Georgia Policy Summary

SUMMARY
This document provides an updated overview of “controversial” Georgia laws, legislation, and policies through mid-April 2024.

POLICY AREAS
Reproductive Health:
In terms of reproductive health, although abortion procedures are still legal in the state, they are highly restricted under the following parameters:
- Abortion cannot be performed after 6 weeks or later.
- Patients are forced to wait 24 hours after receiving counseling (which is not required to be in-person) to obtain an abortion.
- State Medicaid coverage of abortion care is prohibited except in very limited circumstances.
- Parental consent or notice is required for a minor who wishes to obtain an abortion.
- Medical abortions (the use of pills for abortion purposes) are technically legal but are highly restricted.¹
- Only physicians can provide abortions, not other qualified healthcare professionals.²
  - The so-called “heartbeat” law has impacted student health services on college campuses in the state of Georgia. For example, at Emory University, the Student Health Insurance Plan does not currently cover abortion services locally; however, it still allows the provision of emergency contraception.³
- The current statute states that “a person commits the offense of criminal abortion when he or she administers any medicine, drugs, or other substance whatever to any woman or when he or she uses any instrument or other means whatever upon any woman with intent to produce a miscarriage or abortion.”⁴
  - We did not find any provision regarding prohibitions on providing counseling regarding reproductive health options, such as out-of-state abortion options.

LGBTQ+ Rights:
The LGBTQ+ community continues to face adversity within the state. Most recently, targeted legislation for transgender individuals has been signed into law (please see GA SB 140 on page three for more details).
- Gender-affirming care for LGBTQ+ individuals is currently prohibited for minors under state law, but the enforcement of the law was previously blocked by a federal court order while the law was challenged in the judicial system. An appellate court re-instituted the prohibition shortly after, citing a decision in a similar court case taking place in Alabama.
- Due to a federal court order, the state of Georgia must pay for gender-affirming health care for state employees, public school teachers, and former employees who are covered by a state health insurance plan (please see GA SB 140 for more details).

Diversity in Education:

¹ https://www.womensclinicofatlanta.com/is-it-legal-to-receive-an-abortion-pill-by-mail-in-georgia/?post_type=blog_post
² https://states.guttmacher.org/policies/georgia/abortion-policies
³ https://studenthealth.emory.edu/other/HB481/index.html
⁴ https://law.justia.com/codes/georgia/2020/title-16/chapter-12/article-5/section-16-12-140/
Georgia Policy Summary

The state has passed legislation aimed at prohibiting diversity, equity, and inclusion (DEI) initiatives and teachings. However, these legislative efforts have been primarily targeted toward the K-12 levels. Other anti-DEI initiatives include:

- K-12 teaching programs are not allowed to mention “diversity,” “equity,” and “inclusion” based on a vote from the Georgia Professional Standards Commission to delete those words and references to so-called “ambiguous terms” from rules that guide colleges and programs that train educators.\(^5\)
- The Human Resources Administrative Manual of the University of Georgia system prohibits all 26 of its schools from requiring applicants to submit any “political litmus tests or ideological oaths,” such as diversity-related personal statements, and “employee recruitment.”\(^6\) This policy was approved and voted upon by the Georgia Professional Standards Commission, which establishes the certification and licensure process within the state.

Please see HB 1084 from 2022 and SB 226 from 2022 below.

Campus Carry:
The Georgia gun laws are flexible. Concealed carry is legal for residents who possess a Georgia Weapons Carry License, and no firearms training is required to obtain such a license. An individual must be 21 years of age to have a concealed carry license, although that age requirement is not necessary for members of the military. Furthermore, no license is needed to carry a handgun inside a home, vehicle, or place of business. Georgia has “stand your ground” provisions in the state code, which provide there is no duty or requirement to retreat in actions relating to self-defense.\(^7\)

- The Georgia law commonly known as the ”Campus Carry” legislation went into effect on July 1, 2017. This law was modified on April 13, 2022, by Senate Bill 319, which removed the license requirement. The law allows lawful weapons to be carried, including concealed handguns in public university classes; however, the carrying does not apply to carrying handguns in classes in which high school students are enrolled.\(^8\)

Election and Voting Restrictions:
The Georgia Election Integrity Act of 2021 originally banned the provision of food to individuals waiting in line to vote and restricted absentee ballot procedures. However, due to court orders, the law has been modified to ease some of the restrictions as follows:

- Based on a federal court order, counties in Georgia were banned from rejecting absentee ballots with an improper date of birth on them, even though state law already allowed voters the opportunity to correct mistakes on their absentee ballots.
- Food, drinks, and gifts may not be distributed within 150 feet of a polling place. Due to a lawsuit brought about through the Sixth District of the African Methodist Episcopal Church v. Kemp, this prohibition has been removed. Therefore, groups and individuals may now provide relief to voters in the 2024 elections through food and water.\(^9\)

\(^5\) https://apnews.com/article/georgia-education-standards-diversity-equity-inclusion-12f009205eb5fef5ae5dd135c8fde0dd
\(^6\) https://www.usg.edu/hr/assets/hr/hrap_manual/HRAP_Employee_Recruitment.pdf
\(^7\) https://www.usconcealedcarry.com/resources/ccw_reciprocity_map/ga-gun-laws/
\(^8\) https://reg.uga.edu/general-information/campus-carry-info/
The results of Sixth District of the African Methodist Episcopal Church v. Kemp, the requirement that Georgia voters provide their birthdate on their absentee ballot envelope was rejected.

