



**Concerned Women for America
Legislative Action Committee**

Presents

2005 Family-Friendly State Legislation

Concerned Women for America Legislative Action Committee
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2005 Family-Friendly State Legislation

Dear Legislator and Family Activist:

Now that the elections are over, it is time to get to work in the state houses across America! Concerned Women for America Legislative Action Committee's (CWALAC) 2005 Family-Friendly Legislation is a powerful resource to help state legislators and family activists across America to review and introduce tested legislation that advances the pro-family agenda.

This resource includes 38 innovative bills, most of which became law. We also included a few cutting-edge bills or even a few that were unable to emerge from the committee of origin. All of these bills address one or more of the following issues: protecting life, promoting good health, empowering parental rights, defending marriage and appreciating religious and traditional values. (Please note: We are aware that in some states similar bills were introduced, but are not included in this publication. We gave preference to bills that were actually signed into law, while providing bills from a diversity of states.) We applaud the efforts of the legislators who worked hard to pass these measures.

While model legislation resources present *ideal* legislation, this publication uses *actual* legislation. Consequently, some bills might contain imperfections, undesirable words or phrases, or might not have the full support of CWALAC. Please research your state's existing laws before advocating any of the enclosed legislation in case there is a conflict of interest.

CWALAC is the legislative arm of Concerned Women for America (CWA)—the nation's largest public policy women's organization. The vision of CWA is for women and like-minded men, from all walks of life, to come together and restore the family to its traditional purpose and thereby allow each member of the family to realize their God-given potential and be more responsible citizens.

With more than 400 local chapters across America, CWA is committed to protecting, developing and creating public policy that strengthens the family. This 2005 Family-Friendly State Legislation packet includes some of the best legislation in America, most of which would be welcomed by conservatives in any state. Although some of this legislation is narrowly drawn to overcome anti-family laws, we do believe that the bills make a great starting place when considering new laws for your state.

If you are aware of other pieces of great legislation, please let us know.

Sincerely,
Michael D. Bowman
Director of State Legislative Relations

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(Note: For the complete bill text, click on the bill number.)

ABORTION

INFORMED CONSENT

[AZ S 1077](#)

AUTHOR: Marilyn Jarrett (R) mjarrett@azleg.state.az.us

TITLE: Informed Consent and Abortion

SUMMARY:

Concerns abortion; relates to informed and voluntary consent; makes requirements; includes physician provided information prior to procedure; specifies that compliance provides immunity from certain civil liability; provides definitions.

STATUS: 03/04/2004 Vetoed by GOVERNOR.

[AK S 30](#)

AUTHOR: Fred Dyson(R) Senator_Fred_Dyson@legis.state.ak.us

TITLE: Pregnant Women Information and Services

SUMMARY:

Relates to information and services available to pregnant women and other persons; ensures informed consent before an abortion may be performed, except in cases of medical emergency, if the pregnancy is the result of sexual assault, sexual abuse of a minor or incest; requires creation of an Internet site with information relating to induced termination of a pregnancy.

STATUS: 07/26/2004 Chapter No. 178

[CA A 2291](#)

AUTHOR: Ray Haynes (R) assemblymember.haynes@assembly.ca.gov

TITLE: Medi-Cal: Abortions: Provider Reimbursement

SUMMARY:

Prohibits funding an abortion under the Medi-Cal program unless the physician performing the abortion has obtained written assurance from the patient that she understands that she may not be coerced into having an abortion and that the decision to have an abortion must be made voluntarily without duress or intimidation. Prohibits reimbursement of a provider for abortion services unless the provider submits a statement signed by recipient.

STATUS:

04/13/2004 In ASSEMBLY Committee on HEALTH: Failed passage.

PARENTAL CONSENT

[CA S 1221](#)

AUTHOR: Bill Morrow (R) senator.morrow@sen.ca.gov

TITLE: Pupils: Confidential Medical Services

SUMMARY:

Requires school district to send the notice to the parents or guardians of pupils regarding the pupil being excused to obtain confidential medical services without consent separately.

STATUS: 06/24/2004 In ASSEMBLY Committee on EDUCATION

FETAL HOMICIDE AND PARTIAL-BIRTH ABORTION

[KY H 108](#)

SPONSOR: Robert Damron (D) bob@bobdamron.com

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TITLE: Fetal Homicide
SUMMARY:
Creates a new section of KRS Chapter 507 to include an unborn child after viability within the definition of "person" for purposes of the criminal homicide statutes to criminalize fetal homicide; creates a new section of KRS Chapter 532 to provide a sentence enhancement for criminally causing a miscarriage or stillbirth of a fetus before viability.
STATUS: 02/20/2004 Act No. 1

[MS H 352](#)

