

House Engrossed
pregnancy centers; grant program

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

HOUSE BILL 2216

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. ANY MONIES RECEIVED BY THE
39 DEPARTMENT FOR THE PROGRAM MAY BE USED ONLY FOR THE PURPOSES OF THE
40 PROGRAM.

41 B. THE DEPARTMENT SHALL OVERSEE THE PROGRAM AND IS AUTHORIZED TO
42 CONTRACT WITH A CONTRACT MANAGEMENT AGENCY TO ADMINISTER THE PROGRAM. THE
43 TOTAL ANNUAL ADMINISTRATIVE COSTS OF THE PROGRAM FOR BOTH THE DEPARTMENT
44 AND THE CONTRACT MANAGEMENT AGENCY MAY NOT EXCEED TEN PERCENT OF THE

1 AWARDED GRANTS FOR THAT YEAR. THE CONTRACT MANAGEMENT AGENCY SHALL DO AT
2 LEAST THE FOLLOWING:

- 3 1. ESTABLISH A GRANT APPLICATION PROCESS.
- 4 2. EVALUATE GRANT APPLICATIONS AND MAKE RECOMMENDATIONS TO THE
5 DEPARTMENT.
- 6 3. COMMUNICATE ACCEPTANCE OR DENIAL OF GRANT APPLICATIONS TO DIRECT
7 CLIENT SERVICE PROVIDERS.
- 8 4. MONITOR COMPLIANCE OF DIRECT CLIENT SERVICE PROVIDERS WITH THE
9 TERMS AND CONDITIONS OF GRANTS AWARDED.
- 10 5. MAINTAIN RECORDS FOR EACH GRANT APPLICANT AND RECIPIENT.
- 11 6. COORDINATE ACTIVITIES AND CORRESPONDENCE BETWEEN THE DEPARTMENT
12 AND DIRECT CLIENT SERVICE PROVIDERS.

13 36-4203. Program services

14 THE PROGRAM SHALL FUND SERVICES THAT INCLUDE PROVIDING THE
15 FOLLOWING:

- 16 1. MEDICAL CARE AND INFORMATION, INCLUDING PREGNANCY TESTS,
17 SEXUALLY TRANSMITTED INFECTION TESTS, OTHER HEALTH SCREENINGS, ULTRASOUND
18 SERVICES, PRENATAL CARE AND BIRTH CLASSES AND PLANNING.
- 19 2. NUTRITIONAL SERVICES AND EDUCATION.
- 20 3. HOUSING, EDUCATION AND EMPLOYMENT ASSISTANCE DURING PREGNANCY
21 AND FOR UP TO ONE YEAR FOLLOWING A BIRTH.
- 22 4. ADOPTION EDUCATION, PLANNING AND SERVICES.
- 23 5. CHILD CARE ASSISTANCE IF NECESSARY FOR THE CLIENT TO RECEIVE
24 PREGNANCY SUPPORT SERVICES.
- 25 6. PARENTING EDUCATION AND SUPPORT SERVICES FOR UP TO ONE YEAR
26 FOLLOWING A BIRTH.
- 27 7. MATERIAL ITEMS THAT ARE SUPPORTIVE OF PREGNANCY AND CHILDBIRTH,
28 INCLUDING CRIBS, CAR SEATS, CLOTHING AND FORMULA AND OTHER SAFETY DEVICES.
- 29 8. INFORMATION REGARDING HEALTH CARE BENEFITS, INCLUDING AVAILABLE
30 MEDICAID COVERAGE FOR THE CLIENT FOR PREGNANCY CARE THAT PROVIDES HEALTH
31 COVERAGE FOR THE CLIENT'S CHILD AT BIRTH.

32 36-4204. Program grants; awards; expenditures; prohibition;
33 exception

34 A. PROGRAM GRANTS SHALL BE AWARDED ANNUALLY ON A COMPETITIVE BASIS
35 TO DIRECT CLIENT SERVICE PROVIDERS THAT DISPLAY COMPETENT EXPERIENCE IN
36 PROVIDING AT LEAST FIVE OF THE SERVICES LISTED IN SECTION 36-4203 PURSUANT
37 TO THE GUIDELINES AND CRITERIA ESTABLISHED PURSUANT TO THIS ARTICLE.

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

42 C. THE GRANT AGREEMENT ENTERED INTO BETWEEN THE CONTRACT MANAGEMENT
43 AGENCY AND A DIRECT CLIENT SERVICE PROVIDER SHALL STIPULATE THAT THE GRANT
44 BE USED TO PROVIDE ANY PREGNANCY SUPPORT SERVICES AT THE DISCRETION OF THE
45 DIRECT CLIENT SERVICE PROVIDER. THE AGREEMENT SHALL FURTHER STIPULATE

1 THAT THE DIRECT CLIENT SERVICE PROVIDER MAY NOT PERFORM, PROMOTE OR ACT AS
2 A REFERRAL FOR AN ABORTION, EXCEPT AS OTHERWISE PROVIDED IN SECTION
3 36-4205, SUBSECTION A, PARAGRAPH 9, AND THAT GRANT MONIES MAY NOT BE SPENT
4 ON OR USED TO PROMOTE POLITICAL OR RELIGIOUS PURPOSES, INCLUDING
5 COUNSELING OR WRITTEN MATERIALS. THIS SUBSECTION DOES NOT PROHIBIT ANY
6 DIRECT CLIENT SERVICE PROVIDER FROM PROMOTING OR SPENDING NONGRANT MONIES
7 ON A POLITICAL OR RELIGIOUS PURPOSE.

