

All the states taking up new abortion laws in 2019

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In 2019, states are taking action to restrict or expand access to abortion amid a national debate over *Roe v. Wade*.

Multiple states such as Kentucky and Georgia have passed bills that ban abortion once a fetal heartbeat is detected, around six weeks of pregnancy, while Alabama recently passed the strictest abortion law in the country, banning the procedure with few exceptions.

Several other states are considering "trigger" laws that go into effect to ban abortion should *Roe v. Wade* be overturned, while other states like New York have passed bills that enshrine abortion rights.

States like Alabama are specifically hoping their new laws force the Supreme Court to take up a challenge to *Roe v. Wade*, which established a woman's right to abortion in 1973.

Here are the states that have passed or are considering new abortion laws in 2019:

STATES THAT PASSED NEW LAWS

Alabama

Law: The nation's most restrictive abortion ban with no exceptions for rape or incest.

In May, Alabama Gov. Kay Ivey (R) signed into law the nation's most restrictive abortion ban, which makes it a felony for Alabama doctors to perform or attempt to perform an abortion. The only exception made under the law is for in cases where the life of the mother is endangered by her pregnancy. It has not taken effect, and the American Civil Liberties Union (ACLU) and Planned Parenthood announced a legal challenge Friday.

Arkansas

Law: An abortion ban after 18 weeks into pregnancy with exceptions.

Gov. Asa Hutchinson (R) signed a bill in March that bans abortions after 18 weeks into pregnancy, with exceptions for rape, incest and medical emergencies. The state also passed a law in February that would automatically make abortion illegal in Arkansas if *Roe v. Wade* were overturned. The law is expected to take effect this month, but the ACLU has vowed to sue.

Georgia

Law: The state passed a fetal heartbeat abortion ban in May.

Gov. Brian Kemp (R) signed a "heartbeat" bill in May that would ban abortions if a fetal heartbeat can be detected. The ACLU said it plans to challenge the law in court. The state currently bans abortions after the 20-week mark, but in light of the new law, an abortion could be banned as early as six weeks into pregnancy. The bill would take effect next year unless it's blocked in court.

Indiana

Law: The state has signed two laws this year, with the first banning dilation and evacuation in some cases and the second allowing medical professionals to choose not to perform abortions.

Gov. Eric Holcomb (R) signed two abortion-related measures in April, both of which limit access to the procedure. One law signed by Holcomb prohibits dilation and evacuation abortions, a common method used in second-trimester abortions. There are exceptions for women who would suffer "substantial and irreversible" physical damage from continuing the pregnancy. It takes effect July 1, but the ACLU said it plans to sue.

The other would give more medical professionals the option to choose not to perform abortions or take part in abortion-inducing care.

Kentucky

Law: A judge has temporarily blocked a "heartbeat" bill from going into effect.

Gov. Matt Bevin (R) signed legislation in March banning abortions after a fetal heartbeat is detected, usually at around six weeks of pregnancy. A federal judge stopped the law from going into effect while it's being challenged in court by the ACLU.

Mississippi

Law: The state passed a "heartbeat" abortion ban this year slated to take effect July 1 that was blocked by a federal judge on Friday.

Mississippi Gov. Phil Bryant (R) in March signed a bill banning abortions in the state once a fetus has a detectable heartbeat. The law was challenged in court by the Center for Reproductive Rights. Judge Carlton Reeves, an Obama appointee, said it "smacks of defiance."

Missouri

Law: The state has banned abortion at eight weeks in the state.

Missouri Gov. Mike Parson (R) in May signed a bill banning abortion in the state at the eight-week mark in a pregnancy. The law takes effect Aug. 28. Legal challenges are expected.

New York

Law: In January, Gov. Andrew Cuomo (D) signed a bill that protects access to abortion even if Roe v. Wade is overturned. The law decriminalizes abortion and allows some late-term abortions in cases where the fetus is not viable or when necessary to protect the mother's life.