AUTHOR: Eric Robinson (R) erobinson@mail.house.state.ms.us
TITLE: Death of Fetus
SUMMARY:
Relates to death of a fetus; include such death in wrongful death statute as murder or manslaughter; excludes acts committed by the mother or a medical procedure performed by a medical professional or lawfully prescribed medication.
STATUS: 10/15/2004 Chapter No. 515

[MS H 1612](#)

AUTHOR: Joey Fillingane (R) jfillingane@mail.house.state.ms.us
TITLE: Failed Abortions
SUMMARY:
Relates to failed abortion; provides that if abortion fails child may not be intentionally allowed to die.
STATUS: 10/15/2004 Chapter No. 436

[MS S 2869](#)

AUTHOR: Alan Nunnelee (R) anunnelee@mail.senate.state.ms.us
TITLE: Feticide
SUMMARY:
Relates to feticide; revises the offenses of assault and homicide to include an unborn child at every state of gestation within the definition of human being; exempts legal medical procedure performed by a licensed physician or other licenses profession, including legal abortions.
STATUS: 10/15/2004 Chapter No. 521

[UT S 69](#)

AUTHOR: Curtis Bramble (R) cbramble@utahsenate.org
TITLE: Partial Birth Abortion
SUMMARY:
Relates to partial birth abortions; prohibits and makes criminal and civil penalties for a physician that performs a partial birth abortion; provides and set limitations on remedies for a father or the maternal grandparents of the fetus; provides a physician accused of an offense of performing such abortion is entitled to a hearing before the Physicians' Licensing Board or the Osteopathic Physicians and Surgeon's Licensing Board.
STATUS: 03/23/2004 Chaptered. Chapter No. 272

[WI A 372](#)

AUTHOR: Mark Gundrum (R) Rep.Gundrum@legis.state.wi.us
TITLE: Live Birth
SUMMARY:
Relates to live birth or the circumstance of being born alive; provides that whoever undergoes a live birth as the

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result of an abortion has the same legal status and legal rights as a human being at any point after the human being undergoes a live birth as the result of natural or induced labor or a cesarean section.

STATUS: 12/18/2003 Act No. 110

FETAL PAIN

[CA A 2331](#)

AUTHOR: Dennis Lee Mountjoy(R) Assemblymember.Mountjoy@assembly.ca.gov

TITLE: Abortion: Fetal Pain

SUMMARY:

Provides that for an abortion performed in the 3rd trimester of pregnancy, the physician performing the abortion to offer the pregnant woman information and counseling on fetal pain and offer to the pregnant woman anesthesia for the fetus. Requires the woman to sign a document that information and counseling on fetal pain was provided and that the physician offered anesthesia for the fetus.

STATUS: 05/04/2004 Failed passage in assembly Committee on Health

[VA H 1315](#)

AUTHOR: Richard "Dick" Black (R) Del_Black@house.state.va.us

TITLE: Abortion

SUMMARY:

Requires in an abortion performed after the first trimester the unborn child be anesthetized in a manner suitable for patients undergoing amputation. The physician must submit a notarized report to the Department of Health within 90 days attesting to the age at which the unborn child was aborted and whether the unborn child was first anesthetized. A physician who performs an abortion without anesthetizing the unborn child is guilty of a Class 1 misdemeanor.

STATUS: 03/04/2004 In Senate Committee: Passed by indefinitely.

MORNING-AFTER PILL

[VA H 1403](#)

AUTHOR: Kathy Byron (R) Del_Byron@house.state.va.us

TITLE: Morning After Pill

SUMMARY:

Prohibits public institutions of higher education from making available any form of the morning-after pill; requires parental consent prior to prescribing to an unemancipated minor; requires the prescriber to give notice that it may inhibit implantation of a live human embryo and all health risks.

STATUS: 03/04/2004 In SENATE Committee: Passed by indefinitely.

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SEX EDUCATION/RELIGIOUS BELIEFS

