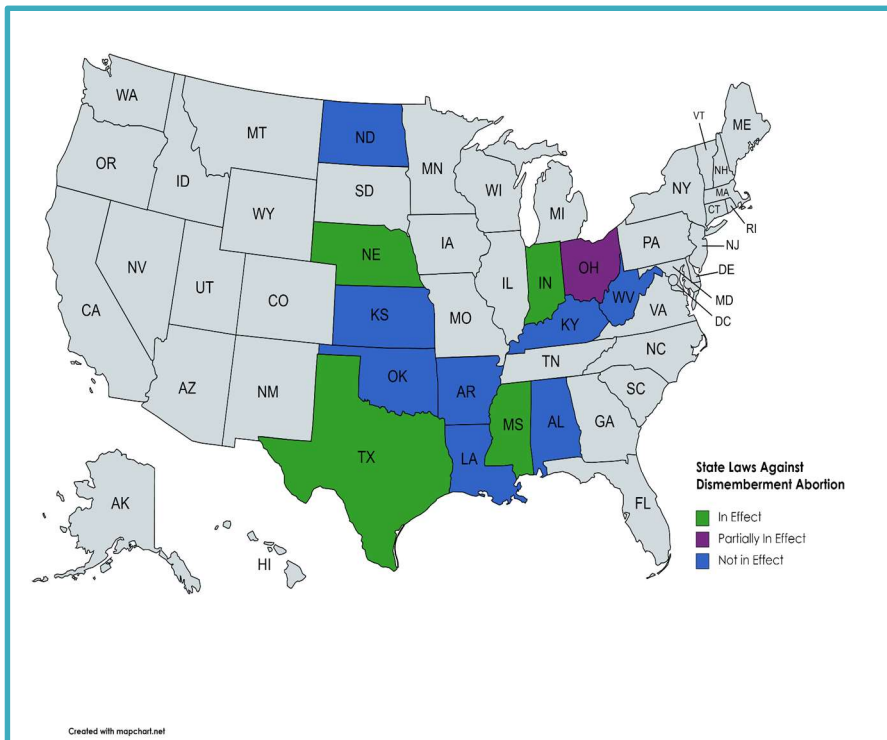


# State Laws Against Dismemberment Abortions

November 15, 2022

Dismemberment abortion is a particularly brutal type of abortion whose purpose is to cause the death of an unborn child. During this procedure, an unborn child is dismembered by extracting him or her one piece at a time from a mother's uterus. This is done by using clamps, grasping forceps, tongs, scissors, or similar instruments that, through the convergence of two rigid levers, slice, crush, and/or grasp a portion of the unborn child's body to cut it off or rip off one part at a time.

A law like the "Unborn Child Protection from Dismemberment Abortion Act" protects unborn children from the brutality of being torn apart, limb by limb, by dismemberment abortion.



1. Kansas (2015)
2. Oklahoma (2015)
3. West Virginia (2016)
4. Mississippi (2016)
5. Alabama (2016)
6. Louisiana (2016)
7. Arkansas (2017)
8. Texas (2017)
9. Kentucky (2018)
10. Ohio (2018)
11. North Dakota (2019)
12. Indiana (2019)
13. Nebraska (2020)

