AN ACT

Amending the act of April 9, 1929 (P.L.343, No.176), entitled "An act relating to the finances of the State government; providing for cancer control, prevention and research, for ambulatory surgical center data collection, for the Joint Underwriting Association, for entertainment business financial management firms, for private dam financial assurance and for reinstatement of item vetoes; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth, authorizing the Commonwealth to issue tax anticipation notes to defray current expenses, implementing the provisions of section 7(a) of Article VIII of the Constitution of Pennsylvania authorizing and restricting the incurring of certain debt and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws
imposing taxes for State purposes, or to pay license fees or
other moneys to the Commonwealth, or any agency thereof,
every State depository and every debtor or creditor of the
Commonwealth," in 2021-2022 budget implementation, further
providing for definitions and for Department of Human
Services; and repealing provisions relating to family
planning funding limitations.

The General Assembly of the Commonwealth of Pennsylvania

hereby enacts as follows:

Section 1. Section 1702-B of the act of April 9, 1929
(P.L.343, No.176), known as The Fiscal Code, repealed and added
June 30, 2021 (P.L.62, No.24), is amended by adding a definition
to read:

Section 1702-B. Definitions.
The following words and phrases when used in this article
shall have the meanings given to them in this section unless the
context clearly indicates otherwise:
"Crisis pregnancy center." An establishment that provides
counseling and other prenatal services to a pregnant woman to
persuade the pregnant woman to choose parenthood or adoption
over abortion services.

  * * *

Section 2. Section 1729-B(5) of the act, repealed and added
June 30, 2021 (P.L.62, No.24), is amended to read:
Section 1729-B. Department of Human Services.
The following apply to appropriations for the Department of
Human Services:
  * * *
(5) The following shall apply:

  [(i) Money appropriated for women's service programs
  grants to nonprofit agencies whose primary function is to
  promote childbirth and provide alternatives to abortion
  shall be expended to provide services to women until

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childbirth and for up to 12 months thereafter, including
food, shelter, clothing, health care, counseling,
adoption services, parenting classes, assistance for
postdelivery stress and other supportive programs and
services and for related outreach programs. Agencies may
subcontract with other nonprofit entities that operate
projects designed specifically to provide all or a
portion of these services. Projects receiving money
referred to in this subparagraph shall not promote, refer
for or perform abortions or engage in any counseling
which is inconsistent with the appropriation referred to
in this subparagraph and shall be physically and
financially separate from any component of any legal
entity engaging in such activities.]}

(ii) Federal funds appropriated for TANF BG
Alternatives to Abortion shall be utilized solely for
services to women whose gross family income is below 185%
of the Federal poverty guidelines.

(iii) No money shall be appropriated to a crisis
pregnancy center.

* * *

Section 3. Article XVII-D of the act is repealed:

[ARTICLE XVII-D
FAMILY PLANNING FUNDING LIMITATIONS
Section 1701-D. Scope.
This article relates to family planning funding limitations.
Section 1702-D. Definitions.
The following words and phrases when used in this article
shall have the meanings given to them in this section unless the
context clearly indicates otherwise:
"Abortion." As defined in 18 Pa.C.S. § 3203 (relating to definitions).

"Abortion-related activities." Activities that consist of any of the following:

(1) Performing or directly assisting in abortions.

(2) Referring a pregnant woman to an abortion provider for an abortion.

(3) Counseling that advocates for or promotes abortion, including counseling that advocates abortion as an option for dealing with an unwanted pregnancy.

"Family planning appropriation." Moneys appropriated by the General Assembly from Commonwealth revenue sources and Federal revenue sources for the purpose of funding family planning services or a combination of family planning services and other programs. In the case of a general appropriation or any other appropriation containing more than one line item, the term "family planning appropriation" shall only refer to those line items that may be expended for family planning services.

"Family planning services." Diagnosis, treatment, tests, drugs, supplies, counseling and other contraceptive services which are provided to an individual of childbearing age to enable that individual to prevent pregnancy. The term does not include abortion-related activities.

"Family planning services provider." A person that receives a grant or other payment or reimbursement from the Department of Public Welfare or the Department of Health, as appropriate, from a family planning appropriation for the purpose of providing family planning services, including, but not limited to, any appropriation for women's medical services, family planning service programs authorized under Medicaid and any programs
funded through a Social Services Block Grant or a Temporary Assistance for Needy Families Block Grant.

"Person." Includes a corporation, partnership, limited liability company, business trust, other association, government entity, estate, trust, foundation or natural person.

