

Response to the Georgia Superior Court's decision in the case of *SisterSong vs. Georgia*

On Tuesday, November 15, 2022, Fulton County Judge Robert C. McBurney enjoined portions of the state's abortion law, HB 481 after hearing testimony in late October. This ruling is based on a Georgia statute that laws passed in our state cannot violate the Georgia or US Constitution, and if they do, they are void. The 6-week ban outlined in HB 481 was passed in 2019 when it was unconstitutional for state governments to ban abortions before viability, and thus is void.

What does that mean for Ob/Gyns and their patients in Georgia?

The ruling on November 15, 2022, **changes** portions of HB 481:

- It states that abortions must be regulated "as they were before Georgia's 2019 law took effect in July." **Abortion is again allowed in Georgia up until about 22 weeks of pregnancy.**
- **Any mandated reporting to a state agency on the part of a physician is also void.** This was also unconstitutional at the time when it was passed so it is also voided. Criminalizing post-heartbeat but pre-viability abortions was unconstitutional in 2019, meaning any requirement that medical providers justify their decision was also unconstitutional.

The ruling on November 15, 2022, **does not change** the following portions of HB 481:

- The personhood provisions (tax exemptions and census counting) remain in place or were not challenged in this case.
- The judge argued that it is not burdensome to inform a patient if there is a detectable heartbeat. **Thus, ultrasound is required prior to any abortion and clinicians must inform the patient if there is a detectable heartbeat.**



Georgia OBGyn

GEORGIA OBSTETRICAL AND GYNECOLOGICAL SOCIETY

The Georgia Obstetrical and Gynecological Society (GOGS) and Georgia Section of the American College of Obstetricians and Gynecologists (ACOG-GA) are committed to patient-centered, compassionate, evidence-based health care. We oppose civil and

criminal penalties for clinicians who provide such care. We also oppose any legislation that undermines the patient-physician relationship and the practice of medicine. We are

pleased that this restrictive ban has been enjoined and encourage you to share this information with your colleagues, hospital teams, and patients. We do not yet know what will happen next, but we will continue to share information about changes as they arise by email and on our website.

Thank you for all that you continue to do for our profession and our patients

For those interested in more information:

<u>Full Text of HB 481</u>	<u>11.15.22 Official Ruling</u>	<u>Day 1 Testimony</u>
<u>SisterSong Vs. Georgia</u>	<u>GOGS FAQ Sheet</u>	<u>Day 2 Testimony</u>