8 36-4205. Grants; provider qualifications; requirements;
9 reporting; confidentiality

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

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

15 2. HAVE A PRIMARY MISSION OF PROMOTING HEALTHY PREGNANCY AND
16 CHILDBIRTH.

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

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

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

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

25 7. PROVIDE CONFIDENTIAL AND FREE PREGNANCY SUPPORT SERVICES.

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

30 9. ENSURE THAT GRANT MONIES AWARDED PURSUANT TO THIS ARTICLE ARE
31 NOT USED TO:

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

35 (b) PROVIDE THE WOMAN AN ABORTION.

36 (c) DIRECTLY REFER THE WOMAN TO AN ABORTION PROVIDER FOR AN
37 ABORTION.

38 10. MAINTAIN CONFIDENTIALITY OF ALL DATA, FILES AND RECORDS OF
39 CLIENTS RELATED TO THE SERVICES PROVIDED AND IN COMPLIANCE WITH STATE AND
40 FEDERAL LAWS.

41 B. THE DEPARTMENT SHALL PUBLISH THE DIRECT CLIENT SERVICE PROVIDER
42 CRITERIA ON ITS WEBSITE.

43 C. EACH DIRECT CLIENT SERVICE PROVIDER SHALL MAINTAIN ACCURATE
44 RECORDS AND REPORT DATA TO THE AGENCY ANNUALLY ON FORMS AND IN THE MANNER

1 REQUIRED BY THE DEPARTMENT. REPORTS SHALL INCLUDE THE NUMBER OF THE
2 DIRECT CLIENT SERVICE PROVIDER'S CLIENTS WHO:

3 1. USED THE DIRECT CLIENT SERVICE PROVIDER'S PREGNANCY SUPPORT
4 SERVICES.

5 2. ARE OR WERE PREGNANT.

6 3. CHOSE CHILDBIRTH AFTER RECEIVING PREGNANCY SUPPORT SERVICES.

7 4. CHOSE ADOPTION AFTER RECEIVING PREGNANCY SUPPORT SERVICES.

8 5. CHOSE ABORTION AFTER RECEIVING PREGNANCY SUPPORT SERVICES.

9 D. EACH PROVIDER MAY BE REQUIRED TO PROVIDE OTHER INFORMATION AND
10 DATA AT THE DISCRETION OF THE DEPARTMENT.

11 E. THE DEPARTMENT, THE CONTRACT MANAGEMENT AGENCY AND EACH DIRECT
12 CLIENT SERVICE PROVIDER SHALL MAINTAIN CONFIDENTIALITY OF ALL DATA, FILES
13 AND RECORDS OF CLIENTS RELATED TO THE SERVICES PROVIDED UNDER THIS ARTICLE
14 PURSUANT TO FEDERAL AND STATE LAWS RELATED TO PRIVACY OF MEDICAL RECORDS,
15 INCLUDING REQUIREMENTS UNDER THE HEALTH INSURANCE PORTABILITY AND
16 ACCOUNTABILITY ACT (45 CODE OF FEDERAL REGULATIONS SECTION 164.524).

17 36-4206. Annual audit; annual report

18 A. EACH DIRECT CLIENT SERVICE PROVIDER SHALL CAUSE AN ANNUAL AUDIT
19 TO BE CONDUCTED BY AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT WITHIN ONE
20 HUNDRED TWENTY DAYS AFTER THE END OF THE CONTRACT MANAGEMENT AGENCY'S
21 FISCAL YEAR VERIFYING THAT THE DIRECT CLIENT SERVICE PROVIDER IS IN
22 COMPLIANCE WITH ALL REQUIREMENTS OF THIS ARTICLE AND ANY OTHER
23 REQUIREMENTS OF THE DEPARTMENT. THE RESULTS OF THE AUDITS SHALL BE
24 PROVIDED TO THE DEPARTMENT ANNUALLY.

25 B. ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE DEPARTMENT SHALL
26 REPORT TO THE GOVERNOR, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND
27 THE PRESIDENT OF THE SENATE, AND SHALL PROVIDE A COPY OF THE REPORT TO THE
28 SECRETARY OF STATE, THE FOLLOWING INFORMATION FOR THE IMMEDIATELY
29 PRECEDING FISCAL YEAR:

30 1. THE AMOUNT OF ANY GIFTS, GRANTS OR DONATIONS RECEIVED FOR THE
31 PROGRAM.

32 2. THE TOTAL AMOUNT OF PROGRAM EXPENSES AND THE AMOUNT OF MONIES
33 AWARDED AS GRANTS TO DIRECT CLIENT SERVICE PROVIDERS.

34 3. THE RESULTS OF THE AUDITS CONDUCTED PURSUANT TO SUBSECTION A OF
35 THIS SECTION.