



2018
State Legislative Session Report

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Executive Summary

This has proven to be another year of engagement in state legislatures with states actively protecting mothers and their children from the negative consequences of abortion, despite the fact that several states on a biennial schedule are not in session this year. State legislatures across the country continue to press forward to ensure that mothers are well informed about the risks of abortion, that the public has valuable statistics on the realities of abortion and its complications, and that public resources are no longer flowing to the abortion industry.

In 2018, AUL and AUL Action realized 21 significant victories for Life, providing the language for or helping to enact 19 new pro-life laws, providing the language for 2 pro-life resolutions, and working to defeat 8 anti-life measures. Overall, there were 45 life-affirming, abortion-related measures passed in 2018, and AUL actively engaged in more than 45 percent of these – to date, the highest percentage of successful pro-life bills AUL has been actively involved in.

In response to recent judicial actions, including *Whole Women's Health v. Hellerstedt*, and a desire to ensure mothers are fully informed about their decision, **states have taken an increased interest in the data underlying abortions, such as demographics and abortion-related complications.** In particular, Idaho and Arizona enacted the next generation of abortion reporting requirements, based on AUL model legislation, requiring that all abortion-related complications, whether presented at the abortion facility or elsewhere, be reported so as to give a true picture of consequences to mothers.

Additionally, states, led by Ohio, continue to provide protections for unborn children with Down syndrome and other genetic anomalies. States are enacting bans on abortion at five months or earlier, safeguarding dignity for fetal remains, and supporting crisis pregnancy centers.

Opponents continue to pressure states to reverse protections for mothers, with 5 measures enacted, including two requirements for insurance to cover elective abortion, restrictions on crisis pregnancy centers, and a resolution marking the 45th anniversary of *Roe v. Wade*.

Finally, in a disturbing trend, advocates throughout the country continue to push measures to legalize physician-assisted suicide. All but one, in Hawaii, were defeated.

AUL/AUL Action: Legislative Victories in 2018

In 2018, 5 measures based on AUL model legislation were enacted, and 2 AUL model resolutions were adopted. AUL and AUL Action also helped to defeat anti-life measures in Massachusetts, New York, Rhode Island, and Connecticut.

Enacted Measures - Based on AUL Model Legislation:

- **Arizona** enacted SB 1394, based in part on AUL's *Abortion Reporting Act*, requiring that complications of abortion be reported in abortion statistics.
- **Idaho** enacted HB 638, based on AUL's *Abortion Reporting Act*, requiring that complications of abortion be reported in abortion statistics.
- **Indiana** enacted SB 340, based on AUL's *Abortion Reporting Act*, requiring that complications of abortion be reported in abortion statistics.
- **Iowa** enacted SB 359, requiring that fetal remains be treated with dignity through burial or cremation, in line with AUL's *Unborn Infants Dignity Act*, and prohibiting abortions once a fetal heartbeat is present.
- **Ohio** enacted HB 214, based on AUL's *Prenatal Nondiscrimination Act*, prohibiting abortions where the reason for abortion is a fetal diagnosis of Down syndrome or other genetic anomaly.

Additional Pro-Life Enacted Measures:

- **Alabama** enacted HB 98, which puts a constitutional amendment on the November ballot for the people of the state of Alabama to declare that there is no right to abortion under the state constitution.
- **Arizona** enacted SB 1393, requiring courts to grant custody of in vitro human embryos to the spouse intending to allow the embryos to develop to birth.
- **Arkansas** enacted budgetary language prohibiting state funds from being used for abortion referral in public schools or for abortion services.
- **Connecticut** enacted HB 5148, allowing a pregnant medical patient to indicate clearly on her living will that she desires life support if it would allow for her unborn child to reach live birth.
- **Florida** enacted HB 41, creating a grant program to provide support for pregnancy support organizations.

