

The House Committee on Health and Human Services offers 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:

12 "CHAPTER 9C

13 31-9C-1.

14 As used in this chapter, the term:

15 (1) 'Abortion' means the use or prescription of any instrument, medicine, drug, or any
16 other substance or device with the intent to terminate the pregnancy of a female known
17 to be pregnant. Such term shall not include the use or prescription of any instrument,
18 medicine, drug, or any other substance or device employed solely to increase the
19 probability of a live birth, to preserve the life or health of the child after live birth, or to
20 remove a dead unborn child who died as the result of a spontaneous abortion. Such term
21 also shall not include the prescription or use of contraceptives.

22 (2) 'Abortion-inducing drug' means a medicine, drug, or any other substance provided
23 or prescribed with the intent of terminating the clinically diagnosable pregnancy.

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

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

28 (5) 'Pregnant' or 'pregnancy' means that female reproductive condition of having an
29 unborn child in the uterus. Such term shall not include a molar pregnancy or other
30 complication related to cancer.

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

34 (7) 'Qualified physician' means a physician licensed and physically present in this state
35 who has the ability to:

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

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

39 (C) Diagnose ectopic pregnancy;

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

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

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

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

47 (8) 'Unborn child' means a member of the species homo sapiens from fertilization until
48 birth.

49 31-9C-2.

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

56 31-9C-3.

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

59 (1) Independently verify that a pregnancy exists;

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

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

65 (4) Obtain a signed informed consent from the patient.

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

71 (c) A qualified physician providing any abortion-inducing drug or an agent of the qualified
72 physician shall schedule an appropriate follow-up visit for the woman no later than 30 days
73 after administration of the abortion-inducing drug.

74 31-9C-4.

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

78 **SECTION 3.**

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