

## Fact Sheet: Protecting Women and Unborn Children from Chemical Abortion

In 2010, states began enacting laws to prohibit chemical abortions from being administered via telemedicine. These laws require abortion providers to be physically present in the same room when administering, prescribing, or dispensing chemical abortion pills. Some laws require that the chemical abortion pills only be provided by qualified physicians; some prohibit the providing of the chemical abortion pills through the mail, or via delivery service or courier. Some state laws require providers to report complications, while others prohibit state-funded schools and universities from providing chemical abortion pills to young women on campuses. Most state laws exclude pregnant mothers from criminal and civil penalties. Conversely, there is a small group of states that have extreme abortion-on-demand laws that require the distribution of these deadly chemicals. Those states are listed after this table.

After the United States Supreme Court’s June 2022 decision in *Dobbs v. Jackson Women’s Health Organization*, which overturned the 1973 decision in *Roe v. Wade*, several states began to enforce previously-enacted laws that protect the unborn child from abortion throughout gestation. These laws supersede the following pro-life laws that govern the administration of chemical abortions.

### Summary of Pro-life Laws Governing Chemical Abortion

Updated: May 29, 2024

STATE	TYPE OF LAW	STATUS	COURT ACTION
<b>Alabama</b> Ala. Code § 26-23E-7	Only a physician may give, sell, dispense, administer, or prescribe an abortion-inducing drug; woman must be examined in person; anyone other than a physician is prohibited from prescribing, dispensing, or administering an abortion-inducing drug.	In effect	

<b>STATE</b>	<b>TYPE OF LAW</b>	<b>STATUS</b>	<b>COURT ACTION</b>
<b>Arizona</b> Ariz. Rev. Stat. § 36-2160	Provider must be a qualified physician; pills cannot be distributed via courier, delivery or mail service.	In effect	
<b>Arizona</b> Ariz. Rev. Stat. § 15-115.01	Abortions may not be provided on the property of a public educational institution.	In effect	
<b>Arizona</b> Ariz. Rev. Stat. § 36-3604	A health care provider shall not use telemedicine to provide an abortion.	In effect	
<b>Arkansas</b> Ark. Code Ann. §§ 20-16-2501 to 20-16-2509	Informed consent for chemical abortions including abortion pill reversal, Rh factor incompatibility testing information, ultrasound; reporting requirements.	In effect	
<b>Arkansas</b> A.C.A. § 20-16-603	The initial administration of the abortion drug must be in the same room and in the physical presence of the physician who prescribed, dispensed, or otherwise provided the drug or chemical to the patient.	In effect	
<b>Arkansas</b> A.C.A. §§ 20-16-1501 to 20-16-1510	The “Abortion-Inducing Drugs Safety Act” requires that the drug shall only be prescribed, administered, dispensed, or provided by a physician; drugs cannot be distributed via courier, delivery or mail service; physician shall be credentialed and competent to handle abortion complication management, including emergency transfer, reporting of complications, and Rh factor incompatibility testing.	In effect	

STATE	TYPE OF LAW	STATUS	COURT ACTION
<p><b>Florida</b> Fla. Stat. Ann. § 390.0111</p>	<p>In-person performance by physician required; cannot be distributed via courier, delivery or mail service; and ultrasound required.</p>	<p>In effect</p>	<p>On April 1, 2024, the state supreme court ruled that the Privacy Clause in the Florida Constitution does not invalidate pro-life laws, and the court upheld this statute. See: <i>Planned Parenthood v. State</i>, Nos. SC2022-1050, SC2022-1127, 2024 Fla. LEXIS 483 (Apr. 1, 2024).</p>
<p><b>Florida</b> Fla. Stat. § 456.47</p>	<p>A telehealth provider may not use telehealth to perform a surgical or chemical abortion.</p>	<p>In effect</p>	<p>On April 1, 2024, the state supreme court ruled that the Privacy Clause in the Florida Constitution does not invalidate pro-life laws, and the court upheld this statute. See: <i>Planned Parenthood v. State</i>, Nos. SC2022-1050, SC2022-1127, 2024 Fla. LEXIS 483 (Apr. 1, 2024).</p>
<p><b>Indiana</b> Ind. Code Ann. § 16-34-2-1 (a)(1)(C)</p>	<p>An abortion-inducing drug may not be provided after 8 weeks post-fertilization age; physical examination in person; drug must be taken in the presence of physician; APR information given; in person excludes telehealth.</p>	<p>In effect</p>	<p>Previously the APR provision was enjoined in <i>All-Options Inc., et al, v. Attorney General of Indiana</i>, No. 1:21-cv-01231-JPH-MJD, (U.S. District Court, Southern District of Indiana, Indianapolis Division, 6/30/21). The lawsuit was dismissed and the law is in effect.</p>