- [AZ H 2101](#) AUTHOR: Tom Boone (R) tboone@azleg.state.az.us
TITLE: School and Parental Rights
SUMMARY:
Concerns school policies and parental rights; provides for procedures by which parents may learn about clubs and activities that are part of school curriculum, extracurricular clubs and activities approved by the school; concerns the Family Educational Rights and Privacy Act.
STATUS:
01/14/2004 To HOUSE Committee on EDUCATION.
01/14/2004 Additionally referred to HOUSE Committee on RULES.
- [CA A 1925](#) AUTHOR: Ray Haynes (R) assemblymember.haynes@assembly.ca.gov
TITLE: Comprehensive Sexual Health and AIDS Prevention
SUMMARY:
Requires, if instruction in comprehensive sexual health education and HIV/AIDS prevention will be taught by outside consultants, or if that instruction is to be given in an assembly, by guest speakers, a school district to notify the parent or guardian of a pupil about that instruction no fewer than 14 days in advance of the instruction.
STATUS:
08/30/2004 Chaptered by Secretary of State. Chapter No. 323
- [CA A 2220](#) AUTHOR: Jay La Suer (R) (916) 319-2077
TITLE: Tolerance in Public Schools
SUMMARY:
Requires the State Department of Education to prepare guidelines for the design and implementation of local programs and curricula that promote tolerance.
STATUS:
04/14/2004 In ASSEMBLY Committee on Education: Failed passage.
- [CO H 1375](#) SPONSOR: Shawn Mitchell (R) shawnmitch@aol.com
TITLE: Parental Rights and Human Sexuality Curriculum
SUMMARY:
Concerns limitations on education regarding manifestations of human sexuality; requires school districts to notify parents in writing that they may request a student be excused from certain curriculum relating to human sexuality; provides parents with a substantive outline of topics and materials to be presented.
STATUS: 06/17/2004 Session Law Chaptered. Chapter No. 338
- [LA EO 19](#) AUTHOR: Office of the Gov.(Kathleen Blanco) gowenp@gov.state.la.us
TITLE: Office of Abstinence Education
INTRODUCED: 08/02/2004

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LOCATION: Executive Order
SUMMARY:
(Executive Order No. KBB 2004-19)Relates to the Office of
Abstinence Education; includes the state abstinence project;
provides for the governor's program on abstinence.
STATUS: 08/02/2004 Filed with Secretary of State.

[MI H 5478](#) SPONSOR: John Stahl (R) johnstahl@house.mi.gov
TITLE: Sex Instruction Penalties
SUMMARY:
Revises penalties related to instruction in sex education and
provides for complaint process; requires parental
notification for a student less than 18 years of age.
STATUS: 06/24/2004 Public Act No. 166

CLONING

[LA H 803](#) AUTHOR: Gary Beard (R) larep069@legis.state.la.us
TITLE: Human Cloning
SUMMARY:
Criminalizes human cloning.
STATUS: 06/02/2004 Passed HOUSE. *****To SENATE.

[SD S 184](#) AUTHOR: Lee Schoenbeck (R) sen.schoenbeck@state.sd.us
TITLE: Human Cloning
SUMMARY: Prohibits human cloning.
STATUS: 02/26/2004 Filed with Secretary of State.

AIDS REPORTING

[MS H 1298](#) AUTHOR: John Moore (R) jmoore@mail.house.state.ms.us
TITLE: Intentional Exposure to HIV Crime
INTRODUCED: 02/23/2004
SUMMARY:
Prohibits knowingly exposing another person to a human
immunodeficiency virus (HIV); provides penalties for
violations.
STATUS: 10/15/2004 Chapter No. 468

[VA H 871](#) AUTHOR: Kathy Byron (R) Del_Byron@house.state.va.us
TITLE: Infected Sexual Battery
SUMMARY:
Relates to infected sexual battery; provides any person,
knowing he is infected with HIV, syphilis or hepatitis B, has
specified sexual relations with another person without having
previously disclosed the existence of his infection to the
other person is guilty of a Class 1 misdemeanor.
STATUS: 04/12/2004 Acts of Assembly. Chapter No. 449

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MARRIAGE

[OH H 272](#) SPONSOR: Bill Seitz (R) district30@ohr.state.oh.us
TITLE: Same Sex Marriages
SUMMARY:
Declares that same-sex marriages are against the strong public policy of the state; declares that the recognition or extension of the specific statutory benefits of legal marriage to nonmarital relationships is against the public policy of the state, and to make other declarations regarding same-sex marriages.
STATUS: 02/06/2004 Signed by GOVERNOR.

PRO-LIFE MISCELLANEOUS

PREGNANCY CLINICS

[GA SR 868](#) AUTHOR: Casey Cagle (R) kccagle@bellsouth.net
TITLE: Crisis Pregnancy Centers
SUMMARY:
Honors crisis pregnancy centers in Georgia and the dedicated individuals who support them.
STATUS: Passed SENATE.

[MO H 893](#) SPONSOR: Icet (R)
TITLE: Pregnancy Resource Center Tax Credit
SUMMARY:
Provides a tax credit for contributions to pregnancy resource centers.
STATUS: 01/15/2004 To HOUSE Committee on TAX POLICY.

[MS H 1038](#) AUTHOR: Jeffery Smith (D) jsmith@mail.house.state.ms.us
TITLE: Abortion Facilities
SUMMARY:
Relates to ambulatory surgical facility; revises definition in Certificate Of Need and licensure law; provides that abortion procedures after the first trimester shall be performed only at an ambulatory surgical facility or hospital licensed to perform that service.
STATUS: 10/15/2004 Chapter No. 584

[VA H 116](#) AUTHOR: Robert "Bob" Marshall(R) Del_Marshall@house.state.va.us
TITLE: Licensure of Abortion Clinics
SUMMARY:
Requires all abortion clinics, defined as any facility, other than a hospital or an ambulatory surgery center, in which 25 or more first trimester abortions are performed in any 12-month period, to be licensed and to comply with the requirements currently in place for ambulatory surgery

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centers.

