

Senate Bill 456

By: Senators Thompson of the 14th, Kirkpatrick of the 32nd, Miller of the 49th, Gooch of the 51st, Hatchett of the 50th and others

AS PASSED SENATE

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 9C31-9C-1.

As used in this chapter, the term:

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

(A) Removing a dead unborn child whose death was caused by spontaneous abortion;

or

(B) Removing an ectopic pregnancy.

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

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

(4) Reserved.

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

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

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

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

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

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

(A) Identify and document a viable intrauterine pregnancy;

(B) Assess the gestational age of a pregnancy and inform the patient of gestational age-specific risks;

(C) Diagnose ectopic pregnancy;

(D) Determine blood type and administer RhoGAM if a woman is Rh negative;

(E) Assess for signs of domestic abuse, reproductive control, human trafficking, and other signals of coerced abortion;

(F) Provide surgical intervention or refer the patient to appropriate medical care; and

(G) Supervise and bear legal responsibility for any agent, employee, or contractor who is participating in any part of procedure, including but not limited to, pre-procedure evaluation and care.

(11) 'Unborn child' means a member of the species homo sapiens at any stage of development who is carried in the womb until the point of being born-alive as defined in Section 8(b) of Title 1, U.S. Code, as it existed on July 1, 2022.

31-9C-2.

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

31-9C-3.

(a) The qualified physician providing an abortion-inducing drug shall examine the woman in person and perform an ultrasound and shall:

(1) Independently verify that a pregnancy exists;

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

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

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

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

(b) A qualified physician providing an abortion-inducing drug must be credentialed and competent to handle complication management, including emergency transfer. Every pregnant woman to whom a qualified physician provides any abortion-inducing drug shall be given the name and phone number of the qualified physician and instructions on what to do in case of problems or questions.

(c) A qualified physician providing any abortion-inducing drug or an agent of the qualified physician shall schedule an appropriate follow-up visit for the woman at approximately seven to 14 days after administration of the abortion-inducing drug. A qualified physician providing any abortion-inducing drug or an agent of the qualified physician may instruct the patient that it may be possible to reverse the effects of the medication abortion should she change her mind. The qualified physician shall make reasonable efforts to ensure that the woman returns for the scheduled appointment. A brief description of the efforts made to comply with this subsection, including the date, time, and identification by name of the person making such efforts, shall be included in the woman's medical record.

31-9C-4.

Notwithstanding any other provision of this chapter or the laws of this state, abortion-inducing drugs shall not be provided on state grounds or in any elementary school, secondary school, or postsecondary institution in this state that receives state funds."

SECTION 3.

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