

# Laws Protecting Unborn Children in Early in Pre-Natal Development

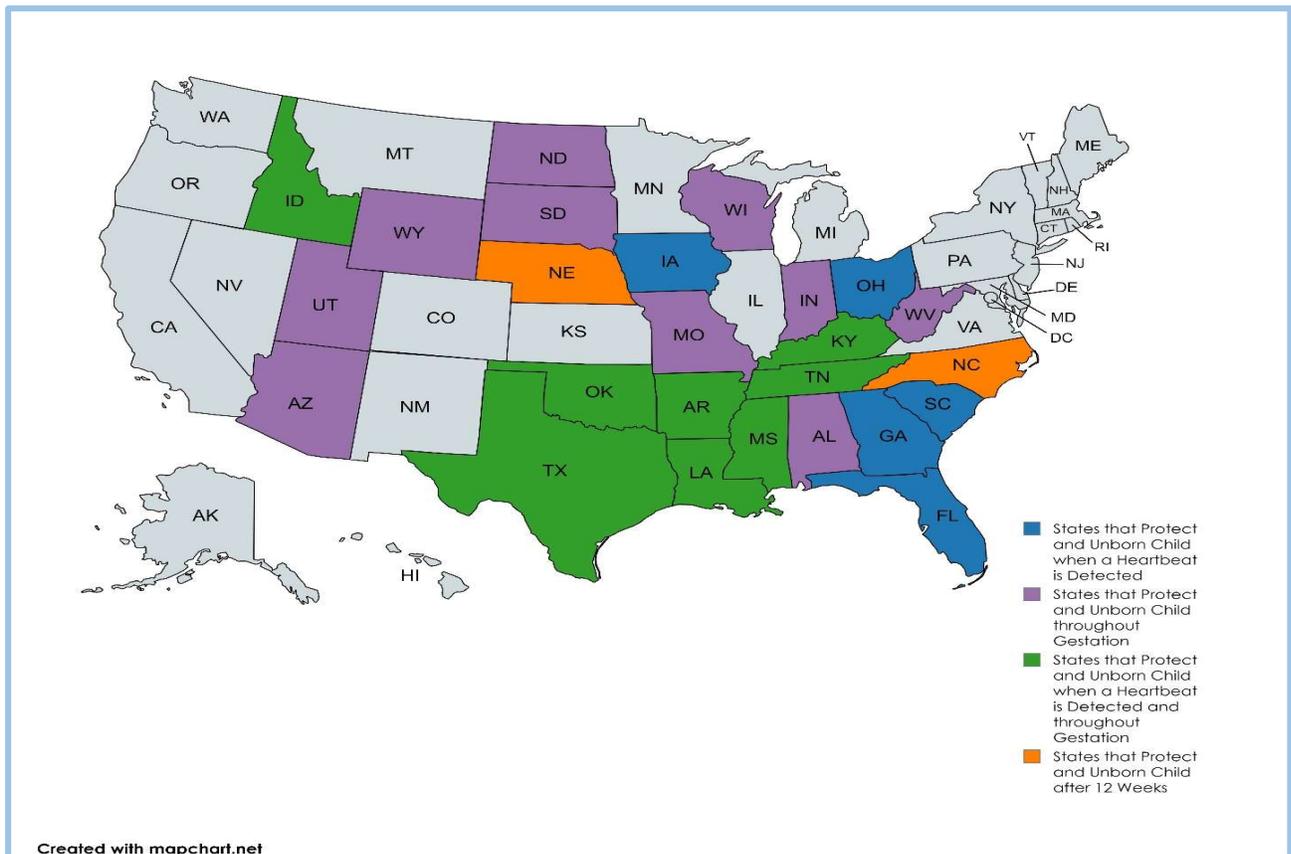
February 13, 2024

Prior to the *Dobbs* decision, states had various responses to protecting unborn children. Before *Roe*, some states had pre-*Roe* laws that protected the unborn by making abortion illegal; after *Roe* was decided, some states enacted trigger laws which would protect the unborn throughout gestation once *Roe* was reversed. State legislatures across the country had also enacted laws protecting unborn children either throughout gestation (total protection laws) or at various stages from fertilization, or from other developmental markers such as detection of the presence of a heartbeat, or the unborn child's ability to feel pain.

