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HEALTH AND SAFETY CODE - HSC

DIVISION 106. PERSONAL HEALTH CARE (INCLUDING MATERNAL, CHILD, AND ADOLESCENT) [123100 - 125850] (*Division 106 added by Stats. 1995, Ch. 415, Sec. 8.)*

PART 2. MATERNAL, CHILD, AND ADOLESCENT HEALTH [123225 - 124250] (*Part 2 added by Stats. 1995, Ch. 415, Sec. 8.)*

CHAPTER 2. Maternal Health [123375 - 123643] (*Chapter 2 added by Stats. 1995, Ch. 415, Sec. 8.)*

ARTICLE 2.3. Abortion Practical Support Fund [123451 - 123453] (*Article 2.3 added by Stats. 2022, Ch. 47, Sec. 16.)*

123451. (a) As used in this article, the following definitions apply:

- (1) "Abortion" has the same meaning as defined in Section 123464.
- (2) "Department" means the Department of Health Care Access and Information.
- (3) "Fund" means the Abortion Practical Support Fund.
- (4) "Grantee" means a qualifying nonprofit organization in California that assists pregnant people with direct practical support for the purposes of obtaining an abortion.
- (5) "Practical support" means financial or in-kind assistance to help a person access and obtain an abortion in California.

(b) The Abortion Practical Support Fund is hereby established in the State Treasury for the purpose of providing grants described in Section 123452. Notwithstanding Section 13340 of the Government Code, moneys in the Abortion Practical Support Fund are continuously appropriated to the department for providing grants described in Section 123452 and administrative costs as described in subdivision (d).

(c) Notwithstanding any other law, the department may receive and deposit moneys in the fund from the following entities:

- (1) Nonstate entities, such as private sector or philanthropic entities.
- (2) Local and federal government agencies.

(d) The department shall administer the fund. No more than 5 percent of the moneys in the fund shall be available for the department's administrative activities related to planning and production of grants.

(e) Beginning no later than July 1, 2022, the fund shall be available to receive moneys from nonstate entities.

(Amended by Stats. 2022, Ch. 738, Sec. 2. (AB 204) Effective September 29, 2022.)

123452. (a) The department, or its contracted vendor, shall use moneys in the fund to administer grants to nonprofit organizations in California that are exempt from taxation under Section 501(c) of the Internal Revenue Code and that either specialize in assisting pregnant people who are low income, or who face other financial barriers. A grant recipient under this subdivision shall use the funds awarded to fund a new program or support an existing program that increases patient access to abortion. By way of nonlimiting examples, the program and the awarded funds may be used for any of the following:

- (1) Practical support services related to seeking abortion.
- (2) Abortion navigators, patient navigators, and community health workers services based in California.
- (3) Case management support for patients seeking abortion.

(4) Costs associated with training volunteers and staff in the provision of practical support services to abortion patients in California.

(5) Costs associated with enabling grantees that meet the requirements of this section to assist pregnant people with practical support services, including staffing and administrative costs.

(6) Costs associated with coordinating practical support services, abortion providers, and other support services in California.

(b) (1) Unless otherwise specified by the department, grants under this article are for a period of one year and may be renewed.

(2) An application for a grant shall be made on a form to be developed by the department or its contracted vendor.

(3) Decisions regarding the grants and the funding level of the grant shall be made after consideration of all relevant factors, such as the grantee's anticipated level of need and the availability of funds.

(c) To administer this section, the department, or its contracted vendor, shall use moneys in the fund to pay direct and indirect costs of the department, or its contracted vendor, including hiring or administrative costs.

(d) The department, or its contracted vendor, shall use moneys in the fund to maintain a system of financial reporting on all aspects of the fund. The financial reporting shall include, but is not limited to, information from the grantees on their expenditures and activities using grant funds associated with this article as the department deems necessary to ensure the use of the funds are consistent with the purposes of this article and the terms of any grant award.

(e) For purposes of this section, the department, or its contracted vendor, shall not require the submission of any identifying personal information about individuals receiving practical support services as part of an application for a grant or reporting of expenditures and activities using grant funds under this article. Information required by the department, or its contracted vendor, may only include information in summary, statistical, or other forms that do not identify particular individuals.

(f) An application for a grant under this article and financial reporting by grantees are exempt from disclosure under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).

(g) Contracts entered into or amended pursuant to this article are exempt from Chapter 6 (commencing with Section 14825) of Part 5.5 of Division 3 of Title 2 of the Government Code, Section 19130 of the Government Code, Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code, and the State Administrative Manual, and are exempt from the review or approval of any division of the Department of General Services.

(Amended by Stats. 2022, Ch. 738, Sec. 3. (AB 204) Effective September 29, 2022.)

123452.5. The department shall conduct an evaluation of the grant program implemented pursuant to Section 123452 and shall report its findings to the Legislature no later than January 1, 2025, and on an annual basis no later than each January 1 thereafter. The first annual report shall cover the period before July 1, 2024. Each subsequent annual report shall cover the previous fiscal year. The department may use moneys in the fund, upon appropriation by the Legislature, for the evaluation of the program. The report shall be submitted in compliance with Section 9795 of the Government Code.

(Added by Stats. 2022, Ch. 566, Sec. 3. (SB 1142) Effective January 1, 2023.)

123453. This article shall be construed to effectuate its legislative intent to support access to abortion in California and build upon its commitment to be a reproductive freedom state. The United States Supreme Court overturned the protections to access abortion under *Roe v. Wade*. For decades, abortion funds, abortion providers, and other community-based organizations have provided direct and indirect support to callers and patients with logistical and practical support needs. The purpose of this article ensures that people seeking abortion care have access to the logistical and practical support resources needed, to diminish barriers to care. The purpose of this article and all of its provisions with respect to the powers granted shall be interpreted to effectuate that intent and purposes to support organizations in California who provide support and resources to people seeking abortion.

(Added by Stats. 2022, Ch. 738, Sec. 4. (AB 204) Effective September 29, 2022.)