

HOUSE BILL 1584

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By: **Delegate Cox**

Introduced and read first time: February 13, 2020

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Family Planning Services – Order of Priority of Funding**
3 **(Prioritization of Public Funding for Family Planning Act)**

4 FOR the purpose of authorizing the Maryland Department of Health to make certain
5 expenditures and award certain grants to entities for family planning services in a
6 certain order of priority; authorizing the State’s Attorney for any county and any
7 person harmed by an intentional violation of certain provisions of this Act to file a
8 certain action; requiring certain monetary relief to be deposited into the General
9 Fund of the State under certain circumstances; requiring a court to award the
10 Department certain fees under certain circumstances; defining certain terms; and
11 generally relating to funding for family planning services.

12 BY repealing and reenacting, without amendments,
13 Article – Health – General
14 Section 13–3401(a) through (c)
15 Annotated Code of Maryland
16 (2019 Replacement Volume)

17 BY adding to
18 Article – Health – General
19 Section 13–3403
20 Annotated Code of Maryland
21 (2019 Replacement Volume)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
23 That the Laws of Maryland read as follows:

24 **Article – Health – General**

25 13–3401.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In this subtitle the following words have the meanings indicated.

2 (b) “Family planning providers” means providers of services:

3 (1) Funded under Title X of the federal Public Health Service Act as of
4 December 31, 2016; and

5 (2) That lost eligibility for Title X funding as a result of the termination of
6 federal funding for providers because of:

7 (i) The scope of services offered by the providers; or

8 (ii) The scope of services for which the providers offer referrals.

9 (c) “Family planning services” means services provided under Title X of the
10 federal Public Health Service Act as of December 31, 2016.

11 **13-3403.**

12 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
13 INDICATED.

14 (2) “HEALTH CARE FACILITY” MEANS:

15 (I) AN AMBULATORY SURGICAL FACILITY, AS DEFINED IN §
16 19-3B-01 OF THIS ARTICLE;

17 (II) A FREESTANDING MEDICAL FACILITY, AS DEFINED IN §
18 19-3A-01 OF THIS ARTICLE;

19 (III) A HOSPITAL, AS DEFINED IN § 19-301 OF THIS ARTICLE; OR

20 (IV) A LIMITED SERVICE HOSPITAL, AS DEFINED IN § 19-301 OF
21 THIS ARTICLE.

22 (3) “PUBLIC FUNDS” MEANS STATE FUNDS, INCLUDING GENERAL
23 FUNDS AND SPECIAL FUNDS, AND FEDERAL FUNDS PROVIDED UNDER TITLE V,
24 TITLE XIX, OR TITLE XX OF THE SOCIAL SECURITY ACT.

25 (B) THE DEPARTMENT MAY MAKE EXPENDITURES AND AWARD GRANTS OF
26 PUBLIC FUNDS TO ENTITIES FOR FAMILY PLANNING SERVICES ONLY IN THE
27 FOLLOWING ORDER OF PRIORITY:

28 (1) PUBLIC ENTITIES;

1 **(2) PRIVATE HEALTH CARE FACILITIES AND FEDERALLY QUALIFIED**
2 **HEALTH CENTERS, AS DEFINED IN 42 U.S.C. § 1396D(L)(2)(B);**

3 **(3) RURAL HEALTH CLINICS, AS DEFINED IN 42 U.S.C. §**
4 **1395X(AA)(2); AND**

5 **(4) PRIVATE HEALTH PROVIDERS WHOSE PRIMARY PURPOSE IS**
6 **DESCRIBED UNDER 42 U.S.C. § 254B(A)(1).**

7 **(C) (1) THE STATE'S ATTORNEY FOR ANY COUNTY OR ANY PERSON**
8 **HARMED BY AN INTENTIONAL VIOLATION OF SUBSECTION (B) OF THIS SECTION MAY**
9 **FILE A CIVIL ACTION IN A COURT OF COMPETENT JURISDICTION FOR MONETARY,**
10 **DECLARATORY, OR INJUNCTIVE RELIEF.**

11 **(2) IF A VIOLATION OF SUBSECTION (B) OF THIS SECTION HAS**
12 **RESULTED IN THE REDUCTION OF PUBLIC FUNDS AVAILABLE TO AN ENTITY WITH**
13 **HIGHER PRIORITY, ANY MONETARY RELIEF AWARDED BY A COURT IN AN ACTION**
14 **FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE DEPOSITED INTO THE**
15 **GENERAL FUND OF THE STATE.**

16 **(3) IF A COURT FINDS IN FAVOR OF THE DEPARTMENT IN AN ACTION**
17 **FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION AND FINDS THAT THE**
18 **PLAINTIFF'S FILING OF THE ACTION WAS FRIVOLOUS, THE COURT SHALL AWARD**
19 **THE DEPARTMENT REASONABLE ATTORNEY'S FEES.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2020.