

STATE OF IOWA DEPARTMENT OF  
**Health** AND **Human**  
SERVICES

**Funding Prioritization, Restrictions &  
Reporting Requirements: Family Planning  
Services**

IAC 75.5 (88GA,ch85)

December, 2022

## Acknowledgements

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*All funding received at State of Iowa Department of Health and Human Services for the Title X family planning program is federal funding.*

*Legal Disclaimer: No funds shall not be used to promote public support or opposition to any legislative proposal or candidate for public office. Title X prohibits the use of funding to perform, promote, refer for, or support abortion as a method of family planning.*

## Executive Summary

The State of Iowa Health and Human Services is a designated agency to operate the family planning program pursuant to an agreement with the federal government. Congress authorized grants to assist in the establishment and operation of family planning projects, which offer a broad range of acceptable and effective family planning methods, including natural family planning, infertility services and services to adolescents. The majority of the funding available is from the Title X Family Planning Services grant, administered by the United States Department of Health and Human Services (DHHS). The purpose of the program is to promote the health of persons of reproductive age and families by providing access to family planning and reproductive health promotion services. Per [Iowa Administrative Code Chapter 75](#), specific language has been provided on the distribution of grant funds and well as distinct provider identification number and attestation.

## IAC Chapter 75

**641—75.3(88GA,ch85) Distribution of grant funds.** Distribution of grant funds utilizing the following prioritization shall be made in a manner that continues access to family planning services.

**75.3(1) Priority.** The department shall distribute all grant funds received to applicants in the following order of priority:

- a. Public entities that provide family planning services including state, county, or local community health clinics; federally qualified health centers; and community action organizations.
- b. Nonpublic entities that, in addition to family planning services, provide required primary health services as described in 42 U.S.C. §254b(b)(1)(A).
- c. Nonpublic entities that provide family planning services but do not provide required primary health services as described in 42 U.S.C. §254b(b)(1)(A).

**75.3(2) Funds restrictions—abortion.**

- a. Funds shall not be distributed to any 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 performs 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 family planning services but does not perform abortions or maintain or operate as 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 miscarriage, when not all of the products of human conception are expelled.

**75.3(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 shall provide to the department, on forms provided by the department, a signed attestation that abortions are not performed at the distinct location.

**641—75.4(88GA,ch85) Indirect funds restrictions—abortion.** Grant funds shall not be used for direct or indirect costs, including but not limited to administrative costs or expenses, overhead, employee salaries, rent, and telephone or other utility costs, related to performing or promoting abortions as specified in these rules.

**641—75.5(88GA,ch85) Report requirement.**

**75.5(1)** The department shall submit a report, by calendar year, to the governor and the general assembly annually by January 1.

**75.5(2)** The report shall include:

- a. A list of each entity that received funds under 75.3(1)“c” and the amount and type of funds received.
- b. A detailed explanation of how the department determined that the distribution of funds to each entity under 75.3(1)“c,” instead of an entity under 75.3(1)“a” or “b,” was necessary to prevent severe limitations or elimination of access to family planning services in the region of the state where the entity was located.

**HHS Report:**

No entities receiving funds from HHS fall under 75.3(l) “c.”