

1 AN ACT in relation to civil liabilities.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the
5 Induced Birth Infant Liability Act.

6 Section 5. Findings and intent. The General Assembly
7 finds that all children who are born alive are entitled to
8 equal protection under the law regardless of the
9 circumstances surrounding the birth. Children who are born
10 alive as the result of an induced labor abortion or any other
11 abortion are in special need of protection due to the fact
12 that the intent of their birth is to cause the death of the
13 born child. Therefore, it is the intent of the General
14 Assembly to protect a child who is born alive as the result
15 of an induced labor abortion or any other abortion and to
16 ensure that the child receives all medical care necessary to
17 preserve and protect the life, health, and safety of the
18 child.

19 Section 10. Induced labor abortion; actions. If a child
20 is born alive after an induced labor abortion or any other
21 abortion, a parent of the child or the public guardian of the
22 county in which the child was born may maintain an action on
23 the child's behalf for damages, including all costs of care
24 to preserve and protect the life, health, and safety of the
25 child, punitive damages, costs of suit, and attorney's fees,
26 against any hospital, health care facility, or health care
27 provider who harms or neglects the child or fails to provide
28 medical care to the child after the child's birth. Any
29 damages recovered shall be used to pay for the cost of
30 preserving and protecting the life, health, and safety of the

1 child. If the child does not survive, the balance remaining
2 after the costs of preserving and protecting the life,
3 health, and safety of the child are paid shall be deposited
4 into the Neonatal Care and Perinatal Hospice Fund.

5 Section 15. Neonatal Care and Perinatal Hospice Fund.
6 The Neonatal Care and Perinatal Hospice Fund is created as a
7 special fund in the State treasury. Moneys deposited into the
8 Fund shall, subject to appropriation, be used by the
9 Department of Public Health to make grants for neonatal care
10 or perinatal hospice.

11 Section 90. The State Finance Act is amended by adding
12 Section 5.595 as follows:

13 (30 ILCS 105/5.595 new)

14 Sec. 5.595. The Neonatal Care and Perinatal Hospice
15 Fund.