

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2324

By: Murphey

4
5
6 AS INTRODUCED

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

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

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

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

24 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:

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

3 1. "Public funds" means state funds from whatever source,
4 including without limitation state general revenue funds, state
5 special account and limited purpose grants and/or loans, and federal
6 funds provided under Title V (42 U.S.C., Section 701 et seq.), Title
7 X (42 U.S.C., Section 300 et seq.), Title XIX (42 U.S.C., Section
8 1396 et seq.), Title XX (42 U.S.C., Section 1397 et seq.) and Title
9 X (42 U.S.C., Section 1786 et seq.);

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

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

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

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

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

22 Subject to any applicable requirements of federal statutes,
23 rules, regulations or guidelines, any expenditures or grants of
24 public funds for family planning or counseling services by the State

1 of Oklahoma, by and through the Department shall be made in the
2 following order of priority:

3 1. To public entities;

4 2. To nonpublic hospitals and federally qualified health
5 centers;

6 3. To rural health clinics; and

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

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

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

19 B. Any entity eligible for the receipt of public funds, as
20 defined in Section 2 of this act, shall possess standing to bring
21 any action that the district attorney or the Attorney General has
22 authority to bring pursuant to the provisions of subsection A of
23 this section; provided however, that it is an expenditure or grant
24 of public funds made in violation of the Prioritization of Public

1 Funding in the Purchasing of Family Planning and Counseling Services
2 Act, has resulted in the reduction of public funds available to it,
3 and that any award of monetary relief shall be made to an
4 appropriate public officer for deposit into one or more accounts
5 maintained by the State of Oklahoma for public funds enumerated in
6 Section 2 of this act.

7 C. If judgment is rendered in favor of the plaintiff in an
8 action described in this section, the court shall also render
9 judgment for a reasonable attorney fee in favor of the plaintiff
10 against the defendant.

11 D. If judgment is rendered in favor of the defendant and the
12 court finds that the plaintiff's suit was frivolous and brought in
13 bad faith, the court shall also render judgment for a reasonable
14 attorney fee in favor of the defendant against the plaintiff.

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

18 If any one or more provisions, sections, subsections, sentences,
19 clauses, phrases or words of this act or the application thereof to
20 any person or circumstance is found to be unconstitutional, the same
21 is hereby declared to be severable and the balance of the
22 Prioritization of Public Funding in the Purchasing of Family
23 Planning and Counseling Services Act shall remain effective
24 notwithstanding such unconstitutionality. The Legislature hereby

1 declares that it would have passed this act, and each provision,
2 section, subsection, sentence, clause, phrase or word thereof,
3 irrespective of the fact that any one or more provisions, sections,
4 subsections, sentences, clauses, phrases, or words of the act, or
5 the application of the act, would be declared unconstitutional.

6 SECTION 6. This act shall become effective November 1, 2012.

7

8 53-2-8646 AM 01/17/12

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24