

HOUSE BILL No. 2809

By Committee on Federal and State Affairs

Requested by Representative Moser

2-20

1 AN ACT concerning health and healthcare; creating the every mom
2 matters act; establishing the every mom matters program in the
3 department of health and environment; requiring the state treasurer to
4 contract with eligible organizations to provide information and support
5 services to pregnant women and parents considering adoption;
6 establishing the every mom matters program fund.
7

8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. (a) Sections 1 through 8, and amendments thereto, shall be
10 known and may be cited as the every mom matters act.

11 (b) The legislature declares that the purpose of the every mom
12 matters act is to:

13 (1) Give pregnant women and parents access to support services and
14 resources to promote healthy pregnancies and childbirths, provide
15 information on adoption and increase access to resources that promote
16 family and child development.

17 Sec. 2. As used in sections 1 through 8, and amendments thereto:

18 (a) "Abortion" means the same as defined in K.S.A. 65-6701, and
19 amendments thereto;

20 (b) "abortion provider" means an entity that: (1) Performs abortions;
21 (2) receives moneys from the performance of abortions; (3) advertises,
22 makes referrals for or otherwise arranges for the performance abortions; or
23 (4) operates a facility where abortions are performed;

24 (c) "department" means the department of health and environment;

25 (d) "program" means the every mom matters program established in
26 section 3, and amendments thereto; and

27 (e) "secretary" means the secretary of health and environment.

28 Sec. 3. (a) There is established the every mom matters program to be
29 administered by the secretary of health and environment.

30 (b) The every mom matters program shall make the following support
31 services available to participants in the program:

32 (1) Assistance in assessing and evaluating the needs of the participant
33 related to a pregnancy or parenting;

34 (2) providing medically accurate pregnancy-related information,
35 including, but not limited to, educational materials on pregnancy health,

1 obstetric care, what to expect in the birth process, how to communicate
2 with medical providers and postpartum care;

3 (3) assistance in obtaining medical coverage, obstetric care, primary
4 healthcare, mental or behavioral health counseling, substance abuse
5 treatment, postpartum care and pediatric care;

6 (4) providing information on the adoption process in this state;

7 (5) providing educational information on life skills, parenting skills,
8 job skills, decision making, healthy relationships and the success
9 sequence;

10 (6) assistance in developing a care plan for support during pregnancy
11 and post-childbirth parenting;

12 (7) assistance in obtaining employment or entering into a job training
13 program;

14 (8) making referrals on behalf of participants to the appropriate local
15 charitable organizations and to the appropriate agencies for federal and
16 state benefits programs;

17 (9) assistance in applying for federal and state benefits programs;

18 (10) assistance in obtaining support and resources if the participant is
19 a victim of abuse, assault, sexual assault, neglect, coercion or human
20 trafficking; and

21 (11) any other services available to participants that further the
22 purposes of this act.

23 (c) The state treasurer shall enter into agreements with one or more
24 eligible contractors to provide the support services and resources required
25 under the every mom matters program.

26 (d) Each contractor shall be:

27 (1) Registered to do business in this state and in good standing; and

28 (2) a nonprofit organization.

29 (e) No organization shall be eligible to be a contractor under the
30 program if such organization is an abortion provider or an affiliate of an
31 abortion provider.

32 (f) Each contractor shall:

33 (1) Make services available to participants through a telephonic
34 system or other synchronous audio or video technology and may make
35 services available through in-person contact with participants; and

36 (2) develop and publish marketing materials designed to provide
37 awareness of adoption and the adoption resources that are available in this
38 state.

39 Sec. 4. (a) To be eligible to be accepted in the every mom matters
40 program, a person shall be:

41 (1) A resident of this state; and

42 (2) (A) The biological parent of an unborn child;

43 (B) an adoptive parent of a child under one year of age; or

1 (C) a parent of a person who is under 18 years of age and the
2 biological parent of an unborn child.

