

HOUSE BILL 1412

J1, J5, J4

4lr2811
CF SB 947

By: **Delegate Lopez**

Introduced and read first time: February 9, 2024

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Abortion Care Access Grant Program and Fund – Establishment**

3 FOR the purpose of establishing the Abortion Care Access Grant Program to provide grants
4 to improve access to abortion care services for individuals in the State; establishing
5 the Abortion Care Access Grant Program Fund as a special, nonlapsing fund to
6 provide grants under the Program; requiring that certain premium funds collected
7 by health insurance carriers be used to provide certain coverage and to support
8 improving access to abortion care services under certain circumstances; and
9 generally relating to the Abortion Care Access Grant Program and Fund.

10 BY adding to

11 Article – Insurance

12 Section 15–147

13 Annotated Code of Maryland

14 (2017 Replacement Volume and 2023 Supplement)

15 BY adding to

16 Article – Health – General

17 Section 13–5201 through 13–5204 to be under the new subtitle “Subtitle 52. Abortion
18 Care Access Grant Program”

19 Annotated Code of Maryland

20 (2023 Replacement Volume)

21 BY repealing and reenacting, without amendments,

22 Article – State Finance and Procurement

23 Section 6–226(a)(2)(i)

24 Annotated Code of Maryland

25 (2021 Replacement Volume and 2023 Supplement)

26 BY repealing and reenacting, with amendments,

27 Article – State Finance and Procurement

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 6–226(a)(2)(ii)189. and 190.
2 Annotated Code of Maryland
3 (2021 Replacement Volume and 2023 Supplement)

4 BY adding to
5 Article – State Finance and Procurement
6 Section 6–226(a)(2)(ii)191.
7 Annotated Code of Maryland
8 (2021 Replacement Volume and 2023 Supplement)

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

11 **Article – Insurance**

12 **15–147.**

13 **(A) THIS SECTION APPLIES TO:**

14 **(1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT**
15 **PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS**
16 **ON AN EXPENSE–INCURRED BASIS UNDER HEALTH INSURANCE POLICIES OR**
17 **CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND**

18 **(2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE**
19 **HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS UNDER**
20 **CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.**

21 **(B) ANY PREMIUM FUNDS COLLECTED BY AN ENTITY SUBJECT TO THIS**
22 **SECTION FOR ABORTION COVERAGE IN ACCORDANCE WITH § 1303(B)(2)(B) AND (C)**
23 **OF THE FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE ACT SHALL:**

24 **(1) BE USED TO PROVIDE COVERAGE FOR ABORTION CARE SERVICES**
25 **FOR INSUREDS OR ENROLLEES IN ACCORDANCE WITH § 15–857 OF THIS TITLE; AND**

26 **(2) IF THE AMOUNT OF THE ENDING BALANCE OF THE SEGREGATED**
27 **ACCOUNT ESTABLISHED FOR COVERAGE OF ABORTION CARE SERVICES EXCEEDS**
28 **DISBURSEMENTS BY MORE THAN 10% AFTER THE 12–MONTH PERIOD FOLLOWING**
29 **THE END OF A PLAN YEAR, BE USED TO SUPPORT IMPROVING ACCESS TO ABORTION**
30 **CARE SERVICES IN THE STATE.**

31 **(C) ON OR BEFORE MARCH 1 EACH YEAR, AN ENTITY SUBJECT TO THIS**
32 **SECTION SHALL SUBMIT TO THE COMMISSIONER AN ACCOUNTING OF RECEIPTS,**
33 **DISBURSEMENTS, AND THE YEAR–END BALANCE FOR SEGREGATED ACCOUNTS**

1 ESTABLISHED BY THE ENTITY UNDER § 1303(B)(2)(B) AND (C) OF THE FEDERAL
2 PATIENT PROTECTION AND AFFORDABLE CARE ACT:

3 (1) ON A FORM APPROVED BY THE COMMISSIONER; AND

4 (2) WITH ANY RELATED DOCUMENTATION REQUIRED BY THE
5 COMMISSIONER.

6 Article – Health – General

7 SUBTITLE 52. ABORTION CARE ACCESS GRANT PROGRAM.

8 13-5201.

9 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
10 INDICATED.

11 (B) “FUND” MEANS THE ABORTION CARE ACCESS GRANT PROGRAM FUND.

12 (C) “PROGRAM” MEANS THE ABORTION CARE ACCESS GRANT PROGRAM.

13 13-5202.

14 (A) THERE IS AN ABORTION CARE ACCESS GRANT PROGRAM.

15 (B) THE PURPOSE OF THE PROGRAM IS TO PROVIDE GRANTS TO IMPROVE
16 ACCESS TO ABORTION CARE SERVICES FOR INDIVIDUALS IN THE STATE.

