

# SENATE BILL 848

J1, J5, J4

5lr2767  
CF HB 930

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By: **Senator Guzzone**

Introduced and read first time: January 28, 2025

Assigned to: Finance and Budget and Taxation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Health Abortion Grant Program – Establishment**

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

11 BY adding to  
12 Article – Insurance  
13 Section 15–147  
14 Annotated Code of Maryland  
15 (2017 Replacement Volume and 2024 Supplement)

16 BY adding to  
17 Article – Health – General  
18 Section 13–5501 through 13–5503 to be under the new subtitle “Subtitle 55. Public  
19 Health Abortion Grant Program”  
20 Annotated Code of Maryland  
21 (2023 Replacement Volume and 2024 Supplement)

22 BY repealing and reenacting, without amendments,  
23 Article – State Finance and Procurement  
24 Section 6–226(a)(2)(i)  
25 Annotated Code of Maryland  
26 (2021 Replacement Volume and 2024 Supplement)

27 BY repealing and reenacting, with amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – State Finance and Procurement  
2 Section 6–226(a)(2)(ii)204. and 205.  
3 Annotated Code of Maryland  
4 (2021 Replacement Volume and 2024 Supplement)

5 BY adding to  
6 Article – State Finance and Procurement  
7 Section 6–226(a)(2)(ii)206.  
8 Annotated Code of Maryland  
9 (2021 Replacement Volume and 2024 Supplement)

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

12 **Article – Insurance**

13 **15–147.**

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

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

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

22 **(B) (1) ANY PREMIUM FUNDS COLLECTED BY AN ENTITY SUBJECT TO**  
23 **THIS SECTION FOR ABORTION COVERAGE IN ACCORDANCE WITH § 1303(B)(2)(B)**  
24 **AND (C) OF THE FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE ACT**  
25 **SHALL BE USED:**

26 **(I) TO PROVIDE COVERAGE FOR ABORTION CARE CLINICAL**  
27 **SERVICES FOR INSURED OR ENROLLEES IN ACCORDANCE WITH § 15–857 OF THIS**  
28 **TITLE; AND**

29 **(II) IN ACCORDANCE WITH PARAGRAPH (2) OF THIS**  
30 **SUBSECTION.**

31 **(2) IF AFTER THE 12–MONTH PERIOD FOLLOWING THE END OF A PLAN**  
32 **YEAR THE AMOUNT OF THE ENDING BALANCE OF A SEGREGATED ACCOUNT**  
33 **ESTABLISHED FOR COVERAGE OF ABORTION CARE CLINICAL SERVICES EXCEEDS**  
34 **DISBURSEMENTS, 90% OF THE ENDING BALANCE SHALL BE USED TO SUPPORT**

1 COVERAGE OF ABORTION CARE CLINICAL SERVICES FOR WHICH THE USE OF  
2 FEDERAL FUNDS IS PROHIBITED.

3 (C) ON OR BEFORE MARCH 1 EACH YEAR, AN ENTITY SUBJECT TO THIS  
4 SECTION SHALL SUBMIT TO THE COMMISSIONER AN ACCOUNTING OF RECEIPTS,  
5 DISBURSEMENTS, ACCRUED INTEREST, AND THE YEAR-END BALANCE FOR  
6 SEGREGATED ACCOUNTS ESTABLISHED BY THE ENTITY UNDER § 1303(B)(2)(B) AND  
7 (C) OF THE FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE ACT:

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

9 (2) WITH ANY RELATED DOCUMENTATION REQUIRED BY THE  
10 COMMISSIONER.

