



© 2022 The Doctors Company. This document is Proprietary and Confidential. The information contained in this document is not intended to be and does not constitute legal advice; instead, all information, content, and material are for general information purposes only. Please seek advice of local counsel. This is not an exhaustive list of laws and regulations applicable to this subject matter; others may apply.

**Reproductive Healthcare/Pregnancy Termination Public Policy Status - Revised January 9, 2023**

State	Legal Status	Penalties: Criminal and/or Civil	Additional Relevant Information	Key Court Challenges/Actions
AL	Banned except to avoid death of the mother or a serious risk of substantial physical impairment of a major bodily function, or in cases of lethal fetal anomalies. Does not apply to ectopic pregnancies. ( <a href="#">Ala. Code §26-23H-4</a> ).	Class A felony - provider faces life imprisonment ( <a href="#">Ala. Code §26-23H-6</a> ).	Prescribing physician must be physically present ( <a href="#">Ala. Code §26-23E-12</a> ).  Ban applies to use of mifepristone (RU-486), but not Plan B (morning after pill) according to state officials.	
AK	Legal through pregnancy. Protected by state constitution.			
AZ	A pre-Roe ban with an exception to save the life of mother (Ariz. Rev. Stat. §13-3603) has been ruled by the court of appeals to be unenforceable. A more recent 15-week ban (except to save the life of the mother or prevent serious risk of substantial and irreversible impairment of major bodily function) took effect on 9/29/2022. Medication abortion services banned.	Pre-Roe ban: 2-5 years in prison; 15-week ban: Class 6 felony (up to 2 years in jail and \$150k fine) and loss of license ( <a href="#">Ariz. Rev. Stat. §§36-2324, 2325</a> ); subject to civil suits by parents or grandparents of the unborn child.	Bans mail/shipment of abortion inducing drugs (Ariz. Rev. Stat. §36-2160).  Does not apply to contraceptives (Ariz. Rev. Stat. §36-2151).	<i>Planned Parenthood v. Brnovich</i> On December 30, 2022, the court of appeals ruled that the pre-Roe law cannot be enforced because newer laws have been passed since then. The court of appeals declined to repeal the pre-Roe law. On November 30, 2022, a three-judge court of appeals panel heard oral arguments. On October 7, 2022, a state court of appeals granted Planned Parenthood's request for an emergency stay on the pre-Roe law "pending resolution of this appeal." On September 30, 2022, the trial court judge refused Planned Parenthood's request to stay her ruling pending appeal. On September 22, 2022, an Arizona Superior Court Pima County judge reinstated Arizona's pre-Roe abortion law (A.R.S. Sections 13-3603), ruling that the pre-Roe law superseded the recently enacted 15-week state abortion law, because the "Legislature specifically stated the statute did not repeal A.R.S. Section 13-3603."  <i>Isaacson v. Arizona</i> On October 24, 2022, the state attorney general and the plaintiffs agreed to stay this lawsuit in Maricopa County so the Planned Parenthood v. Brnovich suit in Pima County may proceed first. On October 3, 2022, a physician and the Arizona Medical Association, represented by Perkins Cole and the Arizona ACLU, filed suit against the state in a Maricopa County trial court to clarify enforcement of the state's anti-abortion laws following reinstatement of a pre-Roe abortion law by a Pima County judge. They argue that more recent laws enacted by the legislature that regulate abortion, like the 2022 15-week abortion law, must be harmonized with the pre-Roe law. Specifically, in recent laws, the legislature specifically authorizes physicians to provide abortions, unlike the pre-Roe law.
AR	Banned except to save life of the mother. Medication abortion services banned. Takes effect upon certification by AG. Does not apply to ectopic pregnancies ( <a href="#">Ark. Code 5-61-303 to 304</a> ).	Unclassified felony: Up to \$100k fine and up to 10 years in prison. ( <a href="#">Ark. Code 5-61-304(b)</a> ).	Does not apply to any contraceptive drug or measure administered before a pregnancy could be detected ( <a href="#">Ark. Code 5-61-304(c)(2)</a> ).	
CA	Legal through viability. Protected by state constitution and state law. Based on the November 8, 2022 unofficial election results, voters enacted Proposition 1 that established a right to reproductive freedom, including the right to contraception and abortion. Under the California Constitution's Article II § 10, an initiative or referendum approved by the voters takes effect on the fifth day after the Secretary of State files the statement of the vote, unless the proposition provides otherwise.			
CO	Legal throughout pregnancy. Protected by state law.			
CT	Legal through viability. Protected by state law.			
DE	Legal through viability. Protected by state law.			
DC	Legal throughout pregnancy. Protected by state law.			

Reproductive Healthcare/Pregnancy Termination Public Policy Status - Revised January 9, 2023

