

State Legislation Update

August 12,

2024

Pro-life legislation in **GREEN**.

Pro-abortion / Pro assisted-suicide legislation in **RED**.

Neutral legislation in **ORANGE**.

Ballot initiatives on the 2024 Ballot

Colorado - "Right to Abortion and Health Insurance Coverage Initiative"

This citizen-initiated constitutional amendment would add this text to the state constitution: "The right to abortion is hereby recognized. Government shall not deny, impede, or discriminate against the exercise of that right, including prohibiting health insurance coverage for abortion."

Florida - "Florida Amendment 4, the "Right to Abortion Initiative"

This citizen-initiated constitutional amendment would add this text to the state constitution: "Except as provided in Article X, Section 22, no law shall prohibit, penalize, delay, or restrict abortion before viability or when necessary to protect the patient's health, as determined by the patient's healthcare provider."

Maryland SB 798 - "Declaration of Rights / Right to Reproductive Freedom"

This legislatively-referred constitutional amendment bill was passed during the 2023 session, and will appear on Maryland's November 2024 ballot. It "establishes that every person, as a central component of an individual's rights to liberty and equality, has the fundamental right to reproductive freedom."

Nevada - Right to Reproductive Freedom Amendment

This citizen-initiated constitutional amendment would establish the right to an abortion.

New York - Equal Protection of Law Amendment

This legislatively-referred constitutional amendment bill was passed in 2022 and 2023. In New York, a constitutional amendment needs to be passed in both chambers of the state legislature in two consecutive sessions in order to be referred to the ballot, in this case, 2022 and 2023. The ballot measure would amend the Equal Protection Clause of the New York Constitution to prohibit a person's rights from being denied based on the person's "ethnicity, national origin, age, [and] disability," as well as the person's "sex, including sexual orientation, gender identity, gender expression, pregnancy, pregnancy outcomes, and reproductive healthcare and autonomy."

South Dakota - Constitutional Amendment G, the "Right to Abortion Initiative"

This citizen-initiated constitutional amendment would provide a state constitutional right to abortion and require a trimester framework for regulating abortion in the South Dakota.

West Virginia HJR 28 - The West Virginia Prohibit "Medically-Assisted Suicide, Euthanasia, and Mercy Killing" Amendment

This legislatively-referred constitutional amendment bill was passed by the legislature in 2024 and will appear on the November 2024 state ballot. It would prohibit people from participating in "the practice of medically assisted suicide, euthanasia, or mercy killing of a person."

Possible Ballot initiatives on the 2024 Ballot

Arizona – Right to Abortion Initiative

This citizen-initiated constitutional initiative would amend the Arizona Constitution to establish the fundamental right to abortion that the state of Arizona may not interfere with before the point of fetal viability.

Arkansas - Right to Abortion Initiative

This citizen-initiated constitutional initiative would prohibit laws or policies restricting abortion access within 18 weeks from conception; or in cases of rape, incest, or fatal fetal anomaly; or when abortion is needed to protect the life or health of the mother.

Missouri – Missouri Right to Reproductive Freedom Amendment

This citizen-initiated constitutional amendment would “provide the right for *reproductive freedom*, which is defined as “the right to make and carry out decisions about all matters relating to reproductive health care, including but not limited to prenatal care, childbirth, postpartum care, birth control, abortion care, miscarriage care, and respectful birthing conditions.”

Montana – Constitutional Initiative No. 128

This citizen-initiated constitutional amendment to the Montana Constitution would expressly provide a right to make and carry out decisions about one’s own pregnancy, including the right to abortion.

Nebraska

There are currently four potential citizen-initiated abortion-related ballot initiatives: to prohibit abortion procedures and drugs except in cases to preserve the life of the mother; to allow a right to abortion until fetal viability; to prohibit abortions after the first trimester unless necessitated by a medical emergency or the pregnancy is a result of sexual assault or incest; and to establish personhood of a preborn child.