17 (C) (1) THE SECRETARY SHALL PROVIDE OPERATING AND CAPITAL
18 GRANTS TO ABORTION CARE PROVIDERS TO PROTECT THE SECURITY OF THEIR
19 PATIENTS, STAFF, AND VOLUNTEERS.

20 (2) GRANT FUNDS UNDER THE PROGRAM MAY BE USED FOR:

21 (I) COLLABORATION WITH FEDERAL, STATE, AND LOCAL LAW
22 ENFORCEMENT AGENCIES TO ENSURE THAT APPROPRIATE MEASURES ARE
23 UNDERTAKEN TO PROTECT PATIENTS, STAFF, AND VOLUNTEERS UNDER EXISTING
24 FEDERAL, STATE, AND LOCAL LAWS;

25 (II) SECURITY STAFFING SERVICES;

26 (III) EQUIPMENT AND CAPITAL IMPROVEMENTS; AND

1 (IV) OTHER MEASURES THAT IMPROVE SAFETY AND SECURITY.

2 (D) WITH ANY REMAINING FUNDS, THE SECRETARY SHALL PROVIDE
3 GRANTS TO SUPPORT:

4 (1) ABORTION CARE FOR UNINSURED INDIVIDUALS OR INDIVIDUALS
5 UNABLE TO USE THEIR INSURANCE DUE TO THE RISKS POSED BY COMMUNICATION
6 FROM INSURANCE CARRIERS REGARDING COVERAGE;

7 (2) TRAVEL AND RELATED COSTS FOR INDIVIDUALS WHO ARE
8 UNABLE TO ACCESS ABORTION CARE IN THEIR OWN COMMUNITIES; AND

9 (3) ANY OTHER INITIATIVE TO IMPROVE ACCESS TO ABORTION CARE
10 AS DETERMINED BY THE SECRETARY, IN CONSULTATION WITH NATIONAL, STATE,
11 AND LOCAL CONSUMER, HEALTH PROFESSIONAL, AND PUBLIC HEALTH
12 ORGANIZATIONS THAT HAVE A FOCUS ON INCREASING ACCESS TO CULTURALLY
13 COMPETENT ABORTION CARE.

14 13-5203.

15 (A) THERE IS AN ABORTION CARE ACCESS GRANT PROGRAM FUND.

16 (B) THE PURPOSE OF THE FUND IS TO PROVIDE GRANTS UNDER THE
17 PROGRAM.

18 (C) THE SECRETARY SHALL ADMINISTER THE FUND.

19 (D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
20 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

21 (2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,
22 AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

23 (E) THE FUND CONSISTS OF:

24 (1) MONEY TRANSFERRED TO THE FUND UNDER § 15-147 OF THE
25 INSURANCE ARTICLE;

26 (2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

27 (3) INTEREST EARNINGS OF THE FUND; AND

1 **(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**
2 **THE BENEFIT OF THE FUND.**

3 **(F) THE FUND MAY BE USED ONLY FOR THE PROGRAM.**

4 **(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND**
5 **IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

6 **(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO**
7 **THE FUND.**

8 **(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE**
9 **WITH THE STATE BUDGET.**

10 **13-5204.**

11 **(A) ON OR BEFORE OCTOBER 1, 2024, THE GOVERNOR SHALL ALLOCATE BY**
12 **BUDGET AMENDMENT AT LEAST \$1,000,000 OF THE FUND FOR THE ABORTION CARE**
13 **ACCESS GRANT PROGRAM FOR FISCAL YEAR 2025.**

14 **(B) BEGINNING IN FISCAL YEAR 2026, THE GOVERNOR SHALL INCLUDE IN**
15 **THE ANNUAL BUDGET BILL AN APPROPRIATION OF AT LEAST 75% OF THE FUNDS**
16 **TRANSFERRED TO THE FUND UNDER § 15-147 OF THE INSURANCE ARTICLE IN THE**
17 **IMMEDIATELY PRECEDING FISCAL YEAR.**

18 **Article – State Finance and Procurement**

19 **6-226.**

20 (a) (2) (i) Notwithstanding any other provision of law, and unless
21 inconsistent with a federal law, grant agreement, or other federal requirement or with the
22 terms of a gift or settlement agreement, net interest on all State money allocated by the
23 State Treasurer under this section to special funds or accounts, and otherwise entitled to
24 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
25 Fund of the State.

26 (ii) The provisions of subparagraph (i) of this paragraph do not apply
27 to the following funds:

28 189. the Teacher Retention and Development Fund; [and]

29 190. the Protecting Against Hate Crimes Grant Fund; AND

1 **191. THE ABORTION CARE ACCESS GRANT PROGRAM**
2 **FUND.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Department of
4 Health shall collaborate with federal, State, and local law enforcement agencies to evaluate
5 if further actions are needed to ensure the safety of the patients, staff, and volunteers of
6 abortion care providers in the State.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2024.