An unborn child's heart begins to beat eighteen (18) days after conception and can be detected by six weeks gestation. A baby is capable of feeling pain at least by 15 weeks gestation, if not earlier.

25 states have enacted some variation of protections for unborn children either throughout gestation or beginning at some point during the first or second trimester.

Currently, 18 states protect unborn children at or before 12 weeks gestation (AL, AR, GA, ID, IN, KY, LA, MS, MO, NE, NC, ND, OK, SC, SD, TN, TX, WV).



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STATE	YEAR PASSED	TYPE	DESCRIPTION	COURT ACTION
ALABAMA Ala. Code § 13A-13-7	1841	Pre- <i>Roe</i> Abortion Law	Protects unborn children throughout gestation except to prevent the death of the mother.	In effect. This law was previously unenforceable due to <i>Roe v. Wade</i> .
ALABAMA Ala. Code §§ 26-23H-1 to 26-23H-8	2019	Total Protection Law	Protects unborn children throughout gestation, except in cases of a medical emergency containing an objective standard. Additionally allows abortion if there is a serious mental illness confirmed by a 2 <sup>nd</sup> physician.	In effect. On June 24, 2022, after the <i>Dobbs v. Jackson</i> decision, the U.S. District Court for the Middle District of Alabama lifted the injunction previously issued in <i>Robinson v. Marshall</i> , 415 F. Supp. 3d 1053 (M.D. Ala. 2019).
ARIZONA Ariz. Rev. Stat. § 13-3603	1978	Pre- <i>Roe</i> Abortion Law	Protects unborn children throughout gestation except to prevent the death of the mother.	Not in effect. A court ruled that doctors cannot be prosecuted under this law, however, the court refused to repeal the law. See: <i>Planned Parenthood Ariz., Inc. v. Brnovich</i> , 524 P.3d 262 (Ariz. Ct. App. 2022).
ARKANSAS Ark. Code Ann. § 5-61-102	1969	Pre- <i>Roe</i> Abortion Law	Protects unborn children throughout gestation except to prevent the death of the mother.	Not in effect. This law was previously unenforceable due to <i>Roe v. Wade</i> . A court previously issued a temporary injunction. See: <i>Smith v. Bentley</i> , 493 F. Supp. 916 (E.D. Ark. 1980).

STATE	YEAR PASSED	TYPE	DESCRIPTION	COURT ACTION
ARKANSAS Ark. Code Ann. § 20-16-1301 to 1307 (2013)	2013	Heartbeat Protection Law	Protects unborn children with detectable heartbeats and who are twelve (12) weeks gestation or older. Exceptions to save the life of the mother, in the case of a medical emergency containing an objective standard, and for reported cases of rape and incest.	Not in effect. Permanently enjoined in <i>Edwards v. Beck</i> , 8 F. Supp. 3d 1091 (E.D. Ark. 2014); affirmed <i>Edwards v. Beck</i> , 786 F.3d 1113 (8th Cir. 2015). The U.S. Supreme Court denied hearing the case. <i>Beck v. Edwards</i> , 136 S. Ct. 895 (2016).
ARKANSAS Ark. Code Ann. § 5-61-304	2019	Trigger Law	Legislative findings, objective medical emergency standard, exceptions include life of the mother and medical emergencies.	In effect.
ARKANSAS A.C.A. §§ 5-61-401 to 5-61-404	2021	Total Protection Law	Protects unborn children throughout gestation, except in cases of a medical emergency containing an objective standard.	In effect. After <i>Dobbs</i> , a court dismissed the preliminary injunction issued in: <i>Little Rock Family Planning Services v. Jegley</i> , No. 4: 21-cv-00453-KGB (E.D. Ark. July 26, 2022).
FLORIDA To be codified as: Fla. Stat. Ann. § 390.0111	2023	Protects the unborn at a specific gestational age.	Protects the unborn at 6 weeks gestation, except to prevent the death of the mother which needs to be certified by two physicians; medical emergencies, rape, incest, human trafficking, or the baby has a fatal fetal condition.	Not in effect. This law has a contingent effective date. <sup>1</sup>

