

Senate Bill 246

By: Senators Harrell of the 40th, Wicks of the 34th, Jones II of the 22nd, Jackson of the 41st, Anderson of the 43rd and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 2 of Title 1 of the Official Code of Georgia Annotated, relating to persons
2 and their rights, so as to provide that natural persons do not include an unborn child and shall
3 not be included in certain population based determinations; to amend Chapter 11 of Title 15
4 of the Official Code of Georgia Annotated, relating to the Juvenile Code, so as to provide for
5 exceptions to the notice requirement of a pending abortion to the parent or guardian of an
6 unemancipated minor by a physician or their qualified agent under the "Parental Notification
7 Act"; to amend Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating
8 to offenses against public health and morals, so as to repeal provisions relating to criminal
9 abortion; to amend Title 19 of the Official Code of Georgia Annotated, relating to domestic
10 relations, so as to remove references to abortion; to amend Chapter 1 of Title 20 of the
11 Official Code of Georgia Annotated, relating to general provisions of education, so as to
12 repeal a reference to abortion; to amend Title 31 of the Official Code of Georgia Annotated,
13 relating to health, so as to repeal the "Woman's Right to Know Act" and provisions relating
14 to a physician's obligation in performance of abortions; to repeal the power of the
15 Department of Public Health to promulgate and enforce rules and regulations for the
16 licensing of medical facilities where abortion procedures are to be performed; to provide for
17 fundamental reproductive health rights; to prohibit certain state actions; to provide for
18 injunctive relief and damages; to enact the "Reproductive Freedom Act"; to amend Title 33

S. B. 246

- 1 -

19 of the Official Code of Georgia Annotated, relating to insurance, so as to provide for the
20 repeal of the prohibition on the coverage of certain abortions through certain qualified health
21 plans; to amend Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating
22 to physicians, assistants, and others, so as to repeal a provision relating to criminal abortion;
23 to repeal a provision relating to delegation of certain medical acts to advance practice nurses;
24 to repeal a provision relating to abortions not to be performed by physician assistants; to
25 amend Chapter 18 of Title 45 of the Official Code of Georgia Annotated, relating to
26 employees' insurance and benefits plans, so as to remove the prohibition on coverage of
27 abortions; to amend Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating
28 to income taxes, so as to provide that an unborn child with a detectable human heartbeat is
29 not a dependent minor for income tax purposes; to amend Chapter 4 of Title 49 of the
30 Official Code of Georgia Annotated, relating to public assistance, so as to provide for
31 abortion care services under Medicaid; to provide for conforming changes; to provide for a
32 short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

33 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

34 **SECTION 1.**

35 It is the intention of the General Assembly to recognize that every individual has the
36 fundamental right to reproductive freedom and to determine their own life course, that the
37 right to reproductive freedom is central to an individual's privacy, liberty, dignity, and
38 autonomy, and that every individual should be free to exercise that right free from
39 government interference.

40 **SECTION 2.**

41 This Act shall be known and may be cited as the "Reproductive Freedom Act."

42

SECTION 3.

43 Chapter 2 of Title 1 of the Official Code of Georgia Annotated, relating to persons and their
 44 rights, is amended by revising Code Section 1-2-1, relating to classes of persons generally,
 45 "natural person" defined, corporations deemed artificial persons, and nature of corporations
 46 generally, as follows:

47 "1-2-1.

48 (a) There are two classes of persons: natural and artificial.

49 ~~(b) 'Natural person' means any human being including an unborn child.~~

50 ~~(c)~~(b) Corporations are artificial persons. They are creatures of the law and, except insofar
 51 as the law forbids it, they are subject to be changed, modified, or destroyed at the will of
 52 their creator.

53 ~~(d) Unless otherwise provided by law, any natural person, including an unborn child with
 54 a detectable human heartbeat, shall be included in population based determinations.~~

55 ~~(e) As used in this Code section, the term:~~

56 ~~(1) 'Detectable human heartbeat' means embryonic or fetal cardiac activity or the steady
 57 and repetitive rhythmic contraction of the heart within the gestational sac.~~

58 ~~(2) 'Unborn child' means a member of the species Homo sapiens at any stage of
 59 development who is carried in the womb."~~

60

SECTION 4.

