

Senate Bill 564

By: Senators Parent of the 42nd, Butler of the 55th, Jones II of the 22nd, Seay of the 34th,
Esteves of the 6th and others

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 codify the right to contraception and contraceptives; to provide for definitions; to provide for
3 defenses; to provide for standards of evidence; to provide for enforceability; to provide for
4 relief; to provide for a short title: to provide for related matters; to repeal conflicting laws;
5 and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by adding
9 a new chapter to read as follows:

10 "CHAPTER 55

11 31-55-1.

12 This chapter shall be known and may be cited as the 'Right to Contraception Act.'

13 31-55-2.

14 (a) As used in this chapter, the term:

15 (1) 'Contraception' means an action taken to prevent pregnancy, including the use of
16 contraceptives or sterilization procedures.

17 (2) 'Contraceptive' means any drug, device, or biological product intended for use in the
18 prevention of pregnancy, whether specifically intended to prevent pregnancy or for other
19 health needs, that is legally marketed under the federal Food, Drug, and Cosmetic Act,
20 21 U.S.C. Section 301 et seq., including oral contraceptives, long-acting reversible
21 contraceptives such as intrauterine devices and hormonal contraceptive implants,
22 emergency contraceptives, internal and external condoms, injectables, vaginal barrier
23 methods, transdermal patches, and vaginal rings.

24 (3) 'Health care provider' shall have the same meaning as provided in Code
25 Section 51-1-29.5.

26 (b) A person shall have the right to obtain contraceptives and to engage or refuse to engage
27 in the use of contraception. A health care provider shall have the right to provide access
28 to contraceptives and contraception related information.

29 (c) The rights specified in subsection (b) of this Code section shall not be infringed upon
30 by any law, regulation, or policy that expressly or effectively limits, delays, or impedes
31 access to contraceptives or to contraception related information, including doing so through
32 a manner that:

33 (1) Prohibits or restricts the sale, provision, or use of any contraceptives that have been
34 approved by the United States Food and Drug Administration for contraceptive purposes;

35 (2) Prohibits or restricts any person from aiding another person in obtaining any
36 contraceptives approved by the United States Food and Drug Administration or utilizing
37 any contraceptive methods; or

38 (3) Exempts any contraceptives approved by the United States Food and Drug
39 Administration from any other generally applicable law in a way that would make such
40 contraceptive more difficult to sell, provide, obtain, or use.

41 31-55-3.

42 (a) To defend against a claim that a law, rule, regulation, standard, or policy violates a
43 health care provider's or patient's statutory rights as provided in subsection (b) of Code
44 Section 31-55-2, a party shall establish, by clear and convincing evidence, that:

45 (1)(A) The law, rule, regulation, standard, or policy significantly advances the safety
46 of contraceptives, contraception, and contraception related information; and

47 (B) The safety of contraceptives or contraception or the health of patients cannot be
48 advanced by a less-restrictive alternative measure or action; or

49 (2) The law, rule, regulation, standard, or policy that is being applied to contraception
50 or contraceptives is also being applied to other medically similar drugs, devices, or
51 biological products.

52 (b) An individual or entity that is subject to a law, rule, regulation, standard, or policy that
53 violates the provisions of this chapter may raise this Code section as a defense to any cause
54 of action against such individual or entity.

55 31-55-4.

56 (a) The state, through the Attorney General, or a local government, through its chief law
57 enforcement officer or designee thereof, may commence a civil action on behalf of the state
58 against any person that violates or enforces a law, rule, regulation, standard, or policy that
59 violates the provisions of this chapter.

60 (b) Any individual or entity, including any health care provider or patient, adversely
61 affected by an alleged violation of the provisions of this chapter may commence a civil

62 action against any person that violates or implements or enforces a law, rule, regulation,
63 standard, or policy in violation of the provisions of this chapter.

64 (c) A health care provider may commence an action for relief on the provider's own behalf,
65 on behalf of the provider's staff, and on behalf of the provider's patients who are or may be
66 adversely affected by an alleged violation of the provisions of this chapter.

67 (d) If a court finds that there has been a violation of the provisions of this chapter, the
68 court shall hold unlawful and set aside the law, rule, regulation, standard, or policy. In any
69 action under this chapter, the court may award appropriate equitable relief, including
70 temporary, preliminary, or permanent injunctive relief."

71 **SECTION 2.**

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