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Proposed Rule DFA.IGS.004. METHOD OF ADMINISTERING THE PREGNANCY  
HELP ORGANIZATIONS GRANT PROGRAM  
Mark-Up Version of Proposed Rule

Pursuant to the authority vested in the Secretary of the Department of Finance and Administration, by Ark. Code Ann. §§ 25-8-102(a) and Act 125 of the 2024 Fiscal Session, 94th General Assembly, the Secretary of the Department of Finance and Administration, with the approval of the Governor, does hereby promulgate the following Rule.

1. Definitions.

(a) "Certify" means to attest affirmatively, based on information and belief formed after reasonable inquiry, to the truth, accuracy, and completeness, under penalty of perjury.

(b)(1) "Pregnancy Help Organization" means a nonprofit corporation or an organization exempt from federal income tax, existing as of January 1, 2024, that:

(A) Seeks to provide a range of services to individuals facing an unintended pregnancy with the intention of encouraging pregnant women to give birth to their unborn children;

(B) Promotes infant and maternal wellness and/or reduces infant and maternal mortality, by: (i) Providing nutritional information and/or nutritional counseling; (ii) Providing prenatal vitamins; (iii) Providing a list of prenatal medical care options; (iv) Providing social, emotional, and/or material support; or (v) Providing referrals for WIC and community-based nutritional services, including but not limited to food banks, food pantries, and food distribution centers; and

(C) Does not perform, prescribe, provide referrals for, or encourage abortion or affiliate with any organization that performs, prescribes, provides referrals for, or encourages abortion.

(2) As used in this section, a "pregnancy help organization" includes without limitation: (A) Organizations traditionally known as "crisis pregnancy organizations"; (B) Maternity homes; (C) Adoption agencies; and (D) Social services agencies that provide material support and other assistance to individuals facing an unintended pregnancy to help those individuals give birth to their unborn children.

(c) "Department" means the Department of Finance and Administration.

## 2. PREGNANCY HELP ORGANIZATIONS GRANT PROGRAM

(A) The Department created the Pregnancy Help Organizations Grant Program (the "Program") in order to comply with Act 125 of the 2024 Fiscal Session, 94<sup>th</sup> General Assembly. The Program will provide grant funding to "Pregnancy Help Organizations."

(B) Any entity seeking grant funding under the Program shall make application to the Department on the form(s) provided by the Department for that purpose.

(C) Any entity seeking grant funding under the Program shall provide a grant plan to the Department on the form(s) provided by the Department for that purpose.

(i) Grant plans shall include the following: a narrative describing the current activities of the entity; a narrative which details the range of services the entity proposes to provide with grant funds and the experience that it has in providing the proposed services; a narrative describing the entity's management and key staff with information concerning their experience in working with individuals facing an unintended pregnancy; and an annual budget with line items specifically detailing the proposed expenditures.

(D) Funding under the Program shall not be disbursed all at once but in increments in accordance with the plan described in Section (2)(C).

(F) Any entity receiving funding under the Program shall report to the Department on a quarterly basis on the form(s) provided by the Department for that purpose. Failure to provide the quarterly report(s) may result in a delay or refund of funding.

(G) By signing the Program application, grant plan, and reporting forms, the chief executive officer of the entity seeking or receiving grant funds shall certify that the information provided on the form(s) and all documents submitted with the form(s) are true, accurate, and complete under penalty of perjury.

(H) In accordance with Act 125 of the 2024 Fiscal Session, 94th General Assembly, the Program shall only be in effect from July 1, 2024 through June 30, 2025.

Source: Act 125 of the 2024 Fiscal Session.

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Proposed Rule DFA.IGS.003. METHOD OF ADMINISTERING THE PREGNANCY HELP ORGANIZATIONS GRANT PROGRAM

~~Pursuant to the authority vested in the Secretary of the Department of Finance and Administration, by Ark. Code Ann. §§ 25-8-102(a) and Act 622 of the 2023 Regular Session, 94<sup>th</sup> General Assembly, the Secretary of the Department of Finance and Administration, with the approval of the Governor, does hereby promulgate the following Rule.~~

~~1. Definitions.~~

~~(A) "Certify" means to attest affirmatively, based on information and belief formed after reasonable inquiry, to the truth, accuracy, and completeness, under penalty of perjury.~~

~~(B) "Pregnancy Help Organization" means an organization existing as of January 1, 2023, that: seeks to provide a range of services to individuals facing an unintended pregnancy with the intention of encouraging pregnant women to give birth to their unborn children; and does not perform, prescribe, provide referrals for, or encourage abortion or affiliate with any organization that performs, prescribes, provides referral for, or encourages abortion.~~