61 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the Juvenile
 62 Code, is amended by revising subsection (b) of Code Section 15-11-64, relating to collection
 63 of information by juvenile court clerks, reporting requirement, and data collection, as
 64 follows:

65 "(b) Each clerk of the juvenile court shall report to the Administrative Office of the Courts
 66 the total number of petitions or motions filed under subsection ~~(b)~~ (c) of Code
 67 Section 15-11-682 for the previous calendar year and, of that number, the number in which

68 the court appointed a guardian ad litem, the number in which the court appointed counsel,
69 the number in which the judge issued an order authorizing an abortion without notification,
70 the number in which the judge denied such an order, and, of the last, the number of denials
71 from which an appeal was filed, the number of appeals that resulted in denials being
72 affirmed, and the number of appeals that resulted in reversals of such denials. Each clerk
73 shall make such report by March 15 of each year for the previous calendar year. The
74 individual reports made to the Administrative Office of the Courts shall be held
75 confidential and not subject to disclosure under Article 4 of Chapter 18 of Title 50, relating
76 to open records. The Administrative Office of the Courts shall provide aggregated
77 statistics only in accordance with subsection (g) of Code Section 16-12-141.1. Such
78 individual reports shall be destroyed six months after submission to the Administrative
79 Office of the Courts."

80

SECTION 5.

81 Said chapter is further amended by revising paragraph (1) of Code Section 15-11-681,
82 relating to definitions for the "Parental Notification Act," as follows:

83 "(1) 'Abortion' ~~shall have the same meaning as set forth in Code Section 31-9A-2 means~~
84 ~~the use or prescription of any instrument, medicine, drug, or any other substance or~~
85 ~~device with the intent to terminate the pregnancy of a female known to be pregnant. The~~
86 ~~term 'abortion' shall not include the use or prescription of any instrument, medicine, drug,~~
87 ~~or any other substance or device employed solely to increase the probability of a live~~
88 ~~birth, to preserve the life or health of the child after live birth, or to remove a dead unborn~~
89 ~~child who died as a result of a spontaneous abortion. The term 'abortion' also shall not~~
90 ~~include the prescription or use of contraceptives."~~

SECTION 6.

91

92 Said chapter is further amended by revising Code Section 15-11-682, relating to parental
93 notification of abortion, hearing, and venue, as follows:

94 "15-11-682.

95 (a) No ~~physician~~ healthcare professional as defined in Code Section 31-9A-2 or other
96 person shall perform an abortion upon an unemancipated minor unless:

97 (1)(A) The unemancipated minor seeking an abortion is accompanied by ~~his or her~~ a
98 parent or guardian who shall show proper identification and state that he or she is the
99 lawful parent or guardian of the unemancipated minor and that he or she has been
100 notified that an abortion is to be performed on the unemancipated minor;

101 (B) The ~~physician or the physician's~~ healthcare professional or the healthcare
102 professional's qualified agent gives at least 24 hours' actual notice, in person or by
103 telephone, to the parent or guardian of the unemancipated minor of the pending
104 abortion and the name and address of the place where the abortion is to be performed;
105 provided, however, that, if the person so notified indicates that he or she has been
106 previously informed that the unemancipated minor was seeking an abortion or if the
107 person so notified has not been previously informed and he or she clearly expresses that
108 he or she does not wish to consult with the unemancipated minor, then in either event
109 the abortion may proceed in accordance with Chapter 9A of Title 31; or

110 (C) The ~~physician or the physician's~~ healthcare professional or the healthcare
111 professional's qualified agent gives written notice of the pending abortion and the
112 address of the place where the abortion is to be performed, sent by registered or
113 certified mail or statutory overnight delivery, return receipt requested with delivery
114 confirmation, addressed to a parent or guardian of the unemancipated minor at the usual
115 place of abode of the parent or guardian. Unless proof of delivery is otherwise sooner
116 established, such notice shall be deemed delivered 48 hours after mailing. The time of
117 mailing shall be recorded by the ~~physician~~ healthcare professional or agent in the

