ 108A-69. State Abortion Fund.**

15 (a) Creation. – The State Abortion Fund is established as an agency fund within
16 the State treasury. Interest and other investment income earned by the Fund accrues to
17 the Fund. The Fund consists of contributions of income tax refunds, other
18 contributions, and, if needed, revenue appropriated by the General Assembly.
19 Contributions of income tax refunds and other contributions credited to the Fund may
20 not be spent or encumbered in the fiscal year in which they are credited.

21 (b) Use. – Revenue in the State Abortion Fund is annually appropriated to the
22 Department of Human Resources, Division of Social Services. The amount
23 appropriated from the Fund for a fiscal year is the amount credited to the Fund during
24 the preceding fiscal year. An appropriation from the Fund may be used only to
25 reimburse a medical provider for an abortion performed for a woman who meets the
26 eligibility criteria set in G.S. 108A-70.

27 (c) Reimbursement Restrictions. – A reimbursement to a medical provider from
28 the State Abortion Fund is subject to the restrictions in this subsection. A
29 reimbursement for outpatient services may not be less than one hundred fifty dollars
30 (\$150.00). A reimbursement for inpatient services may not be more than five hundred
31 dollars (\$500.00). A medical provider may not be reimbursed if federal funds are
32 available to make the reimbursement. A medical provider who is reimbursed may not
33 collect additional funds from the woman for whom the reimbursement was made.

34 (d) Supplemental Appropriation. – If the amount appropriated by subsection (b)
35 for a fiscal year to the Department of Human Resources, Division of Social Services, is
36 less than the amount of four hundred twenty-four thousand dollars (\$424,000), the
37 difference between the two amounts is appropriated from the General Fund for the fiscal
38 year to the Department of Human Resources, Division of Social Services. An
39 appropriation under this subsection is considered an appropriation from the State
40 Abortion Fund and is subject to the same restrictions on use as an appropriation from
41 that Fund.

42 **"§ 108A-70. Who can receive assistance from the State Abortion Fund.**

1 (a) Criteria. – To be eligible for assistance from the State Abortion Fund a
2 woman must be a resident, must be within the first 112 days of a pregnancy, and must
3 be described in one of the following:

4 (1) The woman must either receive assistance under the aid to families
5 with dependent children program or receive health support services in
6 conjunction with protective services and disabled adults and must be
7 described in one of the following:

8 a. Is a victim of rape or incest.

9 b. Has impaired health as a result of the pregnancy, as determined
10 in the sole discretion of a physician selected by the woman.

11 c. Is mentally retarded.

12 d. Has a pregnancy in which a fetal deformity is present, as
13 determined by a physician.

14 (2) The woman must have an annual income of no more than four
15 thousand two hundred twenty-six dollars (\$4,226) and must be
16 described in one of the following:

17 a. Is a victim of rape or incest.

18 b. Has impaired health as a result of the pregnancy, as determined
19 in the sole discretion of a physician selected by the woman.

20 c. Is mentally retarded.

21 d. Has a pregnancy in which a fetal deformity is present, as
22 determined by a physician.

23 e. Is a minor, as defined by G.S. 48A-2.

24 A woman may receive assistance from the State Abortion Fund only once by
25 meeting the criteria of having impaired health as the result of a pregnancy.

26 (b) Scope. – This section establishes the only criteria for determining who is
27 eligible for assistance from the State Abortion Fund. A rule adopted to implement this
28 section may not restrict or add to the eligibility criteria set in this section.

29 **"§ 108A-70.1. Administration of program of assistance with problem pregnancies.**

30 The county departments of social services must arrange for the reimbursement of
31 medical providers from the State Abortion Fund. To obtain assistance from the State
32 Abortion Fund, a woman must apply to a county department of social services. The
33 county department of social services must provide the following services to a woman
34 who is eligible for assistance from the Fund:

35 (1) Counseling on pregnancy options, including adoption.

36 (2) If the woman chooses to carry the pregnancy to term, referral for all
37 appropriate services, including licensed adoption services, maternal
38 health care services, and financial assistance.

39 (3) Family planning information.

40 (4) When requested, referral for family planning medical consultation,
41 family planning supplies, or voluntary sterilization."

42 Sec. 4. Section 93 of Chapter 479 of the 1985 Session Laws, as amended, is
43 repealed.

1 Sec. 5. Section 1 of this act is effective for taxable years beginning on or
2 after January 1, 1993. Sections 2, 3, and 4 of this act become effective July 1, 1993.
3 This section is effective upon ratification.