

SENATE BILL 904

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9lr2894
CF HB 1272

By: **Senators Kelley and Elfreth**

Introduced and read first time: February 14, 2019

Assigned to: Rules

A BILL ENTITLED

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:

21 **Article – Health – General**

22 13–3401.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

9 (d) "Program" means the Family Planning Program established under § 13–3402
10 of this subtitle.

11 13–3402.

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

13 (b) The purpose of the Program is to ensure the continuity of family planning
14 services in the State.

15 (c) The Program shall provide family planning services to individuals who are
16 eligible for family planning services through family planning providers that meet Program
17 requirements.

18 (d) The Department may adopt regulations to implement this subtitle, including
19 regulations establishing a sliding scale fee for services provided under the Program.

20 (e) Funding used to support family planning services under the Program shall be
21 in addition to any funding applied by the Department before December 31, 2016, to the
22 maintenance of effort requirement for federal funding under Title X of the federal Public
23 Health Service Act.

24 **(F) (1) THE DEPARTMENT MAY NOT ACCEPT ANY FEDERAL FUNDING**
25 **UNDER TITLE X OF THE FEDERAL PUBLIC HEALTH SERVICE ACT IF THE TITLE X**
26 **PROGRAM:**

27 **(I) EXCLUDES FAMILY PLANNING PROVIDERS; AND**

28 **(II) DOES NOT REQUIRE FAMILY PLANNING PROVIDERS TO**
29 **PROVIDE A BROAD RANGE OF ACCEPTABLE AND EFFECTIVE MEDICALLY APPROVED**
30 **FAMILY PLANNING METHODS AND SERVICES.**

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

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

12 **(1) IMPLEMENTATION OF THE PRESUMPTIVE ELIGIBILITY PROCESS**
13 **FOR ENROLLMENT IN THE PROGRAM AS ESTABLISHED UNDER § 15-140 OF THIS**
14 **ARTICLE; AND**

15 **(2) THE PROVISION OF A BROAD RANGE OF ACCEPTABLE AND**
16 **EFFECTIVE MEDICALLY APPROVED FAMILY PLANNING METHODS AND SERVICES.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
18 1, 2019.