- **Idaho** enacted SB 1243, requiring women who receive a chemical abortion be notified that there is a chance to reverse the procedure if the woman changes her mind before completing the drug regimen.
- **Indiana** enacted SB 203, changing the state’s fetal homicide law to protect the unborn at any state of development, instead of only after viability.
- **Kentucky** enacted HB 454, prohibiting dismemberment abortions after 10 weeks post-fertilization.
- **Louisiana** enacted a series of laws (HB 273, HB 287, SB 325, and HB 891) to strengthen existing law in regard to fetal remains, informed consent, prohibitions on abortions due to genetic anomalies, and state funding for abortion providers in response to court actions on related laws.
- **Louisiana** enacted HB 449, requiring information on adoption agencies be posted online on the state website and creating a task force to ensure that the website is properly developed.
- **Louisiana** enacted SB 181, prohibiting abortions 15 weeks post-conception; the measure is to go into effect depending on the result of the lawsuit against Mississippi’s similar 15-week ban. Louisiana also adopted a resolution asking the attorney general to pursue an amicus effort in support of Mississippi’s law (HCR 71).
- **Louisiana** enacted SB 534, defining abortion and feticide as crimes of violence for the purpose of criminal prosecutions.
- **Mississippi** enacted HB 1510, prohibiting abortions after 15 weeks gestation.
- **Nebraska** added language to its budget act, L 944, prohibiting Title X funds from going to organizations that perform or refer for abortions.
- **South Dakota** enacted SB 110, bolstering pregnancy center consultations that were required in existing law and finding that Planned Parenthood was intentionally undermining informed consent laws.
- **Tennessee** enacted HB 2251, which clarifies that it is the state’s policy to favor childbirth and requires the state to pursue a waiver to exclude elective abortion providers from TennCare, Tennessee’s Medicaid program.
- **Tennessee** enacted HB 108, requiring that reports on abortions include whether or not a heartbeat was detected if an ultrasound was performed.
- **Tennessee** enacted HB 2381 to provide for the establishment of the state Monument to Unborn Children, In Memory of the Victims of Abortion: Babies, Women, and Men.
- **Tennessee** enacted SB 2494, codifying a prioritization of family planning funds going to public entities and then to private entities that provide comprehensive care before being available to limited service family planning providers.

- **Utah** enacted SB 118, requiring that abortions be performed in an abortion clinic or hospital, enhancing requirements for what information must be provided to women prior to an abortion, and requiring that the state maintain a website with this information.
- **West Virginia** enacted SJR 12, proposing an amendment to the state constitution which makes it clear that there is no right to abortion under the state constitution and nothing requires the funding of an abortion. It will be on the ballot in November 2018.

Anti-Life Enacted Measures:

- **California** enacted SB 743, prohibiting MediCal from excluding any provider that provides family planning services.
- **Hawaii** enacted HB 2739, allowing physician-assisted suicide.
- **Hawaii** enacted SB 501, requiring limited service pregnancy centers to disclose the availability of and enrollment information for reproductive health services, including all FDA approved contraceptives, and stating that “only ultrasounds performed by qualified healthcare professionals and read by licensed clinicians should be considered medically accurate.”
- **Illinois** enacted HB 40, allowing for the coverage of elective abortions and reproductive health care coverage to be included in the State Employees Group Insurance and the state’s medical assistance program.
- **Washington** enacted SB 6219, requiring health insurance plans that cover maternity care to provide equivalent coverage for abortion services.

Pro-Life Resolutions Adopted:

- The **Alabama** Senate adopted a resolution (SR 59) which is based on AUL model language, recognizing the contributions of pregnancy resource centers.
- The **Alabama** House and Senate adopted a resolution (SR 109) condemning U.S. Senator Doug Jones’ vote against the *Pain-Capable Unborn Child Act*.
- The **Kentucky** House and Senate adopted a resolution (HCR 152) which is based on AUL model language and recognizes the contributions of pregnancy resource centers.
- The **Kentucky** House and Senate adopted resolutions (HR 96 and SR 108) memorializing the 45 years since the *Roe v. Wade* decision and the consequences it has had, including the sixty million dead unborn, the childless homes waiting to adopt, and the decisions’ severe disrespect for life.
- The **Louisiana** House and Senate adopted a resolution (HCR 26) recognizing Pro-Life Day and commending pregnancy resource centers, adoption agencies, social services, and pro-life organizations and citizens.

- The **Oklahoma** House adopted a resolution (HR 1022) recognizing Rose Day and the sanctity of human life.
- The **Virginia** House and Senate adopted a resolution (HJR 254) commending the March for Life and the unification of groups around the pro-life message.

