



Americans United for Life

State Fact Sheet

States Protecting Life from Conception

1. Alabama:

- State's Strongest Limit: Abortion prohibited with exceptions for life, "to avert serious risk of substantial physical impairment of a major bodily function" (Ala. Code §§ 26-23H-1 to -8).
- Current Litigation:
 - *Reproductive Health Services v. Bailey* (M.D. Ala. Cir. No. 2:14-cv-1014)—The abortion parental consent case was dismissed Aug. 8, 2022 after a joint motion to voluntarily dismiss appeal to the 11th Circuit was filed July 7, 2022.
 - *Robinson v. Marshall* (M.D. Ala. No. 2:19-cv-365)—The abortion gestational limits case limiting the practice throughout pregnancy with narrow exceptions was voluntarily dismissed June 30, 2022.
- Additional Provisions:
 - Pre-*Roe* statute (Ala. Code § 13A-13-7)
 - The state constitution affirms public policy is to protect unborn life (Ala. Const. art. I, § 36.06)

2. Arizona

- State's Strongest Limit: Pre-*Roe* statute prohibits abortion with an exception for the life of the mother (Ariz. Rev. Stat. § 13-3603).
- Current Litigation:
 - *Isaacson v. Brnovich* (D. Ariz. No. 2:21-cv-1417)—The abortion prenatal nondiscrimination and prenatal rights case was granted, vacated, and remanded by the Supreme Court in light of *Dobbs* July 1, 2022. Plaintiffs filed a renewed motion for a preliminary injunction regarding the prenatal nondiscrimination provisions Sept. 9, 2022.
 - *Planned Parenthood Center of Tucson, Inc. v. Brnovich* (Ariz. Super. Ct. No. C127867)—The abortion case challenging pre-*Roe* law had a permanent injunction issues Mar. 27, 1973. Hearing was held Aug. 19, 2022 after the State moved for relief from judgment July 13, 2022. Permanent injunction was lifted Sept. 22, 2022.
- Additional Provisions:

- S.B. 1164, 55th Leg., 2nd Reg. Sess. (2022) prohibits abortions after 15 weeks.
3. Arkansas
- State's Strongest Limit: Conditional law (Ark. Code Ann. §§ 5-61-301 to -304) bans all abortions with an exception to save the life of the mother.
 - Current Litigation:
 - *Little Rock Family Planning Services v. Jegley* (E.D. Ark. 4:21-cv-453)—The abortion gestational limits case limiting the practice throughout pregnancy with narrow exceptions was voluntarily dismissed July 13, 2022.
 - *Planned Parenthood of Arkansas & Eastern Oklahoma, Inc. v. Gillespie* (E.D. Ark. No. 4:15-cv-566)—The abortion funding (Medicaid) case was voluntarily dismissed Aug. 1, 2022.
 - *Rutledge v. Little Rock Family Planning Services* (E.D. Ark. No. 4:15-cv-784)—The abortion gestational limits (18-week), health and safety (physician-only rule), and prenatal nondiscrimination case was granted, vacated, and remanded by the Supreme Court in light of *Dobbs*. Trial court granted motion to dismiss without prejudice Aug. 2, 2022.
 - Additional Provisions:
 - Pre-*Roe* statute (Ark. Code Ann. § 5-61-102)
 - The state constitution affirms public policy is to protect unborn life (Ark. Const. amend. 68, § 2)
 - Abortion prohibited with an exception for life (Ark. Code Ann. § 5-61-404; temporarily enjoined)
4. Idaho
- State's Strongest Limit: Conditional law (Idaho Code § 18-622) criminalizes physicians who perform abortions with an exception if the physician, in good faith medical judgement, determines such necessary to save the mother's life.
 - Current Litigation:
 - *United States of America v. State of Idaho* (D. Idaho No. 1:22-cv-329)—Court granted plaintiff's motion for a preliminary injunction on Aug. 24, 2022, in the Anti-life lawsuit to enforce EMTALA abortion mandate.
 - *Planned Parenthood Great Northwest, Hawaii, Alaska, Indiana, Kentucky v. State of Idaho* (Idaho Nos. 49615-2022, 49817-2022, and 49899-2022)—Consolidated abortion case challenging the conditional law and gestational limits (heartbeat), which also seeks to devise a state constitutional abortion "right," has oral argument on the merits set for Sept. 29, 2022.
 - Additional Provisions:
 - Conditional heartbeat law (Idaho Code §§ 18-8801 to -8808)

5. Indiana

- State's Strongest Limit: S.B. 1, 122nd Leg., 1st Spec. Sess. (Ind. 2022) prohibits abortions except to protect the life or physical health of the mother, in cases of rape or incest, or when the child suffers from a lethal fetal anomaly.
- Current Litigation:
 - *Bernard v. Individual Members of the Indiana Medical Licensing Board* (S.D. Ind. 1:19-cv-1660)—State filed motion for judgment on the pleadings on July 8, 2022, in the gestational limits (dismemberment) case.
 - *Whole Woman's Health Alliance v. Rokita* (S.D. Ind. No. 1:18-cv-1904)—Upon parties' request, the district court stayed proceedings until the conclusion of the Indiana General Assembly's special session in omnibus abortion case regarding chemical abortion, hospital-only, telemedicine, facility health and safety, and informed consent provisions.
 - *Planned Parenthood Great Northwest, Hawai'i, Alaska, Indiana, Kentucky, Inc. v. Members of the Medical Licensing Board of Indiana* (Ind. Sup. Ct. No. ___)—Abortion gestational limits (throughout pregnancy) case, which also seeks to devise a state constitutional abortion "right" was filed on Aug. 30, 2022.
- Additional Provisions:
 - Ind. Code § 16-34-2-1(a)(2)

