An Act

ENROLLED SENATE
BILL NO. 900

By: Standridge of the Senate

and

Grau, Derby and Crockroft
of the House

An Act relating to public health and safety; creating the Prioritization of Public Funding in the Purchasing of Family Planning and Counseling Services Act; defining terms; establishing priority of public funding for family planning services; authorizing district attorney or Attorney General to bring certain action; providing for standing of certain entities to bring certain action; providing for attorney fees in certain circumstances; providing for severability; providing for codification; and providing an effective date.

SUBJECT: Prioritization of public funding

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-747.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

This act shall be known as the "Prioritization of Public Funding in the Purchasing of Family Planning and Counseling Services Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-747.2 of Title 63, unless there is created a duplication in numbering, reads as follows:

As used in the Prioritization of Public Funding in the Purchasing of Family Planning and Counseling Services Act:

1. "Public funds" means state funds from whatever source, including without limitation state general revenue funds, state special account and limited purpose grants and/or loans, and federal funds provided under Title V (42 U.S.C., Section 701 et seq.), Title X (42 U.S.C., Section 300 et seq.), Title XIX (42 U.S.C., Section 1396 et seq.), Title XX (42 U.S.C., Section 1397 et seq.) and Title X (42 U.S.C., Section 1786 et seq.);

2. "Federally qualified health center" means a health care provider that is eligible for federal funding under 42 U.S.C., Section 1396d(1)(2)(B);

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

4. "Hospital" means a primary or tertiary care facility licensed as a hospital under the laws of this state; and

5. "Department" means the Oklahoma Health Care Authority or the State Department of Health.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-747.3 of Title 63, unless there is created a duplication in numbering, reads as follows:

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

1. To public entities;

2. To nonpublic hospitals, federally qualified health centers, and rural health clinics; and

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

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-747.4 of Title 63, unless there is created a duplication in numbering, reads as follows:

A cause of action in law or equity for recoupment, declaratory or injunctive relief against any person who has intentionally violated the Prioritization of Public Funding in the Purchasing of Family Planning and Counseling Services Act may be maintained by a district attorney with appropriate jurisdiction, or by the Attorney General.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-747.5 of Title 63, unless there is created a duplication in numbering, reads as follows:

If any one or more provisions, sections, subsections, sentences, clauses, phrases or words of this act or the application thereof to any person or circumstance is found to be unconstitutional, the same is hereby declared to be severable and the balance of the Prioritization of Public Funding in the Purchasing of Family Planning and Counseling Services Act shall remain effective notwithstanding such unconstitutionality. The Legislature hereby declares that it would have passed this act, and each provision, section, subsection, sentence, clause, phrase or word thereof, irrespective of the fact that any one or more provisions, sections, subsections, sentences, clauses, phrases or words of the act, or the application of the act, would be declared unconstitutional.

SECTION 6. This act shall become effective November 1, 2013.

Passed the Senate the 22nd day of May, 2013.

Presiding Officer of the Senate

Passed the House of Representatives the 24th day of May, 2013.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 24th

day of May, 20 13, at 10:18 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 29th

day of May, 20 13, at 4:16 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 29th

day of May, 20 13, at 5:25 o'clock P. M.

By: Chris Morris