[DISCUSSION DRAFT]

114TH CONGRESS 1ST SESSION

H. R. _____

To amend title XIX of the Social Security Act to provide greater clarity for States with respect to excluding providers whose actions a State suspects causes termination of infants born alive, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. BLACKBURN introduced the following bill; which was referred to the Committee on ________________

A BILL

To amend title XIX of the Social Security Act to provide greater clarity for States with respect to excluding providers whose actions a State suspects causes termination of infants born alive, and for other purposes.

1 Be it enacted by the Senate and House of Representa-

2 tives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Protecting Infants

5 Born Alive Act”.

September 11, 2015 (4:34 p.m.)
SEC. 2. CLARIFYING STATES’ ABILITY TO EXCLUDE PROVIDERS WHOSE ACTIONS STATES SUSPECT CAUSES TERMINATION OF INFANTS BORN ALIVE.

Section 1902(a)(23) of the Social Security Act (42 U.S.C. 1396a(a)(23)) is amended by inserting before the semicolon at the end the following: “, or as requiring a State to provide medical assistance for such services furnished by a person or entity who has employed a person whose services or actions are suspected by the State of causing the termination of a human infant who would be classified as an infant that is born alive under section 8 of title 1, United States Code”.

SEC. 3. PROTECTING PATIENTS BY NOT PROVIDING FEDERAL FUNDING TO PROVIDERS WHO TERMINATE INFANTS BORN ALIVE.

Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)) is amended by inserting after paragraph (11) the following new paragraph:

“(12) with respect to amounts expended for medical assistance for items and services furnished by a person or entity who has employed a person who has terminated a human infant who would be classified as an infant that is born alive under section 8 of title 1, United States Code;”.

SEC. 4. TERMINATION FROM PARTICIPATION IN FEDERAL HEALTH CARE PROGRAMS OF PROVIDERS WHO TERMINATE INFANTS BORN ALIVE.

Section 1128(a) of the Social Security Act (42 U.S.C. 1320a–7(a)) is amended by adding at the end the following new paragraph:

“(5) Termination of born alive infant.— Any individual or entity who has employed a person who has terminated a human infant who would be classified as an infant that is born alive under section 8 of title 1, United States Code.”.

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to terminations occurring on or after the date of the enactment of this Act.