11 (D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE  
12 COMMISSIONER SHALL ORDER THE TRANSFER OF FUNDS FROM EACH ENTITY'S  
13 SEGREGATED ACCOUNT ESTABLISHED BY THE ENTITY FOR COVERAGE OF ABORTION  
14 CARE CLINICAL SERVICES TO THE PUBLIC HEALTH ABORTION GRANT PROGRAM  
15 FUND ESTABLISHED UNDER § 13-5503 OF THE HEALTH - GENERAL ARTICLE IN THE  
16 FOLLOWING AMOUNTS:

17 (I) ON OR BEFORE SEPTEMBER 1, 2025, 90% OF THE AMOUNT  
18 OF THE ENDING BALANCE OF THE SEGREGATED ACCOUNT THAT EXCEEDS  
19 DISBURSEMENTS FOR EACH OF PLAN YEARS 2014 THROUGH 2023; AND

20 (II) ON OR BEFORE JULY 1 EACH YEAR, BEGINNING IN 2026,  
21 90% OF THE AMOUNT OF THE ENDING BALANCE OF A SEGREGATED ACCOUNT THAT  
22 EXCEEDS DISBURSEMENTS AFTER THE 15-MONTH PERIOD FOLLOWING THE END OF  
23 A PLAN YEAR.

24 (2) (I) THE AMOUNT ORDERED TO BE TRANSFERRED UNDER  
25 PARAGRAPH (1)(I) OF THIS SUBSECTION SHALL INCLUDE THE AMOUNT OF INTEREST  
26 ACCRUED TO THE SEGREGATED ACCOUNT AS OF DECEMBER 31, 2025.

27 (II) THE AMOUNT ORDERED TO BE TRANSFERRED UNDER  
28 PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL INCLUDE THE AMOUNT OF  
29 INTEREST ACCRUED TO THE SEGREGATED ACCOUNT AS OF DECEMBER 31 OF THE  
30 IMMEDIATELY PRECEDING CALENDAR YEAR.

31 (E) A PARTY AGGRIEVED BY AN ORDER OF THE COMMISSIONER UNDER THIS  
32 SECTION HAS THE RIGHT TO A HEARING AND THE RIGHT TO APPEAL FROM THE  
33 ORDER OF THE COMMISSIONER UNDER §§ 2-210 THROUGH 2-215 OF THIS ARTICLE.

## Article – Health – General

## SUBTITLE 55. PUBLIC HEALTH ABORTION GRANT PROGRAM.

## 13–5501.

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

(B) “ELIGIBLE ORGANIZATION” MEANS AN ORGANIZATION THAT:

(1) (I) 1. IS OWNED BY OR EMPLOYS HEALTH CARE PRACTITIONERS WHO ARE AUTHORIZED TO PRACTICE UNDER THE HEALTH OCCUPATIONS ARTICLE; AND

2. PROVIDES EQUITABLE ACCESS TO ABORTION CARE CLINICAL SERVICES FOR INDIVIDUALS WITHOUT SUFFICIENT RESOURCES; OR

(II) ADMINISTERS A FUND TO PROVIDE EQUITABLE ACCESS TO ABORTION CARE CLINICAL SERVICES FOR INDIVIDUALS WITHOUT SUFFICIENT RESOURCES;

(2) IS IN GOOD STANDING IN THE STATE OR JURISDICTION IN WHICH THE ORGANIZATION IS REGISTERED OR INCORPORATED; AND

(3) HAS POLICIES THAT DO NOT RESTRICT ACCESS TO ABORTION CARE AND ARE CONSISTENT WITH TITLE 20, SUBTITLE 2 OF THIS ARTICLE.

(C) “FUND” MEANS THE PUBLIC HEALTH ABORTION GRANT PROGRAM FUND.

(D) “INDIVIDUALS WITHOUT SUFFICIENT RESOURCES” MEANS INDIVIDUALS WHO ARE:

(1) UNINSURED;

(2) UNDERINSURED, WITHOUT SUFFICIENT ABORTION COVERAGE;  
OR

(3) UNABLE TO USE THEIR INSURANCE DUE TO THE RISKS POSED BY COMMUNICATION FROM INSURANCE CARRIERS REGARDING COVERAGE.

1 (E) "PROGRAM" MEANS THE PUBLIC HEALTH ABORTION GRANT  
2 PROGRAM.

3 13-5502.

4 (A) THERE IS A PUBLIC HEALTH ABORTION GRANT PROGRAM.

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

7 (C) (1) THE SECRETARY SHALL PROVIDE OPERATING GRANTS TO  
8 ELIGIBLE ORGANIZATIONS TO SUPPORT EQUITABLE ACCESS TO ABORTION CARE  
9 CLINICAL SERVICES ACROSS THE STATE.

