

Senate Bill 238

By: Senators Orrock of the 36th, Davenport of the 44th, Tate of the 38th, Parent of the 42nd,
Henson of the 41st and others

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 certain protections of a woman's right to choose a safe and legal abortion; to
3 repeal Code Section 31-9A-3; to provide for a short title; to provide that state laws and
4 regulations which place a burden on a woman's access to an abortion are unenforceable; to
5 provide for limitations; to provide legitimate health benefits; to provide for injunctive relief
6 and damages; to provide for related matters; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by
11 repealing Code Section 31-9A-3, relating to voluntary and informed consent to abortion and
12 availability of ultrasound, and designating said Code section as reserved.

13 **SECTION 2.**

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

15 "CHAPTER 9C

16 31-9C-1.

17 This chapter shall be known and may be cited as the 'Whole Women's Health Act.'

18 31-9C-2.

19 Every woman has the fundamental right to choose to obtain a safe and legal abortion. This
20 state shall not prohibit a woman from obtaining an abortion before viability. This state shall
21 also not prohibit a woman from obtaining an abortion at any time throughout her pregnancy
22 if the termination is necessary, in the professional judgment of a physician, to protect her
23 life or health.

24 31-9C-3.

25 (a) A law or regulation of this state addressing abortion that places a burden on a woman's
26 access to an abortion is unenforceable if the law or regulation does not confer any
27 legitimate health benefit. A law or regulation places such burden on a woman's access to
28 an abortion if such law or regulation:

29 (1) Forces abortion providers to close;

30 (2) Increases the time a woman must wait to have an abortion;

31 (3) Requires a meaningful increase in the distance a woman must travel to have access
32 to an abortion;

33 (4) Requires medically unnecessary health care visits;

34 (5) Requires a health care provider to perform a medical service that the provider would
35 not otherwise perform;

36 (6) Causes a meaningful increase in procedure cost;

37 (7) Has no purpose other than to stigmatize patients and abortion providers; or

38 (8) Has no purpose or effect other than to decrease or eliminate access to abortions.

39 (b) A law or regulation confers a legitimate health benefit if the law or regulation:

40 (1) Expands women's access to health care services; or

41 (2) Increases patient safety according to evidence based research.

42 31-9C-4.

43 Any state or local official who is charged with enforcing or enforces a law or regulation
44 that places a burden on a woman's access to an abortion after the effective date of this
45 chapter shall be subject to an action in federal or state court for injunctive relief and
46 damages. Such action may be brought by any person or entity that may be aggrieved by
47 such official's actions."

48 **SECTION 3.**

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