

AN EDUCATIONAL UPDATE FROM  
THE SOUTHEAST LAW INSTITUTE™, INC.

**TO:** Legislators

**DATE:** 2022 Regular Session  
(February 2022)

**RE:** HB118 – The Abortion Subsidy Prohibition Act

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Since 1980, the Hyde Amendment has restricted federally funded abortions for only life of the mother, rape and incest. Prior to 1980, it is estimated over 300,000 abortions were paid for with tax dollars. Joe Biden campaigned on the promise to repeal the Hyde Amendment. In his latest budget, it is not included. Additionally, there may be other methods by which the Biden Administration will expand abortion funding.

Medicaid is a joint federal/state funding effort. Current Alabama Medicaid regulations defer to federal laws for the funding of abortion. In the event of the repeal of the Hyde Amendment, or the enactment of any other provision of law that will permit government funding of abortion, an Alabama law needs to be in place to keep that from happening. Until *Roe v Wade*, which legalized abortion, is reversed, the state of Alabama must take steps to protect its public policy of protecting human life.

The purpose of this bill is to require agencies of the state of Alabama in both their activities and funds to conform to the public policy of the state of Alabama, which opposes abortion. The public policy of Alabama goes back to its original statute (1852) criminalizing abortion, *viz.*, *Section 13 A-13-7, 1975 Code of Alabama*. In 2018 electors overwhelmingly amended the Alabama Constitution approving Article I, Section 36.06, affirming Alabama’s public policy protecting the lives of unborn children. In 2019, Section 26-23H-1, *id.*, the Alabama Human Life Protection Act was overwhelmingly passed by the Alabama Legislature, permitting abortion only to save the life of the mother.

Based on this premise, the purpose of this bill is to prohibit the state of Alabama from engaging in the financing of procedures against public policy. The operative provisions of the bill are as follows:

Section 4. No public funds, including student fees, can be used in any way to promote or provide for abortion, abortion counseling or related services.

Section 5. No public facility, equipment, *et cetera* may be used to assist in or perform an abortion. No such property may be sold or leased to anyone to perform an abortion related service.

Section 6. No public employee shall be required to pay any fee that would be used to fund an abortion.

Section 7. Hospitals, clinics, *et cetera* may not contract with a physician or healthcare facility to perform abortion related services.

Section 8. No public funds may be used for research involving abortion, human cloning, fetal stem cell research, etc.

Section 9. Public K-12 schools or employees may not provide public school students services related to abortion, referral, *et cetera*.

Section 10. Funds may not be used to provide legal services to advocate for abortion and abortion related issues.

Section 11. Interest on lawyers’ trust accounts (required by law to be allocated by the state for charitable causes) may not be used to provide legal assistance on abortion related services.

Section 12. As long as the Hyde Amendment is in effect, abortions may be permitted for rape, incest and life of the mother. These events must be properly documented. If the Hyde Amendment is repealed, there will be no Medicaid funding of abortions.

Section 13. The Attorney General shall have the authority to enforce this act.