

House Bill 1313

By: Representatives Evans of the 57<sup>th</sup>, Miller of the 62<sup>nd</sup>, Roberts of the 52<sup>nd</sup>, Clark of the 108<sup>th</sup>, Cannon of the 58<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and  
2 offenses, so as to provide for certain legal action protections for healthcare professionals  
3 administering medical treatment to pregnant women; to amend Code Section 43-34-8 of the  
4 Official Code of Georgia Annotated, relating to authority to refuse license, certificate, or  
5 permit or issue discipline, suspension, restoration, investigations, hearings on fitness,  
6 immunity, and publication of final disciplinary actions, so as to provide for clarification  
7 regarding what defines "unprofessional conduct" pursuant to certain medical care licensing  
8 provisions; to provide for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is  
12 amended by revising subsection (b) of and adding a new subsection to Code Section 16-5-80,  
13 relating to feticide, voluntary manslaughter of an unborn child, and penalties, to read as  
14 follows:

15 "(b) A person commits the offense of feticide if he or she willfully and without legal  
16 justification causes the death of an unborn child by any injury to the mother of such child,

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17 which would be murder if it resulted in the death of such mother, or if he or she, when in  
18 the commission of a felony, causes the death of an unborn child; however, no state or local  
19 law enforcement agency shall arrest any individual for performing or aiding in the  
20 performance of an abortion in this state, or administering treatment that may lead to an  
21 abortion, if the abortion is performed in accordance within the provisions of Code Section  
22 16-12-141."

23 "(c.1) Notwithstanding any other law, an individual shall not be subject to investigation,  
24 civil or criminal penalty, or otherwise deprived of their rights under this article based on  
25 their actions or omissions with respect to a pregnancy or an actual, potential, or alleged  
26 pregnancy outcome, including miscarriage, stillbirth, ectopic pregnancy, abortion, or  
27 perinatal death due to causes that occurred in utero."

## 28 SECTION 2.

29 Said title is further amended by revising paragraph (1) of subsection (h) of Code Section  
30 16-12-141, relating to restrictions on the performance of abortions, availability of records,  
31 civil cause of action, and affirmative defenses, as follows:

32 "(1) A licensed physician provides medical treatment to a pregnant woman which results  
33 in the accidental or unintentional injury to or death of an unborn child, or for performing  
34 or aiding in the performance of an abortion in this state, or administering treatment that  
35 may lead to an abortion, to avert her death or for which a delay will create serious risk  
36 of substantial or irreversible impairment of a major bodily function of the pregnant  
37 woman or death of the unborn child;"

## 38 SECTION 3.

39 Code Section 43-34-8 of the Official Code of Georgia Annotated, relating to authority to  
40 refuse license, certificate, or permit or issue discipline, suspension, restoration,

41 investigations, hearings on fitness, immunity, and publication of final disciplinary actions,  
42 is amended by revising paragraph (8) of subsection (a) as follows:

43 "(8) Performed, procured, or aided or abetted in performing or procuring a criminal  
44 abortion that is in violation of the provisions pursuant to paragraph (1) of subsection (h)  
45 of Code Section 16-12-141;"

46 **SECTION 4.**

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