
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2626 Session of
2022

INTRODUCED BY SHUSTERMAN, KRAJEWSKI, SCHLOSSBERG, MADDEN,
FRANKEL, HOHENSTEIN, KINKEAD, SANCHEZ, GUENST, SIMS, CEPHAS,
FITZGERALD, HANBIDGE, RABB, STURLA, ISAACSON, KINSEY,
COVINGTON, INNAMORATO, O'MARA, DALEY, VITALI AND HOWARD,
MAY 27, 2022

REFERRED TO COMMITTEE ON HEALTH, MAY 27, 2022

AN ACT

1 Amending the act of April 9, 1929 (P.L.343, No.176), entitled
2 "An act relating to the finances of the State government;
3 providing for cancer control, prevention and research, for
4 ambulatory surgical center data collection, for the Joint
5 Underwriting Association, for entertainment business
6 financial management firms, for private dam financial
7 assurance and for reinstatement of item vetoes; providing for
8 the settlement, assessment, collection, and lien of taxes,
9 bonus, and all other accounts due the Commonwealth, the
10 collection and recovery of fees and other money or property
11 due or belonging to the Commonwealth, or any agency thereof,
12 including escheated property and the proceeds of its sale,
13 the custody and disbursement or other disposition of funds
14 and securities belonging to or in the possession of the
15 Commonwealth, and the settlement of claims against the
16 Commonwealth, the resettlement of accounts and appeals to the
17 courts, refunds of moneys erroneously paid to the
18 Commonwealth, auditing the accounts of the Commonwealth and
19 all agencies thereof, of all public officers collecting
20 moneys payable to the Commonwealth, or any agency thereof,
21 and all receipts of appropriations from the Commonwealth,
22 authorizing the Commonwealth to issue tax anticipation notes
23 to defray current expenses, implementing the provisions of
24 section 7(a) of Article VIII of the Constitution of
25 Pennsylvania authorizing and restricting the incurring of
26 certain debt and imposing penalties; affecting every
27 department, board, commission, and officer of the State
28 government, every political subdivision of the State, and
29 certain officers of such subdivisions, every person,
30 association, and corporation required to pay, assess, or
31 collect taxes, or to make returns or reports under the laws

1 imposing taxes for State purposes, or to pay license fees or
2 other moneys to the Commonwealth, or any agency thereof,
3 every State depository and every debtor or creditor of the
4 Commonwealth," in 2021-2022 budget implementation, further
5 providing for definitions and for Department of Human
6 Services; and repealing provisions relating to family
7 planning funding limitations.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

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

14 Section 1702-B. Definitions.

15 The following words and phrases when used in this article
16 shall have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

18 "Crisis pregnancy center." An establishment that provides
19 counseling and other prenatal services to a pregnant woman to
20 persuade the pregnant woman to choose parenthood or adoption
21 over abortion services.

22 * * *

23 Section 2. Section 1729-B(5) of the act, repealed and added
24 June 30, 2021 (P.L.62, No.24), is amended to read:

25 Section 1729-B. Department of Human Services.

26 The following apply to appropriations for the Department of
27 Human Services:

28 * * *

29 (5) The following shall apply:

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

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

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

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

21 * * *

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

23 [ARTICLE XVII-D

24 FAMILY PLANNING FUNDING LIMITATIONS

25 Section 1701-D. Scope.

26 This article relates to family planning funding limitations.

27 Section 1702-D. Definitions.

28 The following words and phrases when used in this article
29 shall have the meanings given to them in this section unless the
30 context clearly indicates otherwise:

1 "Abortion." As defined in 18 Pa.C.S. § 3203 (relating to
2 definitions).

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

5 (1) Performing or directly assisting in abortions.

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

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

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

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

24 "Family planning services provider." A person that receives
25 a grant or other payment or reimbursement from the Department of
26 Public Welfare or the Department of Health, as appropriate, from
27 a family planning appropriation for the purpose of providing
28 family planning services, including, but not limited to, any
29 appropriation for women's medical services, family planning
30 service programs authorized under Medicaid and any programs

1 funded through a Social Services Block Grant or a Temporary
2 Assistance for Needy Families Block Grant.

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

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

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

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

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

27 Except as provided in section 1705-D, no family planning
28 services provider or subcontractor shall expend any funds
29 received from a family planning services appropriation on
30 abortion-related activities.

1 Section 1704-D. Duties of family planning services providers
2 and subcontractors.

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

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

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

30 Section 1705-D. Exclusions.

1 (a) Certain exclusions.--This article does not apply to any
2 of the following:

3 (1) A licensed hospital.

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

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

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

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

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

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

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

27 Section 1706-D. Reports to General Assembly.

28 No later than March 30 of each year, the Department of Public
29 Welfare and the Department of Health shall submit a report to
30 the chairman and minority chairman of the Appropriations

1 Committee of the Senate, to the chairman and minority chairman
2 of the Appropriations Committee of the House of Representatives,
3 to the chairman and minority chairman of the Public Health and
4 Welfare Committee of the Senate and to the chairman and minority
5 chairman of the Health and Human Services Committee of the House
6 of Representatives regarding the audits obtained pursuant to
7 section 1704-D(c), including the number and findings of such
8 audits, the adequacy of the documentation submitted and any
9 recommendations to revise the verification process.

10 Section 1707-D. Construction.

11 Nothing in this article shall be construed to:

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

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

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

24 Section 1708-D. Expiration.

25 This article shall expire immediately upon enactment of
26 legislation which expressly imposes additional substantive
27 programmatic or fiscal restrictions on the funding or delivery
28 of any State-funded family planning services or on the funding
29 or delivery of any family planning services authorized under
30 section 1115 of the Social Security Act (49 Stat. 620, 42 U.S.C.

1 § 1315).]

2 Section 4. This act shall take effect in 60 days.