State	Legal Status	Penalties: Criminal and/or Civil	Additional Relevant Information	Key Court Challenges/Actions
FL	Legal through 24 weeks, however, a recently enacted 15-week ban with exceptions to save the life of the mother, prevent imminent substantial and irreversible physical impairment of major bodily function, or in cases of severe fetal abnormalities ( <a href="#">Fla. Stat. §390.0111</a> ) was temporarily blocked by a trial court, but lifted by an intermediate level appellate court. Reinstatement of the injunction is pending before the state supreme court.			<p><i>Planned Parenthood of Southwest and Central Florida v. Florida</i> This lawsuit challenges HB 5's 15-week abortion ban. The trial court issued an injunction preventing the law from going into effect, but the state First District Court of Appeals lifted the injunction. Review is being sought in the Florida Supreme Court as of August 10, 2022.</p> <p><i>Pomerantz v. Florida; Hafner v. Florida; Capo v. Florida; Doe v. Florida; Chotso v. Florida</i> Five separate state lawsuits, filed on or about August 1, 2022, on behalf of multiple religious groups challenge Florida's abortion law under state law protections regarding the free exercise of religion.</p>
GA	Legal through 6 weeks. A trial court ruled that the 6-week ban was void at inception and was unenforceable, but the Georgia Supreme Court granted a stay on the order pending appeal. The 6-week ban included with exceptions for rape, incest, the pregnancy is medically futile, to prevent severe impairment of major bodily function and to protect life of the mother enjoined pending appeal. Ban applies to use of abortion-inducing drugs. Does not apply to ectopic pregnancies. ( <a href="#">Ga. Code Ann. §16-12-141</a> ).	Criminal penalty: 1-10 years in prison ( <a href="#">Ga. Code Ann. §16-12-140</a> ); the mother of the unborn child may seek civil damages ( <a href="#">Ga. Code Ann. §16-12-141(g)</a> ).		<p><i>Sistersong v. Georgia</i> On November 23, 2022, the Georgia Supreme Court granted a stay, pending appeal, on the November 15, 2022, trial judge ruling, following a trial on the merits, that the state's six-week abortion ban was void at inception because at the time it was enacted, pre-viability abortions were protected. The courts have ruled that the legislature cannot enact unconstitutional laws. The bench trial began on October 24, 2022. On October 5, 2022, the judge denied a request to delay trial on the constitutionality of law until after the November 2022 elections. On August 15, 2022, a judge on the Superior Court of Fulton County denied a request to block Georgia's six-week abortion ban, but the case is ongoing. The case was filed by the ACLU and reproductive health providers and challenges the six-week abortion ban under the state constitution.</p>
HI	Legal through viability. Protected by state law.			
ID	Banned except for rape, incest and to save the life of the mother which would have been effective 30 days after <i>Dobbs</i> ( <a href="#">Idaho Code Ann. §18-622</a> ), but a federal court's preliminary injunction prevents enforcement of laws against physicians who are providing emergency treatment to a patient under EMTALA.	Felony punishable by 2-5 years in prison. Medical license suspended 6 months, permanently for second offense ( <a href="#">Idaho Code Ann. §18-622(2)</a> ).	Does not apply to any contraceptive drug or device, including those which prevent implantation of a fertilized ovum ( <a href="#">Idaho Code Ann. §18-622(1)</a> ).	<p><i>U.S. v. Idaho</i> On August 2, 2022, an Idaho federal judge issued a preliminary injunction preventing enforcement of state laws banning most abortions against physicians providing emergency care because such laws would conflict with EMTALA.</p> <p><i>Planned Parenthood v. Idaho</i> (multiple cases) On January 5, 2023, the state supreme court upheld the state's abortion restrictions. Planned Parenthood filed three lawsuits challenging three of Idaho's abortion laws—the trigger ban, the civil lawsuit enforcement bill, and an abortion ban limiting abortions to six weeks of pregnancy—as unconstitutional. These three laws may have been superseded by the abortion ban that went into effect on August 25 but are still on the books. The court consolidated the three cases for the purposes of oral arguments. Oral arguments took place on October 6, 2022. Planned Parenthood argued to recognize a state constitutional right to abortion and the state attorney general argued that the issue should be left to voters.</p> <p><i>The Satanic Temple v. Little</i> On November 22, 2022, the governor and state attorney general filed a motion to dismiss the lawsuit. On September 30, 2022, The Satanic Temple sued the state's governor and attorney general in U.S. District Court, District of Idaho, to stop the state's anti-abortion laws under various provisions of the federal constitution and the state's Exercise of Religious Freedom Act.</p>
IL	Legal through viability. Protected by state constitution and state law.			

Reproductive Healthcare/Pregnancy Termination Public Policy Status - Revised January 9, 2023

