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HOUSE BILL NO. 937

Offered January 12, 2022

Prefiled January 12, 2022

A *BILL to amend the Code of Virginia by adding in Article 3 of Chapter 1 of Title 32.1 a section numbered 32.1-23.5, relating to the Department of Health; expenditure of funds related to family planning services.*

Patrons—LaRock; Senator: Chase

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 3 of Chapter 1 of Title 32.1 a section numbered 32.1-23.5 as follows:

§ 32.1-23.5. Expenditures for abortions and family planning services.

A. For the purposes of this section, unless the context requires a different meaning:

"Federally qualified health center" means a health care provider that is eligible to receive federal funds under 42 U.S.C. § 1396d(1)(2)(B).

"Hospital" has the same meaning as that term is defined in § 32.1-123.

"Public funds" means state funds from whatever source, including without limitation state general funds, nongeneral funds, state limited-purpose grants or loans, and federal funds administered by state agencies pursuant to Title X of the Public Health Service Act (42 U.S.C. § 300 et seq.), Title V (42 U.S.C. § 701 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.

"Rural health clinic" means a health care provider that is eligible to receive federal funds under 42 U.S.C. § 1395x(aa)(2).

B. 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 Commonwealth 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

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

C. The Attorney General shall have authority to bring an action in law or equity to enforce the provisions of this section, and relief shall be available in appropriate circumstances, including recoupment and declaratory and injunctive relief.

D. Any entity eligible for the receipt of public funds shall possess standing to bring any action that the Attorney General has authority to bring pursuant to the provisions of subsection C and shall in appropriate circumstances be entitled to the same relief, provided, however, that an expenditure or grant of public funds made in violation of this section has resulted in the reduction of public funds available to such entity, and that any award of monetary relief shall be made to an appropriate public officer for deposit into one or more accounts maintained by the state for public funds. In an action brought pursuant to this subsection, a prevailing plaintiff shall be entitled to an award of reasonable attorney fees and costs.

INTRODUCED

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