<sup>1</sup> Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect 30 days after any of the following occurs: a decision by the Florida Supreme Court holding that the right to privacy enshrined in s.23, Article I of the State Constitution does not include a right to abortion; a decision by the Florida Supreme Court in *Planned Parenthood v. State*, SC2022-1050, that allows the prohibition on abortions after 15 weeks in s. 390.0111(1), Florida Statutes, to remain in effect, including a decision approving, in whole or in part, the First District Court of Appeal’s decision under review or a decision discharging jurisdiction; an amendment to the State Constitution clarifying that s. 23, Article I of the State Constitution does not include a right to abortion; or a decision from the Florida Supreme Court after March 7, 2023, receding, in whole or in part, from *In re T.W.*, 551 So. 2d 1186 (Fla. 1989), *North Fla. Women’s Health v. State*, 866 So. 2d 612 (Fla. 2003), or *Gainesville Woman Care, LLC v. State*, 210 So. 3d 1243 (Fla. 2017).

STATE	YEAR PASSED	TYPE	DESCRIPTION	COURT ACTION
GEORGIA Ga. Code Ann. § 16-12-140. Previously Ga. Code Ann. § 26-1201	1876	Pre-Roe Abortion Law	Protects unborn children throughout gestation except to prevent the death of the mother, permanent injury to her health, the unborn child has “grave, permanent, and irremediable mental or physical” condition, or rape.	Not in effect. Portions of the law were invalidated in <i>Doe v. Bolton</i> , 410 U.S. 179, 93 S. Ct. 739 (1973).
GEORGIA Ga. Code Ann. § 16-12-141	2019	Heartbeat Protection Law	Protects unborn children from abortion if there is a detectable heartbeat, except in the case of a medical emergency containing an objective standard, rape, incest, and “medically futile” pregnancies.	In effect. The state supreme court granted an emergency stay allowing the heartbeat law to remain in effect during litigation. <i>State of Georgia v. Sistersong Women of Color Reproductive Justice Collective et al.</i> No. S23M0358 (Supreme Court of Georgia, November 23, 2022).
IDAHO Idaho Code § 18-622	2019	Trigger Law	Subjective medical emergency standard, exceptions include life of the mother, medical emergencies, and reported cases of rape/incest.	In effect. The State Supreme Court found that there is no right to abortion in the constitution upholding the trigger law as well as the fetal heartbeat protection law. See: <i>Planned Parenthood Great Nw. v. State</i> , Nos. 49615, 49817, 49899, 2023 Ida. LEXIS 1 (Jan. 5, 2023).

STATE	YEAR PASSED	TYPE	DESCRIPTION	COURT ACTION
IDAHO 2022 Bill Text ID S.B. 1309 Idaho Code §§ 18-8804, 18-8807.	2022	Heartbeat Protection Law	Protects unborn children from abortion when a fetal heartbeat is detected, except in case of medical emergency containing an objective standard, and rape or incest reported to law enforcement. Criminal actions for violation by medical personnel. Permits a private right of action if an abortion is performed on an unborn child that has a detectable heartbeat (by mother, some next of kin, and father who has not committed criminal act against mother).	In effect. Upheld in <i>Planned Parenthood Great Nw. v. State</i> , Nos. 49615, 49817, 49899, 2023 Ida. LEXIS 1 (Jan. 5, 2023). The court found no fundamental right to abortion in Idaho.
INDIANA S.B. 1, 122nd Leg., 1st Special Session	2022	Total Protection Law	Protects unborn children throughout gestation from abortion, except when necessary to prevent any serious health risk of the pregnant woman or to save the pregnant woman's life; if the fetus is diagnosed with a lethal fetal condition; or the pregnancy is a result of rape or incest.	In effect. Indiana Supreme Court vacates preliminary injunction issued in <i>Anonymous Plaintiff 1, et al., v. The Individual Members of the Medical Licensing Board of Indiana, et al.</i> Cause No. 49D01-2209-PL-031056 (State of Indiana, County of Marion, In the Marion Superior Court, December 2, 2022). See: <i>Members of the Medical Licensing Board of Indiana v. Planned Parenthood Great N.W., Hawaii, Alaska, Indiana, Kentucky</i> . No. 22S-PL-338 (Ind. Supreme Ct., June 30, 2023).

