

The House Committee on Health and Human Services offers the following substitute to SB 308:

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 article, 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 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 amount to be awarded to each direct client service provider, and such grant amount shall  
 84 not exceed 85 percent of the annual revenue for the prior year of any provider.  
 85 (c) The grant agreement entered into between the agency and a direct client service  
 86 provider shall stipulate that the grant shall be used to provide pregnancy support services  
 87 pursuant to Code Section 31-2A-34. The agreement shall further stipulate that a direct  
 88 client service provider shall not perform, promote, or act as a referral for an abortion,  
 89 except as otherwise provided in paragraph (9) of subsection (a) of Code Section 31-2A-36,  
 90 and that grant funds shall not be used to promote or be otherwise expended for political or  
 91 religious purposes, including, but not limited to, counseling or written material.

92 31-2A-36.

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

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 accounting principles, including an annual budget;

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

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  
 104 experiencing unplanned pregnancies;

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

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

110 (9) Ensure that grant money is not used to encourage or affirmatively counsel a client to  
 111 have an abortion unless the client's attending physician diagnoses a condition which  
 112 makes such abortion necessary to prevent her death; to provide her an abortion; or to  
 113 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  
 115 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 31-2A-37.

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

121 (1) Utilized pregnancy support services;

122 (2) Are pregnant;

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

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

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

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

128 31-2A-38.

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

134 31-2A-39.

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

139 31-2A-40.

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

142 (b) The department shall also provide an annual report no later than September 30 of each  
 143 year beginning September 30, 2017, which shall provide the following information for the  
 144 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 providers.

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

151 31-2A-41.

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

155 **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.  
 159 All moneys contributed and revenues deposited and transferred to the trust fund pursuant  
 160 to this article and any interest earned on such moneys shall be appropriated to the  
 161 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,  
 164 who serve the medically indigent;  
 165 (3) For primary health care programs for medically indigent citizens and children of this  
 166 state; ~~or~~  
 167 (4) For the Positive Alternatives for Pregnancy and Parenting Grant Program established  
 168 under Article 2 of Chapter 2A of this title; or  
 169 ~~(4)(5)~~ Any combination of purposes specified in paragraphs (1) through ~~(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  
 175 purpose, if any, as specified in paragraphs (1) through ~~(4)~~ (5) of Code Section 31-8-154,  
 176 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.