Ohio

Law: Abortion is banned once a fetal heartbeat is detected.

Ohio Gov. Mike DeWine (R) signed into law one of the country's most stringent abortion laws in April, banning abortion once a fetal heartbeat is detected. The law will take effect in July unless it is blocked in court. The law is currently being challenged in court by the ACLU.

Utah

Law: Utah has approved a ban on abortions in the state after 18 weeks, with some exceptions.

Gov. Gary Herbert (R) signed a bill in March banning abortions after 18 weeks. A federal judge blocked the state from enforcing the law while it's being challenged in court by the ACLU and the Planned Parenthood Association of Utah. The law creates criminal penalties for doctors who perform abortions after 18 weeks of pregnancy.

North Dakota

Law: The abortion method commonly used in second trimester abortion is banned in the state.

Gov. Doug Burgum (R) in April signed into law a measure that outlaws a second trimester abortion procedure known as dilation and evacuation. In addition, abortion rights advocates are considering filing a lawsuit over a law that would require a clinic to read a script about reversing medical abortions.

Tennessee

Law: Gov. Bill Lee (R) in May signed a so-called "trigger" law that would make abortion illegal if Roe v. Wade is altered or overturned.

Texas

Law: Gov. Greg Abbott (R) is expected to sign an abortion bill that would punish any doctor who failed to treat an infant that survived an abortion procedure.

The Texas Senate also passed a bill eliminating exceptions for the state's ban on abortion after 20 weeks. Current exceptions allow for an abortion if the fetus is unviable or has "severe and irreversible" abnormalities, which critics say could lead to "discriminatory abortions." The bill is currently under consideration in the state House.

Vermont

Law: Gov. Phil Scott (R) is expected to sign a bill making abortion a "fundamental right."

The bill, approved by both the House and Senate, would "recognize as a fundamental right the freedom of reproductive choice" and "prohibit public entities from interfering with or restricting the right of an individual to terminate the individual's pregnancy."

STATES CONSIDERING NEW LAWS

Delaware

Law: Two restrictive abortion laws were defeated in committee earlier this year.

A Republican state lawmaker introduced two anti-abortion laws in January — one would ban abortions after 20 weeks, while the other would require women to see an ultrasound before they get an abortion. Neither bill made it out of the House Health and Human Development Committee.

Florida

Law: A fetal heartbeat abortion ban failed in the Senate earlier this year.

House Bill 235, filed in January, aimed to ban an abortion if a fetal heartbeat is detected, while House Bill 1335 moved to require minors to get notarized, written consent from a parent or legal guardian to get an abortion. The first bill died in committee, while the latter passed the state House but died in a Senate committee.

Idaho

Law: A currently proposed bill would make abortion murder.

An Idaho Republican lawmaker proposed in January a bill that would seek to make abortion murder and end its exemption from the state's current murder laws. The bill would repeal part of existing state code that protects women getting abortions, as well as their doctors, from getting charged with murder.

Illinois

Law: A proposed bill would make abortion a fundamental right.

A group of Democratic lawmakers introduced a bill in February that would create a fundamental right to abortion in the state. Under the proposed law, there would be no restrictions on getting an abortion, and a woman could get an abortion at any time during her pregnancy for any reason. The bill is still in a House committee.

Louisiana

Law: A fetal heartbeat bill is close to reaching the governor's desk.

House and Senate committees passed a fetal heartbeat bill in May. The bill passed in the Senate and is set to go back to the full House for a final vote. If it passes, it will head to Gov. John Bel Edwards's (D) desk for his signature. Breaking with his party, he has said he will sign it.

Massachusetts

Law: A bill is being considered to expand abortion access, allowing for abortions after 24 weeks.

A bill proposed in January aimed to remove obstacles and expand abortion access in the state. The bill, titled the ROE Act, was filed by Democrats and would allow for abortions after the 24-week mark, considered to be so-called "late-term" abortion. The measure has drawn criticism from Republicans. It was referred to a Senate committee.