STATE	YEAR PASSED	TYPE	DESCRIPTION	COURT ACTION
IOWA Iowa Code §146C.2	2018	Heartbeat Protection Law	Protects unborn children from abortion if there is a detectable heartbeat, except in the case of a medical emergency containing an objective standard, also for rape, incest, or fetal genetic condition.	Not in effect. Polk County District Court denied motion to dissolve the injunction issued Jan. 22, 2019, in <i>Planned Parenthood of the Heartland, Inc. v. Reynolds</i> . No. EQCE83074, 2019 WL 312072 (Iowa Dist. Ct. Polk Cty. Dec. 12, 2022).
IOWA To be codified as § 146E.1 and § 146E.2	2023	Heartbeat Protection Law	Protects unborn children from abortion when a fetal heartbeat is detectable, except in the case of a medical emergency containing an objective standard, also for rape, incest, or fatal fetal condition.	Not in effect. Preliminary injunction issued in <i>Planned Parenthood v. Reynolds</i> , No. EQCE089066 (Iowa Dist. Ct. July 17, 2023).
KENTUCKY Ky. Rev. Stat. §§ 311.7701 to 311.7711	2019	Heartbeat Protection Law	Protects unborn children from abortion if there is a detectable heartbeat, except in the case of a medical emergency containing a subjective standard.	In effect during ongoing legal challenge. See: <i>Cameron v. EMW Women's Surg. Ctr.</i> , Nos. 2022-SC-0329-TG, 2022-CA-0906, 22-CI-003225 (Ky. Sup. Ct., February 16, 2023).

STATE	YEAR PASSED	TYPE	DESCRIPTION	COURT ACTION
KENTUCKY KRS § 311.772	2019	Trigger Law	Objective medical emergency standard, exceptions include life of the mother and medical emergencies.	In effect during litigation. The litigation surrounding the trigger law also includes the heartbeat law. Previously the trial court issued a temporary restraining order, but the state court of appeals dissolved the injunction, allowing the law to take effect and transferred the case to the state Supreme Court where litigation is pending. See: <i>Cameron v. EMW Women's Surgical Ctr., P.S.C.</i> , Nos. 2022-SC-0329-TG, (2022-CA-0906), 2023 Ky. LEXIS 4 (Feb. 16, 2023).
LOUISIANA La. Rev. Stat. Ann. § 40:1061	2006	Trigger Law	Objective medical emergency standard, exceptions include life of the mother and medical emergencies.	In effect. The Louisiana Supreme Court allows to stand the First Circuit Court of Appeal ruling allowing the law to remain in effect during litigation. <i>June Medical Services v. Landry</i> . No.2022-OC-01198, writ denied (La., August 12, 2022).

STATE	YEAR PASSED	TYPE	DESCRIPTION	COURT ACTION
LOUISIANA La. Rev. Stat. Ann. § 40:1061.1.3 (2019)	Contingently enacted 2019	Heartbeat Protection Law	Protects unborn children from abortion if there is a detectable heartbeat, except in the case of a medical emergency containing a subjective standard or if the unborn child has a fatal fetal condition.	In effect. Enforcement was dependent on the litigation outcome from Mississippi's fetal heartbeat law which is now in effect after <i>Dobbs</i> .
MISSISSIPPI Miss. Code Ann. § 97-3-3	1942	Pre- <i>Roe</i> Abortion Law	Protects unborn children throughout gestation except to prevent the death of the mother or rape.	In effect. This law was previously unenforceable due to <i>Roe v. Wade</i> .
MISSISSIPPI Miss. Code Ann. § 41-41-45	2007	Trigger Law	Exceptions include life of the mother and reported cases of rape.	In effect. Request to block enforcement of the law is denied. <i>Jackson Women's Health Organization v. Dobbs</i> . No. 25CH1:22-CV-00739 (Hinds County Chancery Ct. 1 <sup>st</sup> Dist. July 5, 2022).
MISSISSIPPI Miss. Code Ann. § 41-41-34.1	2019	Heartbeat Protection Law	Protects unborn children from abortion if there is a detectable heartbeat, except in the case of a medical emergency containing a subjective standard.	In effect. This was previously enjoined. After the <i>Dobbs</i> decision, a court vacated the injunction. See <i>Jackson Women's Health Org. v. Edney</i> , No. 3:18-CV-171-CWR-FKB (S.D. Miss., September 2, 2022).
MISSOURI § 188.017 R.S.Mo.	2019	Trigger Law	Objective medical emergency standard, exceptions include medical emergency.	In effect.