10 (2) GRANT FUNDS PROVIDED UNDER THE PROGRAM SHALL BE USED  
11 TO SUPPORT ABORTION CARE CLINICAL SERVICES FOR WHICH FEDERAL FUNDING  
12 IS PROHIBITED FOR INDIVIDUALS WITHOUT SUFFICIENT RESOURCES, INCLUDING  
13 TO COVER REASONABLE ADMINISTRATIVE COSTS OF MANAGING SERVICES  
14 PROVIDED UNDER THE GRANT.

15 (D) THE DEPARTMENT SHALL AWARD AT LEAST 90% OF THE FUNDS  
16 APPROPRIATED FOR THE PROGRAM AS GRANTS TO ELIGIBLE ORGANIZATIONS.

17 (E) THE DEPARTMENT MAY NOT:

18 (1) RELEASE, PUBLISH, OR OTHERWISE DISCLOSE ANY IDENTIFYING  
19 INFORMATION FOR:

20 (I) THE STAFF OF AN ELIGIBLE ORGANIZATION THAT APPLIES  
21 FOR OR RECEIVES A GRANT OR REIMBURSEMENT FROM GRANT FUNDING UNDER  
22 THE PROGRAM; OR

23 (II) AN INDIVIDUAL HEALTH CARE PRACTITIONER OR STAFF  
24 WHO PROVIDES ABORTION CARE CLINICAL SERVICES FOR AN ELIGIBLE  
25 ORGANIZATION THAT RECEIVES A GRANT OR REIMBURSEMENT FROM GRANT  
26 FUNDING UNDER THE PROGRAM; OR

27 (2) COLLECT IDENTIFYING INFORMATION FOR INDIVIDUALS WHO  
28 REQUEST OR OBTAIN SUPPORT FOR ABORTION CARE CLINICAL SERVICES FROM AN  
29 ELIGIBLE ORGANIZATION AWARDED A GRANT UNDER THE PROGRAM.

30 (F) THE DEPARTMENT MAY NOT:

1           **(1) RESTRICT THE USE OF FUNDS GRANTED UNDER THE PROGRAM IN**  
2 **A MANNER THAT IS INCONSISTENT WITH TITLE 20, SUBTITLE 2 OF THIS ARTICLE; OR**

3           **(2) ALLOW AN ELIGIBLE ORGANIZATION THAT IS AWARDED A GRANT**  
4 **UNDER THE PROGRAM TO RESTRICT THE USE OF FUNDS IN A MANNER THAT IS**  
5 **INCONSISTENT WITH TITLE 20, SUBTITLE 2 OF THIS ARTICLE.**

6           **(G) THE DEPARTMENT SHALL DEVELOP STANDARDS FOR THE GRANTS TO**  
7 **ENSURE FUNDS ARE BEING USED IN ACCORDANCE WITH THE REQUIREMENTS OF**  
8 **THIS SECTION.**

9 **13-5503.**

10           **(A) THERE IS A PUBLIC HEALTH ABORTION GRANT PROGRAM FUND.**

11           **(B) THE PURPOSE OF THE FUND IS TO PROVIDE GRANTS UNDER THE**  
12 **PROGRAM.**

13           **(C) THE SECRETARY SHALL ADMINISTER THE FUND.**

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

16           **(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,**  
17 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

18           **(E) THE FUND CONSISTS OF:**

19           **(1) MONEY TRANSFERRED TO THE FUND UNDER § 15-147 OF THE**  
20 **INSURANCE ARTICLE;**

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

22           **(3) INTEREST EARNINGS OF THE FUND; AND**

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

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

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



1 violate § 1303 of the federal Patient Protection and Affordable Care Act, Section 1 of this  
2 Act, with no further action required by the General Assembly, shall be abrogated and of no  
3 further force and effect.

4 (b) The Maryland Insurance Administration shall notify the Department of  
5 Legislative Services within 5 days after receiving notice that Section 1 of this Act violates  
6 § 1303 of the federal Patient Protection and Affordable Care Act.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
8 1, 2025.