State	Legal Status	Penalties: Criminal and/or Civil	Additional Relevant Information	Key Court Challenges/Actions
IN	A newly enacted law, effective September 15, 2022, banned abortion except when the life of the mother is at risk and for lethal fetal anomalies, but two courts have issued temporary injunctions stopping enforcement of the law as the legal challenges proceed in court. The law allows exceptions for some abortions if the pregnancy was a result of rape or incest. Prior to September 15, 2022, it was legal up to 20 weeks.		Prescribing physician must be physically present.	<p><i>Planned Parenthood v. Medical Lic. Bd. of Indiana</i> On October 12, 2022, the Indiana Supreme Court issued an order granting a request to transfer the state's interlocutory appeal (an appeal made before the end of a trial) directly to the high court but denied the state's request to block the trial court's injunction stopping enforcement of the state's anti-abortion law. As part of its order, the supreme court permitted the appeal and the trial court proceedings to move forward at the same time. On September 22, 2022, an Indiana trial judge issued a temporary injunction stopping enforcement of S.B. 1 "pending trial on the merits." On August 30, 2022, the lawsuit was filed challenging the constitutionality of the state's anti-abortion law under the state's right to privacy and equal privileges protections.</p> <p><i>Hoosier Jews for Choice v. Medical Lic. Bd. of Indiana</i> On December 9, 2022, the Indiana Attorney General filed a request in the state supreme court requesting that the high court immediately review the preliminary injunction in this case, bypassing the intermediate-level court of appeals. On December 2, 2022, a trial court issued a preliminary injunction preventing enforcement of the state's anti-abortion law because the law substantially burdens the plaintiffs' exercise of religion. The preliminary injunction is in place while the challenge proceeds in court. This is the second injunction blocking the abortion law. On September 8, 2022, the ACLU of Indiana filed a lawsuit on behalf of religious groups and five anonymous plaintiffs that argues that the state's abortion ban violates Indiana's Religious Freedom Restoration Act (RFRA), since Jewish, Muslim, Unitarian Universalist, Episcopal, and pagan faiths recognize a right to abortions that would be banned under Indiana law.</p> <p><i>The Satanic Temple v. Holcomb</i> On September 21, 2022, The Satanic Temple sued the Indiana Governor and Attorney General in U.S. District Court, Southern District of Indiana, to stop enforcement of the state's anti-abortion laws under various provisions of the federal constitution and the state's Religious Freedom Restoration Act (RFRA).</p>
IN (cont.)				<p><i>Bernard v. Rokita</i> On December 8, 2022, plaintiffs voluntarily dismissed their lawsuit against the attorney general following a ruling that the trial court no longer had jurisdiction of the matter. On December 2, 2022, the trial court ruled that it no longer had jurisdiction over the matter following the state attorney general's submission of the case to the state medical board on November 30, 2022. However, the judge wrote that the attorney general's statements "are clearly unlawful breaches of the licensing investigations statute's requirement that employees of the Attorney General's Office maintain confidentiality over pending investigations until they are so referred to prosecution." On November 18, 2022, a trial court held a hearing on the physician's request to quash the state attorney general's subpoenas for a ten-year old patient's records. Plaintiffs provided an abortion to the ten-year old who was the victim of a sexual assault. On November 3, 2022, three Indiana physician providers of abortion services filed suit against the Indiana Attorney General for injunctive relief to prevent investigations for providing pregnancy termination services.</p> <p><i>In the Matter of the License of Caitlin Bernard, M.D.</i> The state medical license board scheduled a hearing for February 23, 2023 to determine the medical license status of Dr. Caitlin Bernard for alleged violations of laws involved in performing an abortion on a ten-year patient who was the victim of sexual assault. The complaint alleges that Bernard "failed to immediately report the abuse and rape of a child to Indiana authorities" after performing the abortion on a 10-year-old girl.</p>
IA	Legal up to 20 weeks; however, a 6-week ban with exceptions in case of rape, incest, fetal abnormality incompatible with life, and to preserve the life of or prevent substantial and irreversible impairment of major bodily function to the mother ( <a href="#">Iowa Code §146C.2</a> ) blocked by court injunction. The state is seeking removal of injunction.	Penalties to be determined by board of medicine ( <a href="#">Iowa Code §146C.2(5)</a> ).		<p><i>Planned Parenthood of the Heartland v. Reynolds</i> On December 12, 2022, the trial court ruled that there is no process for reversing a permanent injunction and denied the request. On October 28, 2022, the trial court heard arguments to lift the permanent injunction from the Governor and plaintiffs. On October 14, 2022, plaintiffs Planned Parenthood of the Heartland, the Emma Goldman Clinic, and Dr. Jill Meadows filed arguments in support of the January 22, 2019 permanent injunction that they received preventing enforcement of the state's fetal heartbeat bill. The filings were in response to arguments filed August 11, 2022 by attorneys for Iowa Gov. Kim Reynolds, who is asking the state courts to lift the 3-year-old injunction.</p>
KS	Legal up to 22 weeks. Protected by state constitution.		Prescribing physician must be physically present.	<p><i>Trust Women's Foundation v. Bennett</i> On November 23, 2022, a trial court issued a temporary injunction preventing enforcement of Sections 6 and 7 of the Telemedicine Act and K.S.A. 654a10 that banned telemedicine abortions. This lawsuit was filed in 2018 by the Center for Reproductive Freedom on behalf of plaintiffs. In 2019, a two-judge majority of the Kansas Court of Appeals panel reversed the trial court's denial of a temporary injunction.</p>
KY	Banned except to save the life of mother or prevent serious, permanent impairment of life-sustaining organ ( <a href="#">Ken. Rev. Stat. Ann. §311.722</a> ).	Class D felony with up to 5 years in prison ( <a href="#">Ken. Rev. Stat. Ann. §311.722(3)(b)</a> ).	Prescribing physician must be physically present.  Ban applies to use of abortion-inducing drugs, but does not apply to any contraceptive drug or device administered prior to pregnancy ( <a href="#">Ken. Rev. Stat. Ann. §311.722(6)</a> ).  On November 8, 2022, voters rejected a constitutional amendment that would have stated the state's constitution provides no protection for abortion rights. Abortion remains banned but not constitutionally prohibited.	<p><i>EMW Women's Surgical Center v. Cameron</i> On November 15, 2022, the Kentucky Supreme Court heard oral arguments on whether to grant a temporary injunction to stop enforcement of the state's anti-abortion law that was triggered by the decision in Dobbs. Oral arguments were delayed until after the November 8, 2022 midterm election. According to unofficial election results, voters rejected an amendment that would have made explicit that abortion was not protected by the state constitution. The state attorney general requested that the state high court not consider the apparent rejection of the abortion clarification. On August 18, 2022, the Kentucky Supreme Court denied an emergency request for an injunction to stop Kentucky's two abortion bans and a six-week abortion ban.</p>

Reproductive Healthcare/Pregnancy Termination Public Policy Status - Revised January 9, 2023