STATE	YEAR PASSED	TYPE	DESCRIPTION	COURT ACTION
MISSOURI §§ 188.026; 188.056; 188.057; 188.058; R.S.Mo.	2019	Protects the unborn at a specific gestational age.	Protects unborn children from abortion at eight (8) weeks gestation, except in the case of a medical emergency containing an objective standard.	Not in effect. The 8th Circuit Court of Appeals affirmed the lower court's preliminary injunction in: <i>Reprod. Health Servs. of Planned Parenthood of the St. Louis Region v. Parson</i> , Nos. 19-2882, 19-3134, 2021 U.S. App. LEXIS 17099 (8th Cir. June 9, 2021). En banc hearing granted.
NEBRASKA Acts 2023, LB 574, § 3	2023	Protects the unborn at a specific gestational age.	Protects unborn children from abortion at twelve (12) weeks gestation, except in the case of a medical emergency containing an objective standard, and sexual assault/incest with anonymous reporting.	In effect.
NORTH CAROLINA To be codified as: N.C. Gen. Stat. § 90-21.81A.	2023	Protects the unborn at a specific gestational age.	Protects unborn children from surgical abortion and abortion-inducing drugs (chemical abortion) at twelve (12) weeks gestation, with exceptions in the case of a medical emergency containing an objective standard, or for rape and incest up to 20 weeks, and exceptions for a fatal fetal condition up to 24 weeks. After the twelfth week, a surgical abortion must be performed in a hospital.	In effect.  The requirement that a surgical abortion be performed in a hospital after 12 weeks is effective October 1, 2023.  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).

STATE	YEAR PASSED	TYPE	DESCRIPTION	COURT ACTION
NORTH DAKOTA N.D. Cent. Code § 12.1-31-12	2007	Trigger Law	Objective medical emergency standard, exceptions include life of the mother, rape, gross sexual imposition, sexual abuse of a ward, or incest.	Not in effect. The state Supreme Court found a right to abortion necessary to preserve the life and health of a mother and blocked enforcement of the law. See: <i>Wrigley v. Romanick</i> , 2023 ND 50, 988 N.W.2d 231.
NORTH DAKOTA N.D. Cent. Code § 14-02.1-05.1	2013	Heartbeat Protection Law	Protects unborn children from abortion if there is a detectable heartbeat, except in the case of a medical emergency containing an objective standard.	Not in effect. Permanently enjoined in <i>MKB Mgmt. Corp. v. Burdick</i> , 16 F. Supp. 3d 1059 (D.N.D. 2014). Writ of certiorari denied by U.S. Supreme Court in 2016 ( <i>Stenehjem v. MKB Mgmt. Corp.</i> , 136 S. Ct. 981).

STATE	YEAR PASSED	TYPE	DESCRIPTION	COURT ACTION
NORTH DAKOTA 2023 Bill Text ND S.B. 2150	2023	Total Protection Law	Protects unborn children throughout gestation from abortion, except to prevent the death of the mother, medical emergency containing an objective standard, rape/incest (not reported to law enforcement but reported to vital statistics).	<p>In effect during litigation.</p> <p>Motion for Preliminary Injunction to grant exception for “good faith” medical decision that abortion is needed to protect health or life is denied. Court concluded it could not rewrite existing medical emergency exemption (which requires “reasonable medical judgment,” not “good faith”).</p> <p><i>Access Independent Health Services Inc. v. Wrigley</i>, No. 08-2022-CV-01608 (N.D District Court. Jan. 22, 2024).</p> <p>Trial is set for August 2024.</p>
OHIO Ohio Rev. Code Ann. § 2919.195	2019	Heartbeat Protection Law	Protects unborn children from abortion if there is a detectable heartbeat, except in the case of a medical emergency containing a subjective standard.	<p>Not in effect.</p> <p>Preliminary injunction granted in <i>Preterm-Cleveland v. AG of Ohio</i>, No. 1:19-cv-00360, 2020 U.S. Dist. LEXIS 61221 (S.D. Ohio Mar. 30, 2020). In October 2022, a preliminary injunction was extended.</p>