Pennsylvania – No Constitutional Right to Taxpayer-Funded Abortion or Other Right Relating to Abortion

A legislatively-referred constitutional amendment bill, passed during the 2021-2022, says that the state constitution does not grant the right to taxpayer-funded abortion or any other right related to abortion. The Pennsylvania Constitution requires a simple majority vote (50%+1) in each legislative chamber during two successive legislative sessions to refer a constitutional amendment to the ballot. It has yet to be voted on during the current session.

State Legislation Update



Arizona

1 LAW ENACTED

HB 2677

- **Repeal of Pre-*Roe* Abortion Protection**
- This law repeals a section of the Arizona Code which protects unborn children throughout gestation, except to save the life of the mother. This law goes into effect September-October 2024.
- The 15-week protection law is in effect (no abortions may be performed if the probable gestational age of the unborn child has been determined to be greater than 15 weeks, except in the case of a medical emergency).

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Arkansas

1 LAW ENACTED

SB 64

- **Pregnancy Center Appropriations for FY 2025**
- This FY 2025 appropriations bill funds grants for pregnancy resource centers in the amount of \$2 million.

State Legislation Update



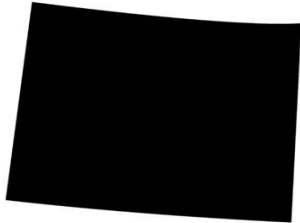
California

1 LAW ENACTED

SB 233

- **Allowing Arizona abortionists to provide abortions in California**
- The law permits an Arizona abortionist to register with California medical boards through November 30, 2024, solely for the purpose of providing abortions on Arizona women traveling to California for abortions. This law was enacted in response to the Arizona Supreme Court's April decision upholding their pre-*Roe* pro-life law.

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Colorado

1 LAW ENACTED

SB 24-1068

- **Expansion on State's Assisted Suicide Law**
- The state expanded its current law allowing assisted suicide by allowing advance-practice nurses to evaluate the patient and prescribe medications to end a patient's life. It also reduces the oral request waiting period from 15 days to 7 days and allows the attending healthcare provider to waive the mandatory waiting period if the patient is unlikely to survive more than 48 hours and meets other qualifications.

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Florida

2 LAWS ENACTED

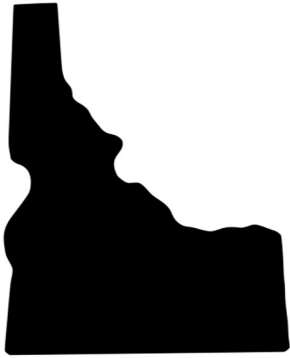
HB 415

- **Pregnancy and Parenting Resources Website**
- This law requires that several state agencies work together with a third party to create a website that provides information and links to public and private pregnancy and parenting resources. Information must include educational materials on pregnancy and parenting; maternal health services; prenatal and postnatal services; educational and mentorship programs for fathers; social and financial services and assistance; and adoption services. The website must be functioning by January 1, 2025.

HB 775

- **Amends Florida's Safe Haven Law**
- This law expands the state's infant surrender law by increasing the allowable age to surrender an infant from 7 days old to 30 days old. The law authorizes a parent, after delivering the child in a hospital, to leave the infant with medical staff if the parent notifies staff that they are voluntarily surrendering the infant and not planning to return. A surrendering parent can also call 911 to meet emergency medical personnel at a specified location to surrender the infant.

State Legislation Update



Idaho

2 LAWS ENACTED

S 1308

- **Adoption Education**
- This law stipulates that if a local school district decides to have a family life and sex education program, they shall include information on adoption for the well-being of a child.

S 1272

- **Amending the Idaho Safe Haven Act**
- This law adds to the state Safe Haven Act the ability for a "Safe Haven" facility to be installed and receive surrendered newborn infants through a specified newborn safety device. A hospital, fire station, law enforcement agency, or medical services provider that is staffed 24 hours a day, seven days a week, may use an alarmed, temperature-controlled, conspicuous newborn safety device to accept surrendered newborn infants.

