

The Senate Committee on Health and Human Services offered the following substitute to SB 456:

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 requirements relating to the use of abortion-inducing drugs; to provide for
3 definitions; to prohibit abortion-inducing drugs in school facilities or on state property; to
4 provide for related matters; to provide for a short title; to repeal conflicting laws; and for
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 This Act shall be known and may be cited as the "Women's Health and Safety Act."

9 **SECTION 2.**

10 Title 31 of the Official Code of Georgia Annotated, relating health, is amended by adding
11 a new chapter to read as follows:

"CHAPTER 9C

12

13 31-9C-1.14 As used in this chapter, the term:

15 (1) 'Abortion' means the act of using, prescribing, or administering any instrument,
16 substance, device, or other means with the purpose of terminating a pregnancy with
17 knowledge that termination will, with reasonable likelihood, cause the death of an unborn
18 child; provided, however, that any such act shall not be considered an abortion if the act
19 is performed with the purpose of:

20 (A) Removing a dead unborn child whose death was caused by spontaneous abortion;21 or22 (B) Removing an ectopic pregnancy.

23 (2) 'Abortion-inducing drug' means a medicine, drug, or any other substance prescribed
24 or dispensed with the intent of terminating the clinically diagnosable pregnancy of a
25 woman, with knowledge that the termination will, with reasonable likelihood, cause the
26 death of the unborn child. Such term includes the off-label use of drugs known to have
27 abortion-inducing properties, which are prescribed specifically with the intent of causing
28 an abortion, such as mifepristone (Mifeprex), misoprostol (Cytotec), and methotrexate.
29 Such term does not apply to drugs that may be known to cause an abortion, but which are
30 prescribed for other medical indications, such as chemotherapeutic agents or diagnostic
31 drugs. The use of such drugs to induce abortion is also known as 'medical,' 'medication,'
32 'RU-486,' 'chemical,' 'Mifeprex regimen,' or 'drug induced' abortion.

33 (3) 'Adverse event' means any untoward medical occurrence associated with the use of
34 a drug in humans, whether or not considered drug related. Such term does not include
35 an adverse event or suspected adverse reaction that, had it occurred in a more severe
36 form, might have caused death.

37 (4) 'Associated physician' means a person licensed to practice medicine in the state,
38 including medical doctors and doctors of osteopathy, who has entered into an Associated
39 Physician Agreement.

40 (5) 'Complication' means any adverse physical or psychological condition arising from
41 the performance of an abortion, which includes but is not limited to uterine perforation;
42 cervical perforation; infection; heavy or uncontrolled bleeding; hemorrhage; blood clots
43 resulting in pulmonary embolism or deep vein thrombosis; failure to actually terminate
44 the pregnancy; incomplete abortion (retained tissue); pelvic inflammatory disease;
45 endometritis; missed ectopic pregnancy; cardiac arrest; respiratory arrest; renal failure;
46 metabolic disorder; shock; embolism; coma; placenta previa in subsequent pregnancies;
47 preterm delivery in subsequent pregnancies; free fluid in the abdomen; hemolytic reaction
48 due to the administration of ABO-incompatible blood or blood products; adverse
49 reactions to anesthesia and other drugs; psychological complications such as depression,
50 suicidal ideation, anxiety, and sleeping disorders; death; and any other 'adverse event' as
51 defined by the federal Food and Drug Administration criteria provided in the Medwatch
52 Reporting System as it existed on July 1, 2022.

53 (6) 'Gestational age' means the time that has elapsed since the first day of the woman's
54 last menstrual period.

55 (7) 'Physician' means any person licensed to practice medicine in this state. Such term
56 includes medical doctors and doctors of osteopathy.

57 (8) 'Pregnant' or 'pregnancy' means that female reproductive condition of having an
58 unborn child in the uterus.

59 (9) 'Provide' means, when used regarding abortion-inducing drugs, any act of giving,
60 selling, dispensing, administering, transferring possession to or otherwise providing or
61 prescribing an abortion-inducing drug.