6. Kentucky

- State's Strongest Limit: Conditional law (Ky. Rev. Stat. § 311.772) prohibits abortions, protecting at all stages of pregnancy.
- Current Litigation:
 - *EMW Women's Surgical Center, P.S.C. v. Friedlander* (W.D. Ky. No. 3:18-cv-224)—District court granted parties' joint motion to vacate the permanent injunction and dismiss the case with prejudice on Aug. 17, 2022, in the gestational limits (dismemberment) case.
 - *EMW Women's Surgical Center v. Friedlander* (W.D. Ky. No. 3:19-cv-178)—District court granted State's motion to dissolve temporary restraining orders, and abortionists' voluntary motion to dismiss June 30, 2022, in this gestational limits (heartbeat), prenatal nondiscrimination (sex, race, color, national origin, disability) case, and omnibus challenge to comprehensive abortion bill (H.B. 3).
 - *Planned Parenthood Great Northwest, Hawaii, Alaska, Indiana, and Kentucky v. Cameron* (W.D. Ky. No. 3:22-cv-198)—District court partially dissolved preliminary injunction on July 14, 2022, and again on Aug. 30, 2022, for the omnibus abortion lawsuit challenging the comprehensive abortion bill, Ky. H.B. 3.

- *EMW Women’s Surgical Center, P.S.C. v. Cameron* (Ky. No. 2022-SC-0329)—Kentucky Supreme Court oral argument set for Nov. 15, 2022, in the conditional law and gestational limits (6-week) case, which also seeks to devise a state constitutional abortion “right.”
 - Additional Provisions:
 - Heartbeat law (Ky. Rev. Stat. § 311.7705; temporarily enjoined)
7. Louisiana
- State’s Strongest Limit: LA. Stat. Ann. §§ 40.87.7, 14.87.8, 40:1061
 - Current Litigation:
 - *June Medical Services v. Phillips* (5th Cir. No. 22-30425)—Case regarding abortion health and safety is briefed and the 5th Circuit will consider it on submission of the briefs.
 - *Planned Parenthood Gulf Coast v. Phillips* (M.D. La. No. 3:18-cv-176)—District court stayed proceedings pending *Dobbs*, and it has not reopened the case regarding abortion health and safety (clinic licensing) yet.
 - *Planned Parenthood Gulf Coast v. Phillips* (M.D. La. No. 3:15-cv-565)—Abortion funding (Medicaid) case is stayed pending outcome of 5th Circuit rehearing en banc of *Planned Parenthood of Greater Texas Family Planning & Preventative Health Services, Inc. v. Smith* and the 5th Circuit appeal in *Planned Parenthood Gulf Coast, Inc. v. Gee*. The motion to vacate the preliminary injunction was denied on Apr. 7, 2021.
 - *June Medical Services, LLC v. Landry* (La. Dist. Ct. No. 22-5633)—Preliminary injunction was issued on July 21, 2022, in the case regarding the conditional law.
 - Additional Provisions:
 - Conditional heartbeat law (La. Stat. § 40:1061.1.3)
8. Mississippi
- State’s Strongest Limit: Miss. Code Ann. § 41-41-45 prohibits abortions with exceptions if done to save the life of the mother, or in cases of rape or incest reported to law enforcement.
 - Current Litigation:
 - *GenBioPro, Inc. v. Dobbs* (S.D. Miss. No. 3:20-cv-652)—GenBioPro filed notice of voluntary dismissal on Aug. 18, 2022, in the case regarding a generic Mifepristone manufacturer alleging preemption and Commerce Clause violations.
 - *Jackson Women’s Health Organization v. Dobbs* (S.D. Miss. No. 3:18-cv-171)—District court vacated injunction and noted what remains of the legal challenge is likely moot because abortionists no longer operate in the state Sept. 2, 2022, in the case regarding gestational limits, informed consent, and health and safety provisions.

- *Jackson Women’s Health Organization v. Dobbs* (Miss. Ch. Ct. No. 25CH1:22-cv-00739)—Abortionists filed notice of voluntary dismissal on July 19, 2022, in the case regarding conditional law and gestational limits (6-week).
- Additional Provisions:
 - Pre-*Roe* statute (Miss. Code Ann. § 97-3-3)
 - Heartbeat law (Miss. Code Ann. § 41-41-34.1; temporarily enjoined)

9. Missouri

- State’s Strongest Limit: Missouri law prohibits abortions with an exception if necessary to save the life of the mother. Mo. Rev. Stat. § 188.017(2); Immediate Efficacy of Section 188.017, RSMo, 22 Op. Att’y. Gen. 2022.
- Current Litigation:
 - *Reproductive Health Services of Planned Parenthood of the St. Louis Region, Inc. v. Parson* (8th Cir. Nos. 19-2882, 19-3134)—District court granted abortionists’ request to dismiss the case without prejudice on July 13, 2022 in the case regarding gestational limits (8-week, 14-week, 18-week, 20 week) and prenatal nondiscrimination.
- Additional Provisions:
 - Eight-week limitation (Mo. Rev. Stat. § 188.056; temporarily enjoined)

10. Oklahoma

- State’s Strongest Limit: S.B. 1555, 58th Leg., 2nd Reg. Sess. (Ok. 2022) prohibits all abortions with an exception if done to save the life of the mother.
 - See also: H.B. 4327, 58th Leg., 2nd Reg. Sess. (Ok. 2022), to be codified at Okla. Stat. tit. 63, § 1-745.31.
- Current Litigation:
 - *Oklahoma Call for Reproductive Justice v. O’Connor* (Okla. No. 119918)—The case regarding heartbeat, licensing, physician-only, and chemical abortion provisions, and gestational limits is briefed and awaiting oral argument schedule.
 - *Oklahoma Call for Reproductive Justice v. O’Connor* (Okla. Dist. Ct. No. CV-2021-2072)—The case regarding heartbeat, licensing, physician-only, and chemical abortion provisions, and gestational limits is on appeal to the Oklahoma Supreme Court, except for the gestational issue. At plaintiffs’ request, court struck plaintiffs’ motion to supplement petition and for a stay of proceedings along with a supplemental petition and a motion for a temporary injunction barring S.B. 612.