3 (b) Participants accepted into the program are eligible to continue
4 receiving support services and resources under the program for:

5 (1) Two years if the pregnancy related to the participant's eligibility
6 results in a live birth;

7 (2) six months if the pregnancy related to the participant's eligibility
8 results in a spontaneous miscarriage or stillbirth; or

9 (3) 15 days if the pregnancy related to the participant's eligibility
10 results in an induced termination of such pregnancy.

11 Sec. 5. (a) Each contractor shall record the following information and
12 prepare and submit a report each month to the department:

13 (1) The number of participants who received any of the services
14 under section 3, and amendments thereto, during that month;

15 (2) the number and type of such services that were provided; and

16 (3) the number and type of referrals made on behalf of participants to
17 the appropriate local charitable organizations and to the appropriate
18 agencies for federal and state benefits programs during that month.

19 (b) Each contractor shall prepare and submit a report every six
20 months to the department regarding specific services provided to
21 individual participants. Such report shall include, if known;

22 (1) The date a pregnant participant:

23 (A) First obtained healthcare insurance coverage; and

24 (B) first visited a physician to obtain obstetric care; and

25 (2) whether the child of a pregnant participant was:

26 (A) Stillborn;

27 (B) born weighing less than 2,500 grams;

28 (C) born before 37 weeks gestation; or

29 (D) admitted to a neonatal intensive care unit.

30 (c) Information obtained by the secretary under this section shall be
31 confidential and shall not be disclosed in a manner that would reveal the
32 identity of any participant in the program. Information obtained by the
33 secretary under this section may be used only for statistical purposes. The
34 provisions of this subsection shall expire on July 1, 2029, unless the
35 legislature reviews and reenacts such provisions in accordance with K.S.A.
36 45-229, and amendments thereto, prior to July 1, 2029.

37 Sec. 6. (a) The state treasurer shall distribute moneys from the every
38 mom matters program fund to contractors with whom the state treasurer
39 has entered into an agreement with pursuant to section 3, and amendments
40 thereto, for the provision of those support services and resources required
41 to be provided by such contractor under such agreement. Such moneys
42 shall be distributed to each contractor based on the anticipated program
43 expenses of such contractor for the immediately succeeding quarter. Each

1 quarter the department shall reconcile the immediately preceding quarterly
2 distribution to each contractor with such contractor's actual program
3 expenses. The subsequent quarterly distribution to such contractor shall
4 then be adjusted accordingly based on such reconciliation.

5 (b) Each contractor shall only use moneys distributed pursuant to this
6 section for the following:

7 (1) Expenses necessary to provide the support services and resources
8 required by the agreement with the state treasurer;

9 (2) marketing expenses incurred by the contractor for marketing of
10 the support services and resources the contractor may provide; and

11 (3) administrative expenses and other indirect costs associated with
12 the program.

13 (c) There is created in the state treasury the every mom matters
14 program fund to be administered by the state treasurer. All expenditures
15 from the every mom matters program fund shall be made only for the
16 purposes of sections 1 through 8, and amendments thereto, and shall be
17 made in accordance with appropriation acts upon warrants of the director
18 of accounts and reports issued pursuant to vouchers approved by the state
19 treasurer, or the state treasurer's designee.

20 Sec. 7. (a) The state treasurer shall not condition participation by an
21 eligible contractor in the every mom matters program on a requirement
22 that such contractor, or any employee or agent thereof:

23 (1) Forfeit or otherwise waive the right to freedom of religion,
24 expression or association as guaranteed by the first amendment to the
25 constitution of the United States; or

26 (2) take any action to which such contractor, or employee or agent
27 thereof, has a conscientious objection.

28 (b) Nothing in sections 1 through 6, and amendments thereto, shall be
29 construed to prohibit, restrict or otherwise limit any contractor from
30 carrying out any other religious or sectarian services or programs that are
31 funded by other sources of revenue.

32 Sec. 8. Sections 1 through 7, and amendments thereto, are declared
33 severable. If any provision of sections 1 through 7, and amendments
34 thereto, or the application thereof to any person shall be held invalid, then
35 such invalidity shall not affect the validity of the remaining provisions of
36 sections 1 through 7, and amendments thereto.

37 Sec. 9. This act shall take effect and be in force from and after its
38 publication in the statute book.