

Another Victory: Appeals Court Protects Heartbeat Law in Georgia

The 11th Circuit Court of Appeals ruled 3-0 that a Georgia law banning abortion when a fetal heartbeat is detected will now take effect.

In 2019, Georgia enacted HB 481, known as the “Living Infants Fairness and Equality (LIFE) Act,” that will prohibit abortions after a fetal heartbeat is detectable in the womb, which is as early as six weeks of pregnancy. The law also defines “person” to include an “unborn child.” A federal judge blocked it before it could take effect, finding it violated the right to abortion established by the U.S. Supreme Court in its 1973 landmark *Roe v. Wade* ruling.

However, since the U.S. Supreme Court has now overturned *Roe v. Wade* and *Planned Parenthood v. Casey* abortion decisions, the appeals court ruled that the abortion ban must go into effect.

Chief Judge William Pryor of the 11th Circuit Court of Appeals wrote for a unanimous three-judge panel that the state had a “rational basis” for the law, given its interest in “providing full legal recognition to an unborn child.”

The court wrote, “Because we take the Supreme Court at its word, we must treat parties in cases concerning abortion the same as parties in any other context. And to the extent that this court has distorted legal standards because of abortion, we can no longer engage in those abortion distortions in the light of a Supreme Court decision instructing us to cease doing so.”

Liberty Counsel founder and chairman Mat Staver said, “As we

continue to celebrate the U.S. Supreme Court overturning the horrible abortion decisions, today's ruling by the 11th Circuit is a direct result of the High Court's action. The beating heart of a priceless, unborn child should awaken the conscience of our nation to the violence of abortion. I am grateful that Georgia will help make the womb a safe place again." {eo}

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