

# HOUSE BILL NO. 1303

## 100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DINKINS.

3403H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To amend chapter 192, RSMo, by adding thereto one new section relating to funding for family planning.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 192, RSMo, is amended by adding thereto one new section, to be known as section 192.850, to read as follows:

**192.850. 1. This section shall be known as the "Prioritization of Public Funding for Family Planning Act".**

**2. As used in this section, the following terms mean,**

**(1) "Department", the Missouri department of health and senior services;**

**(2) "Federally qualified health center", a health care provider that is eligible for federal funding under 42 U.S.C. 1396d(1)(2)(B);**

**(3) "Funds", federal funds provided under Title X (42 U.S.C. 300, et seq.) of the Social Security Act;**

**(4) "Hospital", a primary or tertiary care facility as defined in section 197.020;**

**(5) "Rural health clinic", a health care provider that is eligible for federal funding under 42 U.S.C. 1395x(aa)(2).**

**3. Subject to any applicable requirements of federal statutes, rules, regulations, or guidelines, any expenditures of grants of funds designated for family planning services by the state by and through the department shall be made in the following order of priority:**

**(1) To public entities;**

**(2) To nonpublic hospitals and federally qualified health centers;**

**(3) To rural health clinics; and**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18           (4) To nonpublic health providers that have as their primary purpose the provision  
19 of the primary health care services enumerated in 42 U.S.C. 254b(a)(1).

20           4. (1) A cause of action in law or equity for recoupment or declaratory or  
21 injunctive relief against any person who has intentionally violated this section may be  
22 maintained by a county attorney with appropriate jurisdiction or by the attorney general.

23           (2) Any entity eligible for the receipt of funds, as defined in subdivision (3) of  
24 subsection 2 of this section, shall possess standing to bring any action that the county  
25 attorney or the attorney general has authority to bring under subdivision (1) of this  
26 subsection, provided that it is an expenditure or grant of funds made in violation of this  
27 section and has resulted in the reduction of funds available to such entity. Any award of  
28 monetary relief in an action described in this subsection shall be made to an appropriate  
29 public officer for distribution as provided under subsection 3 of this section.

30           (3) If judgment is rendered in favor of the plaintiff in an action described in this  
31 subsection, the court shall award reasonable attorney's fees to the plaintiff.

32           (4) If judgment is rendered in favor of the defendant in an action described in this  
33 subsection and the court finds that the plaintiff's suit was frivolous and brought in bad  
34 faith, the court shall award reasonable attorney's fees to the defendant.

35           5. If any provision of this section or its application to any person or circumstance  
36 is held invalid, such determination shall not affect the provisions or applications of this  
37 section, which may be given effect without the invalid provision or application, and to that  
38 end the provisions of this section are severable.

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