STATE	YEAR PASSED	TYPE	DESCRIPTION	COURT ACTION
OKLAHOMA Okla. Stat. tit. 21, § 861	1910	Pre- <i>Roe</i> Abortion Law	Protects unborn children throughout gestation except to prevent the death of the mother.	In effect. The Oklahoma Supreme Court ruled that there is a right to abortion in the state constitution when the mother's life is at risk. The court created a subjective standard when determining whether the abortion is necessary to prevent her death of the mother that will empower the abortionist to justify any abortion for health reasons. The court upheld the state's trigger law which is to be read with pre- <i>Roe</i> law 21 O.S. 2021, §861 which protects the unborn throughout gestation unless the mother's life is at risk. See: <i>Oklahoma Call for Reproductive Justice v. Gentner Drummond</i> . No. 120,543 (Okl. Sup. Ct., March 21, 2023).
OKLAHOMA The trigger law must also be read with the pre- <i>Roe</i> abortion ban: Okla. Stat. tit. 21, § 861	2021	Trigger Law	Exceptions include life of the mother.	In effect. See above description for Pre- <i>Roe</i> abortion law.

STATE	YEAR PASSED	TYPE	DESCRIPTION	COURT ACTION
OKLAHOMA To be codified as: 63 Okl. St. § 1-731.3	2021	Heartbeat Protection Law	Protects unborn children from abortion if there is a detectable heartbeat, except in the case of a medical emergency containing an objective standard.	Not in effect. A temporary injunction was issued in <i>Oklahoma Call for Reproductive Justice et al. v. O'Connor, et al</i> , CF-2021-2072. (Okla. County Dist. Ct. October 4, 2021).
OKLAHOMA To be codified as: 63 Okl. St. §§ 1-745.31-1-745.44 2022 Bill Text, OK S.B. 1503	2022	Heartbeat Protection Law	Protects unborn children from abortion if there is a detectable heartbeat, except in the case of a medical emergency containing an objective standard. Permits a private right of action if an abortion is performed on an unborn child that has a detectable heartbeat.	Not in effect. The State Supreme Court found the "Oklahoma Heartbeat Act" unconstitutional because the language conflicts with previous rulings that the state constitution provides an "inherent right of a pregnant woman to terminate a pregnancy when necessary to preserve her life."  <i>Oklahoma Call for Reproductive Justice v. The State of Oklahoma</i> . No. 120,376. (Okl. Supreme Court, May 31, 2023).

STATE	YEAR PASSED	TYPE	DESCRIPTION	COURT ACTION
OKLAHOMA 63 Okl. St. § 1-731.4 2022 Bill Text, OK S.B. 612	2022	Heartbeat Protection Law	Protects unborn children from abortion if there is a detectable heartbeat, except in the case of a medical emergency containing an objective standard.	Not in effect. The Oklahoma Supreme Court ruled that there is a right to abortion in the state constitution when the mother's life is at risk. The court created a subjective standard when determining whether the abortion is necessary to prevent her death of the mother that will empower the abortionist to justify any abortion for health reasons. The court upheld the state's trigger law which is to be read with pre-Roe law 21 O.S. 2021, §861 which protects the unborn throughout gestation unless the mother's life is at risk. See: Oklahoma Call for Reproductive Justice v. Gentner Drummond. No. 120,543 (Okl. Sup. Ct., March 21, 2023).