ENACTED LEGISLATION THAT IMPOSES RESTRICTIONS AS DISCUSSED ABOVE:

Georgia’s six-week abortion ban law

GA HB 481 makes it illegal to obtain an abortion after the fetal cardiac activity can be detected, which is typically around the sixth week of pregnancy. The only exception is in the case of rape, incest, and medical threat to the life of the pregnant person. This bill passed in 2019 and was signed into law in 2020.

Status: In effect since 2020.

Additional insight:

• Abortion procedures are still legal in the state, although restricted.
• Abortion medication is still offered within the state, although it is also restricted.

Georgia K-12 divisive concept teaching banning bill

GA HB 1084, although targeted at the K-12 level, bans curriculums that teach concepts that include claims that the U.S. is “fundamentally or systematically racist,” that many people are “inherently racist or oppressive, whether consciously or unconsciously,” and that no one “should feel discomfort, guilt, anguish, or any other form of psychological distress because of his or her race.”

Georgia gender-affirming care for minors prohibition law

GA SB 140 bans licensed medical professionals in the state from providing patients under the age of 18 with (1) sex reassignment surgeries, or any other surgical procedures, that are performed to alter primary or secondary sexual characteristics; and (2) hormone replacement therapies. Expectations are provided for (1) treatments for medical conditions other than gender dysphoria or for sex reassignment where such treatments are deemed medically necessary; (2) treatments for individuals born with a medically verifiable disorder of sex development, including individuals born with ambiguous genitalia or chromosomal abnormalities resulting in ambiguity regarding the individual's biological sex; (3) treatments for individuals with partial androgen insensitivity syndrome; and (4) continued treatment of minors who are, before July 1, 2023, being treated with irreversible hormone replacement therapies. Healthcare providers who perform the outlawed services face licensure violations and corresponding administrative penalties.

Status: Signed into law in 2023 and effective since July 1, 2023, it was later blocked by a federal judge and then re-instituted by an Appellate court.¹⁰

Georgia K-12 parental rights and book banning procedures establishment law

GA SB 226 allows parents to submit complaints about so-called “not suitable” materials for minors being provided to K-12 school students. A procedure has been established to remove the materials or books from school libraries if it is determined that the content of the material is indeed not suitable.

FAILED LEGISLATIVE PROPOSALS RELATING TO REPRODUCTIVE AND LGBTQ+ RIGHTS:

Georgia Policy Summary

Georgia personhood redefinition and abortion legalization bill
GA HB 75/GA SB 15 would have defined a person as “from birth” rather than “unborn” or “conception” as the law currently does. The legislation would have also allowed minors to not be required to have parental notice for obtaining treatments such as abortion and issued legal protection for physicians who perform abortive procedures. The legislation would have legalized abortion in the state without restrictions.
Status: Failed to become law upon the legislature’s adjournment.

Georgia fetus rights recognition bill
GA HB 604 would have asserted that the state of Georgia recognized that life began at conception and from that moment, an individual was afforded the same rights and protections guaranteed by the Georgia constitution. The bill would have clarified that it could not be construed to recognize the right to procure an abortion or to prohibit the use of any means of contraception.
Status: Failed to become law upon the legislature’s adjournment.

Georgia college sexual assault and prevention omnibus bill
If GA HB 677 had passed:
• All colleges would have been required to adopt policies related to sexual and intimate partner violence and stalking, including various procedures relating to reporting and disclosing acts, information for students and staff around health, reporting, and rights related to these events, resolution policies, and various other things.
• The Higher Education Interpersonal Violence Advisory Commission would have been created to develop a base interpersonal violence climate survey for colleges that would have been distributed biennially.
• Confidential resource advisors would have been required to provide emergency and ongoing support to survivors, mandatory prevention and awareness programming on sexual violence, intimate partner violence, and stalking would have been required for all incoming students and all employees, and colleges would have been required to have memoranda of understanding for a sexual assault support center and a domestic violence resource center.
• Reporting incident protections would have been created for students.
Status: Failed to become law upon the legislature’s adjournment.

Georgia abortion penalty establishment bill
GA HB 795 would have established that administering medicine, drugs, or substances to a pregnant individual to abort a fetus was a criminal offense in the state. A person convicted of this offense could have been punished by imprisonment of up to 10 years.
Status: Failed to become law upon the legislature’s adjournment.

Georgia school sports gender-inclusive facilities and teams prohibiting bill
GA SB 438 would have removed a provision in existing law that prohibited schools from separating athletic teams based on gender.
Status: Failed to become law upon the legislature’s adjournment.