STATE	TYPE OF LAW	STATUS	COURT ACTION
<b>Indiana</b> Ind. Code Ann. § 25-1-9.5-0.5	Telehealth may not be used to provide any abortion, including the writing or filling of a prescription for any purpose that is intended to result in an abortion.	In effect	
<b>Iowa</b> Iowa Admin. Code r. 653-13.10	Physician's physical presence, a physical examination, a follow-up appointment required; parental notification of a minor is required.	Not in effect	Declared unconstitutional in: <i>Planned Parenthood of the Heartland, Inc. v. Iowa Bd. of Med.</i> , 865 N.W.2d 252 (Iowa 2015).
<b>Kansas</b> K.S.A. § 65-4a10	The abortion-inducing drug shall initially be administered by or in the same room and in the physical presence of the physician who prescribed, dispensed or otherwise provided the drug to the patient; reasonable efforts made for a follow up.	Not in effect	This law was permanently enjoined in <i>Hodes &amp; Nauser v. Norman</i> , No. 2011-CV-1298 (Kan. Dist. Ct., 2021).
<b>Kansas</b> Kan. Stat. Ann. § 40-2-215	Kansas' authorization of telemedicine does not include authorization of abortion by telemedicine.	Not in effect	Temporary restraining order issued in <i>Trust Women Foundation, Inc. v. Schmidt</i> , 509 P.3d 599 (Kan. Ct. App. 2022).
<b>Kansas</b> Kan. Stat. Ann. § 65-28B-10	A certified nurse-midwife is prohibited from performing, inducing, or prescribing abortion drugs.	In effect	

STATE	TYPE OF LAW	STATUS	COURT ACTION
<p><b>Kentucky</b> KRS §§ 311.7731 to 311.7739</p>	<p>The “Abortion-Inducing Drugs Safety Act” requires that the drug shall only be provided by a qualified and credentialed physician; cannot be distributed via courier, delivery or mail service; informed consent, including abortion pill reversal information, ultrasound, and Rh factor incompatibility testing; complication reporting requirements; providing drugs in school facility or on state grounds is prohibited.</p>	<p>In effect</p>	<p>This law was previously challenged. A federal court has dismissed this challenge, see: <i>Planned Parenthood Great Nw. v. Cameron</i>, Civil Action No. 3:22-cv-198-RGJ, 2023 U.S. Dist. LEXIS 37665 (W.D. Ky. Mar. 6, 2023).</p>
<p><b>Louisiana</b> 2024 Bill Text LA S.B. 276</p>	<p>This law creates a new crime to hold accountable those individuals who use deception to poison a woman against her knowledge with an abortion-inducing drug. The law also designates mifepristone and misoprostol as Schedule IV drugs under the state’s Uniform Controlled Dangerous Substances Law.</p>	<p>Effective October 1, 2024</p>	
<p><b>Louisiana</b> La. Rev. Stat. Ann. § 14:87.9</p>	<p>An abortion-inducing drug may not be sold, prescribed, dispensed, distributed, or delivered in this state by delivery to a person in Louisiana by mail-order, courier, or as a result of a sale made via the internet.</p>	<p>In effect</p>	
<p><b>Louisiana</b> La. Rev. Stat. Ann. § 40:1061.11</p>	<p>Any physician who prescribes the drug or chemical shall be in the same room and in the physical presence of the pregnant woman when the drug or chemical is initially administered, dispensed, or otherwise provided; informed consent and reporting requirements; reporting of complications to state department of health and FDA.</p>	<p>In effect</p>	