STATUS: 03/04/2004 In Senate Committee: Passed by indefinitely.

[CA A 477](#)

AUTHOR: Ray Haynes (R) assemblymember.haynes@assembly.ca.gov

TITLE: Special Interest License Plates

SUMMARY:

Requires the Department of Motor Vehicles to authorize a special interest license plate program under certain conditions. Allows a special interest license plate program established by a statute effective on or before January 1, 2005, to continue to be valid.

STATUS: 06/29/2004 In SENATE Committee on TRANSPORTATION: Reconsideration granted.

ABORTION REPORTING AND FUNDING

[MS H 1525](#)

AUTHOR: Carmen "Carmel" Wells-Smith (R)

cwellssmith@mail.house.state.ms.us

TITLE: Abortion Complication Reporting Act

SUMMARY:

Creates the Abortion Complication Reporting Act; requires physicians to file regular reports regarding patients who require medical treatment or suffer death as a result of an abortion; requires that identifying information shall be kept confidential.

STATUS: 10/15/2004 Chapter No. 499

[SD S 54](#)

AUTHOR: Senate Health and Human Services Committee

TITLE: Abortion Report Information Inclusion

SUMMARY:

Provides for required abortion reports regarding age of patient, paternity if patient is a minor, reason for abortion and method of payment; unique patient number that can be used to link the report to medical report for inspection but cannot lead to identification of patient, number of females to whom the physician provided required information; number of abortions performed with judicial authorization and without parental notice.

STATUS: 03/02/2004 Filed with Secretary of State.

[MS S 2619](#)

AUTHOR: Travis Little (R) tlittle@mail.senate.state.ms.us

TITLE: Abortion Procedure Rights Of Conscience Act

SUMMARY:

Relates to the Abortion Procedure Rights of Conscience Act; provides that institutions and payers not required to participate in abortion procedures.

STATUS: 10/15/2004 Chapter No. 568

[UT S 68](#)

AUTHOR: Curtis Bramble (R) cbramble@utahsenate.org

TITLE: Public Abortion Funding

SUMMARY:

Prohibits the state and political subdivisions from using public funds for the performance of an abortion; provides a

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penalty for anyone who knowingly authorizes the use of public funds for an abortion; amends provisions regarding public funds for contraceptives or abortion.

STATUS: 03/23/2004 Chaptered. Chapter No. 271

SEXUAL OFFENSES

[CA A 3042](#)

AUTHOR: Leland Yee (D) (916) 319-2012

TITLE: Sentencing

SUMMARY:

Provides that a person suffering a felony conviction for unlawful sexual intercourse, sodomy, lewd and lascivious acts and oral copulation where the offense was committed with a minor for money or other consideration, is punishable with additional enhancement of imprisonment.

STATUS: 09/24/2004 Chaptered by Secretary of State.

[CA S 1283](#)

AUTHOR: Bill Morrow (R) senator.morrow@senate.ca.gov

TITLE: Teacher Credentialing: Child Pornography

SUMMARY:

States the intent of the Legislature that the Commission on Teacher Credentialing deny an application for the issuance of a teacher credential or for the renewal of a credential made by an applicant who is convicted of, or enter a plea of nolo contendere to, an offense relating to child pornography.

STATUS: 04/26/2004 Re-referred to Committee on EDUCATION.

[KS H 2420](#)

AUTHOR: House Federal and State Affairs Committee

TITLE: Children's Internet Protection Act

SUMMARY:

Enacts the children's internet protection act; prohibits certain acts; provides remedies for violations.

STATUS: 03/12/04 Senate Committee on Federal and State Affairs

[LA H 640](#)

AUTHOR: Guillory M (D)

TITLE: Explicit Material in a Motor Vehicle

SUMMARY:

Creates the crime of unlawful exhibition of sexually explicit material in a motor vehicle.

STATUS:

07/06/2004 Signed by GOVERNOR.

07/06/2004 Act No. 767

FAITH-BASED ORGANIZATIONS

[CA S 1268](#)

AUTHOR: Bill Morrow (R) senator.morrow@senate.ca.gov

TITLE: State Contracts: Faith-Based Organizations

SUMMARY:

Provides that any faith-based organizations is eligible, on the same basis as any other private organization, as a contractor or recipient of a grant under any program

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administered by a state agency, so long as the program is implemented consistent with the 1st Amendment. Prohibits a state agency from discriminating against an organization that is or applies to be a contractor, or applies for a grant, on the basis of its religious character.

STATUS: 04/20/2004 In SENATE Committee on JUDICIARY:
Reconsideration granted.