State Legislation Update



Illinois

4 LAWS ENACTED

HB 581

- **EMTALA Codification**
- This law codifies into state code the federal Emergency Medical Treatment and Active Labor Act (EMTALA). It also grants the state department of health the right to investigate hospitals for violations and allows for penalties.

HB 5239

- **Expansion of the State's "shield law"**
- This law expands the state's "shield law" that protects abortionists, those who come to the state for abortions, and those who assist them, by prohibiting local and state jurisdictions from aiding out of state investigations of abortions performed in Illinois.

HB 4867

- **Amending the Illinois Human Rights Act**
- This law amends the Illinois Human Rights Act by adding to the definition of "unlawful discrimination" the "discrimination of reproductive health decisions."

Illinois, continued

HB 5142

- **The "Birth Equity Initiative"**
- This law will require state-based health insurance to cover abortions (including chemical abortion pills) without co-pays and deductibles

State Legislation Update



Iowa

2 LAWS ENACTED

SF 2251

- **Postpartum Medicaid Coverage for Women and Infants**
- This law allows a pregnant woman and her newborn child, who meet certain requirements for assistance, to receive assistance until twelve (12) months after the date the pregnancy ends (prior coverage was until only 60 days after the date the pregnancy ends).

SF 2252

- **Amending the "More Options for Maternal Support" (MOMS) Program**
- This law amends the MOMS program by having the state Department of Health and Human Services run the program and distribute funds to nonprofit crisis pregnancy centers. When the MOMS program was created in 2022, it allowed for a nonprofit organization to distribute the funds.

State Legislation Update



Kansas

4 BILL VETOES OVERRIDDEN
1 BILL VETOED

HB 2436

- **Protecting Women from Coerced Abortion**

- This law provides that coercion of abortion is a crime. The crime is classified as a nongrid person felony (a "nongrid" is to be served in a county jail rather than in a prison) with a sentence of 30 days-one year and a fine of \$500-\$5000. The Governor's veto of this legislation was overridden by the legislature.

HB 2749

- **Improving Reporting by the Kansas Department of Health & Environment (KDHE)**

- This law requires that abortion statistics be reported to the KDHE by abortionists twice per year and released by the department within 30 days of the reporting period. The law improves the quality of this data by requiring the department to collect information regarding the reasons why the woman chose abortion. The Governor's veto of this legislation was overridden by the legislature.

SB 28

- **Pregnancy Resource Center Funding**

- A provision in the state budget maintains \$2 million in funding for the newly-named "Pregnancy Compassion Awareness Program." This program helps the state's maternity homes and pregnancy resource centers. The Governor's veto of this legislation was overridden by the legislature.

HB 2465

- **Life-Affirming Tax Reforms**

- This law establishes life-affirming tax policies that include additional tax credits for families who adopt children, tax credits for donating to pregnancy resource centers and maternity homes, and the removal of the sales tax burden on these organizations. The Governor's veto of this legislation was overridden by the legislature.

Kansas, continued

SB 232
VETOED

- **Regarding Child Support for Unborn Children**
- This bill would have allowed a woman to collect up to 40 more weeks of child support from the father of a preborn child to help cover pregnancy related medical & other expenses. The legislature adjourned before they could vote to override the governor's veto.

State Legislation Update



Kentucky

1 LAW ENACTED

HB 272

- **An Act Relating to Abandoned Infants**
- The state's safe haven baby box law is expanded to include a public awareness campaign so people are aware that they can safely and legally surrender their newborn baby. It is required that information on the Safe Haven Baby Boxes Crisis Line be posted in public schools.

State Legislation Update



Louisiana

5 LAWS ENACTED

SB 276

- **Abortion by Fraud Criminalization Act**

- This first-in-the-nation law creates the crime of coerced abortion by means of fraud and places the abortion-inducing drugs on Schedule IV of the Uniformed Controlled Substance List. The law does not prohibit the medications to be used in healthcare situations that do not result in elective abortion. No woman possessing abortion pills for her own consumption shall be subject to criminal prosecution. The penalty for the crime of coerced criminal abortion by means of fraud is imprisonment at hard labor for 5-10 years, a fine of at \$10,000 - \$75,000, or both. If the crime of coerced criminal abortion by means of fraud is committed when the unborn child is more than three months of gestational age, the penalty is imprisonment at hard labor for 10-20 years, a fine of \$50,000-\$100,000, or both.