STATE	TYPE OF LAW	STATUS	COURT ACTION
<b>Mississippi</b> Miss. Code Ann. §§ 41-41-101 to 41-41-117	Only a physician may give, sell, dispense, administer or otherwise provide or prescribe any abortion-inducing drug to a pregnant woman; the physician is required to examine the woman and be in the same room; reporting requirements; complication reporting requirements.	In effect	
<b>Missouri</b> Mo. Rev. Stat. § 188.021	An abortion-inducing drug shall be administered in the same room and in the physical presence of the physician who prescribed, dispensed, or otherwise provided the drug or chemical to the patient; no physician may prescribe or administer such drug or chemical to any patient without first obtaining approval from the department of health and senior services of a complication plan.	In effect	
<b>Montana</b> Mont. Code Ann. §§ 50-20-701 to 50-20-714	Only a qualified medical practitioner may provide an abortion-inducing drug; drug cannot be distributed via courier, delivery or mail service; qualified provider must be credentialed and competent to handle complications management; Rh factor incompatibility testing; ultrasound; prohibits providing drug in school facilities; informed consent requirements, abortion pill reversal; reporting requirements also including reporting of complications.	Not in effect	Permanent injunction issued in <i>Planned Parenthood of Montana v. State</i> , No. DV-21-00999, (13th Jud. Dist., Yellowstone Cty., Mont. Feb. 29, 2024).
<b>Nebraska</b> Neb. Rev. Stat. Ann § 28-335	A physician must be physically present in the same room with the patient when the physician performs, induces, or attempts to perform or induce the abortion.	In effect	

STATE	TYPE OF LAW	STATUS	COURT ACTION
<p><b>North Carolina</b> N.C. Gen. Stat. § 90-21.83A</p>	<p>The physician prescribing, dispensing, or otherwise providing any drug or chemical for the purpose of inducing an abortion shall be physically present in the same room; informed consent with ultrasound and heart tone monitoring; must examine the woman in person; Rh factor incompatibility testing; reporting requirements including reporting of complications.<sup>1</sup></p>	<p>Partially enjoined</p>	<p>The requirement that physicians must document the existence of an intrauterine pregnancy before proceeding with a medical abortion is enjoined: <i>Planned Parenthood South Atlantic v. Stein</i>, No. 1:23-CV-480 (Dist. Ct., M.D.N.C. June 30, 2023).</p> <p>Additionally, certain provisions of the law have been enjoined in <i>Bryant v. Stein</i>, No. 1:23-CV-77, 2024 U.S. Dist. LEXIS 78176 (M.D.N.C. Apr. 30, 2024). The court blocked: requirements that limit prescribing of mifepristone to only physicians and that require in-person prescribing, dispensing, and administering; scheduling and encouragement of an in-person follow-up appointment; the requirement that physicians report non-fatal adverse outcomes to the FDA.</p>

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<sup>1</sup> North Carolina’s pro-life protections regarding waiting periods, informed consent, and required in-person patient visits remain in effect.

STATE	TYPE OF LAW	STATUS	COURT ACTION
<p><b>North Carolina</b> N.C. Gen. Stat. § 14-44.1</p>	<p>Any individual, organization within the State, including manufacturer, is barred from mailing, providing, or supplying, or shipping an abortion-inducing drug directly to a pregnant woman. Any individual or organization is prohibited from purchasing or procuring an advertisement host or maintain an internet website, or provide an internet service, purposefully to promote the sale of an abortion-inducing drug.</p>	<p>In effect</p>	
<p><b>North Dakota</b> N.D. Cent. Code § 14-02.1-03.5</p>	<p>Only a physician shall give, sell, dispense, administer, otherwise provide, or prescribe any abortion-inducing drug to a pregnant woman. The drug or chemical must be administered by or in the same room and in the physical presence of the physician who prescribed, dispensed, or otherwise provided the drug or chemical to the patient.</p>	<p>In effect</p>	<p>In January 2015, the North Dakota Supreme Court denied a rehearing allowing the law to go into effect. <i>MKB Management Corp. v. Burdick</i>, 2014 N.D. 197 (2014).</p>
<p><b>Ohio</b> Ohio Rev. Code Ann. §§ 2919.123-2919.124</p>	<p>Only a physician shall give, sell, dispense, administer, otherwise provide, or prescribe any abortion-inducing drug; the physician satisfies all the criteria established by federal law, reporting complications; physician is physically present.</p>	<p>Not in effect</p>	<p>Enjoined in: <i>Planned Parenthood Sw. Ohio Region v. Dewine</i>, 2019 U.S. App. LEXIS 26855 (6th Cir., Sept. 4, 2019). The United States Supreme Court declined to take the case in <i>Yost v. Planned Parenthood Southwest Ohio Region</i>, 2020 U.S. LEXIS 3520 (U.S., July 2, 2020).</p>
<p><b>Oklahoma</b> Okla. Stat. tit. 63, § 1-729.1</p>	<p>The physician prescribing, dispensing, or otherwise providing an abortion-inducing drug must be physically present in the same room as the patient.</p>	<p>In effect</p>	



