AN ACT

AMENDING TITLE 35, CHAPTER 1, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 35-196.05; RELATING TO PUBLIC FUNDING OF FAMILY PLANNING SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 35, chapter 1, article 5, Arizona Revised Statutes, is amended by adding section 35-196.05, to read:

35-196.05. Public funding; family planning services; contracting with certain facilities; prohibition; enforcement; definitions

A. Subject to any applicable requirements of federal law, regulations or guidelines, any appropriation, expenditure or grant of public monies for family planning services by this state or any political subdivision of this state shall be made in the following order of priority:

1. To health care facilities that are owned or operated by this state or any political subdivision of this state.
2. To hospitals and federally qualified health centers.
3. To rural health clinics.
4. To health care providers whose primary area of practice is the provision of primary health services as enumerated in 42 United States Code section 254b(b)(1).

B. This state or any political subdivision of this state may not enter into a contract with or make a grant to any person that performs nonfederally qualified abortions or maintains or operates a facility where nonfederally qualified abortions are performed for the provision of family planning services.

C. The attorney general or the county attorney may bring an action in law or equity to enforce this section, and relief shall be made available in appropriate circumstances, including recoupment and declaratory and injunctive relief.

D. Any entity that is eligible for the receipt of public monies has standing to bring any action that the attorney general or the county attorney may bring pursuant to subsection C of this section, if the expenditure or grant of public monies has resulted in the reduction of public monies available to that entity.

E. Any monies that are recouped under actions taken pursuant to subsection C or D of this section shall revert to the fund from which the monies were appropriated or granted. A prevailing plaintiff under subsection C or D of this section shall be awarded reasonable attorney fees and costs.

F. For the purposes of this section:
1. "Abortion" has the same meaning prescribed in section 36-2151.
2. "Federally qualified health center" means a health care provider that is eligible for federal funding under 42 United States Code section 1396d(1)(2)(B).
3. "Hospital" means a primary or tertiary care facility licensed pursuant to title 36, chapter 4, article 2.
4. "Nonfederally qualified abortion" means an abortion that does not meet the requirements for federal reimbursement under title XIX of the social security act.
5. "PUBLIC MONIES" MEANS STATE MONIES FROM WHATEVER SOURCE, MONIES OF A POLITICAL SUBDIVISION FROM WHATEVER SOURCE AND FEDERAL MONIES PROVIDED UNDER TITLE X OF THE PUBLIC HEALTH SERVICE ACT (42 UNITED STATES CODE SECTIONS 300 THROUGH 300a-8) AND TITLES V, XIX AND XX OF THE SOCIAL SECURITY ACT.

6. "RURAL HEALTH CLINIC" MEANS A HEALTH CARE PROVIDER THAT IS ELIGIBLE TO RECEIVE FEDERAL FUNDING UNDER 42 UNITED STATES CODE SECTION 1395x(aa)(2).

Sec. 2. **Effect on appropriations**

Any appropriation of public monies that has been made by this state or any political subdivision of this state in derogation of this act is null and void, and the monies shall revert to the fund from which the monies were appropriated.

Sec. 3. **Severability**

If a provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.