Exhibit 8
LEGISLATURE OF THE STATE OF IDAHO
Sixty-seventh Legislature
First Regular Session - 2023

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 2

BY STATE AFFAIRS COMMITTEE

AN ACT
RELATING TO THE NO FUNDS FOR ABORTION ACT; AMENDING SECTION 18-5701, IDAHO CODE, TO REVISE A PROVISION REGARDING MISUSE OF PUBLIC MONEYS BY PUBLIC OFFICERS AND EMPLOYEES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING THE HEADING FOR CHAPTER 87, TITLE 18, IDAHO CODE; AMENDING SECTION 18-8701, IDAHO CODE, TO REVISE THE SHORT TITLE; AMENDING SECTION 18-8703, IDAHO CODE, TO PROVIDE THAT EXEMPTIONS SHALL NOT APPLY IN CERTAIN INSTANCES AND TO PROVIDE A PENALTY; AMENDING SECTION 18-8704, IDAHO CODE, TO PROVIDE THAT EXEMPTIONS SHALL NOT APPLY IN CERTAIN INSTANCES AND TO PROVIDE A PENALTY; AMENDING SECTION 18-8705, IDAHO CODE, TO CLARIFY TERMINOLOGY, TO PROVIDE THAT EXEMPTIONS SHALL NOT APPLY IN CERTAIN INSTANCES, AND TO PROVIDE A PENALTY; AMENDING SECTION 18-8706, IDAHO CODE, TO PROVIDE A PENALTY; AMENDING SECTION 18-8707, IDAHO CODE, TO PROVIDE A PENALTY; AMENDING SECTION 18-8708, IDAHO CODE, TO PROVIDE THAT EXEMPTIONS SHALL NOT APPLY IN CERTAIN INSTANCES AND TO PROVIDE A PENALTY; REPEALING SECTION 18-8709, IDAHO CODE, RELATING TO A PENALTY FOR A VIOLATION; AMENDING CHAPTER 87, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8709, IDAHO CODE, TO PROVIDE FOR THE WITHHOLDING OF SALES AND USE TAX IN CERTAIN INSTANCES; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 18-5701, Idaho Code, be, and the same is hereby amended to read as follows:

18-5701. MISUSE OF PUBLIC MONEYS BY PUBLIC OFFICERS AND PUBLIC EMPLOYEES. No public officer or public employee shall:
(1) Without authority of law, appropriate public moneys or any portion thereof to his own use, or to the use of another; or
(2) Loan public moneys or any portion thereof; or, having the possession or control of any public moneys, make a profit directly or indirectly out of public moneys or use public moneys for any purpose not authorized by law; or
(3) Fail to keep public moneys in his possession until disbursed or paid out by authority of law when legally required to do so; or
(4) Deposit public moneys or any portion thereof in any bank, or with any banker or other person, otherwise than on special deposit or as otherwise authorized by law; or
(5) Change or convert public moneys or any portion thereof from coin into currency, or from currency into coin or other currency, without authority of law; or
(6) Knowingly keep any false account, or make any false entry or erasure in any account of or relating to public moneys; or fraudulently alter, falsify, conceal, destroy or obliterate any such account; or
(7) Willfully refuse or omit to pay over, on demand, any public moneys
in his hands upon the presentation of a draft, order or warrant drawn upon
such public moneys by competent authority; or
(8) Willfully omit to transfer public moneys when such transfer is re-
quired by law; or
(9) Willfully omit or refuse to pay over to any public officer, employee
or person authorized by law to receive the same any public moneys received
by him under any duty imposed by law so to pay over the same; or
(10) Knowingly use any public moneys, or financial transaction card,
financial transaction card account number or credit account issued to or for
the benefit of any governmental entity to make any purchase, loan, guaran-
tee or advance of moneys for any personal purpose or for any purpose other
than for the use or benefit of the governmental entity, or for any purpose
proscribed by law.

SECTION 2. That the Heading for Chapter 87, Title 18, Idaho Code, be,
and the same is hereby amended to read as follows:

CHAPTER 87
NO PUBLIC FUNDS FOR ABORTION ACT

SECTION 3. That Section 18-8701, Idaho Code, be, and the same is hereby
amended to read as follows:

18-8701. SHORT TITLE. This chapter shall be known and may be cited as
the "No Public Funds for Abortion Act."