SB 278

- **Louisiana Pregnancy and Baby Care Initiative**

- This law establishes a new social services program to support women facing unplanned pregnancies and to offer a full range of services, including pregnancy support services, parenting help, and adoption assistance through entities such as pregnancy resources centers.

Louisiana, continued

SB 325

- **Compatible with Love Empowerment Act**
- This law provides for an informational document to be made available to pregnant mothers following the prenatal diagnosis of a condition with respect to their unborn child.

SB 312

- **Adoption Awareness Act**
- This law creates a new program that promotes the benefits of choosing infant adoption for birth mothers, babies, and adoption for an unborn child.

HB 782

- **Supplemental Appropriations for FY 2023-24**
- This act includes \$25,000 in funding for the Life Choices Pregnancy Resource Center.

State Legislation Update



Maine

1 LAW ENACTED

1 LAW ENACTED

LD 227

- **"An Act Regarding Healthcare in the State"**
- This law protects out of state patients seeking abortions in Maine from prosecution by shielding their medical records from being given to law enforcement in their state that has pro-life protective laws. It also protects abortion providers from out of state lawsuits.

LD 780

- **The Uniform Public Expression Protection Act (UPEPA)**
- This law strengthens Maine's free speech law by expanding it to cover any statement made in connection with an issue of public interest in a public forum or other place open to the public or any statement made in a media publication by adding and offering uniformity of interpretation with other UPEPA states. Previously, Maine's law only covered lawsuits involving government proceedings. The law went into effect without the governor's signature.

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Maryland

1 LAW ENACTED

1 LAW ENACTED

SB 975

- **"Supporting Reproductive Health Care Clinics Act"**
- This law establishes the Reproductive Health Care Clinic Security Grant Program in the state Department of Health to assist reproductive health care clinics with costs associated with security improvements and safety operational expenses. It prohibits the Department from disclosing certain personal information of an individual associated with the Program. It authorizes the Governor to include in the annual FY 2026 budget bill an appropriation of \$500,000 to the Program.

HB 891

- **Expansion of the Safe Haven Law**
- This law allows mothers up to 60 days to safely relinquish their newborns at designated facilities, including hospitals, police departments, and now, fire departments. Additionally, Maryland joins a group of proactive states incorporating baby box devices to ensure anonymity and accessibility, making Maryland the nineteenth state to do so. The law also includes a public awareness campaign.

State Legislation Update



Mississippi

1 LAW ENACTED

HB 539

- **Providing pregnant women with presumptive Medicaid eligibility**
- This law allows pregnant women whose household income is at or below 194% of the federal poverty level to be presumed eligible for Medicaid and receive 60 days of coverage for outpatient care while their applications for Medicaid coverage are being processed.

State Legislation Update



Missouri

1 LAW ENACTED

HB 2634

- **Modifies provisions relating to public funding of abortion facilities and affiliates and provisions relating to MO HealthNet providers**
- This law places pro-life language into statute to restrict taxpayer funds from going to abortion providers and their affiliates.

State Legislation Update



Nebraska

2 LAWS ENACTED

LB 876

- **Expanding the Nebraska Newborn Safe Haven Act**

- This law expands the state's safe haven law to allow infants to be surrendered at police and fire stations. The law now allows parents to call 911 to safely surrender their infant to emergency personnel. The age at which the infant can be surrendered is extended from 30 days old to 3 months old. The law also includes a public awareness campaign.

