Senate Bill 308

By: Senators Unterman of the 45th, Shafer of the 48th, Cowsert of the 46th, Ligon, Jr. of the 3rd, Gooch of the 51st and others

**AS PASSED** 

## A BILL TO BE ENTITLED AN ACT

- 1 To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to
- 2 establish the Positive Alternatives for Pregnancy and Parenting Grant Program; to provide
- 3 for a purpose; to provide for definitions; to provide for administration and duties; to provide
- 4 for grant services; to provide criteria; to provide for record maintenance and reporting; to
- 5 provide for reports to the General Assembly; to provide for funding; to provide for
- 6 redesignation of certain Code provisions and conforming changes; to expand authorized
- 7 expenditure of contributed funds; to provide for related matters; to repeal conflicting laws;
- 8 and for other purposes.

## 9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

- 11 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by
- designating the existing provisions of Chapter 2A, relating to the Department of Public
- Health, as Article 1.
- SECTION 2.
- 15 Said title is further amended in Chapter 2A, relating to the Department of Public Health, by
- 16 adding a new article to read as follows:
- 17 "ARTICLE 2
- 18 <u>31-2A-30.</u>
- 19 This article is passed pursuant to the authority of Article III, Section IX, Paragraph VI(i)
- of the Constitution.
- 21 <u>31-2A-31.</u>
- As used in this article, the term:

23 (1) 'Attending physician' means the physician who has primary responsibility at the time

- of reference for the treatment and care of the client.
- 25 (2) 'Client' means a person seeking or receiving pregnancy support services.
- 26 (3) 'Contract management agency' or 'agency' means a nongovernmental charitable
- 27 <u>organization in this state which is a 501(c)(3) tax-exempt organization under the Internal</u>
- 28 Revenue Code of 1986 and whose mission and practice is to provide alternatives to
- 29 <u>abortion services to medically indigent women at no cost.</u>
- 30 (4) 'Direct client service providers' or 'providers' means nonprofit organizations with a
- 31 contractual relationship with the contract management agency and that provide direct
- 32 pregnancy support services to clients at no cost.
- 33 (5) 'Medically indigent' means a person who is without health insurance or who has
- 34 <u>health insurance that does not cover pregnancy or related conditions for which treatment</u>
- and services are sought and whose family income does not exceed 200 percent of the
- 36 <u>federal poverty level as defined annually by the federal Office of Management and</u>
- 37 <u>Budget.</u>
- 38 (6) 'Pregnancy support services' means those services that encourage childbirth instead
- 39 <u>of voluntary termination of pregnancy and which assist pregnant women or women who</u>
- 40 <u>believe they may be pregnant to choose childbirth whether they intend to parent or select</u>
- 41 <u>adoption for the child.</u>
- 42 (7) 'Program' means the Positive Alternatives for Pregnancy and Parenting Grant
- 43 <u>Program.</u>
- 44 (8) 'Trust fund' means the Indigent Care Trust Fund created by Code Section 31-8-152.
- 45 <u>31-2A-32.</u>
- There is established within the department the Positive Alternatives for Pregnancy and
- 47 Parenting Grant Program. The purpose of the grant program shall be to promote healthy
- 48 <u>pregnancies and childbirth by awarding grants to nonprofit organizations that provide</u>
- 49 <u>pregnancy support services.</u>
- 50 <u>31-2A-33.</u>
- 51 (a) The department shall oversee the program and is authorized to contract with a contract
- 52 <u>management agency to administer the program.</u>
- 53 (b) The contract management agency selected by the department shall:
- 54 (1) Create a grant application process:
- 55 (2) Evaluate grant applications and make recommendations to the department;
- 56 (3) Communicate acceptance or denial of grant applications to direct client service
- 57 <u>providers</u>;

- 58 (4) Monitor compliance with the terms and conditions of the grant;
- 59 (5) Maintain records for each grant applicant and award; and
- 60 (6) Coordinate activities and correspondence between the department and direct client
- 61 <u>service providers.</u>
- 62 <u>31-2A-34.</u>
- The services which shall be funded by this program include:
- 64 (1) Medical care and information, including but not limited to pregnancy tests, sexually
- 65 <u>transmitted infection tests, other health screening, ultrasound service, prenatal care, and</u>
- 66 <u>birth classes and planning;</u>
- 67 (2) Nutritional services and education;
- 68 (3) Housing, education, and employment assistance during pregnancy and up to one year
- 69 <u>following a birth;</u>
- 70 (4) Adoption education, planning, and services;
- 71 (5) Child care assistance if necessary for the client to receive pregnancy support services;
- 72 (6) Parenting education and support services for up to one year following a birth;
- 73 (7) Material items which are supportive of pregnancy and childbirth including, but not
- 74 <u>limited to, cribs, car seats, clothing, formula, or other safety devices; and</u>
- 75 (8) Information regarding health care benefits, including but not limited to, available
- Medicaid coverage for the client for pregnancy care that provides health coverage for the
- 77 <u>client's child upon his or her birth.</u>
- 78 <u>31-2A-35.</u>
- 79 (a) Grants shall be awarded annually on a competitive basis to direct client service
- 80 providers who display competent experience in providing the services included in Code
- 81 Section 31-2A-34 pursuant to guidelines and criteria established pursuant to this article.
- 82 (b) The department shall, with input from the agency, determine the maximum grant
- 83 <u>amount to be awarded to each direct client service provider, and such grant amount shall</u>
- 84 <u>not exceed 85 percent of the annual revenue for the prior year of any provider.</u>
- 85 (c) The grant agreement entered into between the agency and a direct client service
- provider shall stipulate that the grant shall be used to provide pregnancy support services
- pursuant to Code Section 31-2A-34. The agreement shall further stipulate that a direct
- 88 <u>client service provider shall not perform, promote, or act as a referral for an abortion,</u>
- 89 <u>except as otherwise provided in paragraph (9) of subsection (a) of Code Section 31-2A-36.</u>
- and that grant funds shall not be used to promote or be otherwise expended for political or
- 91 <u>religious purposes, including, but not limited to, counseling or written material.</u>

