

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

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:

10 style="text-align:center">**SECTION 1.**

11 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by  
12 designating the existing provisions of Chapter 2A, relating to the Department of Public  
13 Health, as Article 1.

14 style="text-align:center">**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 style="text-align:center">"ARTICLE 2

18 31-2A-30.

19 This article is passed pursuant to the authority of Article III, Section IX, Paragraph VI(i)  
20 of the Constitution.

21 31-2A-31.

22 As used this Code section, the term:

23 (1) 'Client' means a person seeking or receiving pregnancy support services.

24 (2) 'Contract management agency' or 'agency' means a nongovernmental charitable  
 25 organization in this state which is a 501(c)(3) tax-exempt organization under the Internal  
 26 Revenue Code of 1986 and whose mission and practice is to provide alternatives to  
 27 abortion services to medically indigent women at no cost.

28 (3) 'Direct client service providers' or 'providers' means nonprofit organizations with a  
 29 contractual relationship with the contract management agency and that provide direct  
 30 pregnancy support services to clients at no cost.

31 (4) 'Medically indigent' means a person who is without health insurance or who has  
 32 health insurance that does not cover pregnancy or related conditions for which treatment  
 33 and services are sought and whose family income does not exceed 200 percent of the  
 34 federal poverty level as defined annually by the federal Office of Management and  
 35 Budget.

36 (5) 'Pregnancy support services' means those services that encourage childbirth instead  
 37 of voluntary termination of pregnancy and which assist pregnant women or women who  
 38 believe they may be pregnant to choose childbirth whether they intend to parent or select  
 39 adoption for the child.

40 (6) 'Program' means the Positive Alternatives for Pregnancy and Parenting Grant  
 41 Program.

42 (7) 'Trust fund' means the Indigent Care Trust Fund created by Code Section 31-8-152.

43 31-2A-32.

44 There is established within the department the Positive Alternatives for Pregnancy and  
 45 Parenting Grant Program. The purpose of the grant program shall be to promote healthy  
 46 pregnancies and childbirth by awarding grants to nonprofit organizations that provide  
 47 pregnancy support services.

48 31-2A-33.

49 (a) The department shall oversee the program and is authorized to contract with a contract  
 50 management agency to administer the program.

51 (b) The contract management agency selected by the department shall:

52 (1) Create a grant application process;

53 (2) Evaluate grant applications and make recommendations to the department;

54 (3) Communicate acceptance or denial of grant applications to direct client service  
 55 providers;

56 (4) Monitor compliance with the terms and conditions of the grant;

57 (5) Maintain records for each grant applicant and award; and

58 (6) Coordinate activities and correspondence between the department and direct client  
59 service providers.

60 31-2A-34.

61 The services which shall be funded by this program include:

62 (1) Medical care and information, including but not limited to pregnancy tests, sexually  
63 transmitted infection tests, other health screening, ultrasound service, prenatal care, and  
64 birth classes and planning;

65 (2) Nutritional services and education;

66 (3) Housing, education, and employment assistance during pregnancy and up to one year  
67 following a birth;

68 (4) Adoption education, planning, and services;

69 (5) Child care assistance if necessary for the client to receive pregnancy support services;

70 (6) Parenting education and support services for up to one year following a birth; and

71 (7) Material items which are supportive of pregnancy and childbirth including, but not  
72 limited to, cribs, car seats, clothing, formula, or other safety devices.

73 31-2A-35.

74 (a) Grants shall be awarded to direct client service providers annually on a competitive  
75 basis in accordance with guidelines and criteria established pursuant to this article.

76 (b) The department shall, with input from the agency, determine the maximum grant  
77 amount to be awarded to each direct client service provider, and such grant amount shall  
78 not exceed 85 percent of the annual revenue for the prior year of any provider.

79 (c) The grant agreement entered into between the agency and a direct client service  
80 provider shall stipulate that the grant shall be used to provide pregnancy support services  
81 pursuant to Code Section 31-2A-34. The agreement shall further stipulate that a direct  
82 client service provider shall not perform, promote, or act as a referral for an abortion and  
83 that grant funds shall not be used to promote or be otherwise expended for political or  
84 religious purposes, including, but not limited to, counseling or written material.

85 31-2A-36.