- *Oklahoma Call for Reproductive Justice v. O'Connor* (Okla. No. 120376)—The gestational limits (heartbeat) case involving Texas S.B. 8-style law and is seeking to devise a state constitutional abortion “right” is briefed and awaiting oral argument schedule.
- *Oklahoma Call for Reproductive Justice v. O'Connor* (Okla. No. 120543)—Abortionists filed a brief Sept. 2, 2022 in the gestational limits case challenging the 2022 complete gestational protection and 1910 pre-Roe law, also seeking to devise a state constitutional “right” to abortion.
- *Tulsa Women’s Reproductive Clinic v. Hunter* (Okla. Dist. Ct. No. CV-2019-2176)—The chemical abortion case is currently in discovery.
- *Tulsa Women’s Reproductive Clinic v. Hunter* (Okla. No. 118292)—The gestational limits (dismemberment) and informed consent case has completed briefing and awaiting oral argument schedule.
- Additional Provisions:
 - Pre-Roe statute (Okla. Stat. tit. 21, § 861)
 - Heartbeat law (Okla. Stat. tit. 63, § 1-731.3; temporarily enjoined)
 - Complete ban with exceptions for life or “to prevent substantial or irreversible physical impairment” (Okla. Stat. tit. 59, § 509; temporarily enjoined)

11. South Dakota

- State’s Strongest Limit: S.D. Codified Laws § 22-17-5.1 prohibits abortions with exceptions if done to save the life of the mother.
- Current Litigation:
 - *Planned Parenthood Minnesota, North Dakota, South Dakota v. Noem* (8th Cir. Nos. 21-2913, 21-2922)—The 8th Circuit denied motions for initial hearing en banc for the abortion informed consent case, now awaiting oral argument.
- Additional Provisions: N/A

12. Texas

- State’s Strongest Limit: Tex. Health & Safety Code §§ 170A.001-7
- Current Litigation:
 - *The Satanic Temple, Inc. v. Hellerstedt* (S.D. Tex. 4:21-CV-00387)—The informed consent (ultrasound) law, alleging infringement on free exercise of religion, was denied temporary restraining order and preliminary injunction Sept. 7, 2022 by the district court. An appeal was docketed Sept. 8, 2022.
 - *United States of America v. Texas* (5th Cir. No. 21-50949)—SCOTUS dismissed writ of cert. as improvidently granted for the gestational limits case regarding the Texas Heartbeat Act (S.B. 8). 5th Circuit

ordered the State's motion for voluntary remand or abeyance is to be carried with the case Jan. 21, 2022.

- *Davis v. Sharp* (W.D. Tex. No. 1:220cv0373)—The gestational limits case regarding the Texas Heartbeat Act (S.B. 8) had a motion to dismiss filed Sept. 8, 2022.
- *Deanda v. Becerra* (N.D. Tex. No. 2:20-cv-92)—Plaintiff filed a motion for summary judgment July 25, 2022 for the parental involvement case alleging Title X funds violate Texas Family Code and parental rights. Defendants filed cross-motions for summary judgment Aug. 19, 2022.
- *State of Texas v. Becerra* (N.D. Tex. No. 5:22-cv-185)—The case challenging the EMTALA abortion mandate was filed July 14, 2022. District court granted plaintiffs' motion for a preliminary injunction and denied defendant's motion to dismiss Aug. 23, 2022.
- *Whole Woman's Health v. Jackson* (W.D. Tex. No. 1:21-cv-616)—The gestational limits case regarding the Texas Heartbeat Act (S.B. 8) was dismissed in part by the district court on June 24, 2022.
- *Whole Woman's Health Alliance v. Paxton* (W.D. Tex. No. 1:18-cv-500)—The case regarding licensing, chemical abortion, informed consent, parental involvement, criminal penalties, and Medicaid funding was closed by the district court on July 22, 2022.
- *Whole Woman's Health v. Young* (W.D. Tex. No. 1:14-CV-284)- The State filed Rule 60(b) motion to vacate the permanent injunction in the abortion health and safety case on July 7, 2022.
- *North Texas Equal Access Fund v. Maxwell* (Tex. Ct. App. No. 02-22-00347-CV)—The trial court granted a motion to dismiss in the abortion gestational limits case regarding the Texas Heartbeat Act (S.B. 8). However, the case was appealed Aug. 31, 2022.
- *The Lilith Fund for Reproductive Equity v. Weldon* (Tex. Dist. Ct. No. 22-03-032)—The gestational limits case regarding the Texas Heartbeat Act (S.B. 8) had a filed petition, request for declaratory judgment, application for temporary injunction, and anti-suit injunction on Mar. 15, 2022.
- *Van Stean v. Texas Right to Life* (Tex. Ct. App. No. 03-21-00650-CV)—Defendants appealed in the gestational limits case regarding the Texas Heartbeat Act (S.B. 8), now awaiting oral argument.
- *In re Ken Paxton* (Tex. No. 22-0527)—The case challenging the pre-Roe law are awaiting a ruling after parties briefed the petition for a writ of mandamus to Texas Supreme Court.
- *Zimmerman v. City of Austin* (Tex. No. 21-0262)—The Texas Supreme Court requested additional briefing on *Dobbs'* effect on

the abortion funding case regarding city budget allocations of taxpayer money to abortion-assistance organizations, with briefs due Oct. 3, 2022.

