

**641—78.3(88GA, HF766) Distribution of grant funds.** Distribution of grant funds shall be made in a manner that continues access to PREP and SRAE programming.

**78.3(1) Priority.** The department shall distribute all grant funds received to eligible private, governmental, and nonprofit organizations or agencies that are able to deliver services to a county or counties as defined and prioritized by the department.

**78.3(2) Funds restrictions—abortion.**

*a.* Any contract entered into on or after July 1, 2019, by the department to administer PREP or SRAE shall exclude as an eligible applicant any applicant entity that performs abortions, promotes abortions, maintains or operates a facility where abortions are performed or promoted, contracts or subcontracts with an entity that performs or promotes abortions, becomes or continues to be an affiliate of any entity that performs or promotes abortions, or regularly makes referrals to an entity that provides or promotes abortions or maintains or operates a facility where abortions are performed.

*b.* This prohibition shall not be interpreted to include a nonpublic entity that is a distinct location of a nonprofit health care delivery system, if the distinct location provides programming through PREP or SRAE but does not perform abortions or maintain or operate a facility where abortions are performed.

*c.* For the purposes of these rules, “abortion” does not include any of the following:

(1) The treatment of a woman for a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death.

(2) The treatment of a woman for a spontaneous abortion, commonly known as a miscarriage, when not all of the products of human conception are expelled.

**78.3(3) Distinct provider identification number and attestation.**

*a.* Each distinct location of a nonprofit health care delivery system receiving funds from the department under these rules shall be assigned a unique identification number by the department.

*b.* Each distinct location of a nonprofit health care delivery system receiving funds from the department under these rules to administer PREP or SRAE shall provide to the department, on forms provided by the department, a signed attestation that abortions are not performed at the distinct location. The attestation will be completed annually during the application process.

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