

House Bill 347

By: Representative Kendrick of the 95th

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 provide for the compensation of pregnant women who, but for a fetal heartbeat law, could
3 choose to terminate the pregnancy but are compelled to carry the pregnancy to term and give
4 birth to a child; to specify the type and duration of compensation; to provide for procedures
5 and requirements to obtain compensation; to provide for a short title; to provide for related
6 matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Georgia Pro-Birth Accountability Act."

10 **SECTION 2.**

11 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by adding
12 a new chapter to read as follows:

13

"CHAPTER 9C14 31-9C-1.

15 A pregnant woman who would be legally allowed to choose to terminate her pregnancy,
16 but for a law prohibiting an abortion upon a detectable human heartbeat of an embryo or
17 fetus, and who is accordingly compelled by the state to carry the pregnancy to term and
18 give birth to a child is entitled to be compensated by the state as provided in Code
19 Section 31-9C-2.

20 31-9C-2.21 Compensation to which a woman is entitled pursuant to Code Section 31-9C-1 includes:22 (1) Reasonable living, legal, medical, psychological, and psychiatric expenses that are
23 directly related to prenatal, intrapartal, and postpartal periods;24 (2) Upon a detectable human heartbeat of an embryo or fetus, eligibility to claim the
25 embryo or fetus as a child for purposes of any child related federal or state income tax
26 credits or deductions, including, but not limited to, the child tax credit, the child and
27 dependent care tax credit, and the earned income tax credit;28 (3) Entitlement of the pregnant woman to be paired with a specially trained nurse to
29 provide home visits from early pregnancy through the child's second birthday;30 (4) Automatic eligibility for and entitlement to any public assistance benefits available
31 pursuant to Chapter 4 or 5 of Title 49, including, but not limited to, Temporary
32 Assistance for Needy Families (TANF) Program and Supplemental Nutrition Assistance
33 Program (SNAP) benefits, which shall not be reduced or suspended before the child
34 reaches 18 years of age, and for the Special Supplemental Nutrition Program for Women,
35 Infants, and Children (WIC);

36 (5) If the woman or embryo or fetus, or both, die during the gestational period or during
37 labor and delivery, reimbursement of all associated funeral and burial expenses and, if
38 the woman dies, payment in compensation of loss of future earnings of the woman;

39 (6) If the woman becomes disabled as a result of carrying the embryo or fetus to term,
40 any medical expenses associated with the woman's disability, including, but not limited
41 to, costs associated with recommended surgery, treatment, physical or occupational
42 therapy, or other medical expenses and lost income of the woman, as long as the woman
43 is disabled;

44 (7) If the child is born with a congenital abnormality or disability, any medical expenses
45 associated with the care of that abnormality or disability, including, but not limited to,
46 costs of hospitalization, therapeutic and ADA-compliant equipment and accommodations,
47 and long-term care and treatment for the life of the child;

48 (8) Costs associated with health, dental, and vision insurance for the child until the age
49 of 18, including payment of any premiums, copays, deductibles, and other expenses;

50 (9) In the case of an unmarried woman, if the biological father of the child is unknown
51 or unable to provide support, child support pursuant to Article 1 of Chapter 6 of Title 19;

52 (10) If the pregnancy was caused by rape or incest, child support pursuant to Article 1
53 of Chapter 6 of Title 19; and

54 (11) A fully funded savings trust agreement pursuant to Section 529 of the Internal
55 Revenue Code to apply distributions toward qualified higher education expenses at any
56 eligible educational institution for the benefit of the child.

57 31-9C-3.

58 (a)(1) To obtain compensation from the state pursuant to Code Section 31-9C-1, a
59 woman shall file an affidavit with the Department of Human Services indicating that, but
60 for a law prohibiting an abortion upon a detectable human heartbeat of an embryo or
61 fetus, she would have chosen to terminate the pregnancy and not give birth to the child.

62 The affidavit may be filed any time after a medical professional determines the existence
63 of a detectable human heartbeat that prevents the woman from terminating the pregnancy
64 and before the birth of the child. The Department of Human Services shall process any
65 claims for compensation pursuant to this chapter in a timely manner.

66 (2) Upon receipt of an affidavit filed by a woman pursuant to this subsection, the
67 Department of Human Services shall assign a case manager to the woman in order to
68 develop a case plan to ensure that the woman is receiving adequate prenatal care, and to
69 determine any available state funded programs and services for which the woman and
70 embryo or fetus are eligible. The case manager shall meet with the pregnant woman
71 monthly in person to ensure that the pregnancy is continuing and that the requisite
72 programs, services, and funding are accessible. As part of the prenatal visits, the case
73 manager shall review all reports of the nurse assigned to the pregnant woman to ensure
74 that the woman is maintaining a nutritious, healthy lifestyle for development of the
75 embryo or fetus. After the birth of the child, the case manager shall make a reasonable
76 number of face-to-face visits, as determined by Department of Human Services
77 regulation, to ensure that the requisite programs, services, and funding continue to be
78 accessible for the woman and her child.

79 (b) The General Assembly shall establish a fund, separate and apart from the general fund,
80 to which shall be annually appropriated sufficient funds to award the compensation
81 authorized and required pursuant to this chapter and to fund the operational costs incurred
82 by the Department of Human Services in fulfilling the duties outlined in subsection (a) of
83 this Code section."

84 **SECTION 3.**

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