

AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

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.**

Said title is further amended in Chapter 2A, relating to the Department of Public Health, by adding a new article to read as follows:

"ARTICLE 2

31-2A-30.

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

31-2A-31.

As used in this article, the term:

- (1) 'Attending physician' means the physician who has primary responsibility at the time of reference for the treatment and care of the client.
- (2) 'Client' means a person seeking or receiving pregnancy support services.
- (3) 'Contract management agency' or 'agency' means a nongovernmental charitable organization in this state which is a 501(c)(3) tax-exempt organization under the Internal

Revenue Code of 1986 and whose mission and practice is to provide alternatives to abortion services to medically indigent women at no cost.

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

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

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

(7) 'Program' means the Positive Alternatives for Pregnancy and Parenting Grant Program.

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

31-2A-32.

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

31-2A-33.

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

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

(1) Create a grant application process;

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

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

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

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

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

31-2A-34.

The services which shall be funded by this program include:

- (1) Medical care and information, including but not limited to pregnancy tests, sexually transmitted infection tests, other health screening, ultrasound service, prenatal care, and birth classes and planning;
- (2) Nutritional services and education;
- (3) Housing, education, and employment assistance during pregnancy and up to one year following a birth;
- (4) Adoption education, planning, and services;
- (5) Child care assistance if necessary for the client to receive pregnancy support services;
- (6) Parenting education and support services for up to one year following a birth;
- (7) Material items which are supportive of pregnancy and childbirth including, but not limited to, cribs, car seats, clothing, formula, or other safety devices; and
- (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 client's child upon his or her birth.

31-2A-35.

- (a) Grants shall be awarded annually on a competitive basis to direct client service providers who display competent experience in providing the services included in Code Section 31-2A-34 pursuant to guidelines and criteria established pursuant to this article.
- (b) The department shall, with input from the agency, determine the maximum grant amount to be awarded to each direct client service provider, and such grant amount shall not exceed 85 percent of the annual revenue for the prior year of any provider.
- (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 client service provider shall not perform, promote, or act as a referral for an abortion, except as otherwise provided in paragraph (9) of subsection (a) of Code Section 31-2A-36, and that grant funds shall not be used to promote or be otherwise expended for political or religious purposes, including, but not limited to, counseling or written material.

31-2A-36.

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

- (1) Be a nonprofit organization incorporated in this state with a tax-exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986;
- (2) Have a primary mission of promoting healthy pregnancy and childbirth;
- (3) Have a system of financial accountability consistent with generally accepted accounting principles, including an annual budget;
- (4) Have a board that hires and supervises a director who manages the organization's operations;
- (5) Have provided pregnancy support services for a minimum of one year;
- (6) Offer, at a minimum, pregnancy tests and counseling for women who are or may be experiencing unplanned pregnancies;
- (7) Provide confidential and free pregnancy support services;
- (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
- (10) Maintain confidentiality of all data, files, and records of clients related to the services provided and in compliance with state and federal laws.

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

31-2A-37.

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) Utilized pregnancy support services;
- (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.

31-2A-38.

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 Accountability Act of 1996, P.L. 104-191.

31-2A-39.

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.

31-2A-40.

(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 year beginning September 30, 2017, which shall provide the following information for the immediately preceding fiscal year:

- (1) The amount of any contributions or other funding received;
- (2) The total amount of expenses; and
- (3) The amount of trust funds disbursed through the agency to direct client service providers.

(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.

31-2A-41.

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.**

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

"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:

- (1) To expand Medicaid eligibility and services;
- (2) For programs to support rural and other health care providers, primarily hospitals, who serve the medically indigent;
- (3) For primary health care programs for medically indigent citizens and children of this state;
- (4) For the Positive Alternatives for Pregnancy and Parenting Grant Program established under Article 2 of Chapter 2A of this title; or
- (5) Any combination of purposes specified in paragraphs (1) through (4) of this Code section."

#### **SECTION 4.**

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

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

#### **SECTION 5.**

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