

ABORTION ACCESS IOI: GEORGIA

ABORTION IN GEORGIA

In 2015, a 13% decline was noted in the rate of abortions performed in the state between 2011 and 2015, during which time 8 different policy restrictions on abortion were introduced or passed.^{1,2} Only 11 abortion providers are active in Georgia, 8 of which are located within the Atlanta area.³ Most (96%) of the state's counties do not have a provider. Nearly 60% of Georgia women who are of reproductive age (between 14 and 49 years) and may need access to a clinic live in one of these counties.^{4,5}

CURRENT POLICY RESTRICTIONS ON ABORTION IN GEORGIA

The past decade has seen a dramatic increase in legislative activity surrounding abortion; between 2010 and 2018, 19 new restrictions on abortion were proposed or enacted in Georgia (11 of which occurred since 2016).² In fact, in April 2019, the Georgia legislature passed a law banning any abortions obtained after six weeks gestation, when most women are unaware that they are pregnant.⁶ Governor Kemp signed the bill on May 7, 2019 and it is scheduled to go into effect in January 2020. However, the bill will likely face court action, as other state's six week bans have, and not go into effect until the judicial process is resolved.^{7,8} Currently, Georgia bans abortion after 22 weeks gestation.⁹ However, the state has also enacted several other types of abortion restrictions. These laws have taken several forms:

TYPE OF RESTRICTION

IMPLICATIONS

Gestational Age Limit⁹

In 2012, Georgia passed a law criminalizing abortion after 20 weeks post-fertilization*, with the only exception to protect the life of the mother or more a medical futile pregnancy. There are no exceptions for circumstances of rape or incest.

Limits access, especially for young and financially limited individuals.¹⁰⁻¹² Impacts out-of-state individuals; nearly 15% of abortions in Georgia are performed on people coming from nearby states.^{1,13}

Mandatory Waiting Period¹⁴

Women must wait 24 hours after an initial counseling appointment before obtaining an abortion.

Time delay and added clinic visit may increase gestational age at time of abortion^{10,15,16} and cost to the patient.¹⁷

Abortion Facility Requirements¹⁴

If an abortion is performed after the first trimester (12 weeks), the facility must be registered as a hospital, ambulatory surgical center, or an abortion facility. Abortion facilities may only provide dilation and evacuation (D&E) after 13 weeks. Any other procedure must occur in a hospital or ambulatory surgical center.

Limits access, as abortions, including D&E procedures, are safely performed in outpatient settings.²⁶⁻²⁸

Physician-Only Requirements¹¹

Only a licensed physician can provide any abortion care in Georgia, including prescription of medication abortion. Separate law specifically prohibits the practice by PAs or NPs.

State-Mandated Counseling¹⁴

Providers must include state-mandated information during the initial abortion counseling visit: that medical assistance that may be available for prenatal care, childbirth, or neonatal care, that the father is liable for child support, and that the patient has the right to view state prepared materials including agencies that offer alternatives to abortion and information on fetal pain.

Health Insurance Restrictions²⁹

The Hyde Amendment bars federal funds from paying for abortion except in cases of rape, incest, or to protect the woman's life. Georgia has passed a separate law that mandates Medicaid and health insurance provided to any state public employee also follow these restrictions. ACA Marketplace plans may only cover abortion if the woman's life is endangered.

Parental Notification Requirements³³

A parent of any minor seeking an abortion must be notified at least 24 hours in advance of obtaining the procedure. Judicial bypass allows minors to petition the court for permission to have an abortion without parental notification. In Georgia, the minor must prove they are either mature enough to make the decision on their own or prove that notice to a parent may not be in their best interest.

Refusals of Medical Care⁴⁰⁻⁴²

Individuals, hospitals, medical facilities, pharmacists, or physicians can refuse to provide abortion services and related prescriptions, family planning services, or sterilization on the basis of moral or religious grounds.

PAs have same rates of success as physicians for surgical abortions.²¹ Limits access, as half of GA counties have no practicing OB/GYN.²²

Patients subjected to state-mandated counseling find it less helpful.²⁰ No evidence to support fetal pain claims in GA materials.^{21,22} Providers often distance their own views from state-mandated material before delivering it.²³

Increases out-of-pocket costs for medically necessary procedure,^{17,30,31} disproportionately affecting low-income individuals.^{30,32}

Most teens already consult their parents before an abortion.^{31,35,36} May increase gestational age at time of abortion due to extra time pursuing judicial bypass, waiting to turn 18,³⁷ or traveling out of state.^{38,39}

Delays access and increases cost by requiring patients to seek another provider.³¹

*Medical providers typically date pregnancies from the first day of the woman's last menstrual period (LMP). The Georgia law bans abortions after 22 weeks LMP.

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