



Alabama | RANKING: 17

In recent years, Alabama has made significant progress in protecting women from the harms of abortion. Alabama law requires informed consent and parental consent before abortion, and has prohibited abortion coverage in the state health insurance Exchanges (required under the federal healthcare law). However, the state maintains no laws regarding human cloning, destructive embryo research, fetal experimentation, or human egg harvesting, and it does not promote ethical forms of research.

» ABORTION

- Alabama bans most abortions at or after 5 months (*i.e.*, 20 weeks) on the basis of pain experienced by unborn children.
- Alabama requires that a woman be given a 48-hour reflection period before a physician may perform an abortion and requires that she be informed of the risks of and alternatives to abortion, the probable gestational age of her unborn child, and the probable anatomical and physiological characteristics of the child at that stage of development.
- Alabama also requires an abortion provider to provide the woman with an opportunity to review a state-sponsored videotape and written materials detailing sources of public and private support, adoption agencies, fetal development, abortion methods, and the father's legal responsibilities.
- The state also requires an abortion provider to perform an ultrasound prior to an abortion and to provide the woman with an opportunity to view the ultrasound.
- Alabama requires abortion providers to explain in printed materials that it is illegal for someone to coerce a woman into having an abortion.
- One parent must provide written consent before a physician may perform an abortion on a minor under the age of 18, unless there is a medical emergency or the minor obtains a court order. Further, the state requires proof of relationship between parent(s) and a minor seeking an abortion and prohibits a parent, legal guardian, custodian, or any other person from coercing a minor to have an abortion.
- Abortion clinics must meet the same medically appropriate standards of patient care as other facilities performing outpatient surgeries.
- Only a physician licensed by the state to practice medicine or osteopathy may perform an abortion. A requirement that abortion providers maintain hospital admitting privileges has been challenged by Planned Parenthood and is in litigation.

- The state maintains an enforceable abortion reporting law, but does not require the reporting of information to the Centers for Disease Control (CDC). The measure requires abortion providers to report short-term complications.
- Abortion clinics are required to report suspected child abuse.
- Alabama requires that abortion-inducing drugs be administered by a physician and mandates that the physician examine the woman before providing the drugs.
- Alabama follows the federal standard for Medicaid funding for abortions, only permitting the use of federal or state matching Medicaid funds for abortions necessary to preserve the life of the woman or when the pregnancy is the result of rape or incest.
- The Alabama Office of Women’s Health may not advocate, promote, or otherwise advance abortion or abortion-inducing drugs.
- Alabama prohibits abortion coverage in the state health insurance Exchanges (required under the federal healthcare law) except in cases of life endangerment, rape, incest, or ectopic pregnancy. Further, Alabama voters approved a constitutional amendment that “prohibit[s] any person, employer, or health care provider from being compelled to participate in any health care system.” As a result, if individuals, employers, and healthcare providers are not required to participate in a particular healthcare system, their freedom of conscience to object to providing or paying for certain services that are included in that system (*e.g.*, abortion or life-ending drugs or devices) is protected.
- Alabama offers “Choose Life” license plates, the proceeds of which benefit pregnancy resource centers and/or other organizations providing abortion alternatives.

» **LEGAL RECOGNITION OF UNBORN AND NEWLY BORN**

- Alabama defines a “person” under its homicide laws to include the unborn child *in utero* at any stage of development, regardless of viability.
- Alabama also defines a nonfatal assault on an unborn child as a criminal offense.
- The state allows a wrongful death (civil) action when an unborn child at any stage of development is killed through a negligent or criminal act.
- Alabama has created a specific affirmative duty for physicians to provide medical care and treatment to infants born alive at any stage of development.
- Alabama has enacted a “Baby Moses” law under which a mother or legal guardian who is unable to care for a newborn infant may anonymously and safely leave the infant in the care of a responsible person at a hospital, police station, fire station, or other prescribed location.

» **BIOETHICS LAWS**

- Alabama maintains no laws regarding human cloning, destructive embryo research, fetal experimentation, or human egg harvesting, and it does not promote ethical forms of research.
- The state maintains laws regarding the parentage of children conceived through assisted reproductive technologies.

» **END OF LIFE LAWS**

- Alabama does not have a specific statute criminalizing assisted suicide. However, under the state's common law, assisted suicide remains a crime.

» **HEALTHCARE FREEDOM OF CONSCIENCE**

Participation in Abortion

- Alabama currently provides no protection for the freedom of conscience of healthcare providers.

Participation in Research Harmful to Human Life

- Alabama currently provides no protection for the rights of healthcare providers who conscientiously object to participation in human cloning, destructive embryo research, or other forms of medical research, which violate a provider's moral or religious belief.

» **WHAT HAPPENED IN 2014**

- Alabama amended its informed consent law to include a 48-hour reflection period in place of a previously required 24-hour reflection period.
- Alabama also enacted a measure requiring proof of relationship between parent(s) and a minor seeking an abortion and prohibiting a parent, legal guardian, custodian, or any other person from coercing a minor to have an abortion.
- Alabama considered legislation prohibiting an abortion when an unborn child has a heartbeat and requiring that information on perinatal hospice be given to a woman seeking abortion after receiving a life-limiting diagnosis for her unborn child.
- In *Planned Parenthood v. Bentley*, a federal district court invalidated an Alabama law requiring that abortion providers maintain hospital admitting privileges. The law remains in litigation.
- Alabama modified the physician registration requirements under the *Alabama Pain Management Act*.
- Alabama considered a measure protecting a healthcare provider's right not to participate in certain healthcare services including abortion.

RECOMMENDATIONS

for ALABAMA

WOMEN'S PROTECTION PROJECT PRIORITIES

- Additional components of the Parental Involvement Enhancement Act
- Components of the Child Protection Act related to evidence retention and remedies for third-party interference with parental rights
- Enhanced penalties and enforcement mechanisms for the state's abortion-related laws

ADDITIONAL PRIORITIES

Abortion

- Defunding the Abortion Industry And Advancing Women's Health Act
- Prenatal Nondiscrimination Act
- Partial-Birth Abortion Ban Act

Legal Recognition and Protection for the Unborn

- Statutory prohibition on wrongful birth lawsuits
- Pregnant Woman's Protection Act

Bioethics

- Prohibition on Public Funding for Human Cloning and Destructive Embryo Research Act
- Human Cloning Prohibition Act
- Destructive Embryo Research Act

End of Life

- Assisted Suicide Ban Act

Healthcare Freedom of Conscience

- Healthcare Freedom of Conscience Act