Anti-Life Resolutions Adopted:

- The **California** Assembly and Senate both passed resolutions commemorating the 45th Anniversary of *Roe v. Wade* and asking the President and the United States Congress to support a “fundamental right to abortion” and access to those services provided by Planned Parenthood.

Defeat of Anti-Life Measures:

- With the help of AUL legal and policy experts, **Rhode Island’s Reproductive Health Care Act** and **New York’s Reproductive Health Act**, which seek to codify *Roe* by granting expansive legal protection to abortion and invalidating all current and future protective abortion-related laws, were defeated.
- AUL Action helped allies in **Connecticut, New York, and Rhode Island** to defeat bills legalizing assisted suicide.

AUL/AUL Action: Benchmarks and Other Support Provided in 2018

AUL experts provided **legislative testimony, letters, or other statements in regard to 15 measures:**

- AUL provided written testimony in opposition to **Alaska** HB 54, the *Terminally Ill: Ending Life Options Bill*, allowing for physician-assisted suicide.
- AUL provided written testimony in opposition to **California** SB 320, *Regarding Requiring Student Health Clinics to Provide Chemical Abortions*, requiring all California public higher education institutions to provide chemical abortions.
- AUL provided written testimony in opposition to a **Connecticut** ordinance which would violate Pregnancy Care Centers’ free speech rights.
- AUL staff testified and provided written testimony in opposition to **Connecticut** HB 5417, *An Act Concerning End-of-Life Care* (physician-assisted suicide).

- AUL staff testified and provided written testimony in opposition to **Connecticut** HB 5416, *An Act Concerning Deceptive Advertising Practices of Limited Services Pregnancy Centers*, violating the free speech of crisis pregnancy centers.
- AUL Corporate Counsel Evangeline Bartz provided testimony and a written statement in support of **Delaware** SB 205, the *Pain-Capable Unborn Child Protection Act*, limiting abortions at or after 20 weeks (5 months) gestation and based on AUL model language.
- AUL Staff Counsel Rachel Busick testified and provided written testimony in opposition to **District of Columbia** Bill 22-0571, the *Abortion Provider Non-Discrimination Amendment Act of 2017*, which would require pro-life organizations to hire individuals who oppose their mission.
- AUL General Counsel Steven H. Aden provided a letter in opposition to physician-assisted suicide in **Hawaii**.
- AUL Corporate Counsel Evangeline Bartz provided testimony and a written statement in support of **Maryland** HB 1424, the *Pain-Capable Unborn Child Protection Act*, limiting abortions at or after 20 weeks (5 months) gestation and based on AUL model language.
- AUL staff testified in opposition to **Massachusetts** SB 1225, which would allow assisted suicide.
- AUL President and CEO Catherine Glenn Foster provided written testimony in support of **Minnesota** SF 2849 which would allow a woman to see the ultrasound of her child prior to an abortion.
- AUL provided written testimony in opposition to **New York** A.2383-A, the *Medical Aid in Dying Act*, allowing for physician-assisted suicide.
- AUL Government Affairs Counsel Bradley N. Kehr testified and provided written testimony in opposition to **Rhode Island** HB 7297, the *Lila Manfield Sapinsley Compassionate Care Act*, Regarding Physician-Assisted Suicide, which would legalize assisted suicide.
- AUL provided written testimony in support of **Rhode Island** HB 7164 and SB 2152, the *Born-Alive Infants Protection Act*.
- AUL provided written testimony in opposition to **Rhode Island** HB 7340 and SB 2163, the *Reproductive Health Act*, which would codify *Roe v. Wade* enshrining expansive allowance for abortion.

Notable Trends in 2018

Abortion:

- In 2018, **45 states considered approximately 398 measures related to life**, either abortion or physician-assisted suicide.
- While 2018 abortion-related measures were overwhelmingly life-affirming, **states continue to consider measures seeking to undermine existing state laws and policies regulating or limiting abortion**. At least 16 states considered measures undermining existing life-affirming laws or supporting the so-called “right” to abortion.
- Significant abortion-related measures in 2018 included **20 week (five month) abortion limitations, enhanced informed consent requirements, abortion and complications reporting requirements, and defunding the abortion industry**.

Legal Recognition and Protection of the Unborn:

- At least 11 states considered measures providing legal recognition of and protection for unborn children and at least 5 states considered protections for newly born children including those born from an abortion.