62 (10) 'Qualified physician' means a physician licensed in this state who has the ability to:

63 (A) Identify and document a viable intrauterine pregnancy;

- 64 (B) Assess the gestational age of a pregnancy and inform the patient of gestational
65 age-specific risks;
66 (C) Diagnose ectopic pregnancy;
67 (D) Determine blood type and administer RhoGAM if a woman is Rh negative;
68 (E) Assess for signs of domestic abuse, reproductive control, human trafficking, and
69 other signals of coerced abortion;
70 (F) Provide surgical intervention or enter into an agreement with another qualified
71 physician to provide surgical intervention; and
72 (G) Supervise and bear legal responsibility for any agent, employee, or contractor who
73 is participating in any part of procedure, including but not limited to, pre-procedure
74 evaluation and care.
75 (11) 'Unborn child' means a member of the species homo sapiens at any stage of
76 development who is carried in the womb until the point of being born-alive as defined in
77 Section 8(b) of Title 1, U.S. Code, as it existed on July 1, 2022.

78 31-9C-2.

79 Abortion-inducing drugs shall only be provided or prescribed by a qualified physician
80 following procedures contained in this chapter. Except for abortion-inducing drugs
81 provided or prescribed in strict compliance with the requirements contained in Code
82 Section 31-9C-3, it shall be unlawful for any manufacturer, supplier, physician, qualified
83 physician, or any other person to provide any abortion-inducing drug via courier, delivery,
84 or mail service.

85 31-9C-3.

86 (a) Because the failure and complication rates from a chemical abortion increase with
87 advancing gestational age; because the physical symptoms of chemical abortion can be
88 identical to the symptoms of ectopic pregnancy; and because abortion-inducing drugs do

89 not treat ectopic pregnancies but rather are contraindicated in ectopic pregnancies, the
90 qualified physician providing an abortion-inducing drug must examine the woman in
91 person and perform an ultrasound, and must:

92 (1) Independently verify that a pregnancy exists;

93 (2) Determine the woman's blood type, and if she is Rh negative, be able to and offer to
94 administer RhoGAM at the time of the abortion;

95 (3) Inform the patient that she may see the remains of her unborn child in the process of
96 completing the abortion;

97 (4) Document, in the woman's medical chart, the gestational age and intrauterine location
98 of the pregnancy, and whether she received treatment for Rh negativity, as diagnosed by
99 the most accurate standard of medical care; and

100 (5) Obtain a signed informed consent from the patient.

101 (b) A qualified physician providing an abortion-inducing drug must be credentialed and
102 competent to handle complication management, including emergency transfer, or must
103 have an agreement with an associated physician who is credentialed to handle
104 complications. Every pregnant woman to whom a qualified physician provides any
105 abortion-inducing drug shall be given the name and phone number of the associated
106 physician and instructions on what to do in case of problems or questions.

107 (c) A qualified physician providing any abortion-inducing drug or an agent of the qualified
108 physician shall schedule an appropriate follow-up visit for the woman at approximately
109 seven to 14 days after administration of the abortion-inducing drug to confirm that the
110 pregnancy is completely terminated and to assess the degree of bleeding. A qualified
111 physician providing any abortion-inducing drug or an agent of the qualified physician may
112 instruct the patient that it may be possible to reverse the effects of the chemical abortion
113 should she change her mind. The qualified physician shall make reasonable efforts to
114 ensure that the woman returns for the scheduled appointment. A brief description of the

115 efforts made to comply with this subsection, including the date, time, and identification by
116 name of the person making such efforts, shall be included in the woman's medical record.

117 31-9C-4.

118 Notwithstanding any other provision of this chapter or the laws of this state,
119 abortion-inducing drugs shall not be provided in any school facility or on state grounds,
120 including but not limited to, elementary schools, secondary schools, and institutions of
121 higher education in this state."

122 **SECTION 3.**

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