

HOUSE BILL NO. 1353

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GATSCHENBERGER.

5327H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 197, 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 197, RSMo, is amended by adding thereto one new section, to be known as section 197.730, to read as follows:

197.730. 1. As used in this section the following terms shall mean:

(1) "Department", the 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. 1396(1)(2)(B);

(3) "Hospital", a primary or tertiary care facility licensed under chapter 197;

(4) "Public funds", state funds from whatever source, including without limitation state general revenue funds, state special account and limited purpose grants or loans, or both, and federal funds provided under Title V, Title XIX and Title XX of the Social Security Act;

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

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

(1) Health care facilities that are owned or operated by the state or any political subdivision of the state;

(2) Nonpublic hospitals and federally qualified health centers;

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 **(3) Rural health clinics; and**

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

21 **3. A cause of action in law or equity for recoupment, declaratory or injunctive relief**
22 **against any person who has intentionally violated this section may be maintained by a**
23 **prosecuting attorney with appropriate jurisdiction or by the attorney general.**

24 **4. Any entity eligible for the receipt of public funds, has standing to bring any**
25 **action that the prosecuting attorney or the attorney general has authority to bring under**
26 **subsection 3 of this section, if an expenditure or grant of public funds made in violation of**
27 **this section has resulted in the reduction of public funds available to that entity. Any**
28 **monies that are recouped under actions taken under this section shall revert to the fund**
29 **from which the monies were appropriated or granted.**

30 **5. If judgment is rendered in favor of the plaintiff in an action described in this**
31 **section, the court shall also render judgment for a reasonable attorney's fee in favor of the**
32 **plaintiff against the defendant.**

33 **6. If judgment is rendered in favor of the defendant and the court finds that the**
34 **plaintiff's suit was frivolous and brought in bad faith, the court shall also render judgment**
35 **for a reasonable attorney's fee in favor of the defendant against the plaintiff.**

36 **7. If any provision of this section or the application thereof to anyone or to any**
37 **circumstance is held invalid, the remainder of this section and the application of such**
38 **provisions to others or other circumstances shall not be affected thereby.**

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