End of Life:

- **Measures in 15 states sought to legalize assisted suicide**. Only one, **Hawaii**, passed physician-assisted suicide.

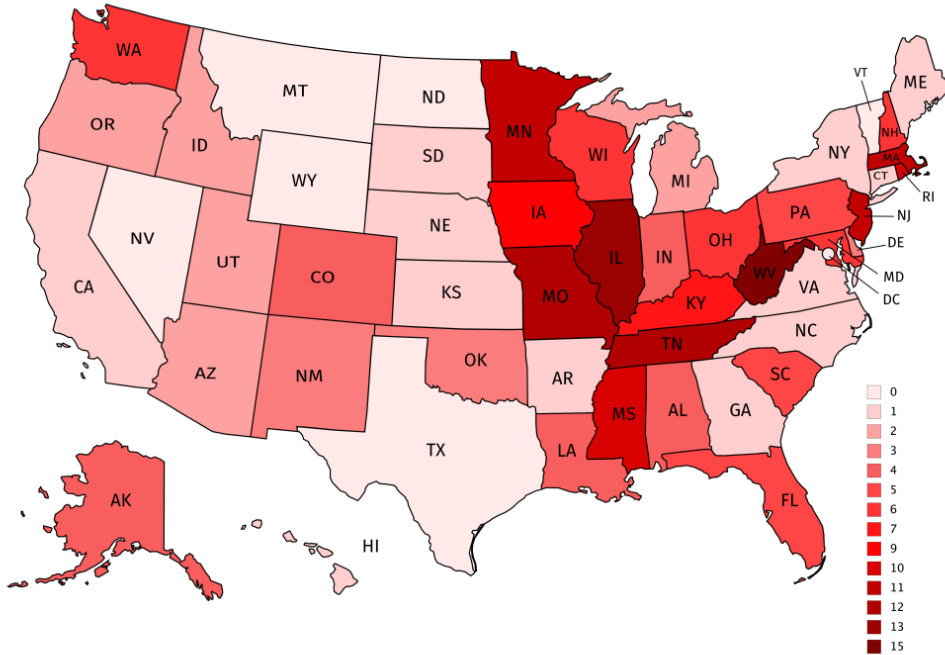
Pro-Life Measures Vetoed in 2018:

Abortion:

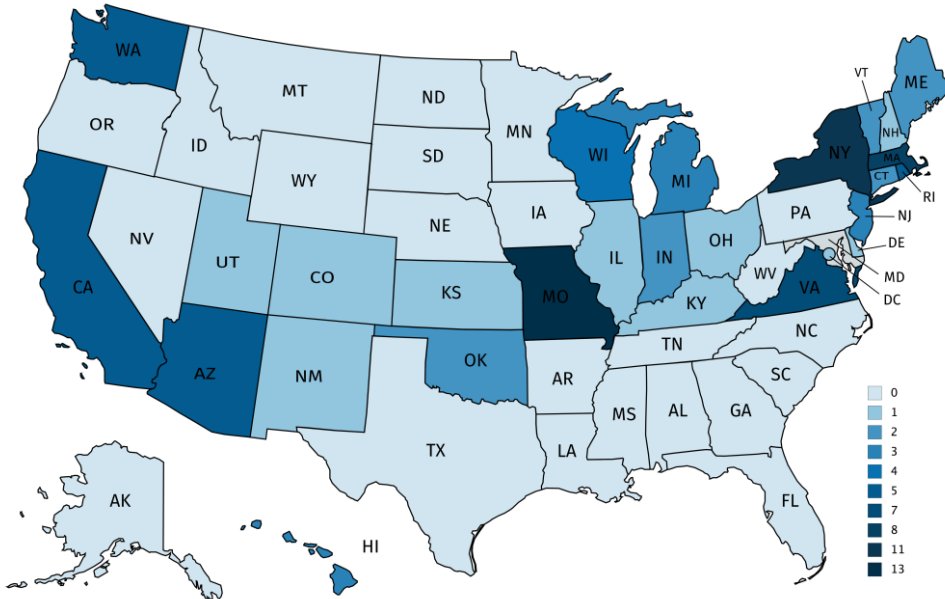
- **Minnesota** Governor Mark Dayton vetoed a measure that would have allowed women to see the ultrasound of their baby prior to an abortion.
- **Pennsylvania** Governor Tom Wolf vetoed a measure that would have prohibited abortions after 20 weeks – the point at which an unborn child can feel pain – and would have prohibited dismemberment abortions.

