

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 20. 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 5.545 as follows:

13 (30 ILCS 105/5.545 new)

14 Sec. 5.545. The Neonatal Care and Perinatal Hospice  
15 Fund.