

House Bill 351

By: Representatives Loudermilk of the 14<sup>th</sup>, Rice of the 51<sup>st</sup>, Coan of the 101<sup>st</sup>, Mills of the 25<sup>th</sup>, Walker of the 107<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 7 of Title 49 of the Official Code of Georgia Annotated, relating to  
2 family-planning services, so as to define certain terms; to authorize agencies to provide  
3 medical referral services under certain conditions; to require parental notification for an  
4 unemancipated minor to receive medical referral services or birth control devices; to change  
5 certain provisions relating to right to refuse services; to change certain provisions relating  
6 to right of employee to refuse to offer services; to change certain provisions relating to plans  
7 and programs to carry out chapter; to provide for related matters; to repeal conflicting laws;  
8 and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Chapter 7 of Title 49 of the Official Code of Georgia Annotated, relating to family-planning  
12 services, is amended by revising Code Section 49-7-2, relating to definitions, as follows:

13 "49-7-2.

14 As used in this chapter, the term:

15 (1) 'Agencies' means the department, county boards of health, health districts, county  
16 departments of family and children services, and district departments of family and  
17 children services.

18 (2) 'Birth control device' or 'contraceptive' means any drug, medical preparation,  
19 medical procedure, medical device, rhythm chart, or any related product whose primary  
20 function is to prevent impregnation during sexual activity.

21 (3) 'Family-planning services' means counseling and interviews with trained personnel  
22 regarding birth control, infertility, and family-planning methods and procedures; and  
23 distribution of literature relating to birth control, infertility, and family planning; referral  
24 to licensed physicians or local health departments for consultation, examination, tests,  
25 medical treatment, and prescriptions for the purposes of birth control, infertility, and  
26 family planning; and, to the extent prescribed, the distribution of rhythm charts, drugs,

27 ~~medical preparations, contraceptive devices, and similar products used for birth control~~  
 28 ~~and family planning.~~

29 (4) 'Medical referral services' means referral to licensed physicians or local health  
 30 departments for consultation, examination, tests, medical treatment, and prescriptions for  
 31 the purposes of birth control, infertility, and family planning.

32 (5) 'Proper identification' means any document issued by a governmental agency  
 33 containing a description of the person, the person's photograph, or both, including, but  
 34 not limited to, a driver's license, an identification card authorized under Code Sections  
 35 40-5-100 through 40-5-104 or similar identification card issued by another state, a  
 36 military identification card, a passport, or an appropriate work authorization issued by the  
 37 United States Citizenship and Immigration Services.

38 (6) 'Unemancipated minor' means any person under the age of 18 who is not or has not  
 39 been married or who is under the care, custody, and control of such person's parent or  
 40 parents, guardian, or the juvenile court of competent jurisdiction."

#### 41 **SECTION 2.**

42 Said chapter is further amended by adding a new Code section to read as follows:

43 "49-7-3.1.

44 Within the limitations of the funds available to such agencies, all agencies are further  
 45 authorized to offer medical referral services, contraceptives, and birth control devices to  
 46 any person who is not an unemancipated minor and is requesting such services."

#### 47 **SECTION 3.**

48 Said chapter is further amended by revising Code Sections 49-7-4 through 49-7-7 as follows:

49 "49-7-4.

50 ~~Agencies may support family-planning services at no cost to the recipients of such services~~  
 51 ~~in accordance with rules and regulations of said agencies. The agencies, employees of such~~  
 52 ~~agencies, or contractors of the agencies shall not provide any medical referral service or~~  
 53 ~~birth control device to an unemancipated minor unless such minor is accompanied by a~~  
 54 ~~parent or guardian who shows proper identification and states that such parent or guardian~~  
 55 ~~is the lawful parent or guardian of such minor and that such parent or guardian has been~~  
 56 ~~notified that such service or device has been requested by such minor.~~

57 49-7-5.

58 The refusal of any person to accept family-planning services or medical referral services  
59 shall in no way affect the right of such person to receive public assistance or public health  
60 services or to avail himself or herself of any other public benefit. The employees of the  
61 agencies engaged in the administration of this chapter shall recognize that the right to make  
62 decisions concerning family planning and birth control is a fundamental personal right of  
63 the individual; and nothing in this chapter shall in any way abridge such individual right,  
64 nor shall any individual be required to state his or her reason for refusing the offer of  
65 family-planning services or medical referral services.

66 49-7-6.

67 Any employee of the agencies engaged in the administration of this chapter may refuse to  
68 accept the duty of offering family-planning services or medical referral services to the  
69 extent that such duty is contrary to such employee's personal religious beliefs; and such  
70 refusal shall not be grounds for any disciplinary action, for dismissal, for any  
71 interdepartmental transfer, for any other discrimination in his or her employment, for  
72 suspension from employment, or for any loss in pay or other benefits. The directors or  
73 supervisors of such agencies shall be authorized, however, to reassign the duties of any  
74 such employees in order to carry out this chapter effectively.

75 49-7-7.

76 The department is authorized and directed to develop plans and programs to carry out this  
77 chapter. Such plans and programs shall include, but shall not be limited to, provisions for:

78 (1) A training program offered by the department for its employees who are in contact  
79 with and counsel those persons likely to desire family-planning services or medical  
80 referral services. Such training program should be designed to provide such employees  
81 with complete information regarding family planning and birth control and all matters  
82 related thereto; and

83 (2) A systematic plan for coordinating the activities of the department and its  
84 counterparts at the county and district level in the area of family-planning services or  
85 medical referral services."

86 **SECTION 4.**

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