92\_SB1094sam001

## SRS92SB1094JJapam01

AMENDMENT TO SENATE BILL 1094
AMENDMENT NO. \_\_\_\_. Amend Senate Bill 1094 on page 1, by
inserting after line 5 the following:

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

17 Section 10. Induced labor abortion; actions. If a child 18 is born alive after an induced labor abortion or any other 19 abortion, a parent of the child or the public guardian of the 20 county in which the child was born may maintain an action on 21 the child's behalf for damages, including all costs of care 22 to preserve and protect the life, health, and safety of the

1 child, punitive damages, costs of suit, and attorney's fees 2 against any hospital, health care facility, or health care provider who harms or neglects the child or fails to provide 3 4 medical care to the child after the child's birth. Any 5 damages recovered shall be used to pay for the cost of 6 preserving and protecting the life, health, and safety of the 7 child. If the child does not survive, the balance remaining after the costs of preserving and protecting the life, 8 9 health, and safety of the child are paid, shall be deposited into the Neonatal Care and Perinatal Hospice Fund. 10

11 Section 20. Neonatal Care and Perinatal Hospice Fund. 12 The Neonatal Care and Perinatal Hospice Fund is created as a 13 special fund in the State Treasury. Moneys deposited into the 14 Fund shall, subject to appropriation, be used by the 15 Department of Public Health to make grants for neonatal care 16 or perinatal hospice.

Section 90. The State Finance Act is amended by adding
Section 5.545 as follows:
(30 ILCS 105/5.545 new)
Sec. 5.545. The Neonatal Care and Perinatal Hospice

<u>Fund.</u>".

21

-2-