WEST VIRGINIA CODE CHAPTER 16 ARTICLE 66

WV Legislature

§16-66-1. Definitions.

The following terms are defined:

"Abortion industry organization" means any organization that performs, prescribes, refers for, encourages or promotes abortion as an option for a pregnant woman, or owns, operates, or manages a facility where abortions are performed and prescribed.

"Organization" means the entire legal entity, including any entity or affiliate that controls, is controlled by, or is under common control with such an entity.

"Pregnancy help organization" means an organization that seeks to provide a range of services to pregnant women. Pregnancy help organizations do not perform, prescribe, refer for or encourage abortion, as defined above, nor do they affiliate with any organization that performs, prescribes, refers for, or encourages abortion. Pregnancy help organizations include, but are not limited to, organizations traditionally known as "crisis pregnancy organizations," maternity homes, adoption agencies, and social services agencies that provide material support and other assistance to pregnant women.

"Management agency" means an organization that contracts with the Bureau for Public Health, or department thereof to manage the West Virginia Mothers and Babies Pregnancy Support Program.

"Subcontractor" means a pregnancy help organization that contracts with the management agency to provide Pregnancy Support Program services to individuals.

WV Legislature

§16-66-2. Establishing the West Virginia Mothers and Babies Pregnancy Support Program.

(a) The West Virginia Mothers and Babies Pregnancy Support Program under the Bureau for Public Health is continued.

(b) A pregnancy help organization is eligible to receive funding from the program, subject to meeting the standards defined by the managing agency.

(c) An abortion industry organization may not receive funding from the program.

(d) (1) The program's funds may be distributed to pregnancy help organizations eligible under this article for the following reasons:

(A) Capital expenditures;

(B) Expenditures associated with adding additional services;

(C) Expenditures associated with meeting the requirements established by relevant licensing, accreditation, or standards setting organizations; and

(D) Training expenditures for pregnancy help organization staff and volunteers.

(2) Except as provided in subdivision (1) of this subsection, funds distributed under the program shall be distributed on a fee per service arrangement with a fee per service and hour arrangement as set by the management agency.

WV Legislature

§16-66-3. Management agency.

(a) The bureau shall contract with a management agency that exclusively promotes and supports childbirth and is knowledgeable and supportive of pregnancy help organization operations to receive the funds and administer the program, as the program's management agency.

(b) The management agency may not perform, prescribe, refer for, advocate for, or encourage abortion; nor may they affiliate or hold any relationship with any abortion industry organization or any entity that controls, is controlled by, or is under common control with an abortion industry organization.

(c) The management agency shall be tasked with the following:

(1) Locating and advertising program participation to pregnancy help organizations within the state;

(2) Establishing qualification requirements for a pregnancy help organization participation, which include:

(A) Providing training and annual evaluations to their employees and volunteers;

(B) Maintaining policies and processes for child abuse reporting, medical emergencies, and/or addressing client complaints;

(C) Requiring a policy that pregnancy help organizations abide by all applicable federal and state laws; and

(D) Registering as a 501(c)(3) nonprofit organization.

(3) Establishing invoicing and reimbursement for pregnancy help organizations receiving funding under the program, including a fee or service schedule whereby costs for each service are set forth.

(4) Establishing statistical standards and other reporting requirements.

(5) Establishing an auditing procedure for pregnancy help organizations to ensure financial and operational accountability.

(d) The management agency shall enter into contracts with pregnancy help organizations to operate as subcontractors for serving individuals under the program.

WV Legislature