A BILL TO BE ENTITLED

AN ACT

To amend Article 5 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to abortion, so as to provide for certain protections related to pregnancy loss; to provide for definitions; to provide for a right of action, damages, affirmative defenses, and remedies; to prohibit certain arrests, charges, prosecution, and incarceration; to provide for construction; to provide for related matters; to provide for a short title; to provide for legislative findings and intent; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Pregnancy Loss Protection and Dignity Act."

SECTION 2.

(a) The General Assembly finds that:

(1) Miscarriage and stillbirth are tragic and deeply personal medical events that occur in a significant number of pregnancies;

(2) No individual should be subjected to criminal investigation, arrest, or prosecution for experiencing a pregnancy loss;

(3) The misapplication of and overextension of criminal statutes, including, but not limited to, feticide and homicide laws, has resulted in the unjust targeting of individuals experiencing miscarriage or stillbirth; and

(4) Fear of criminalization discourages individuals from seeking necessary medical care, endangering lives and public health.

(b) It is the intent of the General Assembly to ensure that no individual in this state is treated as a criminal based on pregnancy outcomes.

SECTION 3.

Article 5 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to abortion, is amended by adding a new Code section to read as follows:

"16-12-145.

(a) As used in this Code section, the term:

(1) 'Miscarriage' means the spontaneous loss of a pregnancy prior to viability.

(2) 'Pregnancy loss' means the spontaneous or unintended termination of a pregnancy, including miscarriage and stillbirth, at any stage of gestation.

(3) 'Stillbirth' means the loss of a pregnancy at or after viability.

(b) No individual shall be arrested, charged, prosecuted, or incarcerated for experiencing a pregnancy loss.

(c) No individual shall be charged with a criminal offense or subjected to a criminal penalty for any act or omission during pregnancy that is alleged to have contributed to a pregnancy loss.

(d) No law enforcement officer or agency shall initiate or conduct a criminal investigation solely on the basis of a pregnancy loss.

(e) Medical records, pregnancy related information, or statements made for the purpose of receiving medical care shall not be used as the basis for criminal investigation or prosecution related to pregnancy loss.

(f) The provisions of Article 1 of Chapter 5 of this title and Code Section 16-5-80 shall not apply to an individual who experiences a pregnancy loss.

(g) This Code section shall apply regardless of:

(1) The individual's stage of pregnancy at the time of such pregnancy loss;

(2) The circumstances surrounding the pregnancy loss; or

(3) Any allegation of negligence or self-harm on the part of the individual.

(h) Nothing in this Code section shall be construed to limit the prosecution of a third party who commits a criminal act that results in the loss of a pregnancy.

(i)(1) Any individual subjected to arrest, charge, prosecution, or incarceration in violation of this Code section shall have a civil cause of action against the responsible governmental entity.

(2) Remedies shall include:

(A) Compensatory damages;

(B) Attorney's fees and costs; and

(C) Any additional relief deemed appropriate by a court of competent jurisdiction.

(j) This Code section shall be liberally construed to protect individuals from criminalization related to pregnancy loss."

SECTION 4.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 5.

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