

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING THE TERMINATION DATE OF THE STATUTORY
5 APPROPRIATION FOR TITLE X FAMILY PLANNING FUNDS; PRIORITIZING PUBLIC FUNDS TO HEALTH
6 CARE ENTITIES; PLACING RESTRICTIONS ON THE USE OF FUNDS; PROVIDING DEFINITIONS;
7 AMENDING SECTION 50-1-115, MCA; AMENDING SECTION 6, CHAPTER 291, LAWS OF 2015; AND
8 PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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12 NEW SECTION. Section 1. Definitions. As used in [sections 1 through 3], unless the context clearly
13 indicates otherwise, the following definitions apply:

14 (1) "Family planning services" means a range of appropriate methods to prevent, delay, space, or
15 otherwise time pregnancy, including natural family planning methods and infertility services. Family planning
16 services do not include abortion, abortion referrals, or counseling in favor of abortion.

17 (2) "Federally qualified abortion" means an abortion qualified for federal matching funds under the
18 medicaid program, 42 U.S.C. 1396, et seq., and as amended after this.

19 (3) "Federally qualified health center" means a health care provider that is eligible to receive federal
20 funds under 42 U.S.C. 1396d(1)(2)(B).

21 (4) "Hospital" means a hospital as defined in 50-5-101.

22 (5) "Public funds" means state funds, including without limitation state general revenue funds, state
23 special revenue funds, limited purpose grants or loans, and federal funds, federal state account 03026,
24 provided under Title X of the Public Health Service Act, 42 U.S.C. 300, et seq., Title IV, 42 U.S.C. 601, et seq.,
25 and Title V, 42 U.S.C. 701, et seq., and Title XX, 42 U.S.C. 1397, et seq., of the Social Security Act.

26 (6) "Rural health clinic" means a health care provider that is eligible to receive federal funds under 42
27 U.S.C. 1395x(aa)(2).

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2 **NEW SECTION. Section 2. Prioritizations of public funds to health care entities -- restrictions.**

3 Subject to any applicable requirements of federal statutes, rules, regulations, or guidelines:

4 (1) Any expenditures or grants of public funds for family planning services by the state by and through
5 the department of public health and human services must be made in the following order of priority:

6 (a) to public entities;

7 (b) to federally qualified health centers and rural health clinics;

8 (c) to nonpublic health providers that have as their primary purpose the provision of the primary health
9 care services enumerated in 42 U.S.C. 254b(a)(1); and

10 (d) to nonpublic health providers that do not have as their primary purpose the provision of the
11 primary health care services enumerated in 42 U.S.C. 254b(a)(1).

12 (2) The department of public health and human services may not enter into a contract with, or make a
13 grant to, an entity that performs nonfederally qualified abortions or maintains or operates a facility where
14 nonfederally qualified abortions are performed, provided, however, that nothing in [sections 1 through 3] shall
15 be construed to apply to the receipt or administration of funds pursuant to 42 U.S.C. 1396, et seq.

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17 **NEW SECTION. Section 3. Effect on appropriations.** Any appropriation of public funds made by
18 the department of public health and human services in derogation of the provisions of [section 2] is void as of
19 [the effective date of this act], and the funds allocated pursuant to these appropriations must be reallocated to
20 eligible entities.

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22 **Section 4.** Section 50-1-115, MCA, is amended to read:

23 **"50-1-115. (Temporary) Special revenue account -- statutory appropriation.** (1) There is an
24 account in the federal special revenue fund to the credit of the department. Money received by the state
25 pursuant to Title X of the Public Health Service Act, 42 U.S.C. 300a, et seq., must be deposited into the
26 account.

27 (2) The department shall use the money from the account to:

28 (a) make grants in accordance with [section 2] and federal law and regulations; and

1 (b) pay for grant-related administrative costs.

2 (3) Money in the account is statutorily appropriated, as provided in 17-7-502, to the department for the
3 purposes of subsection (2). (Terminates June 30, ~~2024~~ 2025 ~~sec. 6, Ch. 291, L. 2015.~~)"

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5 **Section 5.** Section 6, Chapter 291, Laws of 2015, is amended to read:

6 "**Section 6. Termination.** [This act] terminates June 30, ~~2024~~ 2025."

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8 NEW SECTION. **Section 6. Codification instruction.** [Sections 1 through 3] are intended to be
9 codified as an integral part of Title 50, chapter 1, and the provisions of Title 50, chapter 1, apply to [sections 1
10 through 3].

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12 NEW SECTION. **Section 7. Severability.** If a part of [this act] is invalid, all valid parts that are
13 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
14 the part remains in effect in all valid applications that are severable from the invalid applications.

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16 NEW SECTION. **Section 8. Effective date.** [This act] is effective June 30, 2021.

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18 NEW SECTION. **Section 9. Applicability.** [Section 3] applies to Title X grant funds received after
19 March 31, 2022.

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