LB 857

- **Creates the Nebraska Prenatal Plus Program**

- This law will cover the cost of prenatal services for at-risk mothers — defined as pregnant women eligible for Medicaid or the Children's Health Insurance program who are determined to be at risk for negative maternal or infant health outcomes. Prenatal services under the program include nutritional counseling, psychosocial counseling and support, general client education and health promotion, breastfeeding support and targeted case management. The program will sunset June 30, 2028.

State Legislation Update



New Hampshire

1 LAW ENACTED

HB 1607

- **Expanding Safe Haven Protections**

- The state's safe haven protection law is amended to allow a parent to place a child in to an infant safety device (instead of requiring the parent to hand the infant to another person). It extends the surrender time to 61 days after the child's birth. It also includes an "exclusionary rule" provision stating that any evidence obtained from a safe haven drop off of a child is inadmissible in a criminal trial against the parent.

State Legislation Update



Rhode Island

1 LAW ENACTED

SB 2262B/
HB 7577A

- **"Health Care Provider Shield Act"**

- These twin bills create "a protective legal shield" law for in-state abortion providers, those seeking abortions, and those who help with abortion access from criminal and civil actions initiated by a state with pro-life laws. "Protections" include from arrest and extradition, subpoena for testimony and documents, professional disciplinary action in Rhode Island on the basis of disciplinary action taken against them in other states and wiretapping and other surveillance. The law prevents all state public agencies, including law enforcement, from cooperating with out-of-state investigations of "legally-protected health care" in Rhode Island. It protects personal medical information from being shared with law enforcement agencies in other states.

State Legislation Update



South Dakota

2 LAWS ENACTED
1 RESOLUTION ADOPTED

SB 1224

- **The "Medical Education" Bill**

- This law requires the South Dakota Department of Health, in partnership with the Attorney General's Office and medical experts, to create a video to further clarify the state's abortion laws, describing what doctors can do to save the life of a mother when she's experiencing a dangerous pregnancy and how that fits into the state's trigger law. This shall be created by September 1, 2024.

SB 1224

- **The "Signature Removal Bill"**

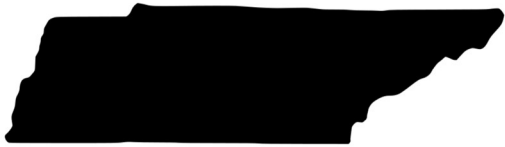
- This law provides a process to withdraw a signature from a petition, initiated measure, constitutional amendment, or a referendum on a law.

HCR 6008

- **Opposing an initiated measure to place the right to an abortion in the Constitution of South Dakota**

- This is a non-binding concurrent resolution that passed in the state's House and Senate.

State Legislation Update



Tennessee

2 LAWS ENACTED

HB 1895/
SB 1971

- **The Underage Abortion Trafficking Act**

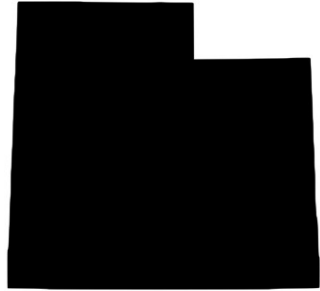
- This law prohibits any adult to recruit, harbor, or transport a minor for the purpose of obtaining an abortion or abortion-inducing chemicals without parental consent. The sponsors of the legislation emphasized that this is a parental consent bill designed to safeguard minors from undergoing invasive surgeries or taking dangerous abortion chemicals without their parents' knowledge or approval. This law enacts a portion of NRLC's post-Roe "Preborn Protection Law" model. Violation of the law is classified as a Class A misdemeanor, carrying a mandatory jail sentence of 11 months and 29 days. It also establishes civil liability for the actions described.

HB 2435

- **"Baby Olivia" Law**

- This law requires that any presentation in schools regarding family life are required to address human growth and show an informational video about a preborn child at various gestational ages that shows a graphic of a high-definition ultrasound or a computer-generated animation.

