

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 SENATE

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 **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 **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 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 in this Code section, the term:

- 23 (1) 'Attending physician' means the physician who has primary responsibility at the time
 24 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 organization in this state which is a 501(c)(3) tax-exempt organization under the Internal
 28 Revenue Code of 1986 and whose mission and practice is to provide alternatives to
 29 abortion services to medically indigent women at no cost.
- 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 health insurance that does not cover pregnancy or related conditions for which treatment
 35 and services are sought and whose family income does not exceed 200 percent of the
 36 federal poverty level as defined annually by the federal Office of Management and
 37 Budget.
- 38 (6) 'Pregnancy support services' means those services that encourage childbirth instead
 39 of voluntary termination of pregnancy and which assist pregnant women or women who
 40 believe they may be pregnant to choose childbirth whether they intend to parent or select
 41 adoption for the child.
- 42 (7) 'Program' means the Positive Alternatives for Pregnancy and Parenting Grant
 43 Program.
- 44 (8) 'Trust fund' means the Indigent Care Trust Fund created by Code Section 31-8-152.

45 31-2A-32.

46 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 pregnancies and childbirth by awarding grants to nonprofit organizations that provide
 49 pregnancy support services.

50 31-2A-33.

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

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 providers;

- 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 service providers.

62 31-2A-34.

63 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 transmitted infection tests, other health screening, ultrasound service, prenatal care, and
 66 birth classes and planning;
 67 (2) Nutritional services and education;
 68 (3) Housing, education, and employment assistance during pregnancy and up to one year
 69 following a birth;
 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 limited to, cribs, car seats, clothing, formula, or other safety devices; and
 75 (8) Information regarding health care benefits, including but not limited to, available
 76 Medicaid coverage for the client for pregnancy care that provides health coverage for the
 77 client's child upon his or her birth.

78 31-2A-35.

- 79 (a) Grants shall be awarded to direct client service providers annually on a competitive
 80 basis in accordance with guidelines and criteria established pursuant to this article.
 81 (b) The department shall, with input from the agency, determine the maximum grant
 82 amount to be awarded to each direct client service provider, and such grant amount shall
 83 not exceed 85 percent of the annual revenue for the prior year of any provider.
 84 (c) The grant agreement entered into between the agency and a direct client service
 85 provider shall stipulate that the grant shall be used to provide pregnancy support services
 86 pursuant to Code Section 31-2A-34. The agreement shall further stipulate that a direct
 87 client service provider shall not perform, promote, or act as a referral for an abortion and
 88 that grant funds shall not be used to promote or be otherwise expended for political or
 89 religious purposes, including, but not limited to, counseling or written material.

90 31-2A-36.

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

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

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

96 (3) Have a system of financial accountability consistent with generally accepted
 97 accounting principles, including an annual budget;

98 (4) Have a board that hires and supervises a director who manages the organization's
 99 operations;

100 (5) Have provided pregnancy support services for a minimum of one year;

101 (6) Offer, at a minimum, pregnancy tests and counseling for women who are or may be
 102 experiencing unplanned pregnancies;

103 (7) Provide confidential and free pregnancy support services;

104 (8) Provide each pregnant client with accurate information on the developmental
 105 characteristics of babies and of unborn children, including offering the printed materials
 106 described in Code Section 31-9A-4 on fetal development and assistance available
 107 following a birth;

108 (9) Ensure that grant money is not used to encourage or affirmatively counsel a client to
 109 have an abortion unless such abortion is necessary to prevent her death, to provide her an
 110 abortion, or to directly refer her to an abortion provider for an abortion; and

111 (10) Maintain confidentiality of all data, files, and records of clients related to the
 112 services provided and in compliance with state and federal laws.

113 (b) The department shall publish the direct client service provider criteria on its website.

114 31-2A-37.

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

118 (1) Utilized pregnancy support services;

119 (2) Are pregnant;

120 (3) Chose childbirth after receiving pregnancy support services;

121 (4) Chose adoption after receiving pregnancy support services; and

122 (5) Chose abortion after receiving pregnancy support services.

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

125 31-2A-38.

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

131 31-2A-39.

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

136 31-2A-40.

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

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

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

143 (2) The total amount of expenses; and

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

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

148 31-2A-41.

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

152 **SECTION 3.**

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

155 "31-8-154.
 156 All moneys contributed and revenues deposited and transferred to the trust fund pursuant
 157 to this article and any interest earned on such moneys shall be appropriated to the
 158 department for only the following purposes:
 159 (1) To expand Medicaid eligibility and services;
 160 (2) For programs to support rural and other health care providers, primarily hospitals,
 161 who serve the medically indigent;
 162 (3) For primary health care programs for medically indigent citizens and children of this
 163 state; ~~or~~
 164 (4) For the Positive Alternatives for Pregnancy and Parenting Grant Program established
 165 under Article 2 of Chapter 2A of this title; or
 166 ~~(4)(5)~~ Any combination of purposes specified in paragraphs (1) through ~~(3)~~ (4) of this
 167 Code section."

168 **SECTION 4.**

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

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

174 **SECTION 5.**

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