

**Senator Derek L. Kitchen** proposes the following substitute bill:

**FAMILY PLANNING SERVICES AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Derek L. Kitchen**

House Sponsor: Melissa G. Ballard

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**LONG TITLE**

**General Description:**

This bill amends provisions relating to family planning services within the state Medicaid program.

**Highlighted Provisions:**

This bill:

- ▶ requires the Medicaid program to apply for a waiver or a state plan amendment to extend family planning services to certain low-income individuals; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

- 26-18-417**, as last amended by Laws of Utah 2019, Chapter 393
- 63I-1-226**, as last amended by Laws of Utah 2020, Chapters 19, 154, 172, 181, 221, 232, 303, 347, and 429



26 *Be it enacted by the Legislature of the state of Utah:*

27 Section 1. Section **26-18-417** is amended to read:

28 **26-18-417. Limited family planning services for low-income individuals.**

29 (1) As used in this section:

30 (a) (i) "Family planning services" means family planning services that are provided  
31 under the state Medicaid program, including:

32 (A) sexual health education and family planning counseling; ~~§~~ **and** ~~§~~

33 (B) other medical diagnosis, treatment, or preventative care routinely provided as part  
34 of a family planning service visit ~~§~~ **;** **and**

34a **(C) if the patient is a minor, encouraging family participation in the decision of the**  
34b **minor to seek family planning services.** ~~§~~

35 (ii) "Family planning services" do not include an abortion, as that term is defined in  
36 Section [76-7-301](#).

37 (b) "Low-income individual" means an individual who:

38 (i) has an income level that is equal to or below ~~[95%]~~ 250% of the federal poverty  
39 level; and

40 (ii) does not qualify for full coverage under the Medicaid program.

41 (2) Before July 1, ~~[2018]~~ 2021, the division shall apply for a Medicaid waiver or a state  
42 plan amendment with CMS to:

43 (a) offer a program that provides family planning services to low-income individuals;

44 and

45 (b) receive a federal match rate of 90% of state expenditures for family planning  
46 services provided under the waiver or state plan amendment.

47 Section 2. Section **63I-1-226** is amended to read:

48 **63I-1-226. Repeal dates, Title 26.**

49 (1) Subsection [26-1-7\(1\)\(f\)](#), related to the Residential Child Care Licensing Advisory  
50 Committee, is repealed July 1, 2024.

51 (2) Subsection [26-1-7\(1\)\(h\)](#), related to the Primary Care Grant Committee, is repealed  
52 July 1, 2025.

53 (3) Section [26-1-7.5](#), which creates the Utah Health Advisory Council, is repealed July  
54 1, 2025.

55 (4) Section [26-1-40](#) is repealed July 1, 2022.

56 (5) Section [26-1-41](#) is repealed July 1, 2026.

- 57 (6) Section 26-7-10 is repealed July 1, 2025.
- 58 (7) Subsection 26-7-11(5), regarding reports to the Legislature, is repealed July 1,  
59 2028.
- 60 (8) Section 26-7-14 is repealed December 31, 2027.
- 61 (9) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July  
62 1, 2025.
- 63 (10) Subsection 26-10-6(5), which creates the Newborn Hearing Screening Committee,  
64 is repealed July 1, 2026.
- 65 (11) Section 26-10-11 is repealed July 1, 2025.
- 66 (12) Section 26-10b-106, which creates the Primary Care Grant Committee, is repealed  
67 July 1, 2025.
- 68 (13) Title 26, Chapter 18, Part 2, Drug Utilization Review Board, is repealed July 1,  
69 2027.
- 70 ~~[(14) Subsection 26-18-417(3) relating to a report to the Health and Human services~~  
71 ~~Interim Committee is repealed July 1, 2020.]~~
- 72 [(15)] (14) Subsection 26-18-418(2), the language that states "and the Behavioral  
73 Health Crisis Response Commission created in Section 63C-18-202" is repealed July 1, 2023.
- 74 [(16)] (15) Title 26, Chapter 18a, Kurt Oscarson Children's Organ Transplant  
75 Coordinating Committee, is repealed July 1, 2021.
- 76 [(17)] (16) Section 26-33a-117 is repealed on December 31, 2023.
- 77 [(18)] (17) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1,  
78 2024.
- 79 [(19)] (18) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July  
80 1, 2024.
- 81 [(20)] (19) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is  
82 repealed July 1, 2024.
- 83 [(21)] (20) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July  
84 1, 2024.
- 85 [(22)] (21) Section 26-39-201, which creates the Residential Child Care Licensing  
86 Advisory Committee, is repealed July 1, 2024.
- 87 [(23)] (22) Section 26-40-104, which creates the Utah Children's Health Insurance

88 Program Advisory Council, is repealed July 1, 2025.

89 [~~(24)~~] (23) Section ~~26-50-202~~, which creates the Traumatic Brain Injury Advisory  
90 Committee, is repealed July 1, 2025.

91 [~~(25)~~] (24) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and  
92 Pediatric Neuro-Rehabilitation Fund, is repealed January 1, 2025.

93 [~~(26)~~] (25) Title 26, Chapter 63, Nurse Home Visiting Pay-for-Success Program, is  
94 repealed July 1, 2026.

95 [~~(27)~~] (26) Title 26, Chapter 66, Early Childhood Utah Advisory Council, is repealed  
96 July 1, 2026.