118 unemancipated minor's file. The abortion may be performed 24 hours after the delivery
119 of the notice; provided, however, that, if the person so notified certifies in writing that
120 he or she has been previously informed that the unemancipated minor was seeking an
121 abortion or if the person so notified has not been previously informed and he or she
122 certifies in writing that he or she does not wish to consult with the unemancipated
123 minor, then in either event the abortion may proceed in accordance with Chapter 9A of
124 Title 31; and

125 (2) The unemancipated minor signs a consent form stating that ~~she~~ the unemancipated
126 minor consents, freely and without coercion, to the abortion.

127 (b) Subsection (a) of this Code section shall not apply to an unemancipated minor seeking
128 an abortion if:

129 (1)(A) In the professional judgment of the healthcare professional:

130 (i) Notice to the parent or guardian may lead to physical or emotional harm of the
131 unemancipated minor; and

132 (ii) The unemancipated minor is capable of giving informed consent to the abortion;
133 and

134 (B) The unemancipated minor signs a consent form stating that waiver of notice is
135 necessary under the provisions of this paragraph and that the unemancipated minor
136 consents, freely and without coercion, to the abortion; or

137 (2) The healthcare professional or the healthcare professional's qualified agent makes
138 reasonable effort to give both actual and written notice to a parent or guardian of the
139 unemancipated minor and is unsuccessful.

140 A healthcare professional or the healthcare professional's qualified agent shall not be liable
141 for civil damages or subject to a criminal penalty for his or her decision under this
142 subsection not to give notice to a parent or guardian of an unemancipated minor.

143 ~~(b)(c)~~ If the unemancipated minor or the ~~physician or the physician's~~ healthcare
144 professional or the healthcare professional's qualified agent, as the case may be, elects not

145 to comply with any one of the requirements of subparagraph (a)(1)(A), (a)(1)(B), or
 146 (a)(1)(C) of this Code section and no provision of subsection (b) of this Code section
 147 applies to the unemancipated minor, or if the parent or legal guardian of the unemancipated
 148 minor cannot be located, the unemancipated minor may petition, on his or her own behalf
 149 or by next friend, any juvenile court in the state for a waiver of such requirement pursuant
 150 to the procedures provided for in Code Section 15-11-684. The juvenile court shall assist
 151 the unemancipated minor or next friend in preparing the petition and notices required
 152 pursuant to this Code section. Venue shall be lawful in any county.

153 ~~(c)~~(d) No abortion shall be performed unless the requirements of subparagraph (a)(1)(A),
 154 (a)(1)(B), or (a)(1)(C) of this Code section have been met, unless a provision under
 155 subsection (b) of this Code section applies or the unemancipated minor has obtained a court
 156 order waiving such requirements.

157 (e) A healthcare professional or a healthcare professional's qualified agent shall not
 158 provide notice to a parent or guardian if the unemancipated minor decides not to have an
 159 abortion."

160 **SECTION 7.**

161 Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against
 162 public health and morals, is amended by repealing Article 5, relating to abortion, and
 163 designating said article as reserved.

164 **SECTION 8.**

165 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is
 166 amended by repealing subsection (a.1) of Code Section 19-6-15, relating to child support
 167 guidelines for determining amount of award, continuation of duty of support, and duration
 168 of support.

169

SECTION 9.

170 Said title is further amended by revising paragraph (1) of subsection (c) of Code Section
 171 19-7-1, relating to in whom parental power lies, how such power lost, and recovery for
 172 homicide of child or unborn child, as follows:

173 "(c)(1) In every case of the homicide of a child, minor or sui juris, there shall be some
 174 party entitled to recover the full value of the life of the child, either as provided in this
 175 Code section or as provided in Chapter 4 of Title 51. ~~For the homicide of an unborn~~
 176 ~~child, the right to recover for the full value of the life of such child shall begin at the point~~
 177 ~~at which a detectable human heartbeat, as such term is defined in Code Section 1-2-1, is~~
 178 ~~present."~~

179

SECTION 10.