SECTION 4. That Section 18-8703, Idaho Code, be, and the same is hereby
amended to read as follows:

18-8703. GOVERNMENT CONTRACTS WITH ABORTION PROVIDERS OR THEIR AFFIL-
IATES PROHIBITED. (1) The state, a county, a city, a public health district,
a public school district, or any local political subdivision thereof may not
enter into any contract or commercial transaction with an abortion provider
or an affiliate of an abortion provider.
(2) Subsection (1) of this section shall not apply to:
(a) A contract or commercial transaction that is subject to a federal
law related to medicaid; or
(b) A hospital, as defined in section 39-1301, Idaho Code.
(3) The exemptions provided in subsection (2) of this section
shall not apply to any abortion considered unlawful under section 18-622 or
18-8804, Idaho Code.
(4) Any public officer or public employee who knowingly violates the
provisions of this section shall be in violation of section 18-5701(10),
Idaho Code, for misuse of public moneys and shall be subject to punishment
under section 18-5702, Idaho Code.

SECTION 5. That Section 18-8704, Idaho Code, be, and the same is hereby
amended to read as follows:
18-8704. CONTRACTS FOR ABORTION PROCEDURES PROHIBITED. (1) No health care facility owned or operated by the state, a county, a city, a public health district, a public school district, or any political subdivision or agency thereof shall enter into any contract or commercial transaction with any health care provider or health care facility under the terms of which such health care provider or health care facility agrees to provide, perform, or induce an abortion, except when the life of the mother is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself.

(2) Subsection (1) of this section shall not apply to:
(a) A contract or commercial transaction that is subject to a federal law related to medicaid; or
(b) A hospital, as defined in section 39-1301, Idaho Code.

(3) The exemptions provided for in subsection (2) of this section shall not apply to any abortion considered unlawful under section 18-622 or 18-8804, Idaho Code.

(4) Any public officer or public employee who knowingly violates the provisions of this section shall be in violation of section 18-5701(10), Idaho Code, for misuse of public moneys and shall be subject to punishment under section 18-5702, Idaho Code.

SECTION 6. That Section 18-8705, Idaho Code, be, and the same is hereby amended to read as follows:

18-8705. USE OF PUBLIC FUNDS FOR ABORTION PROHIBITED. (1) No public funds made available by the state, a county, a city, a public health district, a public school district, or any local political subdivision or agency thereof and distributed by any institution, board, commission, department, agency, official, or employee of the state, a county, a city, a public health district, a public school district, or any local political subdivision or agency thereof shall be used in any way to provide, perform, or induce an abortion; assist in the provision or performance of an abortion; promote abortion; counsel in favor of abortion; refer for abortion; or provide facilities for an abortion or for training to provide or perform an abortion. As used in this subsection, the term "promote" shall not be interpreted as preventing any classroom discussion on the subject of abortion at a school, college, or university.

(2) No person, agency, organization, or any other party that receives funds authorized by the state, a county, a city, a public health district, a public school district, or any local political subdivision or agency thereof may use those funds to perform or promote abortion, provide counseling in favor of abortion, make referral for abortion, or provide facilities for abortion or for training to provide or perform abortion. As used in this subsection, the term "promote" shall not be interpreted as preventing any classroom discussion on the subject of abortion at a school, college, or university.

(3) No fund or committee authorized by Idaho Code for the special protection of women or children shall be authorized to use or distribute public funds for payment for abortion, abortion referrals, abortion counseling, or abortion-related medical or social services.
(4) The provisions of subsections (1), (2), and (3) of this section shall not apply to:
   (a) An abortion performed when the life of the mother is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself;
   (b) A hospital, as defined in section 39-1301, Idaho Code; or
   (c) A contract or commercial transaction that is subject to a federal law related to medicaid.

(5) The exemptions provided for in subsection (4) of this section shall not apply to any abortion considered unlawful under section 18-622 or 18-8804, Idaho Code.

(6) Any public officer or public employee who knowingly violates the provisions of this section shall be in violation of section 18-5701(10), Idaho Code, for misuse of public moneys and shall be subject to punishment under section 18-5702, Idaho Code.

SECTION 7. That Section 18-8706, Idaho Code, be, and the same is hereby amended to read as follows:

18-8706. USE OF SCHOOL TUITION AND FEES FOR ABORTION PROHIBITED. (1) No part of any tuition or fees paid to a public institution of higher education shall be used in any way to pay for an abortion, provide or perform an abortion, provide counseling in favor of abortion, make a referral for abortion, or provide facilities for an abortion or for training to provide or perform abortion.