State	Legal Status	Penalties: Criminal and/or Civil	Additional Relevant Information	Key Court Challenges/Actions
KY (cont.)				<p><i>Planned Parenthood Great NW v. Cameron</i> After temporarily blocking HB 3 in its entirety on April 21, 2022, a judge of the U.S. District Court for the Western District of Kentucky partially granted a preliminary injunction in May of 2022, prohibiting enforcement of HB 3 relating to reporting and registration programs not yet created by Kentucky's Cabinet for Health and Family Services and as to the 15-week abortion ban. The Kentucky Attorney General appealed this decision to the U.S. Court of Appeals for the Sixth Circuit on May 27, 2022, and on June 30, 2022, the appellate court remanded the case to the district court in light of the U.S. Supreme Court's decision in Dobbs. That same day, the Kentucky Attorney General moved to dissolve the preliminary injunction in the district court, and the parties agreed as to the 15-week ban. The district court dissolved the preliminary injunction on July 14, 2022, only as to the 15-week ban, but kept the injunction in place for the other provisions of HB 3 that require compliance with forms and regulations that are not yet available.</p> <p><i>Sobel v. Cameron</i> On October 6, 2022, three women filed a lawsuit in Jefferson County trial court to stop the state's anti-abortion law, arguing that the law violates the state constitution and their Jewish faith as applied to their past and future use of in vitro fertilization.</p>
LA	Banned except to save the life of mother or prevent serious, permanent impairment of life-sustaining organ. (La. Stat. Ann. §40:1061). Court action is pending.	Provider may be fined up to \$1,000 per incident and imprisoned for up to 2 years. Allows unborn child's mother to file civil suit. Allows for professional disciplinary action. (La. Stat. Ann. §40:1061.29).	Ban applies to use of abortion-inducing drugs, but does not apply to any contraceptive drug or device administered prior to pregnancy (La. Stat. Ann. §40:1061(E)).	
ME	Legal through viability. Protected by state law.			
MD	Legal through viability. Protected by state law.			
MA	Legal up to 24 weeks. Protected by state constitution and state law.			
MI	Legal through viability.  On November 8, 2022, voters enacted Proposal 3 establishing a new individual right to reproductive freedom, including the right to make and carry out all decisions about pregnancy, such as contraception, abortion, miscarriage management, and infertility. According to the Michigan Constitution's Article XII § 2, a proposed constitutional amendment that is approved by a majority of voters will take effect 45 days after the date of the election in which the proposal passed. This means that the constitutional amendment should take effect by December 23, 2022.	Felony.		
MN	Legal through viability. Protected by state constitution.			
MS	Banned except to save the life of the mother or in cases of rape reported to police (Miss. Code Ann. §41-41-45).	Between 1 and 10 years in prison (Miss. Code Ann. §41-41-45).	Prescribing physician must be physically present.	<i>American Assoc. of Pro-Life Obstetricians and Gynecologists v. Mississippi State Bd. of Medical Lic.</i> On November 14, 2022, the Mississippi Justice Institute filed a lawsuit on behalf of the American Association of Pro-Life Obstetricians and Gynecologists against the state board of medical licensure to resolve a conflict between state supreme court precedent and state law on the right to an abortion. In 1998, the state supreme court previously held the state constitution's right to privacy contained "an implicit right to have an abortion." However, a 2007 trigger law, Miss. Code Ann. § 41-41-45, outlaws all abortion except to save the life of the mother.
MO	Banned except to save the life of the mother or avoid serious risk of irreversible physical impairment of major bodily function (MO Rev. Stat. §188.017).	Class B Felony: 5-15 years in prison; suspension or revocation of license (MO Rev. Stat. §188.017).		

