

House Bill 75

By: Representatives Roberts of the 52nd, Cannon of the 58th, Beverly of the 143rd, Kendrick of the 95th, Schofield of the 63rd, 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 provide for fundamental
15 reproductive health rights; to prohibit certain state actions; to provide for injunctive relief and
16 damages; to enact the "Reproductive Freedom Act"; to amend Title 33 of the Official Code
17 of Georgia Annotated, relating to insurance, so as to provide for the repeal of the prohibition
18 on the coverage of certain abortions through certain qualified health plans; to amend Chapter

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

31 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

32 **SECTION 1.**

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

34 **SECTION 2.**

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

39 "1-2-1.

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

41 (b) 'Natural person' means any human being ~~including an unborn child~~ from the moment
42 of birth.

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

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

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

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

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

53

SECTION 3.

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

58 "(b) Each clerk of the juvenile court shall report to the Administrative Office of the Courts
59 the total number of petitions or motions filed under subsection ~~(b)~~ (c) of Code Section
60 15-11-682 for the previous calendar year and, of that number, the number in which the
61 court appointed a guardian ad litem, the number in which the court appointed counsel, the
62 number in which the judge issued an order authorizing an abortion without notification, the
63 number in which the judge denied such an order, and, of the last, the number of denials
64 from which an appeal was filed, the number of appeals that resulted in denials being
65 affirmed, and the number of appeals that resulted in reversals of such denials. Each clerk
66 shall make such report by March 15 of each year for the previous calendar year. The
67 individual reports made to the Administrative Office of the Courts shall be held
68 confidential and not subject to disclosure under Article 4 of Chapter 18 of Title 50, relating

69 to open records. The Administrative Office of the Courts shall provide aggregated
70 statistics only in accordance with subsection (g) of Code Section 16-12-141.1. Such
71 individual reports shall be destroyed six months after submission to the Administrative
72 Office of the Courts."

73 **SECTION 4.**

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

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

84 **SECTION 5.**

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

87 "15-11-682.

88 (a) No physician or other person shall perform an abortion upon an unemancipated minor
89 unless:

90 (1)(A) The unemancipated minor seeking an abortion is accompanied by his or her
91 parent or guardian who shall show proper identification and state that he or she is the
92 lawful parent or guardian of the unemancipated minor and that he or she has been
93 notified that an abortion is to be performed on the unemancipated minor;

94 (B) The physician or the physician's qualified agent gives at least 24 hours' actual
95 notice, in person or by telephone, to the parent or guardian of the unemancipated minor
96 of the pending abortion and the name and address of the place where the abortion is to
97 be performed; provided, however, that, if the person so notified indicates that he or she
98 has been previously informed that the unemancipated minor was seeking an abortion
99 or if the person so notified has not been previously informed and he or she clearly
100 expresses that he or she does not wish to consult with the unemancipated minor, then
101 in either event the abortion may proceed in accordance with Chapter 9A of Title 31; or
102 (C) The physician or a physician's qualified agent gives written notice of the pending
103 abortion and the address of the place where the abortion is to be performed, sent by
104 registered or certified mail or statutory overnight delivery, return receipt requested with
105 delivery confirmation, addressed to a parent or guardian of the unemancipated minor
106 at the usual place of abode of the parent or guardian. Unless proof of delivery is
107 otherwise sooner established, such notice shall be deemed delivered 48 hours after
108 mailing. The time of mailing shall be recorded by the physician or agent in the
109 unemancipated minor's file. The abortion may be performed 24 hours after the delivery
110 of the notice; provided, however, that, if the person so notified certifies in writing that
111 he or she has been previously informed that the unemancipated minor was seeking an
112 abortion or if the person so notified has not been previously informed and he or she
113 certifies in writing that he or she does not wish to consult with the unemancipated
114 minor, then in either event the abortion may proceed in accordance with Chapter 9A of
115 Title 31; and

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

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

120 (1)(A) In the professional judgment of the physician:

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

123 (ii) The unemancipated minor is mature and capable of giving informed consent to
124 an abortion; and

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

128 (2) The physician or the physician's qualified agent makes reasonable effort to give both
129 actual and written notice to a parent or guardian of the unemancipated minor and is
130 unsuccessful.

131 A physician or physician's qualified agent shall not be liable for civil damages or subject
132 to a criminal penalty for his or her decision under this subsection not to give notice to a
133 parent or guardian of an unemancipated minor.