- Additional Provisions:
 - Pre-Roe statute (Tex. Rev. Civ. Stat. arts. 4512.1 to .4, .6)
 - Heartbeat law (Tex. Health & Safety Code §§ 171.201 to .212)

13. West Virginia

- State's Strongest Limit: HB 302 prohibits abortion with exceptions for medical emergencies, rape, or incest.
- Current Litigation:
 - *Morrissey v. Women's Health Center of West Virginia* (W. Va. Nos. 22-C-556, 22-C-557, 22-C-558, 22-C-559, 22-C-560)—The abortion case challenging the pre-Roe law filed June 29, 2022. Court granted temporary injunction July 18, 2022.
- Additional Provisions:
 - Pre-Roe statute (W. Va. Code § 61-2-8)
 - There is no right to abortion in the state constitution (W. Va. Const. art. VI, § 57)
 - W. Va. Code § 16-2M-2(7) prevents against abortions after 20 weeks.

States Protecting Life after 6 Weeks:

1. Georgia

- State's Strongest Limit: GA. Code Ann. § 16-12-141(b) protects life after 6 weeks.
- Current Litigation:
 - *SisterSong Women of Color Reproductive Justice Collective v. State of Georgia* (Ga. Super. Ct. No. 2022CV367796)—Trial court denied a preliminary injunction on Aug. 15, 2022, in gestational limits (heartbeat) case, which also seeks to devise a state constitutional abortion “right.”
 - *SisterSong Women of Color Reproductive Justice Collective v. Kemp* (11th Cir. No. 20-13024)—In the gestational limits (heartbeat) and prenatal rights (personhood) case, the 11th Circuit vacated the injunction, reversed the judgment in favor of the abortionists, and remanded with instructions to enter judgment in favor of the state officials July 20, 2022. 11th Circuit entered an order stating that a judge of the court withholds issuance of the mandate in the appeal Aug. 16, 2022.
- Additional Provisions: N/A

2. Iowa

- State's Strongest Limit: Iowa Code § 146B.2 bans abortions after 20 weeks.
- Current Litigation:
 - *Planned Parenthood of the Heartland, Inc. v. Reynolds* (Iowa Dist. Ct. No. EQCE083074)—The gestational limits (heartbeat) case has a motion hearing set for Oct. 28, 2022.
 - *Planned Parenthood of the Heartland, Inc. v. Reynolds* (Iowa Dist. Ct. No. EQCV081855)—The abortion informed consent (24-hour reflection period) case was voluntarily dismissed without prejudice on Aug. 19, 2022.
- Additional Provisions:
 - Iowa Code § 146C.2 (heartbeat law; permanently enjoined)
 - The Iowa Supreme Court created a right to abortion in the state constitution (*Planned Parenthood of the Heartland v. Reynolds ex rel. State*, 915 N.W.2d 206 (Iowa 2018))

3. North Dakota

- State's Strongest Limit: N.D. Cent. Code § 12-02.1-05.2(1) disallows abortions after 6 weeks.
- Current Litigation:
 - *American Medical Association v. Stenehjem* (D.N.D. No. 1:19-cv-125)—The chemical abortion case stayed pending *Dobbs*. A recent joint status report was filed July 25, 2022.
 - *Access Independent Health Services, Inc. v. Wrigley* (N.D. No. 20220260)—State officials filed a motion for stay of order (preliminary injunction) pending appeal in the trial court Sept. 8, 2022 in the abortion conditional law case, which also seeks to devise a state constitutional abortion “right.”
- Additional Provisions:
 - Conditional law (N.D. Cent. Code § 12.1-31-12)

4. Ohio

- State's Strongest Limit: Ohio Rev. Code Ann. § 2919.195(A) prevents abortions after 6 weeks.
- Current Litigation:
 - *State of Ohio v. Becerra* (6th Cir. No. 21-4235)—The abortion funding case regarding pro-life challenge that HHS' 2021 final rule violates abortion funding restriction is briefed and awaiting oral argument on Oct. 27, 2022.
 - *Planned Parenthood Southwest Ohio Region v. Yost* (S.D. Ohio No. 1:19-cv-118)—The gestational limits (15-week) case was dismissed by the district court without prejudice Aug. 3, 2022.
 - *Preterm-Cleveland v. Attorney General of Ohio* (S.D. Ohio No. 1:19-cv-360)—District court granted abortionists' unopposed motion to voluntarily dismiss on July 7, 2022, for the gestational limits (heartbeat) case.

- *Preterm-Cleveland v. Himes* (S.D. Ohio No. 1:18-cv-109)—Plaintiff filed cross-motion for judgment on the pleadings and motion to stay June 17, 2021, is the prenatal nondiscrimination case.
 - *Planned Parenthood Southwest Ohio Region v. Ohio Department of Health* (Ohio Ct. C.P. No. A2101148)—Court granted abortionists’ motion to stay proceedings July 13, 2022 in the chemical abortion case.
 - *State ex rel. Preterm-Cleveland v. Yost* (Ohio No. 2022-0803)—State officials filed a motion to dismiss on July 20, 2022 in the abortion gestational limits (heartbeat) case, also seeking to devise a state constitutional abortion “right.”
 - *Women’s Med. Grp. Pro. Corp. v. Vanderhoff* (Ohio Ct. C.P. No. A2200704)—Court granted abortionists’ motion to stay proceedings Aug. 10, 2022 in the abortion health and safety case challenging licensing requirements.
 - Additional Provisions: N/A
5. Tennessee
- State’s Strongest Limit: Heartbeat law (Tenn. Code § 39-15-216) protects life from the time a fetal heartbeat is detected.
 - Current Litigation:
 - *Memphis Center for Reproductive Health v. Slatery* (M.D. Tenn. No. 3:20-cv-501)—The gestational limits and prenatal nondiscrimination case was dismissed without prejudice on July 28, 2022.
 - *Planned Parenthood of Tennessee and Northern Mississippi v. Slatery* (M.D. Tenn. No. 3:20-cv-00740)—Abortionists have filed a joint motion to reopen the case and lift the stay in the chemical abortion case on Aug. 23, 2022.
 - Additional Provisions:
 - Conditional law (Tenn. Code § 39-15-213)
 - There is no right to abortion in the state constitution (Tenn. Const. art. I, § 36)