180 Said title is further amended by revising paragraph (2) of subsection (b) of Code Section
 181 19-7-5, relating to reporting of child abuse, when mandated or authorized, content of report,
 182 to whom made, immunity from liability, report based on privileged communication, penalty
 183 for failure to report, and spiritual treatment for illnesses, as follows:

184 "(2) 'Abortion' shall have the same meaning as set forth in Code Section ~~15-11-681~~
 185 31-9A-2."

186

SECTION 11.

187 Said title is further amended by revising paragraph (1) of subsection (a) of Code Section
 188 19-9-124, relating to parental limitation on delegation of power of attorney, rights, duties,
 189 and responsibilities of agents, acknowledgment of acceptance of responsibilities, approval
 190 of agents, and organizational and entity record keeping, as follows:

191 "(a)(1) A parent of a child may delegate to an agent in a power of attorney any power and
 192 authority regarding the care and custody of such child, except the power to consent to the
 193 marriage or adoption of such child, ~~the performance or inducement of an abortion on or~~

194 ~~for such child~~, or the termination of parental rights to such child. Such power and
 195 authority may be delegated without the approval of a court, provided that such delegation
 196 of power and authority shall not operate to change or modify any parental or legal rights,
 197 obligations, or authority established by an existing court order, including a standing
 198 order, or deprive a parent of a child of any parental or legal rights, obligations, or
 199 authority regarding the custody, parenting time, visitation, or support of such child. Such
 200 delegation of power and authority shall not deprive or limit any support for a child that
 201 should be received by such child pursuant to a court order or for any other reason. When
 202 support is being collected for the child by the Child Support Enforcement Agency of the
 203 department, such agency shall be authorized to redirect support payments to the agent for
 204 the duration of the power of attorney or until the power of attorney is revoked or
 205 superseded by a court order."

206

SECTION 12.

207 Said title is further amended by revising items (5)(A) and (5)(B) in subsection (c) of Code
 208 Section 19-9-134, relating to power of attorney form for care of a child, as follows:

209 "5. Sign by the statement you wish to choose (*you may only choose one*):

210 (A) _____ (Signature) I delegate to the agent all my power
 211 and authority regarding the care and custody of the child named above, including but
 212 not limited to the right to inspect and obtain copies of educational records and other
 213 records concerning the child, attend school activities and other functions concerning the
 214 child, and give or withhold any consent or waiver with respect to school activities,
 215 medical and dental treatment, and any other activity, function, or treatment that may
 216 concern the child. This delegation shall not include the power or authority to consent
 217 to the marriage or adoption of the child, ~~the performance or inducement of an abortion~~
 218 ~~on or for the child~~, or the termination of parental rights to the child.

219 **OR**

220 (B) _____ (Signature) I delegate to the agent the following
 221 specific powers and responsibilities (*write in*): _____
 222 _____

223 This delegation shall not include the power or authority to consent to the marriage or
 224 adoption of the child, ~~the performance or inducement of an abortion on or for the child,~~
 225 or the termination of parental rights to the child."

226 **SECTION 13.**

227 Chapter 1 of Title 20 of the Official Code of Georgia Annotated, relating to general
 228 provisions of education, is amended by repealing subsection (e) of Code Section 20-1-16,
 229 relating to kinship caregiver authorized to provide legal consent.

230 **SECTION 14.**

231 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by
 232 repealing and reserving paragraph (7) of Code Section 31-2-1, relating to legislative intent
 233 and grant of authority, as follows:

234 "~~(7) Reserved. Promulgate and enforce rules and regulations for the licensing of medical~~
 235 ~~facilities wherein abortion procedures under subsections (b) and (c) of Code Section~~
 236 ~~16-12-141 are to be performed."~~

237 **SECTION 15.**

238 Said title is further amended by revising subparagraph (B) of paragraph (4) of Code
 239 Section 31-7-1, relating to definitions regarding the regulation of hospitals and related
 240 institutions, as follows:

241 "(B) Any health facility wherein abortion procedures under ~~subsections (b) and (c) of~~
 242 ~~Code Section 16-12-141~~ Chapter 9A of this title are performed or are to be performed;"

243 **SECTION 16.**

244 Said title is further amended by repealing Chapter 9A, relating to the "Woman's Right to
 245 Know Act," in its entirety and enacting a new Chapter 9A to read as follows:

246 "CHAPTER 9A

247 31-9A-1.