(2) Any public officer or public employee who knowingly violates the provisions of this section shall be in violation of section 18-5701(10), Idaho Code, for misuse of public moneys and shall be subject to punishment under section 18-5702, Idaho Code.

SECTION 8. That Section 18-8707, Idaho Code, be, and the same is hereby amended to read as follows:

18-8707. ABORTION-RELATED ACTIVITIES PROHIBITED IN SCHOOL-BASED HEALTH CLINICS. (1) No facility operated at a public institution of higher education or operated by a public school district shall provide any of the following services to any person:
   (a) Providing or performing an abortion;
   (b) Counseling in favor of abortion;
   (c) Referring for abortion; or
   (d) Dispensing a drug classified as emergency contraception by the food and drug administration (FDA), except in the case of rape as defined in section 18-6101, Idaho Code.

(2) No employee of a public institution of higher education or a public school, acting within the scope of such person's employment, shall provide any of the following services to any person:
   (a) Providing or performing an abortion;
   (b) Counseling in favor of abortion;
   (c) Referring for abortion; or
(d) Dispensing a drug classified as emergency contraception by the FDA, except in the case of rape as defined in section 18-6101, Idaho Code.

(3) The state department of education, state board of education, or other state agencies and local units of administration are prohibited from using state funds to provide or procure an abortion or distribute drugs classified as emergency contraception by the FDA, except in the case of rape as defined in section 18-6101, Idaho Code.

(4) Any public officer or public employee who knowingly violates the provisions of this section shall be in violation of section 18-5701(10), Idaho Code, for misuse of public moneys and shall be subject to punishment under section 18-5702, Idaho Code.

SECTION 9. That Section 18-8708, Idaho Code, be, and the same is hereby amended to read as follows:

18-8708. USE OF PUBLIC FACILITIES AND ASSETS FOR ABORTION PROHIBITED. (1) No public institution, public facility, public equipment, or other physical asset owned, leased, or controlled by this state, a county, a city, a public health district, a public school district, or any local political subdivision or agency thereof shall be used for the purpose of providing, performing, or participating in an abortion.

(2) No public institution or facility shall lease, sell, or permit the subleasing of its facilities or property to any physician or health care facility for use in the provision or performance of abortion.

(3) The provisions of subsections (1) and (2) of this section shall not apply to:

(a) An abortion performed when the life of the mother is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself;

(b) A hospital, as defined in section 39-1301, Idaho Code; or

(c) A contract or commercial transaction that is subject to a federal law related to medicaid.

(4) The exemptions provided for in subsection (3) of this section shall not apply to any abortion considered unlawful under section 18-622 or 18-8804, Idaho Code.

(5) Any public officer or public employee who knowingly violates the provisions of this section shall be in violation of section 18-5701(10), Idaho Code, for misuse of public moneys and shall be subject to punishment under section 18-5702, Idaho Code.

SECTION 10. That Section 18-8709, Idaho Code, be, and the same is hereby repealed.

SECTION 11. That Chapter 87, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-8709, Idaho Code, and to read as follows:

18-8709. SALES AND USE TAX WITHHOLDING. (1) Any mayor, council, board of commissioners, or any other governing body of a city or county governmen-
tal entity that issues an ordinance, resolution, executive order, procla-
oration, or similar official directive refusing to enforce the provisions of
section 18-622 or 18-8804, Idaho Code, or any other Idaho criminal abortion
statute in effect, shall not be eligible to receive sales and use tax revenue
distributions pursuant to section 63-3638, Idaho Code. Such funds shall
be held back until the city or county governmental entity has certified to
the state tax commission that such ordinance, resolution, executive order,
proclamation, or similar official directive has been repealed or rescinded.

(2) If a repeal or rescission is certified within one hundred eighty
(180) days of the holdback, the state tax commission shall restore the with-
held moneys to the city or county governmental entity. If compliance is not
certified within one hundred eighty (180) days, the withheld moneys shall be
forfeited and deposited in the general fund by the state tax commission.

SECTION 12. SEVERABILITY. The provisions of this act are hereby de-
clared to be severable and if any provision of this act or the application
of such provision to any person or circumstance is declared invalid for any
reason, such declaration shall not affect the validity of the remaining por-
tions of this act.

SECTION 13. An emergency existing therefor, which emergency is hereby
declared to exist, this act shall be in full force and effect on and after its
passage and approval.