States Protecting Life after 15 Weeks:

14. Florida

- State’s Strongest Limit: H.B. 5, 2022 Leg., Reg. Sess. (Fl. 2022) prohibits abortions after 15 weeks.
- Current Litigation:
 - *Capo v. State of Florida* (Fla. Cir. Ct. No. 2022-014374-CA-01)—Abortion gestational limits (15-week) case alleging religious and free speech claims had a motion for temporary injunction filed on Sept. 1, 2022.

- *Chotso v. State of Florida* (Fla. Cir. Ct. No. 2022-014371-CA-01)— Abortion gestational limits (15-week) case alleging religious and free speech claims had a motion for temporary injunction filed on Sept. 1, 2022.
- *Doe v. State of Florida* (Fla. Cir. Ct. No. 2022-014372-CA-01)— Abortion gestational limits (15-week) case alleging religious and free speech claims had a motion for temporary injunction filed on Sept. 1, 2022.
- *Generation to Generation, Inc. v. State of Florida* (Fla. Cir. Ct. No. 2022-CA-980)—Plaintiffs filed emergency motion for temporary injunctive relief and for declaratory judgment declaring H.B. 5 invalid, unconstitutional, and unenforceable on June 16, 2022, in the case regarding a gestational (15 week) limit.
- *Hafner v. State of Florida* (Fla. Cir. Ct. No. 2022-014370-CA-01)— Abortion gestational limits (15-week) case alleging religious and free speech claims had a motion for a temporary injunction filed on Sept. 1, 2022.
- *Planned Parenthood of Southwest and Central Florida v. State of Florida* (Fla. No. SC22-1127)—Abortionists appealed to Florida Supreme Court while Petitioners filed emergency motion to stay the Court of Appeal’s decision pending review on Aug. 31, 2022, in case regarding gestational limits (15-week) and state constitutional abortion “right.”
- *Pomerantz v. State of Florida* (Fla. Cir. Ct. No. 2022-014373-CA-01)— Abortion gestational limits (15-week) case alleging religious and free speech claims had a motion for temporary injunction filed on Sept. 1, 2022.
- Additional Provisions:
 - Abortion legal up to 24 weeks with exceptions for life and major bodily harm (Fla. Stat. § 390.01112)
 - The right to abortion is protected by the state constitution (*In re T.W.*, 551 So. 2d 1186 (Fla. 1989))

States Protecting Life after 18 Weeks:

1. Utah

- State’s Strongest Limit: Utah Code Ann. § 76-7-302.5 prohibits abortions after 18 weeks.
- Current Litigation:
 - *Planned Parenthood Association of Utah v. Utah* (Utah Dist. Ct. No. 220903886)—The conditional law case, which also seeks to devise a state constitutional right to abortion was filed June 25, 2022. State filed petition for permission to appeal an interlocutory order in Utah Supreme Court Aug. 11, 2022.

- *Planned Parenthood Association of Utah v. Miner* (D. Utah No. 2:19-cv-238)—The gestational limits (18-week) case had joint stipulation of dismissal entered June 27, 2022.
- Additional Provisions:
 - Conditional law (Utah Code Ann. § 76-7a-201)

States Protecting Life after 20 Weeks:

1. Montana

- State's Strongest Limit: Mont. Const., Art. II, § 10 is a state constitutional right for abortion. Mont. Code Ann. § 50-20-109 allows abortion up until viability.
- Current Litigation:
 - *Planned Parenthood of Montana v. Montana* (Mont. No. DA 21-0521)—Montana Supreme Court affirmed the preliminary injunction, refusing to reconsider *Armstrong* at this stage of litigation on Aug. 9, 2022 in the case regarding 20-week limit, chemical abortion, ultrasound viewing, and fetal heart tone provisions.
 - *Weems v. Montana* (Mont. No. DA 22-0207)—State has appealed to Montana Supreme Court on Apr. 25, 2022 in the case challenging the expansion of health and safety law to include APRNs as abortion providers.
 - *Planned Parenthood of Montana v. Montana* (Mont. Dist. Ct. No. DDV-2013-407)—Trial court issued an order denying request to lift the preliminary injunction on Apr. 28, 2022 in the case challenging the parental consent law.
- Additional Provisions:
 - 20-week limitation (Mont. Code §§ 50-20-601 to -603; temporarily enjoined)

2. North Carolina

- State's Strongest Limit: North Carolina prohibits abortion after 20 weeks gestation. N.C. Gen. Stat. § 14-45.1(a), invalidated by *Bryant v. Woodall*, 363 F. Supp. 3d 611 (M.D.N.C. 2019), *aff'd*, 1 F.4th 280 (4th Cir. June 23, 2011), injunction lifted in *Bryant v. Woodall*, No. 1:16CV1368 (M.D.N.C. Aug. 17, 2022).
- Current Litigation:
 - *Bryant v. Woodall* (M.D.N.C. No. 1:16-cv-1368)—District court vacated the permanent injunction on Aug. 17, 2022 in the gestational limits (20-week) case.
 - *Planned Parenthood South Atlantic v. Moore* (N.C. Super. Ct. No. 20-cvs-500147)—Trial court lifted the injunction on Aug. 17, 2022 in the case challenging the 72-hour reflection period, clinic licensing, physician-only, telehealth, and informed consent provisions.
- Additional Provisions:
 - 20-week limitation (N.C. Gen. Stat. § 14-45.1(a); permanently enjoined)