248 This chapter shall be known and may be cited as the 'Reproductive Freedom Act.'

249 31-9A-2.

250 As used in this chapter, the term:

251 (1) 'Abortion' means the use of any instrument, medicine, drug, or any other substance
 252 or device to terminate the pregnancy of an individual known to be pregnant with an
 253 intention other than to increase the probability of a live birth, to preserve the life or health
 254 of the child after live birth, or to remove a dead fetus.

255 (2) 'Advanced practice registered nurse' has the meaning provided by Code
 256 Section 43-26-3.

257 (3) 'Covered entity' means any licensed provider of reproductive healthcare services,
 258 including but not limited to hospitals, outpatient departments, clinics, reproductive health
 259 practices, or offices of healthcare professionals.

260 (4) 'Healthcare professional' means a person who is licensed as a physician, advanced
 261 practice registered nurse, or physician assistant.

262 (5) 'Physician' has the meaning provided by Code Section 43-34-1.

263 (6) 'Physician assistant' has the meaning provided by Code Section 43-34-23.

264 (7) 'Pregnancy' means the human reproductive process, beginning with the implantation
265 of an embryo.

266 (8) 'State' includes any branch, department, agency, instrumentality, and official or other
267 person acting under the color of law of this state or a political subdivision of this state,
268 including any local government, local board of education, or other instrumentality.

269 31-9A-3.

270 (a) Every individual who becomes pregnant has the fundamental right to choose to carry
271 the pregnancy to term or have an abortion.

272 (b) Every individual has the fundamental right to choose or refuse contraception or
273 sterilization.

274 (c) The state shall not, in the regulation or provision of benefits, facilities, services, or
275 information, deny or interfere with an individual's fundamental rights:

276 (1) To choose to carry a pregnancy to term, to give birth to a child, or to obtain an
277 abortion, including individuals in the physical or legal custody of the state; and

278 (2) To choose or refuse contraception or sterilization.

279 (d) A fertilized egg, embryo, or fetus does not have independent rights under the laws of
280 this state.

281 31-9A-4.

282 (a) A healthcare professional acting within the professional's lawful scope of practice and
283 in compliance with all generally applicable regulations shall be authorized to provide
284 abortions in this state.

285 (b) This chapter shall not be construed to prevent the Department of Community Health
286 under this title or a healthcare professional licensing board from regulating the practice of
287 abortion or abortion facilities with generally applicable regulations and standards that are

288 in accordance with evidence-based medically accepted standards, provided that such
289 regulation is not a pretext for violating this chapter.

290 31-9A-5.

291 (a) An individual's right to personal reproductive autonomy is central to their privacy,
292 liberty, and dignity to determine their own life course and shall not be denied or infringed
293 upon by state or local prosecution or in any other manner.

294 (b) No state or local law enforcement agency shall arrest any individual for obtaining an
295 abortion, performing or aiding in the performance of an abortion in this state, or in
296 procuring an abortion in this state if the abortion is performed in accordance with the
297 provisions of this chapter.

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

303 (d) Any individual who aids or assists a pregnant person in exercising her rights under this
304 article shall not be subject to civil or criminal liability or penalty, or otherwise be deprived
305 of their rights, based solely on their actions to aid or assist a pregnant person in exercising
306 her rights under this article, so long as they acted with the pregnant person's voluntary
307 consent.

308 (e) The state shall not discriminate in the protection or enforcement of the fundamental
309 rights set forth in this chapter on the basis of sex, which includes but is not limited to sex
310 stereotypes, gender identity or expression, or perceived gender identity or expression;
311 sexual orientation; pregnancy; disability; race; ethnicity; age; national origin; immigration
312 status; or religion.

