

HB0254S01 compared with HB0254

~~text~~ shows text that was in HB0254 but was deleted in HB0254S01.

text shows text that was not in HB0254 but was inserted into HB0254S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Raymond P. Ward proposes the following substitute bill:

HEALTH CARE AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions relating to the use of public funds for contraceptives.

Highlighted Provisions:

This bill:

- ▶ ~~removes a prohibition against using public funds to provide contraceptive services to minors without consent from the minor's parent or guardian;~~
- ▶ ~~amends provisions relating to the provision of contraceptives to minors; and~~
- ▶ ~~makes technical changes~~ requires the Department of Health to apply for certain grants under Title X of the Public Health Service Act; and
- ▶ allows a health care provider to accept Title X funding under certain circumstances.

Money Appropriated in this Bill:

None

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Other Special Clauses:

None

Utah Code Sections Affected:

~~{AMENDS}~~ ENACTS:

~~{76-7-321, as last amended by Laws of Utah 1995, Chapter 20~~

~~—— 76-7-322, as last amended by Laws of Utah 1988, Chapter 50~~

~~—— 76-7-323, as last amended by Laws of Utah 1988, Chapter 50~~

~~—— 76-7-325, as enacted by Laws of Utah 1983, Chapter 94}~~ 26-1-41, Utah Code

Annotated 1953

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

Section 1. Section ~~{76-7-32}~~ 26-1-41 is ~~{amended}~~ enacted to read:

~~{76-7-321}~~ 26-1-41. ~~{~~ Definitions:

~~——~~ As used in Sections 76-7-321 through 76-7-325:

~~——~~ (1) "Abortion services" means any material, program, plan, or undertaking which seeks to promote abortion, encourages individuals to obtain an abortion, or provides abortions.

~~——~~ [(2) "Contraceptive services" means any material, program, plan, or undertaking that is used for instruction on the use of birth control devices and substances, encourages individuals to use birth control methods, or provides birth control devices.]

~~——~~ (2) "Contraceptive" means an appliance, drug, or medical preparation intended or having special utility for prevention of conception.

~~——~~ (3) "Funds" means any money, supply, material, building, or project provided by this state or its political subdivisions.

~~——~~ (4) "Health care provider" means the same as that term is defined in Section 78B-3-403.

~~——~~ [(4)] (5) "Minor" means any person under the age of 18 who is not otherwise emancipated, married, or a member of the armed forces of; Title X grant funding --

Application -- Prioritization of funds -- Accepting Title X grant funding.

(1) Before June 1, 2020, the department shall, for purposes of grants offered under Title X of the Public Health Service Act, 42 U.S.C. Sec. 300 et seq., shall:

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(a) determine whether the requirements of 42 C.F.R. Sec. 59.5(a)(4) pertaining to providing certain services to a minor without parental consent may be waived; and

(b) if the department determines that the requirement described in Subsection (1)(a) may be waived, request a waiver of the requirement described in Subsection (1)(a).

(2) The department shall submit an application to the United States~~f~~:

~~Section 2. Section 76-7-322 is amended to read:~~

~~**76-7-322. Public funds for provision of abortion services restricted:**~~

~~No funds of the state or its political subdivisions shall be used to provide [contraceptive or] abortion services to an unmarried minor without the prior written consent of the minor's parent or guardian.~~

~~Section 3. Section 76-7-323 is amended to read:~~

~~**76-7-323. Public funds for support entities providing abortion services restricted:**~~

~~No agency of the state or its political subdivisions shall approve any application for funds of the state or its political subdivisions to support, directly or indirectly, any organization or health care provider that provides [contraceptive or] abortion services to an unmarried minor without the prior written consent of the minor's parent or guardian. No institution shall be denied state or federal funds under relevant provisions of law on the ground that a person on its staff provides contraceptive or abortion services in that person's private practice outside of such institution.~~

~~Section 4. Section 76-7-325 is amended to read:~~

~~**76-7-325. Notice to parent or guardian of minor requesting contraceptive --**~~

~~**Penalty for violation:**~~

~~(1) [Any person before] Before providing contraceptives to a minor} Department of Health and Human Services for a grant under Title X of the Public Health Service Act, 42 U.S.C. Sec. 300 et seq.~~

(3) For any grant funding received by the department under Subsection (2), the department shall:

(a) prioritize entities that efficiently provide family planning services to low income women; and

(b) for entities that meet the criteria described in Subsection (3)(a), give positive consideration to an entity that:

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(i) expands the availability of family planning services, prenatal and postnatal care in low-income, rural, and under-served areas of the state;

(ii) provides support for a woman to carry a pregnancy to term;

(iii) emphasizes the health and viability of the fetus; or

(iv) provides education and maternity support.

(4) Notwithstanding Sections 76-7-322, 76-7-323, and 76-7-325, a health care provider ~~{ shall notify[, whenever possible,] the minor's parents or guardian of the service requested to be provided to such minor[. Contraceptives shall be defined as appliances (including but not limited to intrauterine devices), drugs, or medicinal preparations intended or having special utility for prevention of conception.} unless~~ may accept funds and provide services under Title X of the Public Health Service Act, 42 U.S.C. Sec. 300 et seq., if the health care provider:

(a) ~~{determines that it would be detrimental to the health of the minor to withhold contraceptives until parental consent can be obtained; and~~

~~(b) documents in the minor's medical record the reason that the health care provider believes that requiring parental consent for the contraceptive would be detrimental to the health of the minor.~~

~~[(2) Any person in violation of this section shall be guilty of a class C misdemeanor.]~~

~~(2) A health care provider who violates this section is guilty of unprofessional conduct under Section 58-1-501.~~

~~}~~ accepts funding from the state Medicaid program;

(b) complies with 42 U.S.C. Sec. 1396d(a)(xvii)(4)(c); and

(c) agrees to comply with the requirements of 42 U.S.C. Sec. 1396d(a)(xvii)(4)(c) with respect to the funds received under Title X of the Public Health Service Act, 42 U.S.C. Sec. 300 et seq.