Life-Related Measures Considered in 2018

Pro-Life Issues Considered By State:



Anti-Life Issues Considered By State:



Pro-Life Legislation Considered by States

	Abortion Clinic/Procedure Regulations	Pregnancy Center Resolution Protections	Rain-Capable Unborn Child Protection Act	Born Alive Infant Protection Act	Abortion Industry Funding Prohibitions	Parental Notification/Consent	Informed Consent/ Ultrasound	Dismemberment Abortion Ban	Fetal Body Parts/Utterance Dignity	Life at Conception/Personhood	Advanced Directive Protections	Wrongful Death Cause of Action	Heartbeat Abortion Bans	Prohibition on Wrongful Life/Birth Suits	Feticide/One Week Post-Fertilization	Abortion/Complications Repealing
AL	HB 52	HJR 153	SJR 60													
AK				HB 266, SB 124	HB 308, SB 162	HJR 32, SJR 14										
AZ																
AR																
CA																
CO							HB 1082	HB 1120	HB 1121	HB 1225						
CT																
DC																
DE	HB 219		SB 205				SB 240									
FL								HB 1429, SB 1890			HB 1339, SB 474					
GA																
HI				HB 1368									HB 882			
ID																
IL	HB 4393		HB 5328		HB 135, HB 145, HR 620		HB 4257	HB 4717								
IN					SB 388					HB 1097						
IA					HB 2052, HB 2162, SB 2194					HB 2227, SB 3143			HB 2163, SB 2281	HB 2165, HB 2405	SB 2295	
KS							SB 98									
KY							HB 103			BR 143, SB 164						HB 115
LA					HB 338											
ME												HB 241				
MD			HB 1355, SB 1067, HB 1424			HB 1335										
MA	HB 1211		HB 934		HB 2671	HB 2883	HB 936, HB 2282, HB 3119									
MI									HB 5953, SB 1055							
MN	HB 2813, SB 3039						HB 3194, SB 2849		HB 2814	HB 2792, SB 3382			HB 4524, SB 4109			
MS	SB 2565			HB 45	SB 2159				SB 2148	SB 2143			HB 226, HB 1509, SB 2058			
MO			HB 1266			HB 1383, HB 2592				HB 1333, HB 1372, HB 1751			SB 714			
MT																
NE																
NV																
NH								HB 1707								
NJ			SB 357, A 1686		SCR 35, ACR 103	SB 2174, A 495	A 2828		A 2248, SB 404, A 2815					A 287		
NM				HB 75		HB 56										
NY			A 8907													
NC		SB 798														
ND																
OH							HB 619	SB 145	SB 28	HB 565			HB 258			
OK																
OR			HB 4057													
PA								SB 3								
RI				SB 2142, SB 2152, HB 7164				SB 2585, HB 7026					HB 7180			
SC					HB 4491			HB 3548		SB 217			HB 5403			
SD																
TN					SB 2148			HB 1746, SB 2365					HB 1892, SB 244, SB 1961			
TX																
UT																
VT																
VA																
WA	SB 6071				HB 1002, HB 2082, HB 3052, HJR 111	HB 1003, SB 5320				HB 1649, HB 4318, SB 405, HJR 19						
WV	HB 4246								SB 91							SB 450
WI					A 206, SB 154				A 83, SB 422, A 549, SB 423							
WY																