3. Nebraska

- State's Strongest Limit: Neb. Rev. Stat. § 28-3, 106; § 28-329 protects against abortions after 20 weeks and after viability.
- Current Litigation: N/A
- Additional Provisions:
 - Neb. Rev. Stat. §§ 28-3,102 to 3,111

4. South Carolina

- State's Strongest Limit: S.C. Code Ann. § 44-41-450(A) protects against abortions after 20 weeks.
- Current Litigation:
 - *Kerr v. Planned Parenthood South Atlantic* (No. 21-1431)—Supreme Court denied the motion to expedite consideration for the writ of certiorari filed May 6, 2022, in the abortion funding case regarding South Carolina's exclusion of abortion businesses as "qualified" Medicaid providers. It is distributed for Sept. 28, 2022 conference.
 - *Planned Parenthood South Atlantic v. Wilson* (4th Cir. No. 21-1369)—District court vacated the preliminary injunction and granted the motion to dismiss without prejudice on July 22, 2022 for the gestational limits (heartbeat) case.
 - *Planned Parenthood South Atlantic v. State of South Carolina* (S.C. Cir. Ct. No. 2022CP4003569)—South Carolina Supreme Court issued a temporary injunction Aug. 17, 2022 in the gestational limits (heartbeat) case, which also seeks to devise a state constitutional abortion "right."
- Additional Provisions:
 - Heartbeat law (S.C. Code §§ 44-41-610 to -740; temporarily enjoined)

5. Wisconsin

- State's Strongest Limit: Wis. Stat. § 253.107(3) prevents abortions after 20 weeks.
- Current Litigation:
 - *Planned Parenthood of Wisconsin v. Kaul* (W.D. Wis. No 3:19-cv-38)—The chemical abortion case regarding physician-only, same-physician, and telemedicine provisions was closed on Aug. 4, 2022.
 - *Kaul v. Kapenga* (Wis. Cir. Ct. 2022-CV-1594)—The abortion case challenging the pre-Roe law was filed June 28, 2022. Currently in briefing on motion to dismiss filed Aug. 22, 2022.
- Additional Provisions:
 - Pre-Roe statute (Wis. Stat. § 940.04)

States Protecting Life after 22 Weeks:

1. Kansas

- State's Strongest Limit: Kan. Stat. Ann. § 65-6723-24; § 65-6703 prohibits abortion after 22 weeks and post-viability.
- Current Litigation:
 - *Hodes & Nausser v. Schmidt* (Kan. No. 124130)—The gestational limits (dismemberment) case was appealed to Kansas Supreme Court, briefed, and awaiting oral argument schedule.
 - *Hodes & Nausser v. Stanek* (Kan. No. 125051)—Health and safety (licensing) and chemical abortion (telemedicine) case where the trial court granted plaintiff's motion for summary judgment. State then appealed and filed a brief on Aug. 31, 2022. Abortionists' brief is due Sept. 30, 2022.
 - *Trust Women Foundation Inc. v. Bennett* (Kan. Ct. App. No. 121693)—In the chemical abortion (telemedicine) case, State court of appeals reversed denial of temporary injunction and held that Trust Women had standing to sue the Board of Healing Arts. Kansas Court of Appeals denied abortionists' motion for an injunction. Kansas Court of Appeals then denied state officials' petition for review of opinion on Sept. 2, 2022.
- Additional Provisions:
 - The right to abortion is protected by the state constitution (*Hodes & Nausser, MDS, P.A. v. Schmidt*, 440 P.3d 461 (Kan. 2019))

States Protecting Life after 24 Weeks:

1. Nevada

- State's Strongest Limit: Nev. Rev. Stat. § 442.250(1)(b) prohibits abortion "unless it is performed... within 24 weeks after the commencement of the pregnancy."
- Current Litigation:
 - *Howell v. Frazier* (Nev. No. 83224)—Case raising the issue of the constitutionality of a pre-*Roe* abortion statute that criminalizes self-induced abortion following 24-weeks gestation was accepted by Nevada Supreme Court and permitted constitutional challenge.
- Additional Provisions: N/A

2. Massachusetts

- State's Strongest Limit: Abortion legal up to 24 weeks with exceptions for life, physical or mental health, or "a lethal fetal anomaly or the fetus is incompatible with sustained life outside the uterus" (Mass. Gen. Laws ch. 112 § 12N)
- Current Litigation: N/A
- Additional Provisions:
 - The right to abortion is protected by the state constitution (*Moe v. Sec'y of Admin. & Fin.*, 417 N.E.2d 387 (Mass. 1981))

- Statutory protection for the right to abortion (Mass. Gen. Laws ch. 112 § 12L)
3. New Hampshire
- State’s Strongest Limit: Abortion legal up to 24 weeks with exceptions for life “endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, or when continuation of the pregnancy will create a serious risk of substantial and irreversible impairment of a major bodily function” (N.H. Rev. Stat. § 329:44; H.B. 2, 2021 Reg. Sess. §§38-39 (N.H. 2021))
 - Current Litigation: N/A
 - Additional Provisions: N/A
4. Pennsylvania
- State’s Strongest Limit: Abortion legal up to at least to 24 weeks of pregnancy with exceptions for life and the “substantial and irreversible impairment of a major bodily function” (18 Pa. Cons. Stat. § 3211)
 - Current Litigation:
 - *Allegheny Reproductive Health Center v. Pennsylvania Department of Human Services* (Penn. No. 26 MAP 2021)—Trial court ruled for State in the abortion funding (Medicaid) case regarding a state “Hyde Amendment.” Commonwealth Court affirmed. Currently, oral argument is set for Oct. 26, 2022.
 - Additional Provisions: N/A