~~(C) "Department" means the Department of Finance and Administration.~~

~~(D) "Pregnancy Help Organizations" include services organizations in existence on or before January 1, 2023 that:~~

~~(a) Seeks to provide a range of services to individuals facing an unintended pregnancy with the intention of encouraging pregnant women to give birth to their unborn children; and~~

~~(b) Does not perform, prescribe, provide referrals for, or encourage abortion or affiliate with any organization that performs, prescribes, provides referrals for, or encourages abortion.~~

~~(E) "Pregnancy Help Organizations" includes without limitation~~

~~(a) Organizations traditionally known as "crisis pregnancy organizations"~~

~~(b) Maternity homes~~

~~(c) Adoption agencies and~~

~~(d) Social services agencies that provide material support and other assistance to individuals facing an unintended pregnancy to help those individuals give birth to their unborn children.~~

## ~~2. PREGNANCY HELP ORGANIZATIONS GRANT PROGRAM~~

~~(A) The Department created the Pregnancy Help Organizations Grant Program (the "Program") in order to comply with Act 622 of the 2023 Regular Session, 94<sup>th</sup> General Assembly. The Program will provide grant funding to "pregnancy Help Organizations."~~

~~(B) Any entity seeking grant funding under the Program shall make application to the Department on the form(s) provided by the Department for that purpose.~~

~~(C) Any entity seeking grant funding under the Program shall provide a grant plan to the Department on the form(s) provided by the Department for that purpose.~~

~~(i) Grant plans shall include the following: a narrative describing the current activities of the entity; a narrative which details the range of services the entity proposes to provide with grant funds and the experience that it has in providing the proposed services; a narrative describing the entity's management and key staff with information concerning their experience in working with individuals facing an unintended pregnancy; and an annual budget with line items specifically detailing the proposed expenditures.~~

~~(D) Funding under the Program shall not be disbursed all at once but in increments in accordance with the plan described in Section (2)(C).~~

~~(F) Any entity receiving funding under the Program shall report to the Department on a quarterly basis on the form(s) provided by the Department for that purpose. Failure to provide the quarterly report(s) may result in a delay or refund of funding.~~

~~(C) By signing the Program application, grant plan, and reporting forms, the chief executive officer of the entity seeking or receiving grant funds shall certify that the information provided on the form(s) and all documents submitted with the form(s) are true, accurate, and complete under penalty of perjury.~~

~~(H) In accordance with Act 622 of the 2023 Regular Session, 94th General Assembly, the Program shall only be in effect from July 1, 2023 through June 30, 2024.~~

~~Source: Act 622 of the 2023 Regular Session, 94<sup>th</sup> General Assembly.~~

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~~Jim Hudson, Secretary  
Arkansas Department of Finance and~~

~~Administration Date: September 27, 2023~~

1 State of Arkansas  
2 94th General Assembly  
3 Fiscal Session, 2024

# A Bill

SENATE BILL 64

4  
5 By: Senator J. Payton  
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## For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION TO REDUCE MATERNAL  
9 AND INFANT MORTALITY BY MAKING AN APPROPRIATION FOR  
10 PREGNANCY HELP ORGANIZATION GRANTS FOR THE DEPARTMENT  
11 OF FINANCE AND ADMINISTRATION - DISBURSING OFFICER  
12 FOR THE FISCAL YEAR ENDING JUNE 30, 2025; AND FOR  
13 OTHER PURPOSES.  
14

## Subtitle

15  
16 AN ACT FOR THE DEPARTMENT OF FINANCE AND  
17 ADMINISTRATION - DISBURSING OFFICER  
18 APPROPRIATION FOR THE 2024-2025 FISCAL  
19 YEAR.  
20  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. APPROPRIATION - PREGNANCY HELP ORGANIZATION GRANTS. There  
26 is hereby appropriated, to the Department of Finance and Administration -  
27 Disbursing Officer, to be payable from the Miscellaneous Agencies Fund  
28 Account, for grants for the Pregnancy Help Organizations for the fiscal year  
29 ending June 30, 2025, the following:  
30

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2024-2025</u>
(01) PREGNANCY HELP ORGANIZATION GRANTS	<u>\$2,000,000</u>

34  
35 SECTION 2. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING



1 TRANSFER. (i) Immediately upon the effective date of this Section, the Chief  
2 Fiscal Officer of the State shall transfer on his or her books and those of  
3 the State Treasurer and the Auditor of the State the sum of two million  
4 dollars (\$2,000,000) from the General Revenue Allotment Reserve Fund to the  
5 Pregnancy Help Organization Grant Sub-Fund in the Miscellaneous Agencies Fund  
6 Account to provide funding exclusively for the Pregnancy Help Organization  
7 Grants Appropriation in Section 1 in this Act to be distributed as set out in  
8 Pregnancy Help Organization Grants Special Language Section of this Act.  
9 (ii) Any funds not expended in the Pregnancy Help Organization Grant  
10 Sub-Fund in the Miscellaneous Agencies Fund Account as established in  
11 subsection (i) herein after June 30, 2025 shall be transferred to the General  
12 Revenue Allotment Reserve Fund.