**Reproductive Healthcare/Pregnancy Termination Public Policy Status - Revised January 9, 2023**

State	Legal Status	Penalties: Criminal and/or Civil	Additional Relevant Information	Key Court Challenges/Actions
MT	Legal through viability; however, in 2021, the legislature passed three restrictive abortion laws including a ban after 20 weeks, all of which have been blocked by a court since last year. The Montana Supreme Court has ruled that its constitution protects the right to an abortion.	Penalties range from felony to misdemeanor with fine or imprisonment up to 5 years in prison. (Mt. Ann. Code §50-20-112).		<p><i>Planned Parenthood of Montana v. Montana</i> The Montana Supreme Court on Tuesday, August 9, 2022, upheld a district court decision to block three abortion restriction laws from taking effect while the case proceeds. A court injunction temporarily blocks these laws restricting the termination of a pregnancy, including a ban on abortion after 20 weeks of pregnancy. If the injunction is lifted, "The Montana Abortion Control Act" prohibits most pregnancy terminations unless they conform to the laws governing "partial-birth abortion" (Mt. Ann. Code §50-20-401) or the law prohibiting the termination of an unborn child capable of feeling pain, which is an unborn child of probable gestational age of 20 or more weeks, unless it is necessary to prevent a serious health risk to the unborn child's mother. (Mt. Ann. Code §50-20-109; Mt. Ann. Code §50-20-603).</p> <p><i>Weems v. State</i> On December 14, 2022, the Supreme Court heard oral arguments in this 2018 case that challenges the state board of nursing's rule permitting advanced practice registered nurses provide abortions. A state law limits abortion providers to physicians and physician assistants.</p>
NE	Legal up to 20 weeks.		Prescribing physician must be physically present.	
NV	Legal up to 24 weeks. Protected by voter referendum.			
NH	Legal up to 24 weeks.			
NJ	Legal through pregnancy. Protected by state constitution and law.			
NM	Legal through pregnancy.			
NY	Legal up to 24 weeks. Protected by state law.			
NC	Legal up to 20 weeks with exceptions to save life of the mother or prevent substantial irreversible physical impairment of major bodily function.	Class H felony: 4-25 months in prison (N.C. Gen. Stat. §14.44).	Prescribing physician must be physically present.	<p><i>Planned Parenthood South Atlantic v. Moore</i> On December 22, 2022, Planned Parenthood filed a voluntary motion to dismiss this lawsuit without prejudice. On October 17, 2022, Planned Parenthood filed a motion to stop enforcement of prohibitions against Advanced Practice Clinicians from providing medication abortions. Planned Parenthood South Atlantic, SisterSong, and healthcare providers filed this suit challenging a number of restrictions on abortion providers that limit access to abortion in North Carolina.</p> <p><i>Bryant v. Woodall</i> On August 17, 2022, a U.S. District Court judge sitting in the U.S. District Court for the Middle District of North Carolina lifted an injunction blocking North Carolina's ban on abortions after 20 weeks.</p>
ND	Legal up to 20 weeks. A 6-week ban except for rape, incest and to save the life of the mother was to become effective on 7/28/22 but is pending further litigation (N.D. Cent. Code §12.1-31-12).	Class C felony. Up to 5 years in prison and \$10k fine (N.D. Cent. Code §12.1-31-12(2)).	Prescribing physician must be physically present.	<p><i>Access Independent Health Svcs, Inc. dba Red River Women's Clinic v. Wrigley</i> On November 2, 2022, the North Dakota Supreme Court scheduled oral arguments on temporary injunction for November 29, 2022. On October 31, 2022, a North Dakota trial court judge reaffirmed his order granting a temporary injunction stopping enforcement of the state's anti-abortion law by finding that opponents to the law had a substantial probability of success. The temporary injunction will remain in place until the case is decided on the merits. On October 14, 2022, the North Dakota Supreme Court gave the trial judge until October 31, 2022 to provide legal justification for his decision preventing enforcement of the state's anti-abortion law. On October 11, 2022, the North Dakota Supreme Court ordered a trial court judge to review its decision denying the state attorney general's request to lift a preliminary injunction preventing enforcement of the state's abortion ban. On September 23, 2022, a trial court judge denied the state attorney general's request to lift the temporary injunction on the state's anti-abortion law. On August 25, 2022, a state trial court judge granted a temporary injunction blocking the state's anti-abortion law (N.D. Cent. Code §12.1-31-12) as part of a lawsuit brought by the state's only abortion provider against the state attorney general. The suit argued that the state's anti-abortion law was a violation of the state constitution's right to enjoy life and liberty.</p>
ND (cont.)				<p><i>MKB Mgmt Corp, d/b/a Red River Women's Clinic v. Burdick</i> On November 18, 2022, a U.S. District Court Judge denied a motion by the state Attorney General to reopen this 2014 case following the U.S. Supreme Court's decision in Dobbs. In 2014, the judge had previously found that the six-week abortion ban was invalid and unconstitutional.</p>

Reproductive Healthcare/Pregnancy Termination Public Policy Status - Revised January 9, 2023