States Hostile to Protecting Life

1. California
- State’s Strongest Limit: Abortion legal up to viability with exceptions for life and health (Cal. Health & Safety Code § 123468)
 - Current Litigation: N/A
 - Additional Provisions:
 - The right to abortion is protected by the state constitution (Cal. Const. art. I § 1; *Comm. to Defend Reprod. Rights v. Myers*, 625 P.2d 779 (Cal. 1981))
 - Statutory protection for the right to abortion up to viability or for life and health (Cal. Health & Safety Code §§ 123462 to 123468)
2. Connecticut
- State’s Strongest Limit: Abortion legal up to viability with exceptions for life and health (Conn. Gen. Stat. § 19a-602(b))
 - Current Litigation:
 - *Lafo v. Ward* (Conn. Super. Ct. Nos. LLI-CV21-6029507-S, LLI-CV22-6029930)—Trial for the case of medical malpractice against a certified nurse midwife for prescribing abortion inducing-drugs at 22-weeks gestation is set for Sept. 10, 2024.

- Additional Provisions: N/A
3. Delaware
- State's Strongest Limit: Abortion legal up to viability with exceptions for life and health, and fetal anomaly without a "reasonable likelihood of the fetus's sustained survival outside the uterus without extraordinary medical measures" (Del. Code tit. 24 § 1790(b))
 - Current Litigation: N/A
 - Additional Provisions: N/A
4. Hawaii
- State's Strongest Limit: Abortion legal up to viability with exceptions for life and health (Haw. Rev. Stat. § 453-16(b))
 - Current Litigation:
 - *Chelius v. Becerra* (D. Haw. No. 1:17-cv-493)—A status report was filed Nov. 3, 2021 in the chemical abortion case challenging Mifeprex REMS.
 - Additional Provisions:
 - Statutory protection for the right to abortion up to viability or for life and health (Haw. Rev. Stat. § 453-16(c))
5. Illinois
- State's Strongest Limit: Abortion legal up to viability with exceptions for life and health (775 Ill. Comp. Stat. 55/1-25(a))
 - Current Litigation:
 - *Braid v. Stillely* (N.D. Ill. No. 1:21-cv-5283)—Amended motion to dismiss filed on June 24, 2022, in gestational limits case regarding Texas S.B. 8 heartbeat law.
 - *North Texas Equal Access Fund v. Thomas More Society* (N.D. Ill. No. 1:22-cv-1399)—Defendant filed motion to dismiss for lack of jurisdiction April 28, 2022, while an answer filed June 27, 2022 in the gestational limits case regarding Texas S.B. 8 heartbeat law.
 - Additional Provisions:
 - Statutory protection for the right to abortion throughout pregnancy (775 Ill. Comp. Stat. 55/1-15)
6. Maine
- State's Strongest Limit: Abortion legal up to viability with exceptions for life and health (Me. Stat. tit. 22 § 1598)
 - Current Litigation: NA
 - Additional Provisions: N/A
7. Maryland
- State's Strongest Limit: Abortion legal up to viability with exceptions for life and health, and if the fetus has a "genetic defect or serious deformity or abnormality" (Md. Code, Health-Gen. § 20-209)

- Current Litigation: N/A
- Additional Provisions: N/A

8. Michigan

- State's Strongest Limit: Mich. Comp. Laws § 750.323 protects against abortions at viability.
- Current Litigation:
 - *In re Executive Message of the Governor Requesting the Authorization of a Certified Question* (Mich. No. 164256)—Governor filed motion to authorize certification of the questions in the Governor's executive message and set an expedited briefing schedule June 23, 2022.
 - *In re Jarzynka* (Mich. Nos. 164753)—Complaint for an order of superintending control over *Planned Parenthood of Mich. v. Att'y Gen. of the State of Mich.* Was filed after a judge who supports Planned Parenthood issued a preliminary injunction against Michigan's pre-*Roe* law and the attorney general openly applauded the order. State officials filed application for leave to state supreme court Aug. 31, 2022.
 - *Planned Parenthood of Michigan v. Attorney General of the State of Michigan* (Mich. Ct. Cl. No. 22-000044-MM)—Court granted in part and denied in part abortionists' motion for summary disposition, granted in part and denied in part intervening defendants' motion for summary disposition, and permanently enjoined the statute Sept. 7, 2022, in case challenging pre-*Roe* law, which also seeks to devise a state constitutional abortion "right"
 - *Whitmer v. Linderman* (Mich. Cir. Ct. No. 2022-193498-CZ)—Trial court issued preliminary injunction on Aug. 19, 2022, in case challenging pre-*Roe* law, which also seeks to devise a state constitutional abortion "right."
- Additional Provisions: N/A

9. Minnesota

- State's Strongest Limit: State constitution allows a right to abortion. *Women of State of Minn. By Doe v. Gomez*, 542 N.W.2d 17, 27 (Minn. 1995).
- Current Litigation:
 - *Doe v. State of Minnesota* (Minn. Dist. Ct. No. 62-CV-19-3868)—Trial court granted in part and denied in part abortionists' motion for summary judgment, permanently enjoining the physician-only rule, hospitalization law, felony penalties, two-parent notification, informed consent disclosures, physician disclosures, and reflection period provisions. Trial court denied motion to intervene by Traverse County Attorney on Sept. 6, 2022, in the case regarding health and safety, reporting, informed consent, fetal remains, and parental notification provisions.
- Additional Provisions:

- Abortion legal throughout pregnancy (*Hodgson v. Lawson*, 542 F.2d 1350 (8th Cir. 1976))