STATE	TYPE OF LAW	STATUS	COURT ACTION
<p><b>Oklahoma</b> Okla. Stat. tit. 63, § 1-729a</p>	<p>No person shall give, sell, dispense, administer, prescribe, or otherwise provide an abortion-inducing drug, including the Mifeprex regimen unless it is a physician that can assess, diagnose, or provide interventions for various medical situations, must adhere to the protocol authorized by the U.S. Food and Drug Administration, requires examination and to be administered in the same room and in the physical presence of the physician; also requires reporting of complications.</p>	<p>Not in effect</p>	<p>Permanently enjoined in <i>Oklahoma Coal. for Repr. Just. v. Cline</i>, No. CV-2011-1722 (Okla. Dist. Ct. May 11, 2012).</p>
<p><b>Oklahoma</b> Okla. Stat. tit. 63, §§ 1-756.1 to 1-756.14</p>	<p>Only a qualified physician can provide abortion-inducing drugs; prohibits any manufacturer, supplier, physician, qualified physician or any other person from providing any abortion-inducing drug via courier, delivery or mail service; examination of the woman required; Rh factor incompatibility testing; ultrasound; physician must be credentialed and competent to handle complication management; cannot be provided in any school facility or on state grounds; informed consent requirements APR included; reporting requirements; includes reporting of complications.</p>	<p>Not in effect</p>	<p>Temporarily enjoined in <i>Okla. Call for Repr. Just. v. Drummond</i>, 2023 OK 111, 543 P.3d 110.</p>

STATE	TYPE OF LAW	STATUS	COURT ACTION
<b>Oklahoma</b> Okla. Stat. tit. 63, §§ 1-757.1 to 1-757.16	Creates the “Oklahoma Abortion-Inducing Drug Certification Program”; drugs cannot be provided directly to the patient through the mail, telemedicine or otherwise; State Board of Pharmacy shall promulgate rules to create a certification program; creates a certification process for manufacturers and distributors; drugs can only be transported by manufacturers or distributors; creates rules and requirements for physicians, distributors, and manufacturers; electronically-based reporting requirements.	Not in effect	Temporarily enjoined in <i>Okla. Call for Reprod. Just. v. Drummond</i> , 2023 OK 111, 543 P.3d 110.
<b>South Carolina</b> S.C. Code Regs. 61-12, Part II	A physician must remain on the premises until all patients are stable and are ready for discharge. A physician must sign the discharge order and be readily accessible and available until the last patient has been discharged.	In effect	
<b>South Dakota</b> S.D. Codified Laws § 34-23A-56	No physician may have the pregnant mother sign consent for the abortion on the day of the initial consultation. No physician may take a signed consent from the pregnant mother unless the pregnant mother is in the physical presence of the physician and except on the day the abortion is scheduled.	In effect	

STATE	TYPE OF LAW	STATUS	COURT ACTION
<p><b>South Dakota</b> South Dakota Exec. Order No. 2021-12 (Sept. 7, 2021)</p>	<p>Directs the SD Dept. of Health with rulemaking authority to be pursuant to the FDA REMS; can only be provided by a physician licensed in the state; requires physical examination in person; cannot be distributed via courier, delivery, telemedicine, or mail; cannot be provided in any school facility or on state grounds; requires informed consent; clinic licensing and reporting.</p>	<p>In effect</p>	
<p><b>South Dakota</b> S.D. Codified Laws § 36-4-47</p>	<p>This law codified the Governor’s Executive Order No. 2021-12. The law regulates abortion-inducing drugs to be administered only by a licensed physician or an abortion facility; limits dispensing it to 9 weeks gestation; must comply with the informed consent law; Rh factor reporting; mother must undergo an observation period after taking the drug; requires reporting of complications.</p>	<p>In effect</p>	
<p><b>Tennessee</b> Tenn. Code Ann. §§ 63-6-1101 to 63-6-1108</p>	<p>The “Tennessee Abortion-Inducing Drug Risk Protocol Act” requires drug may be provided only by a qualified physician; the physician must be credentialed and competent to handle complication management; Rh factor incompatibility testing; a manufacturer, supplier, pharmacy, physician, qualified physician, or other person shall not provide an abortion-inducing drug to a patient via courier, delivery, or mail service; patient must be physically examined.</p>	<p>In effect</p>	

