



Georgia | RANKING 14

Georgia provides significant legal protections for women and unborn children including an informed consent law, a parental involvement requirement for minors considering abortions, and an ultrasound mandate.

ABORTION

- Georgia prohibits abortion at or after 5 months (i.e., 20 weeks) on the basis of the pain felt by unborn children. Further, if an abortion is performed at or after 5 months of pregnancy, the abortion provider must report the medical diagnosis that necessitated the procedure.
- Georgia passed legislation prohibiting abortion after a heartbeat has been detected except when a medical emergency exists or the pregnancy is medically futile. If the pregnancy is the result of rape or incest, an abortion is prohibited after 20 weeks' gestation. The law is enjoined and in ongoing litigation.
- Georgia prohibits partial-birth abortions performed after viability.
- Georgia requires that, 24 hours prior to an abortion, a woman receive information on the medical risks of abortion and pregnancy and the gestational age of the unborn child. A woman must also receive information on medical assistance benefits, child support, and the right to review state-prepared material on a state-sponsored website.
- In addition, a woman must be orally informed that information on fetal pain is available on the state-sponsored website.
- A woman must also be offered the opportunity to view any ultrasound performed as part of the preparation for the abortion. State-developed materials must include information on organizations that provide ultrasounds.
- A physician may not perform an abortion on an unemancipated minor under the age of 18 until at least 24 hours after notice has been given in person or over the telephone to one parent, unless notice is waived in person by the parent who also presents photo identification, there is a medical emergency, or the minor obtains a court order.
- Georgia requires the juvenile court clerk to report judicial bypass statistics.
- Georgia imposes cursory administrative requirements on abortion facilities. Further, second- and third-trimester abortions must be performed in hospitals or ambulatory surgical centers.
- Only physicians licensed to practice medicine and surgery may perform abortions.
- Georgia has an enforceable abortion reporting law but does not require the reporting of information to the Centers for Disease Control (CDC). The measure applies to both surgical and nonsurgical abortions.
- Georgia includes "reproductive healthcare facilities" in the definition of mandatory reporters for suspected child abuse.

- Georgia includes mifepristone (i.e., RU-486) in its definition of “dangerous drugs” which may be dispensed only upon prescription by a “registered practitioner.” However, “practitioner” is defined broadly to include physicians, advance practice nurses, physician assistants, and even veterinarians.
- Georgia follows the federal standard for Medicaid funding for abortions, permitting the use of federal or state matching Medicaid funds for abortions necessary to preserve the life of the woman or when the pregnancy is the result of rape or incest.
- No facility operated on public school property or operated by a public school district and no employee of any such facility acting within the scope of such person’s employment may provide abortions, abortion referrals, or abortion-inducing drugs.
- Georgia prohibits abortion coverage in the state’s health insurance Exchange (established in each state under the federal healthcare law). It also prohibits abortion coverage for state employees.
- Georgia offers “Choose Life” license plates, the proceeds of which benefit organizations providing abortion alternatives.

LEGAL RECOGNITION AND PROTECTION OF UNBORN CHILDREN AND NEWLY BORN INFANTS

- Georgia has created a specific affirmative duty of physicians to provide medical care and treatment to infants born alive at any stage of development.
- Under Georgia criminal law, the killing of an unborn child at any stage of gestation is defined as a form of homicide.
- Georgia also maintains the crime of “feticide-by-vehicle,” making an unborn child at any stage of development a potential victim under the state’s homicide-by-vehicle law.
- Georgia defines a nonfatal assault on an unborn child as a criminal offense.
- Georgia allows a parent or other relative to bring a wrongful death (civil) lawsuit when an unborn child is killed (after “quickenings”) through the negligent or criminal act of another.
- In *Norman v. Xytex Corp.*, the state supreme court held that “claims arising from the very existence of the child are barred,” therefore rejecting wrongful birth/life lawsuits.

BIOETHICS LAWS

- Georgia maintains no laws regulating human cloning, destructive embryo research, fetal experimentation, human egg harvesting, or assisted reproductive technologies.
- Georgia maintains the Newborn Umbilical Cord Blood Bank for postnatal tissue and fluid, making them available for medical research and treatment. All physicians and hospitals must inform pregnant patients of the full range of options for donation of postnatal tissue and fluids.
- Georgia law provides for embryo adoption.

PATIENT PROTECTION LAWS

- Under Georgia law, assisting in another person’s suicide is a felony.

HEALTHCARE FREEDOM OF CONSCIENCE

PARTICIPATION IN ABORTION AND CONTRACEPTION

- A person who objects in writing to participating in abortions and whose objections are based on moral or religious grounds may not be required to participate in any medical procedure that results in an abortion.
- A hospital, medical facility, or physician is not required to admit a woman for the purpose of performing an abortion.
- Georgia provides some protection for the conscience rights of pharmacists and pharmacies.
- Health insurance plans that provide prescription coverage must also provide coverage for contraception. There is no conscience exception for religious employers.

PARTICIPATION IN RESEARCH HARMFUL TO HUMAN LIFE

- Georgia currently provides no protection for the rights of healthcare providers who conscientiously object to participation in human cloning, destructive embryo research, or other forms of medical research that violate a provider's moral or religious beliefs.

WHAT HAPPENS AFTER *ROE* IS OVERTURNED?

- Abortion will be legal up to 20 weeks of pregnancy.

RECOMMENDATIONS FOR GEORGIA

WOMEN'S PROTECTION PROJECT PRIORITIES

- Enhanced penalties and enforcement mechanisms for the state's abortion-related laws
 - Coercive Abuse Against Mothers Prevention Act
 - Women's Health Protection Act (abortion clinic regulations, emergency transfer and admission provisions)
 - Drug-Induced Abortion Information and Reporting Act
 - Parental Consent for Abortion Act
 - Components of the Parental Involvement Enhancement Act
 - Components of the Child Protection Act related to evidence retention and remedies for third-party interference with parental rights
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INFANTS' PROTECTION PROJECT PRIORITIES

- Unborn Infants Dignity Act
 - Prenatal Nondiscrimination Act
 - Perinatal Hospice Information Act
 - Unborn Infants Wrongful Death Act (providing protection from conception)
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PATIENT PROTECTION ACT PRIORITIES

- Joint Resolution Opposing Suicide by Physician
 - Charlie Gard Act (formerly the Life Sustaining Care Act)
 - Pain Management Education Act
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ADDITIONAL PRIORITIES

ABORTION

- Defunding the Abortion Industry and Advancing Women's Health Act

LEGAL RECOGNITION AND PROTECTION FOR THE UNBORN

- Pregnant Woman's Protection Act

BIOETHICS

- Human Cloning Prohibition Act
- Destructive Embryo Research Act
- Prohibition on Public Funding of Human Cloning and Destructive Embryo Research Act

HEALTHCARE FREEDOM OF CONSCIENCE

- Healthcare Freedom of Conscience Act