

House Bill 1116

By: Representatives Neal of the 75th, Fullerton of the 151st, Hugley of the 133rd, Abrams of the 84th, Parent of the 81st, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 5 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated,
2 relating to abortion, so as to make certain legislative findings; to prohibit the performance
3 of vasectomies in Georgia; to provide for an exception; to provide for penalties; to provide
4 an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 The General Assembly makes the following findings:

- 8 (1) Thousands of children are deprived of birth in this state every year because of the
9 lack of state regulation over vasectomies;
- 10 (2) There is substantial evidence that unregulated vasectomies result in fewer unwanted
11 pregnancies and, by extension, fewer births;
- 12 (3) It is patently unfair that men can avoid the rewards of unwanted fatherhood by
13 presuming that their judgment over such matters is more valid than the judgment of the
14 General Assembly;
- 15 (4) Fewer unwanted pregnancies result in fewer children living in poverty and a lower
16 prison population, and this is job killing in a time when social workers, police officers,
17 and prison guards need the employment to feed their families; and
- 18 (5) It is the purpose of the General Assembly to assert an invasive state interest in the
19 reproductive habits of men in this state and substitute the will of the government over the
20 will of adult men.

21 **SECTION 2.**

22 Article 5 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to
23 abortion, is amended by adding a new Code section to read as follows:

24 "16-12-141.2.

25 (a) As used in this Code section, the term 'vasectomy' means a surgical procedure
26 performed on males in which the vas deferens are cut, tied, cauterized, or otherwise
27 interrupted in such a manner that the semen no longer contains sperm and conception
28 cannot occur.

29 (b) No vasectomy is authorized or shall be performed in violation of this Code section.
30 In determining whether a vasectomy is necessary, no regard shall be made to the desire of
31 a man to father children, to his economic situation, to his age, to the number of children he
32 is currently responsible for, or to any danger to his wife or partner in the event a child is
33 conceived. A vasectomy may only be performed to avert the death of the man or avert
34 serious risk of substantial and irreversible physical impairment of a major bodily function
35 of the man. No such condition shall be deemed to exist if it is based on a diagnosis or
36 claim of a mental or emotional condition of the man or that the man will purposefully
37 engage in conduct which he intends to result in his death or in substantial and irreversible
38 physical impairment of a major bodily function.

39 (c) No vasectomy is authorized or shall be performed unless the vasectomy is performed
40 in a licensed hospital, in a licensed ambulatory surgical center, or in a health facility
41 licensed as a vasectomy facility by the Department of Community Health.

42 (d) A vasectomy shall only be performed by a physician licensed under Article 2 of
43 Chapter 34 of Title 43.

44 (e) Any person who performs a vasectomy, and any person permitting a vasectomy to be
45 performed on him, in violation of this Code section shall be guilty of a felony and, upon
46 conviction, shall be sentenced to community service of not fewer than 1,040 hours in the
47 field of service to needy families, caring for or counseling abused and neglected children
48 or wayward teens, or performing service to inmates in a jail or correctional institution."

49 **SECTION 3.**

50 This Act shall become effective upon its approval by the Governor or upon its becoming law
51 without such approval.

52 **SECTION 4.**

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