State	Legal Status	Penalties: Criminal and/or Civil	Additional Relevant Information	Key Court Challenges/Actions
OH	6-week ban except to protect life of the mother or prevent substantial and irreversible impairment of major bodily function ( <u>Ohio Rev. Code §2919.195</u> ). The 6-week ban law is blocked from being enforced, pending further court activity. Does not apply to ectopic pregnancies ( <u>Ohio Rev. Code §2919.191</u> ).	Fifth degree felony: 6-12 months in prison and up to a \$2,500 fine; civil action allowed by mother ( <u>Ohio Rev. Code §2919.199</u> ); state medical board may issue fines up to \$20k ( <u>Ohio Rev. Code §2929.1912</u> ).	No limits on contraceptives ( <u>Ohio Rev. Code §2919.197</u> ).	<i>Preterm-Cleveland v. Yost</i> On December 16, 2022, the intermediate state court of appeals declined to consider the Ohio attorney general's appeal to overturn an injunction on the state's six-week abortion ban. On October 12, 2022, the trial court issued an indefinite temporary injunction preventing enforcement of the 6-week abortion ban until the lawsuit is resolved. The state filed an immediate notice of appeal of the injunction. On September 14, 2022, the trial court granted a 14-day temporary injunction preventing S.B. 23 from being enforced. This injunction ends September 28, 2022 without an extension. This was in response to a lawsuit filed by the ACLU of Ohio, Planned Parenthood Federation of America, and the law firm WilmerHale in a trial court in Hamilton County seeking to block the state's ban on abortion starting as early as six weeks into pregnancy, and to restore and further protect reproductive rights secured by the Ohio Constitution. Plaintiffs are asking the court to stop enforcement of S.B. 23 and to declare the ban unconstitutional under the Ohio Constitution. The prior case, filed June 24, 2022 in the Ohio Supreme Court, was withdrawn in favor of seeking a remedy in the trial court.
OK	Banned except in cases of rape or incest or to save life of the mother ( <u>O.K. Stat. tit. 63, §1-745.32</u> ). Does not apply to ectopic pregnancies.	Enforced via private civil actions; minimum damages of \$10,000 per occurrence ( <u>O.K. Stat. tit. 63, §1-745.35</u> ).	Prescribing physician must be physically present.  Does not apply to any kind of contraception (O.K. Stat. tit. 63, §1-745.31(1)).	
OR	Legal through pregnancy. Protected by state law.			
PA	Legal up to 24 weeks.			
RI	Legal through viability. Protected by state law.			
SC	Legal through 22 weeks. ( <u>S.C. Code Ann. §44-41-610 through 740</u> ).	Felony punishable by \$10,000 fine and/or imprisonment for up to 2 years ( <u>S.C. Code Ann. §44-41-650(B)</u> ).  Allows civil suits by the unborn child's mother ( <u>S.C. Code Ann. §44-41-740</u> ).	Prescribing physician must be physically present.	<i>Planned Parenthood South Atlantic v. South Carolina</i> On January 4, 2023, the South Carolina Supreme Court held that the Fetal Heartbeat and Protection from Abortion Act ("the Act") violates a woman's constitutional right to privacy, as guaranteed in article I, section 10 of the South Carolina Constitution. They held that the decision to terminate a pregnancy rests upon the utmost personal and private considerations imaginable, and implicates a woman's right to privacy. While this right is not absolute, and must be balanced against the State's interest in protecting unborn life, this Act, which severely limits—and in many instances completely forecloses—abortion, is an unreasonable restriction upon a woman's right to privacy and is therefore unconstitutional. The South Carolina Supreme Court heard oral arguments on October 19, 2022. The South Carolina Supreme Court on August 17, 2022 blocked the state's ban on abortion after about six weeks of pregnancy (SB 1), granting providers' emergency motion for a temporary injunction while litigation proceeds.
SD	Banned except to save life of the mother ( <u>S.D. Codified Laws §22-17- 5.1</u> ).	Class 6 felony punishable by up to 2 years in prison and \$4,000 fine ( <u>S.D. Codified Laws §22-17- 5.1</u> ).	Prescribing physician must be physically present.	
TN	Banned except to save the life of the mother or prevent substantial and irreversible impairment of major bodily function and became effective July 24, 2022 ( <u>Tenn. Code Ann. §39-15-213</u> ).	Class C felony up to 15 years in prison and up to \$10,000 fine ( <u>Tenn. Code Ann. §39-15-213(b)</u> ).		

Reproductive Healthcare/Pregnancy Termination Public Policy Status - Revised January 9, 2023

State	Legal Status	Penalties: Criminal and/or Civil	Additional Relevant Information	Key Court Challenges/Actions
TX	Banned except to save the life of the mother or prevent substantial impairment of major bodily function ( <a href="#">Tex. Health &amp; Safety Code §170A</a> ). In addition, a pre-Roe ban exists in the state ( <a href="#">Tex. Rev. Civ. Stats. Ann. Art. 4512.1</a> ).	1st degree felony (imprisonment for 5-99 years) and civil fine of not less than \$100k ( <a href="#">Tex. Health &amp; Safety Code §170A.004</a> and <a href="#">§170A.005</a> ).  Private civil right of action allows citizens to file civil lawsuits against those aiding or abetting abortion.		<i>Texas v. Becerra</i> A Texas federal judge issued a preliminary injunction on August 23, 2022 preventing the federal government from using EMTALA to stop enforcement of Texas's laws prohibiting most pregnancy termination procedures. The state sued the U.S. Secretary of Health and Human Services (HHS) to prevent enforcement of the agency's issued guidance that interpreted EMTALA as preempting the state's anti-pregnancy termination laws.  <i>Whole Woman's Health v. Paxton</i> A Harris County District Court issued a limited injunction that called into question the viability of the pre-Roe statutes and the Texas attorney general filed an emergency motion with the Texas Supreme Court. The Texas Supreme Court granted in part the motion in July, which stayed the temporary restraining order, allowing the pre-Roe law to go into effect, but also letting the court of appeals and district court proceedings continue. The court sought briefing on a threshold jurisdictional issue, meaning a substantive determination could be delayed.  <i>The Satanic Temple v. Young</i> The Satanic Temple filed suit in U.S. District Court, Southern District of Texas, to block Texas's abortion restrictions under the federal constitution. The plaintiff's motion for an injunction was denied on September 7, 2022. They have filed a notice of appeal on September 21, 2022.
TX (cont.)				<i>Gomez v. Braid</i> On December 8, 2022, a Texas trial court dismissed the first lawsuit brought by an unharmed third party against a physician for allegedly violating S.B. 8, a law that permits any third party to sue healthcare providers and those aiding and abetting an abortion beyond the law's six-week ban. The trial court ruled that the plaintiff did not have legal standing to bring the suit, because the Texas Constitution requires suits to be brought by an injured party, not an unharmed third party. The plaintiff publicly announced that he will appeal the dismissal.
UT	Legal up to 18 weeks. The state's 2020 legislation to ban abortion except for rape, incest, fatal fetal anomaly, severe fetal brain abnormality, and to protect life of the mother or prevent substantial, irreversible impairment to major bodily function is enjoined and being appealed. ( <a href="#">Utah Code §76-7-302</a> ).	Class A misdemeanor: Up to 364 days in jail and up to \$2,500 fine ( <a href="#">Utah Code §76-7-314(4)</a> ).		<i>Planned Parenthood Assoc. of Utah v. Utah</i> On October 14, 2022, the Utah Supreme Court permitted the state trial court's preliminary injunction preventing enforcement of the state's anti-abortion law to remain in effect pending appeal. This case challenges SB 174 that criminalizes most abortions with three exceptions. On July 11, 2022, a state trial court judge issued a preliminary injunction preventing the law from going into effect until the state constitutional challenge is litigated. On August 11, 2022, the Utah Attorney General requested permission from the Utah Supreme Court to file a challenge to the preliminary injunction.
VT	Legal through pregnancy. Protected by state law. Based on the November 8, 2022 unofficial election results, voters enacted Proposal 5 that established a right to reproductive autonomy. Under 17 V.S.A. Chapter 32, § 1848, Proposal 5 is effective immediately upon certification of the election on the second Tuesday of December after the election, which is December 13, 2022.			
VA	Legal until third trimester.			
WA	Legal through viability. Protected by state law.			