313 (f) Any party aggrieved by conduct or regulation in violation of this chapter may bring a
314 civil lawsuit in federal or state court for injunctive relief against the offending state or local
315 official. The court may award costs and reasonable attorney's fees to an aggrieved party
316 who substantially prevails in an action brought under this subsection.

317 31-9A-6.

318 (a) Subject to the provisions of the federal Health Insurance Portability and Accountability
319 Act of 1996, P.L. 104-191, and any regulations promulgated thereunder, in any civil action
320 or administrative hearing, a covered entity shall not disclose without written consent from
321 the individual or the individual's guardian or authorized legal representative, the following:

322 (1) Any communication made to the covered entity or any information obtained by the
323 covered entity from an individual or the individual's guardian or authorized legal
324 representative, relating to reproductive healthcare services permitted under the laws of
325 this state; or

326 (2) Any information obtained by personal examination of an individual by the covered
327 entity relating to reproductive healthcare services.

328 (b) A covered entity shall inform the individual or the individual's guardian or authorized
329 legal representative of the individual's right to refuse to consent to the disclosure of the
330 individual's communications and information at or before the time reproductive healthcare
331 services are rendered, or at such time as the individual discloses any information relating
332 to reproductive healthcare services previously rendered.

333 31-9A-7.

334 (a) This chapter applies to all state and local laws, ordinances, regulations, rules, policies,
335 procedures, practices, and governmental actions and their implementation, whether
336 statutory or otherwise and whether adopted before or after July 1, 2023.

337 (b) Local government may enact ordinances, standards, rules, or regulations that protect
338 an individual's ability to freely exercise the fundamental rights set forth in this chapter in
339 a manner or to an extent equal to or greater than the protection provided in this chapter.
340 Local government may not regulate an individual's ability to freely exercise the
341 fundamental rights set forth in this chapter in a manner more restrictive than that set forth
342 in this chapter.

343 31-9A-8.

344 In accordance with Code Section 1-1-3, if any provision of this chapter or its application
345 to any person or circumstance is held invalid, the invalidity does not affect other provisions
346 or applications of this chapter which can be given effect without the invalid provision or
347 application, and to this end the provisions of this chapter are severable."

348 **SECTION 17.**

349 Said title is further amended by repealing Chapter 9B, relating to physician's obligation in
350 performance of abortions.

351 **SECTION 18.**

352 Said title is further amended by revising subsection (b) of Code Section 31-32-14, relating
353 to effect of chapter on advance directives for health care on other legal rights and duties, as
354 follows:

355 "(b) Nothing in this chapter shall be construed to condone, authorize, or approve mercy
356 killing or to permit any affirmative or deliberate act or omission to end life other than to
357 permit the process of dying as provided in this chapter. ~~Furthermore, nothing in this~~
358 ~~chapter shall be construed to condone, authorize, or approve abortion."~~

359

SECTION 19.

360 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by
361 revising subsection (c) of Code Section 33-24-59.6, relating to prescribed female
362 contraceptive drugs or devices and insurance coverage, as follows:

363 "(c) Every health benefit policy that is delivered, issued, executed, or renewed in this state
364 or approved for issuance or renewal in this state by the Commissioner which provides
365 coverage for prescription drugs on an outpatient basis shall provide coverage for any
366 prescribed drug or device approved by the United States Food and Drug Administration for
367 use as a contraceptive. This Code section shall not apply to limited benefit policies
368 described in paragraph (4) of subsection (e) of Code Section 33-30-12. ~~Likewise, nothing~~
369 ~~contained in this Code section shall be construed to require any insurance company to~~
370 ~~provide coverage for abortion."~~

371

SECTION 20.

372 Said title is further amended by repealing Code Section 33-24-59.17, relating to coverage of
373 certain abortions through certain qualified health plans prohibited and definitions, and
374 designating said Code section as reserved.

375

SECTION 21.