134 ~~(b)~~(c) If the unemancipated minor or the physician or a physician's qualified agent, as the
135 case may be, elects not to comply with any one of the requirements of subparagraph
136 (a)(1)(A), (a)(1)(B), or (a)(1)(C) of this Code section and no provision of subsection (b) of
137 this Code section applies to the unemancipated minor, or if the parent or legal guardian of
138 ~~the unemancipated minor cannot be located~~, the unemancipated minor may petition, on his
139 or her own behalf or by next friend, any juvenile court in the state for a waiver of such
140 requirement pursuant to the procedures provided for in Code Section 15-11-684. The
141 juvenile court shall assist the unemancipated minor or next friend in preparing the petition
142 and notices required pursuant to this Code section. Venue shall be lawful in any county.

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

147 (e) A physician or a physician's qualified agent shall not provide notice to a parent or
148 guardian if the unemancipated minor decides not to have an abortion."

149 **SECTION 6.**

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

153 **SECTION 7.**

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

158 **SECTION 8.**

159 Said title is further amended by revising paragraph (1) of subsection (c) of Code Section
160 19-7-1, relating to in whom parental power lies, how such power lost, and recovery for
161 homicide of child or unborn child, as follows:

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

168

SECTION 9.

169 Said title is further amended by revising paragraph (2) of subsection (b) of Code Section
 170 19-7-5, relating to reporting of child abuse, when mandated or authorized, content of report,
 171 to whom made, immunity from liability, report based on privileged communication, penalty
 172 for failure to report, and spiritual treatment for illnesses, as follows:

173 "(2) 'Abortion' shall have the same meaning as set forth in Code Section ~~15-11-681~~
 174 31-9A-2."

175

SECTION 10.

176 Said title is further amended by revising paragraph (1) of subsection (a) of Code Section
 177 19-9-124, relating to parental limitation on delegation of power of attorney, rights, duties,
 178 and responsibilities of agents, acknowledgment of acceptance of responsibilities, approval
 179 of agents, and organizational and entity record keeping, as follows:

180 "(a)(1) A parent of a child may delegate to an agent in a power of attorney any power and
 181 authority regarding the care and custody of such child, except the power to consent to the
 182 marriage or adoption of such child, ~~the performance or inducement of an abortion on or~~
 183 ~~for such child,~~ or the termination of parental rights to such child. Such power and
 184 authority may be delegated without the approval of a court, provided that such delegation
 185 of power and authority shall not operate to change or modify any parental or legal rights,
 186 obligations, or authority established by an existing court order, including a standing
 187 order, or deprive a parent of a child of any parental or legal rights, obligations, or
 188 authority regarding the custody, parenting time, visitation, or support of such child. Such
 189 delegation of power and authority shall not deprive or limit any support for a child that
 190 should be received by such child pursuant to a court order or for any other reason. When
 191 support is being collected for the child by the Child Support Enforcement Agency of the
 192 department, such agency shall be authorized to redirect support payments to the agent for

193 the duration of the power of attorney or until the power of attorney is revoked or
194 superseded by a court order."

195 **SECTION 11.**

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

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

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

209 **OR**

210 (B) _____ (Signature) I delegate to the agent the following
211 specific powers and responsibilities (*write in*): _____
212 _____

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

216 **SECTION 12.**

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

220 **SECTION 13.**

221 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising
222 paragraph (7) of Code Section 31-2-1, relating to legislative intent and grant of authority, as
223 follows:

224 "(7) Promulgate and enforce rules and regulations for the licensing of medical facilities
225 wherein abortion procedures under ~~subsections (b) and (c) of Code Section 16-12-141~~
226 Chapter 9A of this title are to be performed, provided that such rules and regulations are
227 promulgated and enforced in accordance with evidence-based, medically accepted
228 standards, and provided that neither promulgation nor enforcement of any rule or
229 regulation is a pretext for violating Chapter 9A of this title."

230 **SECTION 14.**

231 Said title is further amended by revising subparagraph (B) of paragraph (4) of Code Section
232 31-7-1, relating to definitions regarding the regulation of hospitals and related institutions,
233 as follows:

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

236 **SECTION 15.**

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

239 "CHAPTER 9A240 31-9A-1.

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

242 31-9A-2.

243 As used in this chapter, the term:

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

248 (2) 'Advanced practice registered nurse' has the meaning provided by Code Section
249 43-26-3, with the addition of certified nurse midwives.

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

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

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

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

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

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

262 31-9A-3.

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

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

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

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

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

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

274 31-9A-4.

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

278 (b) This chapter shall not be construed to prevent the Department of Community Health
279 under this title or a healthcare professional licensing board from regulating the practice of
280 abortion or abortion facilities with generally applicable regulations and standards that are
281 in accordance with evidence-based medically accepted standards, provided that such
282 regulation is not a pretext for violating this chapter.

283 31-9A-5.

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

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

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

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

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

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

310 31-9A-6.