**Reproductive Healthcare/Pregnancy Termination Public Policy Status - Revised January 9, 2023**

State	Legal Status	Penalties: Criminal and/or Civil	Additional Relevant Information	Key Court Challenges/Actions
WV	<p>Banned with exceptions for: 1) nonviable embryo or fetus; 2) ectopic pregnancy; 3) medical emergency; 4) adults within first eight weeks of pregnancy resulting from reported sexual assault or incest; 5) minor within first fourteen weeks of pregnancy resulting from reported sexual assault or incest.</p> <p>This new law repeals the provisions of the pre-Roe v. Wade statutes regarding abortion. However, the legislation also states that should the new law be found unconstitutional, then the pre-Roe statutes will be automatically revived.</p>	<p>Violation of this statute is deemed practice of medicine outside a physician's scope of practice and in breach of the standard of care owed patients subjecting medical providers to medical board discipline up to and including loss of license.</p> <p>Violation of the new statute is a felony. Civil and criminal penalties include up to \$10,000 in fines, up to 10 years in prison, and if the pregnant woman dies during the procedure, the medical professional may be subject to prosecution for second degree murder.</p>	<p>An allowed procedure must be performed in a licensed hospital by a licensed medical professional who has West Virginia hospital privileges.</p> <p>Prescription or dispensing of abortifacients via telemedicine is prohibited.</p> <p>Under the new law, the following are not included within the definition of abortion:</p> <ol style="list-style-type: none"> <li>1. A miscarriage</li> <li>2. An intrauterine fetal demise or stillbirth</li> <li>3. The use of existing established cell lines derived from aborted human embryos or fetuses</li> <li>4. Medical treatment provided to a patient by a licensed medical professional that results in the accidental or unintentional injury or death of an embryo or a fetus</li> <li>5. In vitro fertilization</li> <li>6. Human fetal tissue research, when performed in accordance with Sections 498A and 498B of the PHS Act (42 U.S.C. 289g-1 and 289g-2) and 45 C.F.R. 46.204 and 46.206</li> <li>7. The prescription, sale, transfer, or use of contraceptive devices, instruments, medicines, or drugs.</li> </ol>	<p><i>Women's Health Center of West Virginia v. Miller</i> On July 18, 2022, the Circuit Court for Kanawha County granted the plaintiffs' motion for a preliminary injunction, preventing enforcement of the state's law banning abortions and allowing abortion care to resume in West Virginia. On July 19, 2022, the Attorney General of West Virginia sought an emergency stay of the preliminary injunction in the Supreme Court of Appeals of West Virginia, which is pending. On July 21, 2022, the Attorney General filed his appeal of the preliminary injunction. On August 12, 2022, the Supreme Court of Appeals issued an order for supplemental briefing. Briefing on the appeal is ongoing.</p>
WI	<p>Technically legal through 20 weeks; however, a pre-Roe ban with an exception to save the life of the mother is in effect and being litigated (<a href="#">Wis. Stat. §940.04</a>). The AG and Gov say they will not enforce and have filed a lawsuit to have the 1849 law voided.</p>	<p>Pre-Roe ban imposes Class H felony (\$10k fine and up to 6 years in prison); Class E felony for later term abortions (up to 15 years in prison and up to \$15k fine) (<a href="#">Wis. Stat. §940.04(1)</a> and <a href="#">940.04(2)</a>).</p>	<p>Prescribing physician must be physically present.</p>	<p><i>Kaul v. Kapenga</i> On November 4, 2022, three physicians who provide pregnancy termination care filed to intervene in this suit. The state Attorney General, Department of Safety and Professional Services, and Medical Examining Board filed suit against the President of the State Senate and Speaker of the State Assembly in Dane County state court to stop enforcement of the state's anti-abortion law (Wis. Stat. § 940.04). On September 30, 2022, the trial judge agreed to dismiss the suit against the legislative defendants and substitute three county district attorneys who could enforce the abortion law. The district attorneys have until November 7, 2022 to respond to the lawsuit.</p>
WY	<p>Legal through viability. The state's statutes ban abortion except for rape, incest and to save the life of the mother or prevent irreversible physical impairment to major bodily function has been blocked pending litigation. (<a href="#">Wyo. Stat. Ann. §35-6-102</a>).</p>	<p>Up to 14 years in prison (<a href="#">Wyo. Stat. Ann. §35-6-110</a>).</p>		<p><i>Johnson v. Wyoming</i> On December 20, 2022, the Wyoming Supreme Court declined the request to decide the legality of the state's anti-abortion laws at this stage in the litigation, writing: "This Court does not believe it can answer all 12 certified questions on the limited factual record provided." This means that the case will proceed through trial in the lower courts. On December 9, 2022, the Wyoming Supreme Court received 12 certified questions from the trial court requesting that the state high court determine the constitutionality of the state's abortion restrictions. On October 7, 2022, Right to Life Wyoming and two state legislators filed a motion to become parties to the lawsuit brought by medical providers against the state to stop enforcement of the state's anti-abortion law. On August 10, 2022, a Teton County trial court judge issued a preliminary injunction preventing enforcement of state statute 35-6-102, which makes abortions illegal with exceptions. The trial court found that the state law may violate the state constitution's rights to healthcare access and equal protection.</p>
US FEDERAL	<p><a href="#">EMTALA</a> On July 11, 2022, the HHS issued a guidance letter to healthcare providers instructing the federal Emergency Medical Treatment and Active Labor Act (EMTALA) statute protects their clinical judgment and the action taken to provide stabilizing medical treatment to pregnant patients regardless of state restrictions. The guidance letter reiterates the determination of an emergency medical condition is the responsibility of the examining physician or qualified medical professional, irrespective of any state laws or mandates that apply to specific procedures. This guidance has been challenged in court. See Key Court Challenge Column and information below.</p>		<p>HIPAA On Tuesday, June 28, 2022, the HHS issued guidance on healthcare providers' obligations to disclose medical information under the Health Insurance Portability and Accountability Act (HIPAA) after the US Supreme Court's <i>Dobbs v. Jackson Women's Health Center Organization</i> decision. Specifically, the guidance assists providers practicing in states that have laws requiring the disclosure of information to law enforcement.</p>	<p><i>U.S. v. Idaho</i> On August 2, 2022, an Idaho federal judge issued a preliminary injunction preventing enforcement of a state law that banned terminating pregnancies in most circumstances because such law conflicted with EMTALA.</p> <p><i>Texas v. Becerra</i> A Texas federal judge issued a preliminary injunction on August 23, 2022, preventing the federal government from using EMTALA to stop enforcement of Texas's laws prohibiting most pregnancy termination procedures.</p> <p><i>Alliance for Hippocratic Medicine v. U.S. Food and Drug Administration</i> On November 18, 2022, the Alliance for Defending Freedom filed a lawsuit in U.S. District Court for the Northern District of Texas challenging the use and safety of FDA approved drugs for chemical abortions (mifepristone, a.k.a. RU-486 and Mifeprex). Plaintiffs seek an injunction to prevent use of the FDA approved chemical abortion drugs.</p>