376 Said title is further amended by revising subparagraph (C) of paragraph (1) of Code Section
377 33-60-3, relating to definitions for small business insurance plans, as follows:

378 "(C) Coverage of testing for chlamydia in Code Section 31-17-4.1; coverage for
379 complications of pregnancy in Code Section 33-24-24; coverage for general anesthesia
380 and related hospital and outpatient facility charges for dental care for persons who are
381 developmentally disabled, seven or younger, neurologically impaired, or suffering
382 severe face or head trauma in Code Section 33-24-28.4; surveillance tests for ovarian
383 cancer in Code Section 33-24-56.2; colorectal cancer screening and testing in Code

384 Section 33-24-56.3; coverage for hospital stays after delivery in Code Section
385 33-24-58.2; direct access to obstetricians and gynecologists in Code Section 33-24-59;
386 treatment of dependent children with cancer in Code Section 33-24-59.1; coverage for
387 equipment and self-management training for individuals with diabetes in Code Section
388 33-24-59.2; coverage for prescribed female contraceptive drugs or devices in Code
389 Section 33-24-59.6, ~~provided that nothing contained in this paragraph shall be~~
390 ~~construed to require any insurance company to provide coverage for abortion~~; coverage
391 for prescription inhalers in Code Section 33-24-59.8; coverage for autism in Code
392 Section 33-24-59.10; coverage for mastectomy and lymph node dissection in Code
393 Section 33-24-72; coverage for mammograms, Pap smears, and screening for prostate
394 cancer in Code Sections 33-29-3.2 and 33-30-4.2; provisions concerning mail-order
395 pharmaceuticals in Code Section 33-30-4.3; and coverage for child wellness exams in
396 Code Sections 33-29-3.4 and 33-30-4.5."

397

SECTION 22.

398 Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians,
399 assistants, and others, is amended by repealing paragraph (8) of subsection (a) of Code
400 Section 43-34-8, relating to authority to refuse license, certificate, or permit or issue
401 discipline, suspension, restoration, investigations, hearings on fitness, immunity, and
402 publication of final disciplinary actions, and designating said paragraph as reserved.

403

SECTION 23.

404 Said chapter is further amended by repealing subsection (l) of Code Section 43-34-25,
405 relating to delegation of certain medical acts to advanced practice registered nurse,
406 construction and limitations of such delegation, conditions of nurse protocol, and issuance
407 of prescription drug orders, and designating said subsection as reserved.

408

SECTION 24.

409 Said chapter is further amended by repealing Code Section 43-34-110, relating to abortions
410 not to be performed by physician assistants.

411

SECTION 25.

412 Chapter 18 of Title 45 of the Official Code of Georgia Annotated, relating to employees'
413 insurance and benefits plans, is amended by revising Code Section 45-18-4, relating to
414 expenses not to be covered by plan, as follows:

415 "45-18-4.

416 The health insurance plan shall not include expenses incurred by or on account of an
417 individual prior to the effective date of the plan; expenses for services received for injury
418 or sickness due to war or any act of war, whether declared or undeclared, which war or act
419 of war shall have occurred after the effective date of this plan; expenses for which the
420 individual is not required to make payment; expenses to the extent of benefits provided
421 under any employer group plan other than this plan in which the state participates in the
422 cost thereof; ~~expenses for abortion services except to the extent permitted under the state~~
423 ~~health benefit plan approved by the board as such plan existed on January 1, 2014; and~~
424 such other expenses as may be excluded by regulations of the board. ~~For purposes of this~~
425 ~~Code section, the term 'abortion' shall have the same meaning as provided in Code Section~~
426 ~~31-9A-2."~~

427

SECTION 26.

428 Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to income taxes,
429 is amended by revising subsection (a) of Code Section 48-7-26, relating to personal
430 exemptions, as follows:

431 "(a) As used in this Code section, the term 'dependent' shall have the same meaning as in
432 the Internal Revenue Code of 1986; ~~provided, however, that any unborn child with a~~

433 ~~detectable human heartbeat, as such terms are defined in Code Section 1-2-1, shall qualify~~
434 ~~as a dependent minor."~~

435 **SECTION 27.**

436 Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to public assistance,
437 is amended by adding a new Code section to read as follows:

438 "49-4-156.2.

439 The Department of Community Health shall provide payment for all abortion and
440 abortion-related services for all recipients of medical assistance as defined in Code
441 Section 49-4-141."

442 **SECTION 28.**

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