



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/4/2004, by John O. Jones

SYNOPSIS AS INTRODUCED:

New Act
30 ILCS 105/5.625 new

Creates the Induced Birth Infant Liability Act. Provides that it is the intent of the General Assembly to protect the life of a child born alive as a the result of an induced labor abortion. Provides that a parent of the child or the public guardian of the county in which a child was born alive after an induced labor abortion or any other abortion has a cause of action against any hospital, health care facility, or health care provider that fails to provide medical care for the child after birth. Establishes the Neonatal Care and Perinatal Hospice Fund. Provides that, if a child does not survive, any remaining proceeds of an action shall be deposited into the Fund. Provides that the moneys in the Fund shall be used, subject to appropriation, for neonatal care or perinatal hospice. Amends the State Finance Act to create the Neonatal Care and Perinatal Hospice Fund.

LRB093 18508 LCB 44226 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT in relation to civil liabilities.

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

18 Section 10. Induced labor abortion; actions. If a child is
19 born alive after an induced labor abortion or any other
20 abortion, a parent of the child or the public guardian of the
21 county in which the child was born may maintain an action on
22 the child's behalf for damages, including all costs of care to
23 preserve and protect the life, health, and safety of the child,
24 punitive damages, costs of suit, and attorney's fees against
25 any hospital, health care facility, or health care provider who
26 harms or neglects the child or fails to provide medical care to
27 the child after the child's birth. Any damages recovered shall
28 be used to pay for the cost of preserving and protecting the
29 life, health, and safety of the child. If the child does not
30 survive, the balance remaining after the costs of preserving
31 and protecting the life, health, and safety of the child are

1 paid, shall be deposited into the Neonatal Care and Perinatal
2 Hospice Fund.

3 Section 20. Neonatal Care and Perinatal Hospice Fund. The
4 Neonatal Care and Perinatal Hospice Fund is created as a
5 special fund in the State treasury. Moneys deposited into the
6 Fund shall, subject to appropriation, be used by the Department
7 of Public Health to make grants for neonatal care or perinatal
8 hospice.

9 Section 90. The State Finance Act is amended by adding
10 Section 5.625 as follows:

11 (30 ILCS 105/5.625 new)

12 Sec. 5.625. The Neonatal Care and Perinatal Hospice Fund.