



Georgia

## FAQ on Abortion Ban Lawsuit and HB 481

Below are 10 frequently asked questions regarding the lawsuit, *SisterSong v Kemp*, and Georgia's abortion ban legislation (HB 481). At the end is a list of ways you can help us as we continue to fight to protect everyone's right to reproductive freedom.

**1. On October 1, 2019, the Federal District Court handed down a decision to temporarily block Georgia's new abortion law from taking effect while the lawsuit is pending. What does that mean?**

Under the court order, abortion care remains available while the case is ongoing. Georgia's abortion ban is on hold.

**2. What's next for the lawsuit challenging Georgia's abortion ban?**

We will continue to fight to ensure that the abortion ban never takes effect.

**3. Do Georgians support access to safe, legal abortion care?**

YES. In April 2019, the Atlanta Journal-Constitution reported that [70% of Georgians support \*Roe v. Wade\*](#), the U. S. Supreme Court landmark decision that legalized abortion care throughout the nation.

**4. What does the Georgia abortion ban (HB 481) mean?**

This abortion ban means that women in Georgia will no longer be able to obtain safe, legal abortion care after six weeks of pregnancy -- before most women know they are pregnant.

**5. Does Georgia's abortion Ban violate *Roe v Wade*, the U.S. Supreme Court 1973 court decision that legalized abortion care throughout the nation?**

Georgia's abortion ban is in clear violation of *Roe v. Wade* and nearly a half century of Supreme Court precedent reaffirming *Roe's* central holding.

Georgia's abortion ban criminalizes abortion care in direct conflict with *Roe v. Wade*.

Writing the majority opinion in the 1992 case *Planned Parenthood v. Casey*, U.S. Supreme Court Justice Sandra Day O'Connor wrote, "The ability of women to participate equally in the economic and social life of the Nation has been facilitated by their ability to control their reproductive lives."

At the core of the right to reproductive freedom is opportunity: the opportunity to obtain a good education, to shape one's economic circumstances, to participate in the democratic process, to find love, to build families, to decide what makes for a good life, and to have the opportunity to live that life. Georgia's abortion ban violates this basic human right.

## **6. Would HB 481 allow prosecution of a woman who traveled outside Georgia to access abortion care, or prosecution of someone who assisted her in doing so?**

Such prosecution would be inappropriate, but an overzealous prosecutor could attempt it, or at least initiate the process.

Nothing in HB 481 stops a prosecutor from investigating the circumstances under which a woman's pregnancy ends. Nothing prevents an investigation when, for example, a woman miscarries, or when she obtains abortion in a neighboring state.

HB 481 opens the door for an ideologically motivated prosecutor to investigate – at the very least – how a woman's pregnancy ended, and anyone who assisted her through the process.

## **7. Could the police investigate, arrest, and/or interrogate a woman who suffers a miscarriage?**

Prosecutors have broad discretion to pursue criminal charges. If the abortion ban were allowed to take effect in January 2020, and a woman suffers a miscarriage after that date, then there is a possibility that a prosecutor may question whether a woman's miscarriage was an accident or intentionally inflicted. If the latter, the prosecutor could potentially pursue charges from criminal abortion to homicide and put a woman who miscarries at risk of arrest, investigation, indictment, trial, and possible imprisonment.

The abortion ban leaves the discretion to investigate miscarriages to the government and is ambiguous as to how the state will investigate these issues. That means that the police may choose to investigate women who have miscarried—a moment that is private—in the most intrusive and adversarial way.

If the abortion ban were allowed to take effect in January 2020, then at the direction of the district attorney, police officers may try to access sensitive health records, interrogate women about their sexual history, and ask other intrusive questions about their bodies—all under the power to prosecute them for something very intimate that has happened to their bodies.

## **8. When is Georgia's abortion law scheduled to take effect?**

Georgia's abortion ban is scheduled to take effect January 1, 2020. However, the ACLU of Georgia, Center for Reproductive Rights, and Planned Parenthood filed the lawsuit *SisterSong v. Kemp* to stop the ban from becoming law before it could ever take effect.

## **9. Does Georgia's abortion ban include any exceptions?**

Georgia's abortion ban includes narrow exceptions in the case of a medical emergency, when a pregnancy is diagnosed as medically futile, or if a woman's pregnancy is a result of rape or incest, AND she files a police report.

**10. What can I do? How do I make my voice heard?**

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