

# HOUSE BILL 1272

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CF SB 904

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By: Delegates Pendergrass and ~~McIntosh~~, McIntosh, Cullison, K. Young, Pena-Melnyk, R. Lewis, Charles, Kelly, Rosenberg, Barron, Johnson, and Hill

Introduced and read first time: February 8, 2019  
Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 12, 2019

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Department of Health – Family Planning Program – Funding**

3 FOR the purpose of prohibiting the Maryland Department of Health from accepting certain  
4 federal funding under certain circumstances; requiring the Governor to fund the  
5 Family Planning Program with a certain level of State funds under certain  
6 circumstances; requiring the Governor to provide certain funding for certain family  
7 planning grants for a certain fiscal year and for each fiscal year thereafter; and  
8 generally relating to funding for the Family Planning Program.

9 BY repealing and reenacting, without amendments,  
10 Article – Health – General  
11 Section 13–3401  
12 Annotated Code of Maryland  
13 (2015 Replacement Volume and 2018 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article – Health – General  
16 Section 13–3402  
17 Annotated Code of Maryland  
18 (2015 Replacement Volume and 2018 Supplement)

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

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



**Article – Health – General**

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2 13–3401.

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

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

5 (1) Funded under Title X of the federal Public Health Service Act as of  
6 December 31, 2016; and7 (2) That lost eligibility for Title X funding as a result of the termination of  
8 federal funding for providers because of:

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

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

11 (c) “Family planning services” means services provided under Title X of the  
12 federal Public Health Service Act as of December 31, 2016.13 (d) “Program” means the Family Planning Program established under § 13–3402  
14 of this subtitle.

15 13–3402.

16 (a) There is a Family Planning Program in the Department.

17 (b) The purpose of the Program is to ensure the continuity of family planning  
18 services in the State.19 (c) The Program shall provide family planning services to individuals who are  
20 eligible for family planning services through family planning providers that meet Program  
21 requirements.22 (d) The Department may adopt regulations to implement this subtitle, including  
23 regulations establishing a sliding scale fee for services provided under the Program.24 (e) Funding used to support family planning services under the Program shall be  
25 in addition to any funding applied by the Department before December 31, 2016, to the  
26 maintenance of effort requirement for federal funding under Title X of the federal Public  
27 Health Service Act.28 **(F) (1) THE DEPARTMENT MAY NOT ACCEPT ANY FEDERAL FUNDING**  
29 **UNDER TITLE X OF THE FEDERAL PUBLIC HEALTH SERVICE ACT IF THE TITLE X**  
30 **PROGRAM:**

1 (I) EXCLUDES FAMILY PLANNING PROVIDERS; AND

2 (II) DOES NOT REQUIRE FAMILY PLANNING PROVIDERS TO  
3 PROVIDE A BROAD RANGE OF ACCEPTABLE AND EFFECTIVE MEDICALLY APPROVED  
4 FAMILY PLANNING METHODS AND SERVICES.

5 (2) IF THE DEPARTMENT DOES NOT ACCEPT TITLE X PROGRAM  
6 FUNDS IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, THE  
7 GOVERNOR SHALL FUND THE PROGRAM WITH STATE FUNDS AT THE SAME LEVEL  
8 OF TOTAL FUNDS PROVIDED TO THE PROGRAM IN THE IMMEDIATELY PRECEDING  
9 FISCAL YEAR.

10 (G) FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER, THE  
11 GOVERNOR SHALL PROVIDE A MINIMUM OF \$1,000,000 ABOVE THE LEVEL OF STATE  
12 FUNDS APPROPRIATED IN FISCAL YEAR 2020 FOR FAMILY PLANNING GRANTS  
13 UNDER THE FAMILY HEALTH AND CHRONIC DISEASE PROGRAM IN THE  
14 DEPARTMENT UNDER BUDGET CODE M00F03.04 TO BE PROVIDED TO FAMILY  
15 PLANNING PROVIDERS TO SUPPORT:

16 (1) IMPLEMENTATION OF THE PRESUMPTIVE ELIGIBILITY PROCESS  
17 FOR ENROLLMENT IN THE PROGRAM AS ESTABLISHED UNDER § 15-140 OF THIS  
18 ARTICLE; AND

19 (2) THE PROVISION OF A BROAD RANGE OF ACCEPTABLE AND  
20 EFFECTIVE MEDICALLY APPROVED FAMILY PLANNING METHODS AND SERVICES.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
22 1, 2019.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.