

[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”.

1 **SEC. 2. CLARIFYING STATES' ABILITY TO EXCLUDE PRO-**
2 **VIDERS WHOSE ACTIONS STATES SUSPECT**
3 **CAUSES TERMINATION OF INFANTS BORN**
4 **ALIVE.**

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

14 **SEC. 3. PROTECTING PATIENTS BY NOT PROVIDING FED-**
15 **ERAL FUNDING TO PROVIDERS WHO TERMI-**
16 **NATE INFANTS BORN ALIVE.**

17 Section 1903(i) of the Social Security Act (42 U.S.C.
18 1396b(i)) is amended by inserting after paragraph (11)
19 the following new paragraph:

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

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

4 Section 1128(a) of the Social Security Act (42 U.S.C.
5 1320a–7(a)) is amended by adding at the end the fol-
6 lowing new paragraph:

7 “(5) **TERMINATION OF BORN ALIVE INFANT.**—
8 Any individual or entity who has employed a person
9 who has terminated a human infant who would be
10 classified as an infant that is born alive under sec-
11 tion 8 of title 1, United States Code.”.

12 **SEC. 5. EFFECTIVE DATE.**

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