

Senate Bill 230

By: Senators McKoon of the 29th and Ligon, Jr. of the 3rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to
2 provide for requirements of physicians performing or inducing an abortion to have certain
3 hospital admitting privileges; to require physicians performing or inducing an abortion
4 provide certain information to the pregnant woman; to provide for penalty; to provide for the
5 regulation of abortion inducing drugs; to provide for definitions; to provide for related
6 matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising
10 subsection (a) of Code Section 31-7-2.1, relating to rules and regulations for health care
11 facilities, as follows:

12 "(a) The department shall adopt and promulgate such reasonable rules and regulations
13 which in its judgment are necessary to protect the health and lives of patients and shall
14 prescribe and set out the kind and quality of building, equipment, facilities, and
15 institutional services which institutions shall have and use in order to properly care for their
16 patients. Such rules and regulations shall include detailed quality standards for specific
17 clinical services which shall be required to be met by an institution prior to offering the
18 particular service. Such rules and regulations shall require that the standards for an
19 abortion facility shall be equivalent to the standards established by the department for
20 ambulatory surgical centers. Such rules and regulations shall require that all nursing homes
21 annually offer unless contraindicated, contingent on availability, an influenza virus vaccine
22 to all medicare and Medicaid-eligible patients and private-pay patients in their facilities,
23 in accordance with the rules and regulations established pursuant to this subsection. Such
24 rules and regulations shall also require that all nursing homes annually offer unless
25 contraindicated, contingent on availability, a pneumococcal bacteria vaccine to all
26 medicare-eligible patients and all private-pay patients, 65 years of age or older, in their

27 facilities, in accordance with the rules and regulations established pursuant to this
 28 subsection."

29 **SECTION 2.**

30 Said title is further amended in Chapter 9B, relating to physician's obligation in performance
 31 of abortions, by adding a new Code section to read as follows:

32 "31-9B-2.1.

33 (a) A physician performing or inducing an abortion shall:

34 (1) On the date the abortion is performed or induced, have active admitting privileges at
 35 a hospital that is located not further than 30 miles from the location at which the abortion
 36 is performed or induced and that provides obstetrical or gynecological health care
 37 services;

38 (2) Provide the pregnant woman with a telephone number by which the pregnant woman
 39 may reach the physician or other health care personnel employed by the physician or by
 40 the facility at which the abortion was performed or induced with access to the woman's
 41 relevant medical records, 24 hours a day, to request assistance for any complications that
 42 arise from the performance or induction of the abortion or ask health related questions
 43 regarding the abortion; and

44 (3) Provide the pregnant woman the name and telephone number of the nearest hospital
 45 to the home of the pregnant woman at which an emergency that arising from the
 46 performance of the abortion or induction would be treated.

47 (b) A physician violating subsection (a) of this Code section shall be guilty of a
 48 misdemeanor punishable by a fine not to exceed \$4,000.00."

49 **SECTION 3.**

50 Said title is further amended by adding a new chapter to read as follows:

51 "CHAPTER 9C

52 31-9C-1.

53 As used in this chapter, the term:

54 (1) 'Abortion' has the same meaning provided by Code Section 31-9A-2.

55 (2) 'Abortion-inducing drug' means a drug, a medicine, or any other substance, including
 56 a regimen of two or more drugs, medicines, or substances, prescribed, dispensed, or
 57 administered with the intent of terminating a clinically diagnosable pregnancy of a
 58 woman and with knowledge that the termination will, with reasonable likelihood, cause
 59 the death of the woman's unborn child. The term includes off-label use of drugs,
 60 medicines, or other substances known to have abortion-inducing properties that are

61 prescribed, dispensed, or administered with the intent of causing an abortion, including
 62 the Mifeprex regimen. The term does not include a drug, medicine, or other substance
 63 that may be known to cause an abortion but is prescribed, dispensed, or administered for
 64 other medical reasons.

65 (3) 'Final printed label' or 'FPL' means the informational document approved by the
 66 United States Food and Drug Administration for an abortion-inducing drug that:

67 (A) Outlines the protocol authorized by that agency and agreed to by the drug company
 68 applying for authorization of the drug by that agency; and

69 (B) Delineates how a drug is to be used according to approval by that agency.

