

Senate Bill 240

By: Senators Hudgens of the 47th, Johnson of the 1st, Starr of the 44th, Thomas of the 54th, Shafer of the 48th and others

AS PASSED SENATE**A BILL TO BE ENTITLED
AN ACT**

1 To amend Article 3 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated,
2 relating to parental notification, so as to define and eliminate certain terms; to require certain
3 types of identification to be presented in order for a physician to perform an abortion; to
4 provide for related matters; to repeal conflicting laws; and for other purposes.

5 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

6 **SECTION 1.**

7 Article 3 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to
8 parental notification, is amended by striking Code Section 15-11-111, relating to definitions,
9 and inserting in lieu thereof the following:

10 "15-11-111.

11 As used in this article, the term:

12 (1) 'Abortion' means the intentional termination of human pregnancy with an intention
13 other than to produce a live birth or to remove a dead fetus.

14 (2) 'Proper identification' means any document issued by a governmental agency
15 containing a description of the person, the person's photograph, or both, including, but
16 not limited to, a driver's license, an identification card authorized under Code Sections
17 40-5-100 through 40-5-104 or similar identification card issued by another state, a
18 military identification card, a passport, or an appropriate work authorization issued by the
19 United States Immigration and Naturalization Service.

20 (2)(3) 'Unemancipated minor' means any person under the age of 18 who is not or has
21 not been married or who is under the care, custody, and control of such person's parent
22 or parents, guardian, ~~person standing in loco parentis~~, or the juvenile court of competent
23 jurisdiction."

SECTION 2.

Said article is further amended by striking Code Section 15-11-112, relating to the notice of an abortion for an unemancipated minor, and inserting in lieu thereof the following:

"(a) No physician or other person shall perform an abortion upon an unemancipated minor under the age of 18 years unless:

(1)(A) The minor seeking an abortion shall furnish a statement, signed be accompanied by a parent; or guardian, or person standing in loco parentis and such minor, stating who shall show proper identification and state that such parent; or guardian, or person standing in loco parentis is the lawful parent or guardian of such minor; or is the person standing in loco parentis of such minor; and that such parent; or guardian, or person standing in loco parentis has been notified that an abortion is to be performed on such minor; or

(B) The physician or an agent gives at least 24 hours' actual notice, in person or by telephone, to a parent; or guardian, or person standing in loco parentis of the minor, of the pending abortion and the name and address of the place where the abortion is to be performed; provided, however, that, if the person so notified indicates that he or she has been previously informed that the minor was seeking an abortion or if the person so notified has not been previously informed and he or she clearly expresses that he or she does not wish to consult with the minor, then in either event the abortion may proceed immediately; or

(C) The physician or an agent gives written notice of the pending abortion and the address of the place where the abortion is to be performed, sent by regular mail, addressed to a parent; or guardian, or person standing in loco parentis of the minor at the usual place of abode of the parent; or guardian, or person standing in loco parentis. Unless proof of delivery is otherwise sooner established, such notice shall be deemed delivered 48 hours after mailing. The time of mailing shall be recorded by the physician or agent in the minor's file. The abortion may be performed 24 hours after the delivery of the notice; provided, however, that, if the person so notified indicates that he or she has been previously informed that the minor was seeking an abortion or if the person so notified has not been previously informed and he or she clearly expresses that he or she does not wish to consult with the minor, then in either event the abortion may proceed immediately; and

(2) The minor signs a consent form stating that she consents, freely and without coercion, to the abortion.

(b) If the unemancipated minor or the physician or an agent, as the case may be, elects not to comply with any one of the notification requirements of subparagraph (a)(1)(A), (a)(1)(B), or (a)(1)(C) of this Code section, or if the parent; or legal guardian, or person

1 standing in loco parentis of such the minor cannot be located, such the minor may petition,
2 on such the minor's own behalf or by next friend, any juvenile court in the state for a
3 waiver of such requirement pursuant to the procedures provided for in Code Section
4 15-11-114. Such The juvenile court shall assist the minor or next friend in preparing the
5 petition and notices required pursuant to this Code section. Venue shall be lawful in any
6 county, notwithstanding Code Section 15-11-29."

SECTION 3.

8 Said article is further amended by striking subsection (c) of Code Section 15-11-114, relating
9 to the conduct of the hearing and appeal, and inserting in lieu thereof the following:

10 "(c) The notification requirement of subparagraph (a)(1)(A), (a)(1)(B), or (a)(1)(C) of
11 Code Section 15-11-112 shall be waived if the court finds either:

12 (1) That the unemancipated minor is mature enough and well enough informed to make
13 the abortion decision in consultation with her physician, independently of the wishes of
14 such minor's parent; or guardian; ~~or person standing in loco parentis~~; or
15 (2) That the notice to a parent or, if the minor is subject to guardianship, the legal
16 guardian ~~or person standing in loco parentis~~ pursuant to Code Section 15-11-112 would
17 not be in the best interests of the minor."

SECTION 4.

19 All laws and parts of laws in conflict with this Act are repealed.