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

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

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

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

326 31-9A-7.

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

330 (b) Local government may enact ordinances, standards, rules, or regulations that protect
331 an individual's ability to freely exercise the fundamental rights set forth in this chapter in
332 a manner or to an extent equal to or greater than the protection provided in this chapter.
333 Local government may not regulate an individual's ability to freely exercise the
334 fundamental rights set forth in this chapter in a manner more restrictive than that set forth
335 in this chapter.

336 31-9A-8.

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

341 **SECTION 16.**

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

344 **SECTION 17.**

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

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

352 **SECTION 18.**

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

356 "(c) Every health benefit policy that is delivered, issued, executed, or renewed in this state
357 or approved for issuance or renewal in this state by the Commissioner which provides
358 coverage for prescription drugs on an outpatient basis shall provide coverage for any
359 prescribed drug or device approved by the United States Food and Drug Administration for

360 use as a contraceptive. This Code section shall not apply to limited benefit policies
361 described in paragraph (4) of subsection (e) of Code Section 33-30-12. ~~Likewise, nothing~~
362 ~~contained in this Code section shall be construed to require any insurance company to~~
363 ~~provide coverage for abortion."~~

364 **SECTION 19.**

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

368 **SECTION 20.**

369 Said title is further amended by revising subparagraph (C) of paragraph (1) of Code Section
370 33-60-3, relating to definitions for small business insurance plans, as follows:

371 "(C) Coverage of testing for chlamydia in Code Section 31-17-4.1; coverage for
372 complications of pregnancy in Code Section 33-24-24; coverage for general anesthesia
373 and related hospital and outpatient facility charges for dental care for persons who are
374 developmentally disabled, seven or younger, neurologically impaired, or suffering
375 severe face or head trauma in Code Section 33-24-28.4; surveillance tests for ovarian
376 cancer in Code Section 33-24-56.2; colorectal cancer screening and testing in Code
377 Section 33-24-56.3; coverage for hospital stays after delivery in Code Section
378 33-24-58.2; direct access to obstetricians and gynecologists in Code Section 33-24-59;
379 treatment of dependent children with cancer in Code Section 33-24-59.1; coverage for
380 equipment and self-management training for individuals with diabetes in Code Section
381 33-24-59.2; coverage for prescribed female contraceptive drugs or devices in Code
382 Section 33-24-59.6, ~~provided that nothing contained in this paragraph shall be~~
383 ~~construed to require any insurance company to provide coverage for abortion;~~ coverage
384 for prescription inhalers in Code Section 33-24-59.8; coverage for autism in Code

385 Section 33-24-59.10; coverage for mastectomy and lymph node dissection in Code
386 Section 33-24-72; coverage for mammograms, Pap smears, and screening for prostate
387 cancer in Code Sections 33-29-3.2 and 33-30-4.2; provisions concerning mail-order
388 pharmaceuticals in Code Section 33-30-4.3; and coverage for child wellness exams in
389 Code Sections 33-29-3.4 and 33-30-4.5."

390 **SECTION 21.**

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

396 **SECTION 22.**

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

401 **SECTION 23.**

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

404 **SECTION 24.**

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

408 "45-18-4.
409 The health insurance plan shall not include expenses incurred by or on account of an
410 individual prior to the effective date of the plan; expenses for services received for injury
411 or sickness due to war or any act of war, whether declared or undeclared, which war or act
412 of war shall have occurred after the effective date of this plan; expenses for which the
413 individual is not required to make payment; expenses to the extent of benefits provided
414 under any employer group plan other than this plan in which the state participates in the
415 cost thereof; ~~expenses for abortion services except to the extent permitted under the state~~
416 ~~health benefit plan approved by the board as such plan existed on January 1, 2014; and~~
417 ~~such other expenses as may be excluded by regulations of the board. For purposes of this~~
418 ~~Code section, the term 'abortion' shall have the same meaning as provided in Code Section~~
419 ~~31-9A-2."~~

420 **SECTION 25.**

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

424 "(a) As used in this Code section, the term 'dependent' shall have the same meaning as in
425 the Internal Revenue Code of 1986; ~~provided, however, that any unborn child with a~~
426 ~~detectable human heartbeat, as such terms are defined in Code Section 1-2-1, shall qualify~~
427 ~~as a dependent minor."~~

428 **SECTION 26.**

429 Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to public assistance,
430 is amended by revising Code Section 49-4-156, which was designated as reserved, as
431 follows:

432 "49-4-156.

433 The Department of Community Health shall provide payment for all abortion and
434 abortion-related services for all recipients of medical assistance as defined by Code Section
435 49-4-141. Reserved."

436

SECTION 27.

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