State Legislation Update



Utah

1 LAW ENACTED

HB 560

- **Abortion Clinic Licensing Modifications**
- This law repeals parts of the state's trigger law that are enjoined in order to simplify the case currently presented to the state supreme court, so that the trigger law protection can be upheld. The case has not yet been decided. Portions of the law that this bill modifies are: allowing licensing of abortion clinics, and allowing abortions to be performed at licensed abortion clinics.

State Legislation Update



Virginia

1 LAW ENACTED
1 RESOLUTION ADOPTED

4 BILLS VETOED

SB 603

- **Regarding Incarcerated Women who are Pregnant**
- This law calls for a study and recommendations related to prioritizing treatment for incarcerated women who are pregnant and in need of substance abuse treatment.

HJ 403

- **Commending Geline Brown Williams**
- This resolution honors Geline Williams on the occasion of her 100th birthday, for her accomplishments including the founding of VSHL, and her service on behalf of her church, state government, and people in need.

HB819/ SB238 VETOED

- **"Contraceptive Equity Act"**
- These bills address contraceptive accessibility, but of concern was that they could have added coverage for some abortion-inducing drugs. The governor offered an amendment to limit the scope of the bills, but they were voted down.

Virginia, continued

HB1539/ SB15
VETOED

•**Protections for Abortionists to Evade Punishment in States with Pro-life Protective Laws**

- These bills would have prohibited Virginia from extraditing commonwealth residents charged by other states with violating the other state's pro-life protection laws. The bills also would have established legal protections for patients who travel to Virginia to receive abortion care from states with pro-life protection laws.

HB 519/ SB716
VETOED

•**Protections for Abortionists**

- These bills would have restricted the Virginia Board of Medicine from having the authority to hold abortionists practicing in Virginia accountable for failing to maintain state standards. If these bills were enacted, the result would have been to prevent the official agency responsible for maintaining safety for patients from being able to do its job.

HB 609/SB237
VETOED

•**To Place a Right to Obtain Contraception into State Law**

- These bills that address contraception would have allowed minors to be sterilized or receive contraceptive drugs or devices without parents' knowledge. If the FDA rules are changed regarding Mifepristone, this could lead to minor girls being given abortion drugs without their parents' knowledge.

State Legislation Update



Washington

2 LAWS ENACTED

HB 2115

- **Concerning Prescription Labels for Medications used for Abortion**
- This law allows a prescriber to request that the label for abortion medication dispensed by a practitioner include the prescribing and dispensing healthcare facility name instead of the practitioner's.

HB 6151

- **Concerning the Provision of an Ultrasound**
- This law says that "an ultrasound or similar medical imaging device or procedure may only be provided by a licensed health care provider acting within the scope of their practice, or a person acting under the supervision of a licensed healthcare provider where these actions performed are within the supervising healthcare provider's scope of practice."

State Legislation Update



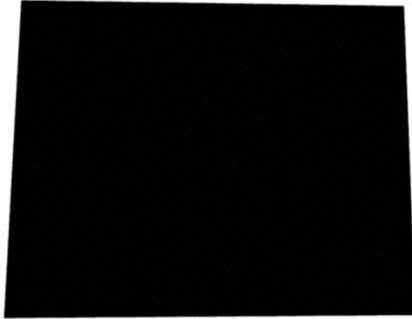
West Virginia

1 BALLOT MEASURE

HJR 28

- **Protection from medically-assisted suicide or euthanasia in West Virginia Amendment**
- This legislatively-referred constitutional amendment bill would prohibit people from participating in "the practice of medically assisted suicide, euthanasia, or mercy killing of a person." It will appear on the November 2024 ballot.

State Legislation Update



Wyoming

1 BILL VETOED

HB 148
VETOED

- **Regulation of Abortions**

- This bill stated that no surgical abortion facility shall provide surgical abortions to any pregnant woman without first being licensed as an ambulatory surgical center, with reporting requirements. The person performing abortions at a surgical abortion facility must be a licensed physician with admitting privileges at a hospital. An ultrasound must be performed 48 hours before the abortion is performed. The bill was vetoed by the pro-life governor because "amendments to the bill complicated its purpose, making it vulnerable to legal challenges."