

2016 Regular Session

HOUSE BILL NO. 889

BY REPRESENTATIVE SEABAUGH

FUNDS/FUNDING: Provides for the Whole Women's Healthcare Funding Act

1 AN ACT

2 To enact Chapter 1-A of Title 36 of the Louisiana Revised Statutes of 1950, to be comprised  
3 of R.S. 36:21 through 25, relative to public funding for healthcare entities; to provide  
4 for prioritization of such funding; to prohibit the Department of Health and Hospitals  
5 from entering into a contract with, or making a grant to, any entity that performs  
6 certain abortions or maintains, owns, or operates a facility where those abortions are  
7 performed; to authorize certain members of the legislature to intervene as a matter  
8 of right in certain legal proceedings; to authorize reappropriation of public funds in  
9 certain circumstances; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Chapter 1-A of Title 36 of the Louisiana Revised Statutes of 1950,  
12 comprised of R.S. 36:21 through 25, is hereby enacted to read as follows:

13 CHAPTER 1-A. WHOLE WOMEN'S HEALTHCARE FUNDING ACT

14 §21. Short title

15 This Chapter shall be known and may be cited as the "Whole Women's  
16 Healthcare Funding Act".

17 §22. Policy

18 It is the policy of this state to ensure delivery of comprehensive  
19 preconception and prenatal care for maternal and fetal patients in order to reduce  
20 maternal and fetal morbidity and mortality.

1        §23. Definitions

2                For purposes of this Chapter, the following terms have the meaning ascribed  
3        in this Section:

4                (1) "Department" means the Department of Health and Hospitals.

5                (2) "Federally qualified abortion" means an abortion procedure that qualifies  
6        for federal matching funds under the Medicaid program.

7                (3) "Public funds" means state funds from any source, including, without  
8        limitation, state general fund monies, special fund monies, limited purpose grants  
9        and loans, and federal funds administered by state agencies pursuant to Title X of the  
10       Public Health Service Act.

11       §24. Public funds for healthcare entities; prioitization

12                A. Subject to applicable federal laws and regulations, any expenditures or  
13       grants of public funds for family planning services by the state through the  
14       department shall be made in the following order of priority:

15                (1) To public entities.

16                (2) To nonpublic hospitals and federally qualified health centers.

17                (3) To rural health clinics.

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

20                (5) To nonpublic healthcare providers that do not have as their primary  
21       purpose provision of the primary healthcare services enumerated in 42 U.S.C.  
22       254b(a)(1).

23                B. The department shall not enter into a contract with, or make a grant to,  
24       any entity that performs non-federally qualified abortions or maintains, owns, or  
25       operates a facility where non-federally qualified abortions are performed.

26       §25. Enforcement

27                The attorney general may bring an action in law or equity to enforce the  
28       provisions of this Chapter, and relief shall be available in appropriate circumstances

1 including recoupment and declaratory and injunctive relief, including without  
2 limitation suspension or debarment.

3 Section 2. The Legislature of Louisiana, through one or more sponsors of this Act  
4 duly appointed by the sponsors' respective chambers, may intervene as a matter of right in  
5 any case in which the constitutionality of this Act is challenged.

6 Section 3. Any commitment of public funds by the Department of Health and  
7 Hospitals through contracts, grants, reimbursement agreements, or any other means in  
8 derogation of R.S. 36:24, as enacted by this Act, shall be null, void, and without effect on  
9 and after the effective date of this Act, and such funds shall be reappropriated in any manner  
10 authorized by the laws of this state.

11 Section 4. The provisions of this Act are hereby declared to be severable in  
12 accordance with R.S. 24:175.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 889 Original

2016 Regular Session

Seabaugh

**Abstract:** Provides for prioritization of public funds for family planning services and prohibits the Department of Health and Hospitals from entering into any contract with, or making any grant to, an entity that performs elective abortions or maintains, owns, or operates a facility where such abortions are performed.

Proposed law provides that, subject to applicable federal laws and regulations, any expenditures or grants of public funds for family planning services by the state through the Department of Health and Hospitals (DHH) 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.
- (4) To nonpublic healthcare providers that have as their primary purpose provision of the primary healthcare services enumerated in 42 U.S.C. 254b(a)(1).
- (5) To nonpublic healthcare providers that do not have as their primary purpose provision of the primary healthcare services enumerated in 42 U.S.C. 254b(a)(1).

Proposed law prohibits DHH from entering into a contract with, or making a grant to, any entity that performs non-federally qualified abortions or maintains, owns, or operates a facility where non-federally qualified abortions are performed.

Proposed law defines "federally qualified abortion" as an abortion procedure qualified for federal matching funds under the Medicaid program.

Proposed law stipulates that any commitment of public funds by DHH through contracts, grants, reimbursement agreements, or any other means in derogation of proposed law shall be null, void, and without effect on and after the effective date of proposed law, and that such funds shall be reappropriated in any manner authorized by present law.

(Adds R.S. 36:21-25)