STATE	YEAR PASSED	TYPE	DESCRIPTION	COURT ACTION
OKLAHOMA To be codified as: 63 Okl. St. § 1-745.31 2022 Bill Text, OK H.B. 4327	2022	Total Protection Law	Protects unborn children throughout gestation, except in the case of a medical emergency containing an objective standard or the pregnancy is the result of rape, sexual assault, or incest that has been reported to law enforcement. The requirements of this act shall be enforced exclusively through private civil actions.	Not in effect. The State Supreme Court found this law unconstitutional because the language conflicts with previous rulings that the state constitution provides an “inherent right of a pregnant woman to terminate a pregnancy when necessary to preserve her life.”  <i>Oklahoma Call for Reproductive Justice v. The State of Oklahoma</i> . No. 120,376. (Okl. Supreme Court, May 31, 2023).
SOUTH CAROLINA S.C. Code Ann. §§ 44-41-610 to 44-41-740.	2021	Heartbeat Protection Law	Protects unborn children from abortion if there is a detectable heartbeat, except in the case of a medical emergency containing an objective standard or if the pregnancy is the result of rape or incest, and the probable post-fertilization age of the fetus is less than twenty weeks; or there exists a fatal fetal condition. <sup>2</sup>	Not in effect. Permanently enjoined.  The State Supreme Court overturned the Fetal Heartbeat law citing a right to privacy in the state constitution <i>in Planned Parenthood S. Atl. v. State</i> , No. 28127, 2023 S.C. LEXIS 3 (Jan. 5, 2023).

<sup>2</sup> A fatal fetal condition is described in this law as a "fetal anomaly," which means that, in reasonable medical judgment, the unborn child has a profound and irremediable congenital or chromosomal anomaly that, with or without the provision of life-preserving treatment, would be incompatible with sustaining life after birth.

STATE	YEAR PASSED	TYPE	DESCRIPTION	COURT ACTION
SOUTH CAROLINA To be codified as: S.C. Code Ann. §§ 44-41-610- to 44-41-690.	2023	Heartbeat Protection Law	Protects unborn children from abortion if there is a detectable heartbeat, except in the case of a medical emergency containing an objective standard or reported cases of rape or incest during the first 12 weeks, or the presence of a fatal fetal condition.	In effect. The South Carolina Supreme Court vacated the preliminary injunction issued by the state circuit court. <i>Planned Parenthood South Atlantic v. State of South Carolina</i> . No. 2023-000896 (SC Sup.Ct., August 23, 2023).
SOUTH DAKOTA S.D. Codified Laws § 22-17-5.1	2005	Trigger Law	Objective medical emergency standard, exceptions include life of the mother.	In effect.
TENNESSEE Tenn. Code Ann. § 39-15-213	2019	Trigger Law	Subjective medical emergency standard, exceptions include life of the mother.	In effect.
TENNESSEE Tenn. Code Ann. § 39-15-216	2020	Heartbeat Protection Law	Protects unborn children from abortion if there is a detectable heartbeat, except in the case of a medical emergency containing a subjective standard.	In effect. After the <i>Dobbs</i> decision, a court stayed the district court's injunction previously issued in <i>Memphis Ctr. for Reprod. Health v. Slattery</i> , No. 20-5969, 2020 U.S. App. LEXIS 36780 (6th Cir. Nov. 20, 2020). <i>Memphis Center for Reproductive Health v. Herbert H. Slattery III</i> , No. 20-5969 (6th Cir., June 28, 2022).
TEXAS Tex. Code Crim. Proc. Ann. arts. 1191-1194, and 1196	1854	Pre- <i>Roe</i> Abortion Law	Protects unborn children throughout gestation except to prevent the death of the mother.	In effect. This law was previously unenforceable due to <i>Roe v. Wade</i> .

STATE	YEAR PASSED	TYPE	DESCRIPTION	COURT ACTION
TEXAS Tex. Health & Safety Code § 170A.002	2021	Trigger Law	Objective medical emergency standard, exceptions include life of the mother and medical emergencies.	In effect. The court blocked a guidance by the Biden administration therefore allowing the trigger law to take effect. See: <i>Texas v. Becerra</i> , No. 5:22-CV-185-H, 2022 U.S. Dist. LEXIS 151142 (N.D. Tex. Aug. 23, 2022).
TEXAS <sup>3</sup> Tex. Health & Safety Code §§ 171.201 to 171.212	2021	Heartbeat Protection Law	Protects unborn children from abortion if there is a detectable heartbeat, except in the case of a medical emergency containing a subjective standard. Permits a private right of action if an abortion is performed on an unborn child that has a detectable heartbeat.	In effect.
UTAH Utah Code Ann. § 76-7a-201	2020	Trigger Law	Subjective medical emergency standard, exceptions include life of the mother, medical emergencies, reported cases of rape/incest, and “severe brain abnormality.”	Not in effect. A preliminary injunction was issued in <i>Planned Parenthood Association of Utah v. State</i> . No. 220903886. Third Judicial Dist. Utah. (July 11, 2022).

