

118TH CONGRESS  
1ST SESSION

# S. 3485

To amend title IV of the Social Security Act to establish requirements for biological fathers to pay child support for medical expenses incurred during pregnancy and delivery.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 13, 2023

Mr. RUBIO introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title IV of the Social Security Act to establish requirements for biological fathers to pay child support for medical expenses incurred during pregnancy and delivery.

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 “Supporting Healthy  
5 Pregnancy Act of 2023”.

1 **SEC. 2. REQUIRING BIOLOGICAL FATHERS TO PAY CHILD**  
2 **SUPPORT FOR MEDICAL EXPENSES IN-**  
3 **CURRED DURING PREGNANCY AND DELIV-**  
4 **ERY.**

5 (a) IN GENERAL.—Section 454 of the Social Security  
6 Act (42 U.S.C. 654) is amended—

7 (1) in paragraph (33), by striking “and” after  
8 the semicolon;

9 (2) in paragraph (34), by striking the period  
10 and inserting “; and”;

11 (3) by inserting after paragraph (34), the fol-  
12 lowing:

13 “(35) provide that the State shall establish and  
14 enforce a child support obligation of the biological  
15 father of a child to pay for not less than 50 percent  
16 of the reasonable out-of-pocket medical expenses (in-  
17 cluding health insurance premiums or similar  
18 charge, deductions, cost sharing or similar charges,  
19 and any other related out-of-pocket expenses) the  
20 mother of the child is responsible for that are in-  
21 curred during, and associated with, the pregnancy  
22 and delivery of the child, provided that the mother  
23 requests the payment of such support.”.

24 (b) RULE OF CONSTRUCTION.—

25 (1) IN GENERAL.—Nothing in paragraph (35)  
26 of section 454 of the Social Security Act (42 U.S.C.

1 654), as added by subsection (a), shall be construed  
 2 to imply that an expense associated with an abortion  
 3 is a medical expense.

4 (2) ABORTION DEFINED.—For purposes of this  
 5 subsection, the term “abortion” means the use or  
 6 prescription of any instrument, medicine, drug, or  
 7 other substance or device to intentionally—

8 (A) kill the unborn child of a woman  
 9 known to be pregnant; or

10 (B) prematurely terminate the pregnancy  
 11 of a woman known to be pregnant, with an in-  
 12 tention other than to—

13 (i) increase the probability of a live  
 14 birth or of preserving the life or health of  
 15 the child after live birth; or

16 (ii) remove an ectopic pregnancy or a  
 17 dead unborn child.

18 (c) EFFECTIVE DATE.—

19 (1) IN GENERAL.—Subject to paragraph (2),  
 20 the amendments made by subsection (a) shall take  
 21 effect on January 1 of the first calendar year that  
 22 begins after the date of enactment of this Act.

23 (2) DELAY IF STATE LEGISLATION RE-  
 24 QUIRED.—In the case of a State plan under part D  
 25 of title IV of the Social Security Act which the Sec-

1       retary of Health and Human Services determines re-  
2       quires State legislation (other than legislation appro-  
3       priating funds) in order for the plan to meet the ad-  
4       ditional requirement imposed by the amendments  
5       made by this Act, the State plan shall not be re-  
6       garded as failing to comply with the requirements of  
7       such part solely on the basis of the failure of the  
8       plan to meet such additional requirement before the  
9       first day of the first calendar quarter beginning  
10      after the close of the first regular session of the  
11      State legislature that begins after the date of enact-  
12      ment of this Act. For purposes of the previous sen-  
13      tence, in the case of a State that has a 2-year legis-  
14      lative session, each year of the session shall be  
15      deemed to be a separate regular session of the State  
16      legislature.

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