86 (a) In order to be considered for a grant under this article, each direct client service  
87 provider shall:

88 (1) Be a nonprofit organization incorporated in this state with a tax-exempt status  
89 pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986;

90 (2) Have a primary mission of promoting pregnancy and childbirth;

- 91 (3) Have a system of financial accountability consistent with generally accepted  
 92 accounting principles, including an annual budget;  
 93 (4) Have a board that hires and supervises a director who manages the organization's  
 94 operations;  
 95 (5) Have provided pregnancy support services for a minimum of one year;  
 96 (6) Offer, at a minimum, pregnancy tests and counseling for women who are or may be  
 97 experiencing unplanned pregnancies;  
 98 (7) Provide confidential and free pregnancy support services;  
 99 (8) Provide each pregnant client with accurate information on the developmental  
 100 characteristics of babies and of unborn children, including offering the printed materials  
 101 described in Code Section 31-9A-4 on fetal development and assistance available  
 102 following a birth;  
 103 (9) Ensure that grant money is not used to encourage or affirmatively counsel a client to  
 104 have an abortion unless such abortion is necessary to prevent her death, to provide her an  
 105 abortion, or to directly refer her to an abortion provider for an abortion; and  
 106 (10) Maintain confidentiality of all data, files, and records of clients related to the  
 107 services provided and in compliance with state and federal laws.  
 108 (b) The department shall publish the direct client service provider criteria on its website.

109 31-2A-37.

110 Each direct client service provider shall maintain accurate records and report data to the  
 111 agency annually on forms and in the manner required by the department. Reports shall  
 112 include the number of clients who:

- 113 (1) Utilized pregnancy support services;  
 114 (2) Are pregnant;  
 115 (3) Chose childbirth after receiving pregnancy support services; and  
 116 (4) Chose adoption after receiving pregnancy support services.

117 Each provider may be required to provide other information and data at the discretion of  
 118 the department.

119 31-2A-38.

120 Confidentiality of all data, files, and records of clients related to the services provided  
 121 under this article shall be maintained by the department, contract management agency, and  
 122 direct client service providers pursuant to federal and state laws related to privacy of  
 123 medical records, including requirements under the federal Health Insurance Portability and  
 124 Accountability Act of 1996, P.L. 104-191.

125 31-2A-39.

126 The agency shall conduct an annual audit of each direct client service provider by an  
 127 independent certified public accountant within 120 days of the completion of its fiscal year  
 128 verifying that it has complied with all requirements of this article and any other  
 129 requirements of the department.

130 31-2A-40.

131 (a) The department shall annually report to the General Assembly on its use of trust funds  
 132 appropriated to the department pursuant to this article.

133 (b) The department shall also provide an annual report no later than September 30 of each  
 134 year beginning September 30, 2017, which shall provide the following information for the  
 135 immediately preceding fiscal year:

136 (1) The amount of any contributions or other funding received;

137 (2) The total amount of expenses; and

138 (3) The amount of trust funds disbursed through the agency to direct client service  
 139 providers.

140 (c) The reports required by this subsection shall be made available to the public free of  
 141 charge by electronic means and in such other manner as the department deems appropriate.

142 31-2A-41.

143 The department is authorized to accept donations, contributions, and gifts and receive,  
 144 hold, and use grants, devises, and bequests of real, personal, and mixed property on behalf  
 145 of the state to enable the department to carry out the functions and purposes of this article."

146 **SECTION 3.**

147 Said title is further amended by revising Code Section 31-8-154, relating to authorized  
 148 expenditure of contributed funds, as follows:

149 "31-8-154.

150 All moneys contributed and revenues deposited and transferred to the trust fund pursuant  
 151 to this article and any interest earned on such moneys shall be appropriated to the  
 152 department for only the following purposes:

153 (1) To expand Medicaid eligibility and services;

154 (2) For programs to support rural and other health care providers, primarily hospitals,  
 155 who serve the medically indigent;

156 (3) For primary health care programs for medically indigent citizens and children of this  
 157 state; ~~or~~

158 (4) For the Positive Alternatives for Pregnancy and Parenting Grant Program established  
159 under Article 2 of Chapter 2A of this title; or  
160 ~~(4)~~(5) Any combination of purposes specified in paragraphs (1) through ~~(3)~~ (4) of this  
161 Code section."

162 **SECTION 4.**

163 Said title is further amended in Code Section 31-8-156, relating to appropriation of state  
164 funds by General Assembly, by revising subsection (b) as follows:

165 "(b) An appropriation pursuant to subsection (a) of this Code section shall specify each  
166 purpose, if any, as specified in paragraphs (1) through ~~(4)~~ (5) of Code Section 31-8-154,  
167 for which the trust funds are appropriated thereby."

168 **SECTION 5.**

169 All laws and parts of laws in conflict with this Act are repealed.