



September 25, 2024

Notice to Health Care Providers Regarding Misinformation About Abortions in Georgia

This important notice is being issued to address misinformation concerning Georgia’s abortion laws. In the State of Georgia, **abortion is permissible at any stage of pregnancy to save the life and health of the mother in the event of a medical emergency.**

Under the Living Infants Fairness and Equality Act (“LIFE Act”)¹, “medical emergency” means a condition in which, in reasonable medical judgment, an abortion is necessary in order to prevent the death of the pregnant woman or the substantial and irreversible physical impairment of a major bodily function of the pregnant woman. As such, physicians in Georgia are expected to follow standards of care in providing treatment for pregnant women in emergent situations. The law does not prohibit the removal of a dead unborn child caused by a spontaneous abortion or the removal of an ectopic pregnancy, nor does the law require that death of the mother be imminent for a doctor, in his or her reasonable medical judgment, to determine that a medical emergency exists. Also, exceptions are provided for reported cases of rape and incest.

Health care facilities and providers must be aware that a physician providing life-saving treatment for pregnant women does not violate Georgia law and that failure to provide such treatment may constitute malpractice. Additionally, **a miscarriage is not an abortion.** O.C.G.A. § 31-9A-2(1) defines “abortion” as the “use of prescription of any instrument, medicine, drug, or any other substance or device *with the intent to terminate the pregnancy* of a female known to be pregnant” (emphasis added).

Physicians are reminded that **Georgia law requires life-saving medical care to a mother without delay** when necessary, according to O.C.G.A. § 31-9A-5.

The failure to act timely in critical situations may result in regulatory sanctions from the Healthcare Facility Regulation Division of the Department of Community Health or other State boards and agencies. More information on Georgia’s abortion law is available on the Department of Public Health website: <https://dph.georgia.gov/womens-right-know-wrtk>.

¹ The LIFE Act is codified at O.C.G.A. §§ 1-2-1; 16-12-141; 19-6-15(4); 19-7-1(c)(1); 31-9A-3, 4; 31-9B-2, 3; and 48-7-26(a).