Anti-discrimination laws protect unborn babies from being aborted on account of their sex, race, and/or disability. Currently, eighteen (18) states have enacted laws protecting unborn children from discrimination based on their sex, race, and/or disability. Fourteen (14) states protect the unborn from being aborted due to their sex; six (6) states protect the unborn from being aborted on due to their race; thirteen (13) states protect the unborn from being aborted due to a condition like Down syndrome or a disability.

State Anti-Discrimination Abortion Laws
September 21, 2022

*“Enjoined only to extent that it subjects physicians to criminal liability for performing certain pre-viability abortions.” Per consent decree, 1993

**Enjoined, pending litigation

State Laws (in order of enactment)
1. Illinois - 1975*
2. Penn. - 1982
3. Oklahoma - 2010
5. N. Dakota - 2013
6. Kansas - 2013
7. N. Carolina – 2013
9. Indiana - 2016
10. Louisiana – 2016**
11. Ohio - 2017
13. Kentucky - 2019**
14. Utah - 2019
15. Missouri- 2019**
16. Mississippi - 2020
17. Tennessee – 2020
18. West Virginia- 2022

State Legislation Department
202.378.8859
## State Anti-Discrimination Abortion Laws
(alphabetical by state)

### September 21, 2022

<table>
<thead>
<tr>
<th>STATE</th>
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<tbody>
<tr>
<td>Arizona (2011) A.R.S. § 13-3603.02</td>
<td>Cannot discriminate based on sex or race.</td>
<td>In effect. This law was challenged, but the 9(^{th}) Circuit Court of Appeals dismissed the challenge.</td>
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<tr>
<td>Arkansas (2019) Ark. Code Ann. §§ 20-16-2101to 20-16-2107</td>
<td>Cannot discriminate based on a Down syndrome diagnosis. Exceptions include life/health of the mother, rape and/or incest. Also, should the act be held invalid with respect to pre-viable unborn children, the law will then apply to post viable babies.</td>
<td>Not in effect. The 8(^{th}) Circuit Court of Appeals affirmed the lower court’s preliminary injunction in: <em>Little Rock Family Planning Servs. v. Rutledge</em>, 984 F.3d 682 (8th Cir. 2021). Appeal filed to United States Supreme Court.</td>
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<tr>
<td>Illinois (1975) 720 ILCS 510/6 (8)</td>
<td>Cannot discriminate based on sex.</td>
<td>A 1993 consent agreement declared the law only enforceable on viable unborn children.</td>
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<td><strong>Louisiana</strong> (2016)</td>
<td>La. Rev. Stat. Ann. § 40:1061.1.1 Cannot discriminate on babies greater than 20 weeks post-fertilization age based on diagnosis or potential diagnoses. Cannot discriminate on babies less than 20 weeks post-fertilization based on diagnosis or potential diagnoses unless the abortionist provides the mother with information on resources and services. Directs the Department of Health and Hospitals to produce information on services and resources on their website.</td>
<td>Not in effect. State stipulated not to enforce the law pending challenge.</td>
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</table>
| **North Dakota** (2013)  
N.D. Cent. Code, § 14-02.1-04.1 | Cannot discriminate based on sex or diagnosis or potential diagnoses of a “genetic abnormality”. | In effect.                                  |
| **Ohio** (2017)  
ORC Ann. §§2919.10, 2919.101, 3701.79 | Cannot discriminate based on a Down syndrome diagnosis.  
The law requires statistical reporting. | In effect.  
The 6th Circuit Court of Appeals ruled en banc to vacate a preliminary injunction allowing Ohio to enforce their law: *Preterm-Cleveland v. McCloud*, 994 F.3d 512 (6th Cir. 2021). |
| **Oklahoma** (2010)  
63 Okl. St. § 1-731.2 | Cannot discriminate based on sex. | In effect.                                  |
| **Pennsylvania** (1982)  
18 Pa.C.S. § 3204 (c) | Cannot discriminate based on sex. | In effect.                                  |
| **South Dakota** (2014)  
S.D. Codified Laws § 34-23A-63-64 | Cannot discriminate based on sex. | In effect.                                  |
| **Tennessee** (2020)  
Tenn. Code Ann. § 39-15-217 | Cannot discriminate based on race, sex, or a prenatal diagnosis, test, or screening indicating Down syndrome or the potential for Down syndrome in the unborn child. | In effect.  
| **West Virginia** (2022) | Cannot discriminate based on disability, except in a medical emergency or fatal fetal condition. The law requires statistical reporting.  
Patient shall be provided educational information from the state Bureau of Public Health if prenatal testing confirms a disability of the unborn child. | In effect.                                  |
| **Utah** (2019)  
Utah Code Ann. §76-7-302.4 | Cannot discriminate based on a diagnosis or potential diagnosis of Down syndrome. | In effect.                                  |