A BILL ENTITLED

AN ACT concerning

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

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

BY repealing and reenacting, without amendments,

Article – Health – General
Section 13–3401(a) through (c)
Annotated Code of Maryland
(2019 Replacement Volume)

BY adding to

Article – Health – General
Section 13–3403
Annotated Code of Maryland
(2019 Replacement Volume)

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

Article – Health – General

13–3401.
(a) In this subtitle the following words have the meanings indicated.

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

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

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

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

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

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

13–3403.

(A) (1) In this section the following words have the meanings indicated.

(2) “Health care facility” means:

(i) An ambulatory surgical facility, as defined in §19–3B–01 of this article;

(ii) A freestanding medical facility, as defined in §19–3A–01 of this article;

(iii) A hospital, as defined in §19–301 of this article; or

(iv) A limited service hospital, as defined in §19–301 of this article.

(3) “Public funds” means state funds, including general funds and special funds, and federal funds provided under Title V, Title XIX, or Title XX of the Social Security Act.

(B) The department may make expenditures and award grants of public funds to entities for family planning services only in the following order of priority:

(1) Public entities;
(2) Private health care facilities and federally qualified health centers, as defined in 42 U.S.C. § 1396d(l)(2)(B);

(3) Rural health clinics, as defined in 42 U.S.C. § 1395x(aa)(2); and

(4) Private health providers whose primary purpose is described under 42 U.S.C. § 254(b)(1).

(C) (1) The State’s Attorney for any county or any person harmed by an intentional violation of subsection (b) of this section may file a civil action in a court of competent jurisdiction for monetary, declaratory, or injunctive relief.

(2) If a violation of subsection (b) of this section has resulted in the reduction of public funds available to an entity with higher priority, any monetary relief awarded by a court in an action filed under paragraph (1) of this subsection shall be deposited into the General Fund of the State.

(3) If a court finds in favor of the Department in an action filed under paragraph (1) of this subsection and finds that the plaintiff’s filing of the action was frivolous, the court shall award the Department reasonable attorney’s fees.

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