70 (4) 'Medical abortion' means the administration or use of an abortion-inducing drug to
 71 induce an abortion.

72 (5) 'Mifeprex regimen,' 'RU-486 regimen,' or 'RU-486' means the abortion-inducing drug
 73 regimen approved by the United States Food and Drug Administration that consists of
 74 administering mifepristone and misoprostol.

75 (6) 'Physician' means a person licensed to practice medicine under Article 2 of Chapter
 76 34 of Title 43.

77 (7) 'Pregnant' means the female reproductive condition of having an unborn child in a
 78 woman's uterus.

79 (8) 'Probable gestational age of the unborn child' means the physician's best professional
 80 estimate of the probable gestational age of the unborn child at the time an abortion is to
 81 be performed.

82 (9) 'Unborn child' means an offspring of human beings from conception until birth.

83 31-9C-2.

84 (a) A person may not knowingly give, sell, dispense, administer, provide, or prescribe an
 85 abortion-inducing drug to a pregnant woman for the purpose of inducing an abortion in the
 86 pregnant woman or enabling another person to induce an abortion in the pregnant woman
 87 unless:

88 (1) The person who gives, sells, dispenses, administers, provides, or prescribes the
 89 abortion-inducing drug is a physician; and

90 (2) Except as otherwise provided by subsection (b) of this Code section, the provision,
 91 prescription, or administration of the abortion-inducing drug satisfies the protocol tested
 92 and authorized by the United States Food and Drug Administration as outlined in the final
 93 printed label of the abortion-inducing drug.

94 (b) A person may provide, prescribe, or administer the abortion-inducing drug in the
 95 dosage amount prescribed by the clinical management guidelines defined by the American

96 Congress of Obstetricians and Gynecologists Practice Bulletin as those guidelines existed
97 on July 1, 2017.

98 (c) Before the physician gives, sells, dispenses, administers, provides, or prescribes an
99 abortion-inducing drug, the physician must examine the pregnant woman and document,
100 in the woman's medical record, the gestational age and intrauterine location of the
101 pregnancy.

102 (d) The physician who gives, sells, dispenses, administers, provides, or prescribes an
103 abortion-inducing drug shall provide the pregnant woman:

104 (1) A copy of the final printed label of that abortion-inducing drug; and
105 (2) A telephone number by which the pregnant woman may reach the physician, or other
106 health care personnel employed by the physician or by the facility at which the abortion
107 was performed with access to the woman's relevant medical records, 24 hours a day, to
108 request assistance for any complications that arise from the administration or use of the
109 drug or ask health-related questions regarding the administration or use of the drug.

110 (e) The physician who gives, sells, dispenses, administers, provides, or prescribes the
111 abortion-inducing drug, or the physician's agent, must schedule a follow-up visit for the
112 woman to occur not more than 14 days after the administration or use of the drug. At the
113 follow-up visit, the physician shall:

114 (1) Confirm that the pregnancy is completely terminated; and
115 (2) Assess the degree of bleeding.

116 (f) The physician who gives, sells, dispenses, administers, provides, or prescribes the
117 abortion-inducing drug, or the physician's agent, shall make a reasonable effort to ensure
118 that the woman returns for the scheduled follow-up visit under subsection (e) of this Code
119 section. The physician or the physician's agent shall document a brief description of any
120 effort made to comply with this subsection, including the date, time, and name of the
121 person making the effort, in the woman's medical record.

122 (g) If a physician gives, sells, dispenses, administers, provides, or prescribes an
123 abortion-inducing drug to a pregnant woman for the purpose of inducing an abortion as
124 authorized by this Code section and the physician knows that the woman experiences a
125 serious adverse event, during or after the administration or use of the drug, the physician
126 shall report the event to the United States Food and Drug Administration through the
127 administration's available system for such purposes not later than the third day after the
128 date the physician learns that the event occurred.

129 31-9C-3.

130 (a) Failure by any physician to conform to any requirement of this chapter constitutes
131 unprofessional conduct for purposes of paragraph (7) of subsection (a) of Code
132 Section 43-34-8 relating to medical licensing sanctions.

133 (b) A penalty may not be assessed under this chapter against a pregnant woman who
134 receives a medical abortion."

135 **SECTION 4.**

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