"Project." A group or set of family planning services or a combination of family planning services and other services which are funded in whole or in part from a family planning appropriation and which are furnished pursuant to a grant, contract or other agreement between a family planning services provider and the Department of Public Welfare or the Department of Health, as appropriate, or furnished by a subcontractor of such provider pursuant to such grant, contract or other agreement.

"Subcontractor." A person who furnishes family planning services directly to individuals pursuant to a grant, contract or other agreement between that person and a family planning services provider or other entity that contracts with such provider for the purpose of providing family planning services, if family planning services furnished to such individuals are funded from a family planning appropriation.

"Women's medical services." A line item appropriation for a program that expressly authorizes the expenditure of funds for women's medical services and contraceptives.

Section 1703-D. Ban on use of family planning funds for abortion-related activities.

Except as provided in section 1705-D, no family planning services provider or subcontractor shall expend any funds received from a family planning services appropriation on abortion-related activities.
Section 1704-D. Duties of family planning services providers and subcontractors.

(a) Physical and financial separation of abortion and family planning activities.--Each family planning services provider and subcontractor shall keep a project physically and financially separate from abortion-related activities conducted by that family planning services provider or subcontractor.

(b) Inclusion of restrictions in contracts.--The restrictions and conditions specified in this article shall be made a part of every grant, contract or other agreement between the Department of Public Welfare or the Department of Health, as appropriate, and each family planning services provider and every grant, contract or other agreement between a family planning services provider and a subcontractor.

(c) Inspections and audits.--A family planning services provider who also performs abortion-related activities shall obtain an annual independent audit of its facilities to assure compliance with the physical and financial separation requirements of this article. The audit shall be conducted in accordance with standards prescribed by the Department of Public Welfare or the Department of Health, as appropriate, and shall be submitted to the department no later than January 30 of each year. Further evidence of such physical and financial separation shall be supplied through such documentation as the Department of Public Welfare or the Department of Health, as appropriate, shall request. The Department of Public Welfare or the Department of Health, as appropriate, shall make the audits required by this subsection available for public inspection and copying.

Section 1705-D. Exclusions.
(a) Certain exclusions.--This article does not apply to any of the following:

(1) A licensed hospital.

(2) A family planning services provider who is a natural person, who is licensed to provide medical services in this Commonwealth and whose only public funding is through a medical assistance appropriation.

(b) Certain abortions.--No abortion, abortion counseling or abortion referral directly related thereto shall be deemed to fall within the definition of an abortion-related activity if:

(1) on the basis of the physician's good faith clinical judgment, the abortion is necessary to prevent the death of the mother or to prevent the serious risk of substantial and irreversible impairment of a major bodily function; or

(2) the abortion is performed in the case of a pregnancy caused by rape or incest.

(c) Certain Title X requirements.--The requirements of this article shall not apply to a family planning services provider or subcontractor that receives Federal funds pursuant to Title X of the Public Health Service Act (58 Stat. 682, 42 U.S.C. § 201 et seq.) to the extent that:

(1) the family planning services provider or subcontractor performs only those nondirective abortion counseling and referral services required under Title X; and

(2) failure to perform those services will result in the withholding of Federal funds.

Section 1706-D. Reports to General Assembly.

No later than March 30 of each year, the Department of Public Welfare and the Department of Health shall submit a report to the chairman and minority chairman of the Appropriations.
Committee of the Senate, to the chairman and minority chairman of the Appropriations Committee of the House of Representatives, to the chairman and minority chairman of the Public Health and Welfare Committee of the Senate and to the chairman and minority chairman of the Health and Human Services Committee of the House of Representatives regarding the audits obtained pursuant to section 1704-D(c), including the number and findings of such audits, the adequacy of the documentation submitted and any recommendations to revise the verification process.

Section 1707-D. Construction.

Nothing in this article shall be construed to:

(1) Repeal or otherwise restrict any provision of 18 Pa.C.S. Ch. 32 (relating to abortion).

(2) Prohibit the use of appropriations for which funding is permitted under 18 Pa.C.S. § 3215(c) (relating to publicly owned facilities; public officials and public funds) if funding for abortions is otherwise permitted under that appropriation and for any counseling or referral directly related thereto.

(3) Preclude, in addition to any remedy or penalty prescribed in this article, the exercise of any other civil or criminal remedy or penalty that is applicable to a failure to comply with this article.

Section 1708-D. Expiration.

This article shall expire immediately upon enactment of legislation which expressly imposes additional substantive programmatic or fiscal restrictions on the funding or delivery of any State-funded family planning services or on the funding or delivery of any family planning services authorized under section 1115 of the Social Security Act (49 Stat. 620, 42 U.S.C. 300x-2(c)).
Section 4. This act shall take effect in 60 days.