

FIRST REGULAR SESSION

# HOUSE BILL NO. 861

## 100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DINKINS.

1886H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To amend chapter 192, RSMo, by adding thereto one new section relating to public 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 act:**

**(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) "Hospital", a primary or tertiary care facility licensed under section 197.020;**

**(4) "Public funds", state funds from whatever source, including without limitation state general revenue funds, state special account and limited purpose grants and loans, and federal funds provided under Title V (42 U.S.C. 701 et seq.), Title X (42 U.S.C. 300 et seq.), Title XIX (42 U.S.C. 1396 et seq.), and Title XX (42 U.S.C. 1397 et seq.) of the Social Security Act;**

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

**(4) "Hospital", a primary or tertiary care facility licensed pursuant to section 197.020.**

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.

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

20           **(1) To public entities;**

21           **(2) To non-public hospitals and federally qualified health centers;**

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

23           **(4) To non-public health providers that have as their primary purpose the**  
24 **provision of the primary health care services enumerated in 42 U.S.C. 254b(a)(1).**

25           **4. (1) A cause of action in law or equity for recoupment, declaratory, or injunctive**  
26 **relief against any person who has intentionally violated this section may be maintained by**  
27 **a county attorney with appropriate jurisdiction or by the attorney general.**

28           **(2) Any entity eligible for the receipt of public funds, as defined in subdivision (4)**  
29 **of subsection 2 of this section, shall possess standing to bring any action that the county**  
30 **attorney or the attorney general has authority to bring, under the provisions of subdivision**  
31 **(1) of subsection 4 of this section, provided, however, that it is an expenditure or grant of**  
32 **public funds made in violation of this act and has resulted in the reduction of public funds**  
33 **available to it and that any award of monetary relief shall be made to an appropriate**  
34 **public officer for deposit into one or more accounts maintained by the state for public**  
35 **funds enumerated in subdivisions (1) through (4) of subsection 2 of this section.**

36           **(3) If judgment rendered in favor of the plaintiff in an action described in this**  
37 **section, the court shall also render judgment for a reasonable attorney's fee in favor of the**  
38 **plaintiff against the defendant.**

39           **(4) If judgment is rendered in favor of the defendant and the court finds that the**  
40 **plaintiff's suit was frivolous and brought in bad faith, the court shall also render judgment**  
41 **for a reasonable attorney's fee in favor of the defendant against the plaintiff.**

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

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