10. New York

- State's Strongest Limit: Abortion legal up to 24 weeks with exceptions for the “absence of fetal viability,” and life or health (N.Y. Pub. Health Law § 2599-BB)
- Current Litigation:
 - *Smith v. Hochul* (N.D. N.Y. No. 5:21-cv-35)—District court denied plaintiffs’ motion to amend original complaint, reopen the judgment, or reinstate certain counts in the complaint, but ordered state officials to respond to plaintiffs’ renewed motion to reopen the judgment Sept. 6, 2022 in the prenatal rights case regarding rights of viable unborn children and domestic violence under the Reproductive Health Act.
- Additional Provisions:
 - Statutory protection for abortion (N.Y. Pub. Health Law §§ 2599-AA)

11. Rhode Island

- State's Strongest Limit: Abortion legal up to viability with exceptions for life and health (23 R.I. Gen. Laws § 23-4.13-2(d))
- Current Litigation:
 - *Doe v. McKee* (No. 22-201)—Pro-life challenge to the Reproductive Privacy Act, seeking court recognition of the federal constitutional rights of unborn human beings had a petition for a writ of certiorari filed Sept. 1, 2022.
 - *Elizabeth Cady Stanton Trust v. Neronha* (D.R.I. No. 1:22-cv-245)—Equal Rights Amendment case with abortion policy implications was filed in state court May 18, 2022. Currently, a motion to dismiss was filed Aug. 25, 2022.
- Additional Provisions:
 - Statutory protection for abortion up to viability with exceptions for life and health (R.I. Gen. Laws §§ 23-4.13-1 to -2)

12. Washington

- State's Strongest Limit: Abortion legal up to viability with exceptions for life and health (Wash. Rev. Code § 9.02.110)
- Current Litigation: N/A
- Additional Provisions:
 - Statutory protection for abortion up to viability with exceptions for life and health (Wash. Rev. Code §§ 9.02.100 to .110)

13. Wyoming

- State's Strongest Limit: Wyo. Stat. Ann § 35-6-102 protects against abortions at viability.
- Current Litigation:
 - *Johnson v. State of Wyoming* (Wyo. Dist. Ct. No. 18732)—The abortion conditional law case, which also seeks to devise a state constitutional

abortion right was filed on July 25, 2022. Trial court granted preliminary injunction Aug. 10, 2022. If lifted, life would be protected from viability with an exception to save the mother's life.

- Additional Provisions:
 - Conditional law (H.B. 92, 66th Leg., Budget Sess. (Wyo. 2022))

States Allowing Abortion through Fetal Viability or Throughout Pregnancy:

1. Virginia
 - State's Strongest Limit: Abortion is prohibited after viability with exceptions for life of the mother or if it would "substantially and irretrievably impair the mental or physical health of the woman." (Va. Code § 18.2-74)
 - Current Litigation: N/A
 - Additional Provisions: N/A
2. Alaska
 - State's Strongest Limit: Abortion legal throughout pregnancy (no statutory limitations)
 - Current Litigation:
 - *Planned Parenthood Great Northwest, Hawaii, Alabama, Indiana, Kentucky v. State of Alaska* (Alaska Super. Ct. No. 3AN-19-11710CI)—The chemical abortion case arguing the physician-only rule is awaiting trial Mar. 28, 2023. However, Abortionists and State filed cross motions for summary judgment Aug. 2, 2022.
 - Additional Provisions:
 - The right to abortion is protected by the state constitution (*Valley Hosp. Ass'n, Inc. v. Mat-Su Coal. for Choice*, 948 P.2d 963 (Alaska 1997))
3. Colorado
 - State's Strongest Limit: Abortion legal throughout pregnancy (no statutory limitations)
 - Current Litigation: N/A
 - Additional Provisions: N/A
4. D.C.
 - State's Strongest Limit: Abortion legal throughout pregnancy (no statutory limitations)
 - Current Litigation:
 - *North Texas Equal Access Fund v. American First Legal Foundation* (D.D.C. NO. 1:22-cv-728)—Defendant filed motion to dismiss for lack of jurisdiction on April 22, 2022, with an answer filed on June 27, 2022 in the gestational limits case regarding the Texas Heartbeat Act (S.B. 8).
 - Additional Provisions:

- Statutory protection for the right to abortion throughout pregnancy (D.C. Code § 2-1401.06)
5. New Jersey
- State's Strongest Limit: Abortion legal throughout pregnancy (no statutory limitations)
 - Current Litigation: N/A
 - Additional Provisions:
 - The right to abortion is protected by the state constitution (N.J. Const. Art. I, par. 1; *Right to Choose v. Byrne*, 450 A.2d 925 (N.J. 1982))
 - Statutory protection for abortion throughout pregnancy (S.B. 49, 219th Leg., Reg. Sess. (N.J. 2022))
6. New Mexico
- State's Strongest Limit: Abortion legal throughout pregnancy (no statutory limitations)
 - Current Litigation: *Marker v. New Mexico* (D-504-cv-2022-310)—Defendants filed a motion to dismiss in the case regarding the repeal of a 1969 law criminalizing abortion in New Mexico.
 - Additional Provisions: N/A
7. Vermont
- State's Strongest Limit: Abortion legal throughout pregnancy (no statutory limitations)
 - Current Litigation: N/A
 - Additional Provisions:
 - Statutory protection for abortion throughout pregnancy (Vt. Stat. Ann. tit. 18, §§ 9493 to 9494)
8. Oregon
- State's Strongest Limit: Abortion legal throughout pregnancy (no statutory limitations)
 - Current Litigation: N/A
 - Additional Provisions:
 - Statutory protection for abortion throughout pregnancy (Or. Rev. Stat. § 659.880)