13  
14 SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

16 PREGNANCY HELP ORGANIZATION GRANTS.

17 (a)(1) As used in this section, "pregnancy help organization" means a  
18 nonprofit corporation or an organization exempt from federal income tax,  
19 existing as of January 1, 2024, that:

20 (A) Seeks to provide a range of services to individuals facing an  
21 unintended pregnancy with the intention of encouraging pregnant women to give  
22 birth to their unborn children;

23 (B) Promotes infant and maternal wellness and/or reduces infant and  
24 maternal mortality, by:

25 i)Providing nutritional information and/or nutritional counseling;

26 ii)Providing prenatal vitamins;

27 iii)Providing a list of prenatal medical care options;

28 iv)Providing social, emotional, and/or material support; or

29 v)Providing referrals for WIC and community-based nutritional services,  
30 including but not limited to food banks, food pantries, and food distribution  
31 centers; and

32 (C) Does not perform, prescribe, provide referrals for, or encourage  
33 abortion or affiliate with any organization that performs, prescribes,  
34 provides referrals for, or encourages abortion.

35 (2) As used in this section, a "pregnancy help organization" includes  
36 without limitation:



1 (A) Organizations traditionally known as "crisis pregnancy organizations";

2 (B) Maternity homes;

3 (C) Adoption agencies; and

4 (D) Social services agencies that provide material support and other  
5 assistance to individuals facing an unintended pregnancy to help those  
6 individuals give birth to their unborn children.

7 (b)(1) The Department of Finance and Administration shall create a grant  
8 program to provide funding to pregnancy help organizations.

9 (2) Grant funds shall be disbursed directly to the pregnancy help  
10 organizations from the Department of Finance and Administration.

11 (c)(1) The department shall promulgate rules to implement the disbursement of  
12 the grant moneys from the Pregnancy Help Organization Grant Sub-Fund in the  
13 Miscellaneous Agencies Fund Account.

14 (2) The rules shall include:

15 (A) A requirement that the entity requesting the grant monies submit a plan  
16 describing how the entity will spend the grant moneys; and

17 (B) A statement that the funds shall not be disbursed all  
18 at once, but in increments in accordance with the plan described in  
19 subdivision (c)(2)(A) of this section.

20 (d) The provisions of this section shall be in effect only from July 1, 2024,  
21 through June 30, 2025.

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23 SECTION 4. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
24 authorized by this act shall be limited to the appropriation for such agency  
25 and funds made available by law for the support of such appropriations; and  
26 the restrictions of the State Procurement Law, the General Accounting and  
27 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
28 Procedures and Restrictions Act, or their successors, and other fiscal  
29 control laws of this State, where applicable, and regulations promulgated by  
30 the Department of Finance and Administration, as authorized by law, shall be  
31 strictly complied with in disbursement of said funds.

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33 SECTION 5. LEGISLATIVE INTENT. It is the intent of the General  
34 Assembly that any funds disbursed under the authority of the appropriations  
35 contained in this act shall be in compliance with the stated reasons for  
36 which this act was adopted, as evidenced by the Agency Requests, Executive

1 Recommendations and Legislative Recommendations contained in the budget  
2 manuals prepared by the Department of Finance and Administration, letters, or  
3 summarized oral testimony in the official minutes of the Arkansas Legislative  
4 Council or Joint Budget Committee which relate to its passage and adoption.  
5

6 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the General  
7 Assembly, that the Constitution of the State of Arkansas prohibits the  
8 appropriation of funds for more than a one (1) year period; that the  
9 effectiveness of this Act on July 1, 2024 is essential to the operation of  
10 the agency for which the appropriations in this Act are provided, and that in  
11 the event of an extension of the legislative session, the delay in the  
12 effective date of this Act beyond July 1, 2024 could work irreparable harm  
13 upon the proper administration and provision of essential governmental  
14 programs. Therefore, an emergency is hereby declared to exist and this Act  
15 being necessary for the immediate preservation of the public peace, health  
16 and safety shall be in full force and effect from and after July 1, 2024.  
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19 **APPROVED: 4/30/24**  
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