STATE	TYPE OF LAW	STATUS	COURT ACTION
<p><b>Texas</b> Tex. Health &amp; Safety Code §§ 171.061 to 171.066</p>	<p>Person providing the abortion-inducing drug must be a physician; the physician satisfies the authorized protocol; a manufacturer, supplier, physician, or any other person may not provide to a patient any abortion-inducing drug by courier, delivery, or mail service; requires physical examination; limited to 49 days of gestational age (7 weeks); Rh factor incompatibility testing; reports complications to FDA; informed consent requirements; reporting requirements.</p>	<p>In effect</p>	
<p><b>West Virginia</b> W. Va. Code § 30-3-13a(g)(5)</p>	<p>A physician or health care provider may not prescribe any drug with the intent of causing an abortion under their telemedicine law.</p>	<p>In effect</p>	
<p><b>Wisconsin</b> Wis. Stat. Ann. § 253.105</p>	<p>No person may give an abortion-inducing drug to a woman unless the physician who prescribed, or otherwise provided, the abortion-inducing drug for the woman (a) performs a physical exam of the woman, and (b) is physically present in the room when the drug is given to the woman.</p>		<p>Complaint filed by <i>Planned Parenthood of Wisconsin vs. J.B. Van Hollen, et al</i>, No. 12-cv-913-bbc (U.S. Dist. Ct., W.D. Jan. 7, 2013). Complaint was dismissed in its entirety in <i>Planned Parenthood of Wis., Inc. v. Schimel</i>, 2016 WI App 19 (Wis. Ct. App. 2016).</p>
<p><b>Wyoming</b> Wyo. Stat. Ann. § 35-6-139</p>	<p>Chemical Abortion Prohibition: It is unlawful to prescribe, dispense, distribute, sell or use any drug for the purpose of procuring or performing an abortion on any person.</p>	<p>Not in effect</p>	<p>Temporary Restraining Order issued in: <i>Johnson v. Wyo.</i>, 2023 Wyo. Trial Order LEXIS 1.</p>

**Summary of Pro-Abortion Laws and or Executive Orders Regarding  
Chemical Abortion**

<b>STATE</b>	<b>TYPE OF LAW</b>	<b>STATUS</b>	<b>COURT ACTION</b>
California Governor announcement <sup>2</sup>	The Governor has announced that this state has acquired an emergency stockpile of 2 million abortion-inducing drugs. Any pharmacies experiencing shortages can visit this website to obtain the drugs: <a href="https://abortion.ca.gov/">https://abortion.ca.gov/</a> .	In effect	
Colorado Colo. Rev. Stat. § 12-30-120	An abortion provider who engages in abortion pill reversal is classified as unprofessional conduct and subject to discipline.	Not in effect	Preliminary injunction issued in <i>Bella Health &amp; Wellness v. Weiser</i> , Civil Action No. 1:23-cv-00939-DDD-SKC, 2023 U.S. Dist. LEXIS 192536 (D. Colo. Oct. 21, 2023).
Maryland	The Board of Public Works approved the purchase of mifepristone for the state to stockpile.	In effect	

<sup>2</sup> <https://www.gov.ca.gov/2023/04/10/california-announces-emergency-stockpile-of-abortion-medication-defending-against-extreme-texas-court-ruling/>

STATE	TYPE OF LAW	STATUS	COURT ACTION
<p>Massachusetts Mass. Ann. Laws Ch. 15A, § 47</p>	<p>A separate fund for chemical abortion “readiness” is established under Public University Health Center Sexual and Reproductive Health Preparation Fund. The fund is administered by the department of public health. Gifts, grants, and funds can be from private entities. The department of public health shall utilize money in the fund to provide a grant to each health center to pay for the cost of direct and indirect medication abortion readiness with priority given to the University of Mass.</p>	<p>In effect</p>	
<p>New York N.Y. Educ. Law § 6438-b</p>	<p>Requires every campus of the State University of New York and every campus of the City University of New York to provide access to medication abortion to all students enrolled at such institutions by either employing or contracting with individuals authorized to prescribe medication abortion drugs or providing students with information and referrals to providers authorized to prescribe medication abortion.</p>	<p>In effect</p>	

STATE	TYPE OF LAW	STATUS	COURT ACTION
New York Governor Hochul's announcement (April 11, 2023) <sup>3</sup>	The Governor has announced that New York has stockpiled a 5-year supply of abortion-inducing drugs.	In effect	
Washington Wash. Rev. Code Ann. § 72.09.780	The department of corrections is authorized to acquire, receive, possess, sell, resell, deliver, dispense, distribute, and engage in any activity constituting the practice of pharmacy or wholesale distribution with respect to abortion medications. The department shall establish and operate a program to deliver, dispense, and distribute abortion medications.		

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<sup>3</sup> <https://www.governor.ny.gov/news/governor-hochul-announces-actions-protect-access-medication-abortion-new-york-state>