Pro-Life Legislation Considered by States

	PRENDA	Constitutional Protections	Fetal Homicide	Prohibiting Educational and University Abortion Training Funding	Prohibitions on Cross State Abortions/Aiding Minor	Custody of In Vitro Embryos	Conscience Protection Act	Protections Against Coerced Abortions	Post-Viability Ban	Physician Professional Responsibility	Perinatal Hospice and Palliative Care	Informed Consent for PAS	Prohibits Discrimination in Denial of Treatment	Prohibitions on Abortion Coverage in Health Plans	Partial Birth Abortion Ban	Protections for Minors
AL																
AK																
AZ																
AR																
CA									S 1336							
CO																
CT																
DC																
DE																
FL																
GA																
HI																
ID																
IL	HB 4210		HB 4493											HB 4108, HB 4114, HB 4189, SB 2241		
IN																
IA																
KS																
KY	HB 455	HB 473														
LA																
ME																
MD			HB 748,													
MA	HB 931		HB 861,												HB 926	
MI																
MN				HB 4526, SB 4079												
MS	SB 2616															
MO	HB 1867, SB 724	HCR 103, HJR 53			HB 1946, HB 2159	HB 2658										
MT																
NE																
NV																
NH			HB 1511				HB 1787	HB 1721	HB 578, HB 1680							
NJ			A 2855						SB 1118							
NM									HB 76							
NY																
NC																
ND																
OH																HB 302
OK	SB 1430	HJR 1054							SB 1209							
OR	HB 4101															
PA	SR 174, SB 1050, HB 2315,															
RI					SB 2791, HB 7735										SB 2709, HB 8086	
SC	HB 4833															
SD																
TN									HB 1893, SB 1962							
TX																
UT	HB 205															
VT																
VA										HB 1182						
WA											SB 5433					
WV		WV 1	HB 2710	HB 4371								HB 4467, SB 436	SB 84, SB 92			
WI																
WY																

Anti-Life Legislation Considered by States

	Physician Assisted Suicide	Restrictions on Pregnancy Centers	Elimination of Parental Involvement	Forced Abortion Coverage for Religious Employers	Providing for Telemed Abortions	Health Plan Coverage for Abortion	Eliminating Informed Consent and/or Waiting Periods	Allowing PAs and NPs to Perform Abortions	Allowing Wrongful Life and Birth Claims	Access to Emergency Contraception/Chemical Abortions at Higher Ed Institutes	Codification of <i>Roe v. Wade</i>	Repealing Physician/Clinic/Procedure Requirements	Repeals "Right to Life" Statements	Direct/Title X Funding of Planned Parenthood	Commemorating <i>Roe v. Wade</i> or Planned Parenthood	Eliminating Conscience Rights	Requiring Coverage of Abortion for Inmates	Insurance Coverage of Abortifacients as Contraception
AL																		
AK																		
AZ	HB 2102, SB 1222, HB 2611, SB 1414	SB 1360	SB 1361, SB 1362	HB 2227, SB 1341	SB 1364													
AR																		
CA									SB 320					AJR 42	HR 68			
CO						HB 1438												
CT	HB 5417	HB 5416																
DC																		
DE	HB 160															B 571		
FL																		
GA																		
HI		HB 663																
ID																		
IL																		
IN	HB 1117, HR 57																	
IA																		
KS						HB 2667												
KY							HB 235											
LA																		
ME								HB 1217	LR 2758									
MD										HB 1111, SB 969								
MA	HB 1194, SB 1225, SB 2397		HB 3649								HB 954, SB 784		HB 4231, HB 4366, HB 4382			SR 121, HR 229	HB 5612, SB 831	
MI																		
MN																		
MS																		
MO	HB 1319, HB 1790	HB 2266, HB 2296, SB 670, HB 2298				HB 2086	HB 1852, HB 1853, HB 2297, SB 671			HB 1772, HCR 65	HB 1854	HB 2083						
MT																		
NE																		
NV																		
NH	SB 490																	
NJ	SB 1072, A 1504																	A 145
NM										HB 16								
NY	A 2383, SB 3151, SB 8668, A 10376	A 5911, A 11150, SB 8336								A 6058	A 1748, A 10433, SB 2796					SB 7366		SB 3790, A 9511
NC																		
ND																		
OH	SB 249													SCR 25				
OK	HB 2585					SB 1242												
OR																		
PA																		
RI	HB 7297, SB 2443					SB 2237					HB 7340, SB 2163							
SC																		
SD																		
TN																		
TX																		
UT	HB 210																	
VT											SB 268			HB 543				
VA							HB 450, SB 133, SB 709				HB 1231, SB 910	HB 1037			HR 29, HR 119			
WA						HB 2908, HB 2909, SB 6105						HB 4264						
WV																		
WI	A 216, SB 312										A 656, SB 569							
WY																		