

2.1 (1) a list of health care providers and social service providers that provide prenatal
2.2 care, childbirth care, infant care, foster care, adoption services, alternatives to abortion,
2.3 or abortion services; and

2.4 (2) nondirective, nonmarketing information regarding such providers.

2.5 (f) "Public advocacy" means engaging in one or more of the following:

2.6 (1) regularly engaging in efforts to encourage the passage or defeat of legislation
2.7 pertaining to the continued or expanded availability of abortion;

2.8 (2) publicly endorsing or recommending the election or defeat of a candidate for
2.9 public office based on the candidate's position on the legality of abortion; or

2.10 (3) engaging in civil litigation against a unit of government as a plaintiff seeking
2.11 to enjoin or otherwise prohibit enforcement of a statute, ordinance, rule, or regulation
2.12 pertaining to abortion.

2.13 Subd. 2. **Uses of family planning grant funds.** No family planning grant funds
2.14 may be:

2.15 (1) expended to directly or indirectly subsidize abortion services or administrative
2.16 expenses;

2.17 (2) paid or granted to an organization or an affiliate of an organization that provides
2.18 abortion services, unless the affiliate is independent as provided in subdivision 4; or

2.19 (3) paid or granted to an organization that has adopted or maintains a policy in
2.20 writing or through oral public statements that abortion is considered part of a continuum
2.21 of family planning services, reproductive health services, or both.

2.22 Subd. 3. **Organizations receiving family planning grant funds.** An organization
2.23 that receives family planning grant funds:

2.24 (1) may provide nondirective counseling relating to pregnancy but may not directly
2.25 refer patients who seek abortion services to any organization that provides abortion
2.26 services, including an independent affiliate of the organization receiving family planning
2.27 grant funds. For purposes of this clause, an affiliate is independent if it satisfies the criteria
2.28 in subdivision 4, paragraph (a);

2.29 (2) may not display or distribute marketing materials about abortion services to
2.30 patients;

2.31 (3) may not engage in public advocacy promoting the legality or accessibility of
2.32 abortion; and

2.33 (4) must be separately incorporated from any affiliated organization that provides
2.34 abortion services.

2.35 Subd. 4. **Independent affiliates that provide abortion services.** (a) To ensure
2.36 that the state does not lend its imprimatur to abortion services and to ensure that an

3.1 organization that provides abortion services does not receive a direct or indirect economic
3.2 or marketing benefit from family planning grant funds, an organization that receives
3.3 family planning grant funds may not be affiliated with an organization that provides
3.4 abortion services unless the organizations are independent from each other. To be
3.5 independent, the organizations may not share any of the following:

3.6 (1) the same or a similar name;

3.7 (2) medical facilities or nonmedical facilities, including, but not limited to, business
3.8 offices, treatment rooms, consultation rooms, examination rooms, and waiting rooms;

3.9 (3) expenses;

3.10 (4) employee wages or salaries; or

3.11 (5) equipment or supplies, including, but not limited to, computers, telephone
3.12 systems, telecommunications equipment, and office supplies.

3.13 (b) An organization that receives family planning grant funds and that is affiliated
3.14 with an organization that provides abortion services must maintain financial records
3.15 that demonstrate strict compliance with this subdivision and that demonstrate that
3.16 its independent affiliate that provides abortion services receives no direct or indirect
3.17 economic or marketing benefit from the family planning grant funds.

3.18 Subd. 5. **Independent audit.** When an organization applies for family planning
3.19 grant funds, the organization must submit with the grant application a copy of the
3.20 organization's most recent independent audit to ensure the organization is in compliance
3.21 with this section. The independent audit must have been conducted no more than two
3.22 years before the organization submits its grant application.

3.23 Subd. 6. **Organizations receiving title X funds.** Nothing in this section requires
3.24 an organization that receives federal funds under title X of the Public Health Service Act
3.25 to refrain from performing any service that is required to be provided as a condition of
3.26 receiving title X funds, as specified by the provisions of title X or the title X program
3.27 guidelines for project grants for family planning services published by the United States
3.28 Department of Health and Human Services.

3.29 Subd. 7. **Severability.** If any one or more provision, word, phrase, clause, sentence,
3.30 or subdivision of this section, or the application to any person or circumstance, is found
3.31 to be unconstitutional, it is declared to be severable and the balance of this section shall
3.32 remain effective notwithstanding such unconstitutionality. The legislature hereby declares
3.33 that it would have passed this section, and each provision, word, phrase, clause, sentence,
3.34 or subdivision of it, regardless of the fact that any one or more provision, word, phrase,
3.35 clause, sentence, or subdivision be declared unconstitutional.

4.1 Subd. 8. **Supreme Court jurisdiction.** The Minnesota Supreme Court has original
4.2 jurisdiction over any action challenging the constitutionality of this section and shall
4.3 expedite the resolution of the action.