- 92 31-2A-36.
- 93 (a) In order to be considered for a grant under this article, each direct client service
- 94 <u>provider shall:</u>
- 95 (1) Be a nonprofit organization incorporated in this state with a tax-exempt status
- 96 pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986;
- 97 (2) Have a primary mission of promoting healthy pregnancy and childbirth;
- 98 (3) Have a system of financial accountability consistent with generally accepted
- 99 <u>accounting principles, including an annual budget;</u>
- 100 (4) Have a board that hires and supervises a director who manages the organization's
- 101 <u>operations</u>;
- 102 (5) Have provided pregnancy support services for a minimum of one year;
- 103 (6) Offer, at a minimum, pregnancy tests and counseling for women who are or may be
- experiencing unplanned pregnancies;
- 105 (7) Provide confidential and free pregnancy support services;
- 106 (8) Provide each pregnant client with accurate information on the developmental
- characteristics of babies and of unborn children, including offering the printed materials
- described in Code Section 31-9A-4 on fetal development and assistance available
- following a birth;
- (9) Ensure that grant money is not used to encourage or affirmatively counsel a client to
- have an abortion unless the client's attending physician diagnoses a condition which
- makes such abortion necessary to prevent her death; to provide her an abortion; or to
- directly refer her to an abortion provider for an abortion; and
- 114 (10) Maintain confidentiality of all data, files, and records of clients related to the
- services provided and in compliance with state and federal laws.
- 116 (b) The department shall publish the direct client service provider criteria on its website.
- 117 <u>31-2A-37.</u>
- Each direct client service provider shall maintain accurate records and report data to the
- agency annually on forms and in the manner required by the department. Reports shall
- include the number of clients who:
- (1) <u>Utilized pregnancy support services</u>;
- 122 (2) Are pregnant;
- (3) Chose childbirth after receiving pregnancy support services;
- (4) Chose adoption after receiving pregnancy support services; and
- (5) Chose abortion after receiving pregnancy support services.
- Each provider may be required to provide other information and data at the discretion of
- the department.

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- 129 Confidentiality of all data, files, and records of clients related to the services provided
- under this article shall be maintained by the department, contract management agency, and
- direct client service providers pursuant to federal and state laws related to privacy of
- medical records, including requirements under the federal Health Insurance Portability and
- 133 <u>Accountability Act of 1996, P.L. 104-191.</u>
- 134 <u>31-2A-39.</u>
- The agency shall conduct an annual audit of each direct client service provider by an
- independent certified public accountant within 120 days of the completion of its fiscal year
- verifying that it has complied with all requirements of this article and any other
- requirements of the department.
- 139 <u>31-2A-40.</u>
- 140 (a) The department shall annually report to the General Assembly on its use of trust funds
- appropriated to the department pursuant to this article.
- (b) The department shall also provide an annual report no later than September 30 of each
- 143 <u>year beginning September 30, 2017, which shall provide the following information for the</u>
- immediately preceding fiscal year:
- 145 (1) The amount of any contributions or other funding received;
- 146 (2) The total amount of expenses; and
- 147 (3) The amount of trust funds disbursed through the agency to direct client service
- 148 <u>providers.</u>
- (c) The reports required by this Code section shall be made available to the public free of
- charge by electronic means and in such other manner as the department deems appropriate.
- 151 <u>31-2A-41.</u>
- The department is authorized to accept donations, contributions, and gifts and receive,
- hold, and use grants, devises, and bequests of real, personal, and mixed property on behalf
- of the state to enable the department to carry out the functions and purposes of this article."
- SECTION 3.
- 156 Said title is further amended by revising Code Section 31-8-154, relating to authorized
- 157 expenditure of contributed funds, as follows:

- 158 "31-8-154.
- All moneys contributed and revenues deposited and transferred to the trust fund pursuant
- to this article and any interest earned on such moneys shall be appropriated to the
- department for only the following purposes:
- 162 (1) To expand Medicaid eligibility and services;
- 163 (2) For programs to support rural and other health care providers, primarily hospitals,
- who serve the medically indigent;
- 165 (3) For primary health care programs for medically indigent citizens and children of this
- state; or
- (4) For the Positive Alternatives for Pregnancy and Parenting Grant Program established
- under Article 2 of Chapter 2A of this title; or
- 169  $\frac{(4)(5)}{(5)}$  Any combination of purposes specified in paragraphs (1) through  $\frac{(3)}{(4)}$  of this
- 170 Code section."
- 171 SECTION 4.
- 172 Said title is further amended in Code Section 31-8-156, relating to appropriation of state
- 173 funds by General Assembly, by revising subsection (b) as follows:
- 174 "(b) An appropriation pursuant to subsection (a) of this Code section shall specify each
- purpose, if any, as specified in paragraphs (1) through (4) (5) of Code Section 31-8-154,
- for which the trust funds are appropriated thereby."
- 177 SECTION 5.
- 178 All laws and parts of laws in conflict with this Act are repealed.