<sup>3</sup> In an attempt to leapfrog the Fifth Circuit, abortion providers filed an emergency application to the US Supreme Court to block enforcement of the law or vacate the stays entered by the Fifth Circuit and district court, *Whole Woman's Health v. Jackson*, No. 21A24, 2021 U.S. LEXIS 3680 (Sep. 1, 2021). The Court denied the injunction and ruled that there were no state officials to seek to enjoin, other than state medical licensing officials. The Court remanded the case, leaving the law in effect.

Providers returned to the state courts and sought an injunction against the licensing officials, but the Texas Supreme Court, in a unanimous ruling, ruled against the providers' ability to sue those officials in *Whole Woman's Health v. Jackson*, 65 Tex. Sup. Ct. J. 625 (2022). The Biden Administration also separately sought to intervene in *Whole Woman's Health v. Jackson*, but was rejected from doing so by the U.S. Supreme Court in an 8-1 decision in *United States v. Texas*, 142 S. Ct. 14 (2021). State litigation is ongoing.

STATE	YEAR PASSED	TYPE	DESCRIPTION	COURT ACTION
WEST VIRGINIA W. Va. Code § 61-2-8	1849	Pre- <i>Roe</i> Abortion Law	Protects unborn children throughout gestation except to prevent the death of the mother or her child.	Not in effect. *During the 2022 special legislative session, the WV legislature amended the Pre- <i>Roe</i> Abortion law with the enactment of the Unborn Child Protection Act (H.B 302, 2022 3 <sup>rd</sup> Special Session). Prior to the enactment of the Unborn Child Protection Act, the Pre- <i>Roe</i> law was in litigation.
WEST VIRGINIA W. Va. Code §16-2R-3	2022	Total Protection Law	Protects unborn children throughout gestation, except in cases of a medical emergency containing a subjective standard, ectopic pregnancy, or in the case of sexual assault or incest, or a “nonmedically viable fetus.”	In effect. This law was recently challenged in <i>Women's Health Center of West Virginia v. Sheth</i> . No. 2:23-cv-00079. S.D. West Virginia. (February 1, 2023).  Update: The lawsuit challenging this law was withdrawn.

STATE	YEAR PASSED	TYPE	DESCRIPTION	COURT ACTION
WISCONSIN Wis. Stat. Ann. § 940.04	Mid-1800s	Pre-Roe Abortion Law	Protects unborn children throughout gestation except to prevent the death of the mother, confirmed by two physicians, or a medical emergency.	This law was previously unenforceable due to <i>Roe v. Wade</i> . After <i>Dobbs</i> , this law was challenged by the Wisconsin Attorney General and the court has yet to issue a ruling. In September 2023, abortion facilities resumed performing abortions in the state (See <i>Kaul, et al. v. Kapenga, et al.</i> , Case No. 2022-CV-001594. Wis. Cir. Ct. (June 28, 2022)).
WYOMING Wyo. Stat. Ann. § 35-6-102	2022	Trigger Law	Life of the mother, medical emergencies, sexual assault/incest.	Not in effect. This law has been repealed by the "Life is a Human Right Act" (H.B. 152), which was enacted in the 2023 legislative session (*this law repealed the trigger law). The trigger law was previously enjoined in <i>Johnson v. State of Wyoming</i> , No. 18853 District Court of the Ninth Judicial District in and for Teton County, Wyo. (March 22, 2023).
WYOMING Wyo. Stat. §§ 35-6-120 to 35-6-128.	2023	Total Protection Law	Protects unborn children throughout gestation. Contains exceptions with a subjective standard to prevent the death of the mother, sexual assault/incest, or a fatal fetal condition.	Not in effect. A temporary restraining order was issued in <i>Johnson v. State</i> , No. 18853 (Wy. Dist. Ct. of Teton Cnty. Mar. 22, 2023).