**Reproductive Healthcare/Pregnancy Termination Public Policy Status - Revised January 9, 2023**

State	Legal Status	Penalties: Criminal and/or Civil	Additional Relevant Information	Key Court Challenges/Actions
<p><b>US FEDERAL (cont.1)</b></p>	<p>Issued October 3, 2022, and pursuant to the EMTALA related preliminary injunction in Texas v. Becerra, No. 5:22-CV-185-H (N.D. Tex.), HHS may not enforce the following interpretations contained in the July 11, 2022, CMS guidance (and the corresponding letter sent the same day by HHS Secretary Becerra): (1) HHS may not enforce the Guidance and Letter’s interpretation that Texas abortion laws are preempted by EMTALA; and (2) HHS may not enforce the Guidance and Letter’s interpretation of EMTALA—both as to when an abortion is required and EMTALA’s effect on state laws governing abortion—within the State of Texas or against the members of the American Association of Pro Life Obstetricians and Gynecologists (AAPLOG) and the Christian Medical and Dental Association (CMDA).</p>			<p><i>Carter v. McDonough</i> On December 13, 2022, a nurse, who is also an Army veteran, at a Temple, Texas, VA facility, sued the agency in the U.S. District Court for the Western District of Texas for an injunction barring the VA from compelling her and her colleagues to participate in providing any abortion-related services.</p>
<p><b>US FEDERAL (cont.2)</b></p>	<p><b>FDA MIFEPRISTONE</b> On January 3, 2023, the FDA finalized its rules to allow brick and mortar retail pharmacies to dispense mifepristone when prescribed by a healthcare provider that meets certain qualifications and is certified under the Mifepristone REMS Program. Prior to this change, mifepristone only could be dispensed by specially certified healthcare providers or clinics and a handful of mail order pharmacies. The new rule allows access to the pills only in states that already allow their use, however, it is expected patients will cross state lines to access the drug.</p>	<p><b>FDA FAQ</b> <a href="https://www.fda.gov/drugs/post-market-drug-safety-information-patients-and-providers/information-about-mifepristone-medical-termination-pregnancy-through-ten-weeks-gestation">https://www.fda.gov/drugs/post-market-drug-safety-information-patients-and-providers/information-about-mifepristone-medical-termination-pregnancy-through-ten-weeks-gestation</a></p>	<p>Mifepristone may only be dispensed by or under the supervision of a certified prescriber, or by a certified pharmacy on a prescription issued by a certified prescriber.</p> <p>In order to become certified to prescribe mifepristone, healthcare providers must complete a Prescriber Agreement Form. A Patient Agreement Form must be reviewed with and signed by the patient and the healthcare provider, and the risks of the mifepristone treatment regimen must be fully explained to the patient before mifepristone is prescribed. The patient must be provided with a copy of the Patient Agreement Form and mifepristone Medication Guide (FDA-approved information for patients).</p> <p>To become certified to dispense mifepristone, pharmacies must complete a Pharmacy Agreement Form. Certified pharmacies must be able to ship mifepristone using a shipping service that provides tracking information and ensure mifepristone is dispensed to the patient in a timely manner.</p>	