

# DEADLINE

## Federal Judge Strikes Down Georgia Anti-Abortion Bill

Gill Goldsmith | July 13, 2020



The Walking Dead, produced in Georgia AMC

**A** federal judge Monday permanently struck down as unconstitutional an anti-abortion bill in Georgia — legislation that prompted protests from Hollywood last year and had some threatening to move production out of the state if it was ever enforced.

U.S. District Judge Steve Jones ruled against Georgia in a lawsuit filed by reproductive rights groups and several physicians. He had first blocked the bill with a temporary restraining order last October before it was scheduled to take effect in January. Both sides presented their cases again in a hearing last month. And both were waiting for a decision. The new ruling permanently enjoins the state from ever enforcing House Bill 481.

“The district court blocked Georgia’s abortion ban, because it violates over 50 years of Supreme Court precedent and fails to trust women to make their own personal decisions. This case has always been about one thing: letting her decide. It is now up to the State to decide whether to appeal this decision and prolong this lawsuit,” said Sean J. Young, legal director of the ACLU of Georgia, in a statement emailed to Deadline.

The measure sought to ban abortions once a “detectable human heartbeat” was present, with limited exceptions. A fetal heartbeat can be detected as early as six weeks into a pregnancy, before many women know they’re pregnant. Georgia Gov. Brian Kemp signed the bill into law last May. It was temporarily blocked in October. Beyond the heartbeat, the bill also changed the definition of personhood under Georgia’s statute to include an embryo or fetus.

Attorneys for the state argued in June in cross motions for summary judgement that even if the judge found the fetal heartbeat provision

unconstitutional under *Roe v Wade*, he could strike that part but still let the law take effect with the personhood change. The ACLU argued that granting a fetus personhood was tantamount to an abortion ban.

The case was reproductive social justice group *Sistersong v. Gov. Kemp*. Seven reproductive health care clinics and three individual physicians were also plaintiffs.

The case caused an uproar among business leaders in the state including those that support its \$9 billion entertainment industry. Last summer producers from Netflix, Disney, WarnerMedia, NBCUniversal, AMC Networks, Sony, CBS and Viacom (which hadn’t yet merged) publicly questioned whether they would remain in Georgia if the ban went into effect. J.J. Abrams and Jordon Peele, Peter Chernin, Alyssa Milano, Christine Vachon, David Simon and others also spoke out.

Tyler Perry was one of the first Hollywood producers to come up with a comprehensive plan how to safely restart TV production and was the first to set a start dates for U.S. shows filming in North America — in July for two BET series, *Sistas* and *The Oval* at his Atlanta-based Tyler Perry Studios.

Ryan Millsap, CEO of Blackhall Studios in Atlanta, which rents sound stages to large productions, said he was extremely worried last year. “It was a scary time for those of us in the entertainment industry because a law like that would certainly put Georgia in a very awkward position relative to the modern English-speaking world,” he said.

In his ruling Monday, Judge Joenes wrote that “the undisputed material facts in this case lead to one, indisputable conclusion: that Section 4 of H.B. 481, by prohibiting a woman from terminating her pregnancy upon the detection of a fetal heartbeat, constitutes a pre-viability abortion ban. As this ban directly conflicts with binding Supreme Court precedent (i.e., the core holdings in *Roe*, *Casey*, and their progeny) and thereby infringes upon a woman’s constitutional right to obtain an abortion prior to viability, the Court is left with no other choice but to declare it unconstitutional.”

“Additionally, because Section 3’s redefinition of “natural person” to include an unborn child was explicitly considered and rejected by the Supreme Court in *Roe*, it too is unconstitutional,” he said.

Georgia, thanks to its tax credits, has become one of the biggest film and TV hubs for major productions. It reopened earlier than many other states and has been hoping to relaunch production this month.

(Separately Monday, a federal judge blocked an anti-abortion law in Tennessee soon after Governor Bill Lee signed it into law. It also banning abortions at the detection of a heartbeat in the state.) ■