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HEALTH AND SAFETY CODE - HSC

DIVISION 107. HEALTH CARE ACCESS AND INFORMATION [127000 - 130079] (*Heading of Division 107 amended by Stats. 2021, Ch. 143, Sec. 28.)*

PART 2. HEALTH POLICY AND PLANNING [127280 - 127697] (*Part 2 added by Stats. 1995, Ch. 415, Sec. 9.)*

CHAPTER 6. Reproductive Health Equity [127630 - 127639] (*Chapter 6 added by Stats. 2022, Ch. 562, Sec. 2.)*

127630. For purposes of this chapter:

- (a) "Abortion" has the same meaning as defined in Section 123464.
- (b) "Contraception" means the services and contraceptive methods described in paragraph (1) of subdivision (b) of Section 1367.25.
- (c) "Department" means the Department of Health Care Access and Information.
- (d) "Fund" means the California Reproductive Health Equity Fund established pursuant to Section 127631.
- (e) "Program" means the California Reproductive Health Equity Program established pursuant to Section 127632.
- (f) "Religious employer" has the same meaning as described in Section 1367.25.

(*Added by Stats. 2022, Ch. 562, Sec. 2. (AB 2134) Effective January 1, 2023.*)

127631. (a) The California Reproductive Health Equity Fund is hereby established.

(b) The primary purpose of the fund is to provide grant funding to safety net providers of abortion and contraception services through the California Reproductive Health Equity Program and to otherwise ensure affordability of and access to abortion and contraception to anyone who seeks care in California, regardless of their ability to pay for care.

(c) The fund shall also be used to pay for the cost of administering the program and for any other purpose authorized by this chapter. The level of expenditure by the department for the administrative support of the program created pursuant to this chapter shall be subject to review and approval annually through the annual budget process.

(d) The department may receive private donations to be deposited into the fund.

(e) The money in the fund is continuously appropriated to the department for the purposes of this chapter. The department shall manage this fund prudently in accordance with the law.

(*Added by Stats. 2022, Ch. 562, Sec. 2. (AB 2134) Effective January 1, 2023.*)

127632. (a) The California Reproductive Health Equity Program is hereby established within the department.

(b) The purpose of the program is to ensure abortion and contraception are affordable for and accessible to all patients, regardless of their ability to pay, and to provide financial support for safety net providers of these services to offset the costs of providing uncompensated care to patients with low incomes who would otherwise lack access to care.

(*Added by Stats. 2022, Ch. 562, Sec. 2. (AB 2134) Effective January 1, 2023.*)

127633. (a) A Medi-Cal enrolled provider, as determined by the State Department of Health Care Services, may apply for a grant, and a continuation award after the initial grant, under this chapter if they agree to provide abortion and contraception services in accordance with all of the following:

(1) The abortion and contraception services provided are within the provider's scope of practice and licensure.

(2) The provider agrees to be identified, in a manner determined by the department, as a participating provider in the program. An institutional provider shall not be required to identify any individual who is an abortion provider as a condition of a grant awarded pursuant to this chapter.

(3) To the extent services provided are covered pursuant to Section 14132 of the Welfare and Institutions Code, the services shall be provided at no cost or a reduced cost to an individual with a household income at or below 400 percent of the federal poverty level who meets both of the following criteria:

(A) Is uninsured or has health care coverage that does not include both abortion and contraception.

(B) Is not otherwise eligible to receive both abortion and contraception at no cost through the Medi-Cal and Family PACT programs.

(b) For purposes of this chapter, an individual's self-declaration of income and source of health care coverage made to the provider at the time of service shall be all that is required to determine whether the individual may be able to access no-cost or reduced-cost services pursuant to this chapter.

(c) This chapter does not require a provider to accept additional patients if, in the reasonable professional judgment of the provider, accepting additional patients would endanger access to, or continuity of, care for existing patients.

(d) The department shall work with the State Department of Health Care Services to notify Medi-Cal enrolled providers of the availability of funding under this chapter, including any pertinent deadlines and other requirements.

(Added by Stats. 2022, Ch. 562, Sec. 2. (AB 2134) Effective January 1, 2023.)

127634. (a) An application for a grant under this chapter shall be made on a form to be developed by the department.

(b) An application shall include both of the following:

(1) A justification of the amount of grant funds requested, including both of the following:

(A) The cost of uncompensated abortion and contraceptive services the applicant provided to patients with household incomes at or below 400 percent of the federal poverty level in the previous 12 months.

(B) The anticipated cost of uncompensated abortion and contraception services to be provided to patients with household incomes at or below 400 percent of the federal poverty level in the upcoming 12 months.

(2) Other pertinent information that the department requires.

(c) The department shall develop an application form and shall begin accepting applications for grants pursuant to this chapter on or before January 1, 2023.

(d) For purposes of subdivision (b), the cost of uncompensated abortion and contraception services shall:

(1) Be calculated based on the amount the provider would expect to receive for providing these services to a patient enrolled in the Medi-Cal program.

(2) Include those services provided through prescription, including laboratory and pharmaceutical, as well as services that are the result of complications related to services provided pursuant to this chapter, to the extent they would be covered pursuant to Section 14132 of the Welfare and Institutions Code.

(e) For purposes of this section, the department shall not require the submission of personal information about individuals receiving uncompensated abortion and contraception services as part of an application. Information required by the department shall only include information in summary, statistical, or other forms that do not identify particular individuals.

(f) An application for a grant under this chapter shall be exempt from disclosure under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).

(Added by Stats. 2022, Ch. 562, Sec. 2. (AB 2134) Effective January 1, 2023.)

127635. (a) Within the limits of funds available, the department may award grants that, in the department's judgment, best promote the purposes described in Section 127632, taking into account all of the following:

(1) The extent to which abortion and contraception services are needed locally.

(2) The ability of the applicant to advance health equity.

(3) The relative need of the applicant.

(b) The department shall determine the amount of an award on the basis of the amount of funds requested.

(c) Unless otherwise specified by the department, an initial grant shall be for a 12-month period.

(d) Determination regarding a grant award shall be made within 60 days of receipt of a completed application.

(Added by Stats. 2022, Ch. 562, Sec. 2. (AB 2134) Effective January 1, 2023.)

127636. (a) An application for a continuation award under this chapter shall be made on a form to be developed by the department.

(b) Decisions regarding continuation awards and the funding level of those awards shall be made after consideration of factors that include the recipient's anticipated level of need and the availability of funds.

(c) Unless otherwise specified by the department, a continuation award shall be for a 12-month period.

(d) An application for a continuation award under this chapter shall be exempt from disclosure under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).

(Added by Stats. 2022, Ch. 562, Sec. 2. (AB 2134) Effective January 1, 2023.)

127637. Funds awarded pursuant to this chapter shall be expended solely for the purpose for which the funds were awarded, in accordance with the approved application and budget, implementation guidance issued by the department, and the terms and conditions of the grant or continuation award.

(Added by Stats. 2022, Ch. 562, Sec. 2. (AB 2134) Effective January 1, 2023.)

127638. In implementing the program, the department shall consult with interested parties, including the State Department of Health Care Services, the Department of Managed Health Care, the Department of Insurance, abortion and contraception providers, consumer advocates, and other stakeholders it deems appropriate.

(Added by Stats. 2022, Ch. 562, Sec. 2. (AB 2134) Effective January 1, 2023.)

127639. The department shall conduct an evaluation of the program and shall report its findings to the Legislature by no later than July 1, 2024, and on an annual basis no later than each July 1 thereafter. The department may use funds in the fund 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. 562, Sec. 2. (AB 2134) Effective January 1, 2023.)