

HB 427 -- REPRODUCTIVE HEALTH CARE

SPONSOR: Swan

This bill changes the laws regarding reproductive health care.

The Department of Health and Senior Services must inspect and investigate at least annually any ambulatory surgical center operated for the purpose of performing or inducing any second or third trimester abortions or five or more first trimester abortions per month. The inspection and investigation reports must be made available to the public and any portion of a report may be redacted when made publicly available if the portion of the report would disclose information that is not subject to disclosure under law.

Subject to any applicable requirements of federal law, regulations or guidelines, any expenditures or grants of public funds for family planning services by the state must be made in the following order of priority: health care facilities owned or operated by the state or any political subdivision of the state, non-public hospitals and federally qualified health centers, rural health clinics, and non-public health providers that have as their primary purpose the provision of primary health care services as designated under specified federal law. The bill specifies that a cause of action in law or equity for relief against any person who has intentionally violated these provisions may be maintained by a prosecuting attorney with appropriate jurisdiction or by the Attorney General.

Any entity eligible for the receipt of public funds has standing to bring any action that the prosecuting attorney or the Attorney General has authority to bring under these provisions if an expenditure or grant of public funds made in violation of these provisions has resulted in the reduction of public funds available to that entity. Any moneys that are recouped from the action taken must revert to the fund from which the moneys were appropriated or granted.

A prevailing plaintiff must be awarded reasonable attorney fees. A prevailing respondent must be awarded reasonable attorney fees if the court finds that the suit was frivolous and brought in bad faith.