State Legislation Department  
202.378.8859

## State Laws Against Dismemberment Abortions

STATE	STATUS
<p><b>Alabama</b> Code of Ala. §§ 26-23G-1 through 26-23G-9</p>	<p>Not in effect. Court affirmed the lower court's permanent injunction in <i>W. Ala. Women's Ctr. v. Williamson</i>, 900 F.3d 1310 (11th Cir. 2018). Petition for Writ of Certiorari was submitted to the United States Supreme Court and denied in <i>Harris v. W. Ala. Women's Ctr.</i>, 2019 U.S. LEXIS 4446 (U.S., June 28, 2019).</p>
<p><b>Arkansas</b> A.C.A. §§ 20-16-1801 through 20-16-1807 (2017)</p>	<p>Not in effect. The appellate court vacated the district court's preliminary injunction and remand for reconsideration in <i>Hopkins v. Jegley</i>, No. 17-2879, 2020 U.S. App. LEXIS 24995 (8th Cir. Aug. 7, 2020). Preliminary injunction granted in <i>Hopkins v. Jegley</i>, 267 F. Supp. 2d 1024 (E.D. Ark. July 28, 2017).</p>
<p><b>Indiana</b> Ind. Code Ann. §§ 16-34-2-1(c); 16-34-2-9; 16-34-2-10</p>	<p>In effect. U.S. District Court for the Southern District of Indiana vacates its own preliminary injunction issued June 28, 2019. <i>Caitlin Bernard v. Individual Members of the Indiana Medical Licensing Board, et al.</i> No.1:19-cv-01660-SEB-DML U.S. District Court, Southern District of Indiana, Indianapolis Division.</p>
<p><b>Kansas</b> K.S.A. § 65-6743</p>	<p>Not in effect. The Kansas Supreme Court affirmed and remanded the case to a lower court while establishing abortion as a fundamental right in their constitution. <i>Hodes &amp; Nauser, MDS, P.A. v. Schmidt</i>, 309 Kan. 610, 440 P.3d 461 (2019).</p>
<p><b>Kentucky</b> Ky. Rev. Stat. § 311.787</p>	<p>Not in effect. The appellate court affirmed the lower court's decision in <i>EMW Women's Surgical Ctr., P.S.C. v. Friedlander</i>, No. 19-5516, 2020 U.S. App. LEXIS 17322 (6th Cir. June 2, 2020).</p> <p>Permanently enjoined in <i>EMW Women's Surgical Ctr., P.S.C. v. Meier</i>, 373 F. Supp. 3d 807 (W.D. Ky. 2019).</p>
<p><b>Louisiana</b> R.S. 40:1061.1.1</p>	<p>Not in effect. State stipulated not to enforce the law pending challenge. <i>June Med. Servs. LLC v. Gee</i>, No. 16-cv-444, 2017 U.S. Dist. LEXIS 191938 at *44-*46 (M.D. La. Nov. 16, 2017) (allowing challenge to proceed but noting that challengers face "a steep burden" to prevail).</p>
<p><b>Mississippi</b> Miss. Code Ann. §§ 41-41-151 through 41-41-169 (2017).</p>	<p>Effective July 1, 2016.</p>

<b>STATE</b>	<b>STATUS</b>
<b>Nebraska</b> Neb. Rev. Stat. Ann § 28-347 et seq.	Effective November 13, 2020.
<b>North Dakota</b> N.D. Cent. Code § 14-02.1-04.2.	The effective date is contingent upon a federal constitutional amendment that restores the state's authority to prohibit abortion or any court decision by the United States Supreme Court or 8 <sup>th</sup> Circuit Court of Appeals allowing enforcement of Section 1 of the Act, or a decision by the United States Supreme Court that restores the state's authority to prohibit abortion.
<b>Ohio</b> Ohio Rev. Code Ann. § 2919.15	Partial injunction issued in, <i>Planned Parenthood Sw. Ohio Region v. Yost</i> , No. 1:19-CV-00118-MRB, 2019 U.S. Dist. LEXIS 66472 (S.D. Ohio Apr. 18, 2019). The partial injunction prevents prosecution of a medical professional when the abortion is performed on unborn children prior to 18 weeks LMP, accidental dismemberment, if fetal demise fails, if the mother is not a candidate for fetal demise dismemberment.
<b>Oklahoma</b> 63 Okl. St. §§ 1-737.7 through 1-737.16	Not in effect. Pending an appeal by plaintiffs, the State Supreme Court has enjoined the law. Previously an Oklahoma County District upheld the law.
<b>Texas</b> Tex. Health & Safety Code §§ 171.151 through 171.154	In effect. Upheld in: <i>Whole Woman's Health v. Paxton</i> , No. 17-51060, 2021 U.S. App. LEXIS 24832 (5th Cir. Aug. 18, 2021).
<b>West Virginia</b> W. Va. Code § 61-2-31	This law was rendered ineffective with the passage of the Unborn Child Protection Act W. Va. Code § 16-2R-1 et seq.