STUDENTS FOR LIFE ACTION

Model Legislation

Defunding Planned Parenthood Act

HOUSE/SENATE BILL NO. _____

Prohibit Planned Parenthood Participation in Medicaid and Prohibit Other Government Funding

SECTION _____ is amended to add an additional section to read as follows:

A. Definitions:

"Abortion" means the act of using, prescribing, administering, procuring, or selling of any instrument, medicine, drug, or any other substance, device, or means with the purpose to terminate the clinically diagnosable pregnancy of a woman, with knowledge that the termination by any of those means will, with reasonable likelihood, cause the death of the preborn child.

A physician's performance of a medical procedure or treatment designed or intended to prevent the death of a pregnant woman and not designed or intended to kill the unborn child is not an abortion under this section.

An act under this section is not an abortion if the act is performed with the purpose to:

i. produce a live birth and save the life or preserve the health of the preborn child;
ii. remove a dead preborn child and remaining tissue; or
iii. remove a verified, ectopic pregnancy.

"Hospital" has the same meaning as that term is defined in §_____[state code/statute].

"Pregnancy" means the period of time from fertilization until birth and is calculated from the first day of the pregnant woman's last menstrual period.

"Public funds" means state funds from whatever source, including without limitation state general funds, non-general 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.

B. The Department_____[enter official title of the state's health department], shall do all of the following:
   1. Disenroll *Planned Parenthood Federation of Am*erica, Inc., and associated entities as Medicaid providers or providers of any kind of service funded by taxpayers.
   2. Discontinue any Medicaid contracts with *Planned Parenthood Federation of America, Inc.,* and associated entities.
   3. Discontinue any and all contracts with *Planned Parenthood Federation of America, Inc.,* and associated entities, for any kind of service, research, or education.
   4. Engage other Medicaid providers to provide Medicaid services previously provided by *Planned Parenthood Federation of America, Inc*., and associated entities.

C. The Department shall not enter into a contract with, or make a grant to, any entity that conducts abortions or maintains or operates a facility where abortions are conducted; any entity that makes referrals for abortions; or any entity that has an affiliate that provides abortions or makes referrals for abortions, provided, however, that nothing in this subsection shall be construed to apply to hospitals license pursuant to § _____, [Code/Statute].

D. 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.

E. 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 _____ 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's fees and court costs.

F. Notwithstanding any other law to the contrary, a court may not award attorney's fees or court costs to a defendant in a civil action brought under this section.

G. If any provision of this section or its application to any particular person, entity or circumstance is held invalid, that provision or its application is severable and does not affect the validity of other provisions or applications of this section.