

The Senate Insurance and Labor Committee offered the following substitute to SB 434:

A BILL TO BE ENTITLED
AN ACT

1 To provide a short title; to amend Article 1 of Chapter 24 of Title 33 of the Official Code of
2 Georgia Annotated, relating to insurance generally, so as to provide a definition; to opt out
3 of funding certain abortions through certain qualified health plans; to provide for certain
4 exceptions; to provide for a right of intervention in certain lawsuits; to provide an effective
5 date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

7 This Act shall be known and may be cited as the "Federal Abortion Mandate Opt-out Act."

SECTION 2.

9 Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to
10 insurance generally, is amended by adding a new Code section to read as follows:
11

12 "33-24-59.16.

13 (a) No abortion coverage shall be provided by a qualified health plan offered through a
14 state or federal law or regulation within the State of Georgia.

15 (b) For the purposes of this Code section, the term 'abortion' means the use or prescription
16 of any instrument, medicine, drug, or any other substance or device to terminate the
17 pregnancy of a woman known to be pregnant with an intention other than to increase the
18 probability of a live birth, to preserve the life or health of the child after live birth, or to
19 remove a dead unborn child who dies as the result of natural causes in utero, accidental
20 trauma, or a criminal assault on a pregnant woman or her unborn child which causes the
21 premature termination of the pregnancy.

22 (c) This limitation shall not apply when a physician terminates a pregnancy in a manner
23 which, in the reasonable medical judgment of the physician, provides the best opportunity
24 for the unborn child to survive unless, in the reasonable medical judgment of the physician,
25 termination of the pregnancy in that manner would pose a greater risk either of the death

26 of the pregnant woman or of the substantial and irreversible physical impairment of a major
27 bodily function, not including psychological or emotional conditions, of the woman than
28 would another available method. No such greater risk shall be deemed to exist if it is based
29 on a claim or diagnosis that the woman will engage in conduct which would result in her
30 death or in substantial and irreversible physical impairment of a major bodily function.
31 (d) Nothing in this Code section shall be construed as creating or recognizing a right to an
32 abortion.
33 (e) It is not the intention of this Code section to make lawful an abortion that is currently
34 unlawful."

35 **SECTION 3.**

36 The General Assembly, by joint resolution, may appoint one or more of its members who
37 sponsored or cosponsored this Act in his or her official capacity to intervene as a matter of
38 right in any case in which the constitutionality of this Act or any portion thereof is
39 challenged.

40 **SECTION 4.**

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

43 **SECTION 5.**

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