Montana

Law: A bill requiring an infant born alive after an abortion procedure to be treated as a legal person under the laws of the state.

Gov. Steve Bullock (D) vetoed a "born alive" bill passed by the legislature this session. Lawmakers considered multiple laws restricting abortion in 2019, including a "heartbeat" bill and a ban on abortion after 20 weeks of pregnancy.

Minnesota

Law: A ban on abortion after 20 weeks of pregnancy.

In March, a Minnesota Senate committee advanced a bill that would ban abortion after 20 weeks of pregnancy, except in the cases of risk or danger to the mother. The legislation has so far stalled there.

New Mexico

Law: A statewide criminal ban on abortion.

The state Senate upheld an existing law making an abortion a felony, a law that would apply if the Supreme Court struck down *Roe v. Wade*.

Pennsylvania

Law: A proposal would ban abortions for babies because of a Down syndrome diagnosis.

House lawmakers approved in May a measure that would bar abortions solely because of a possible Down syndrome diagnosis. Aborting a baby based on its sex is already outlawed in the state. The bill has an exception permitting women to get abortions in cases of rape, incest or endangerment to the mother. It was sent to the Senate.

Rhode Island

Law: A bill enshrining abortion rights in the state.

The state House passed a bill in March that would guarantee abortion rights in the state, but it was voted down by the state's Senate Judiciary Committee. Senators have vowed to attach the bill to other legislation.

South Carolina

Law: A "heartbeat" abortion law banning the procedure at six weeks.

Gov. Henry McMaster (R) has said he will sign the bill, which passed the state House but was not taken up by the Senate before the legislative session adjourned for the year.

Wisconsin

Law: Wisconsin's Democratic governor plans to veto abortion restrictions recently passed.

Wisconsin Gov. Tony Evers (D) has vowed to veto abortion restrictions the state assembly passed last week. One of the bills passed was the so-called born alive measure, which requires abortion providers to give care to babies who survive abortion attempts. Doctors would reportedly face prison time if they did not provide necessary medical care.

STATES TO WATCH

Alaska is considering what would become the nation's strictest abortion ban if passed. A bill introduced May 15 moves to make abortion illegal across the state and would define abortion as "murder of an unborn child." It would make performing or attempting to perform one a felony. There would be no exceptions for the life of the pregnant mother or for rape or incest victims.

Iowa's "heartbeat" bill stalled in the courts

A judge recently struck down the state's fetal heartbeat bill. A year after Gov. Kim Reynolds signed a fetal heartbeat bill, a Polk County judge struck down the legislation before it took effect, saying it violated the Iowa Constitution's due process and equal protection clauses.

Kansas protected abortion rights by the state Constitution

The state's Supreme Court ruled in April that women have the right to an abortion under its Constitution after two abortion providers challenged a state ban on dilation and evacuation abortions. The ruling enshrines the legal right to abortion in the state even if *Roe v. Wade* were overturned by the U.S. Supreme Court.

Kansas and Oklahoma both failed to restrict medical abortion

State lawmakers tried and failed to override Kansas Gov. Laura Kelly's (D) veto of a bill that would force doctors to tell women the abortion pill can be reversed, while the Oklahoma Supreme Court struck down a state law requiring physicians to use strict protocols for medically terminated pregnancies.

Maine, Nevada and Hawaii are considering expanding access to abortions

Lawmakers in Maine and Hawaii are considering bills that would expand the number of medical professionals allowed to provide abortions. Meanwhile, Nevada's state assembly advanced a measure in May that would end requirements forcing doctors to tell pregnant patients about "emotional implications" of an abortion and which would also remove criminal penalties for inducing abortion.

Virginia is challenging abortion restrictions through the court system

Activists are challenging state abortion restrictions in a federal trial that began in May. Current state laws being challenged include licensing standards for abortion clinics, the requirement that patients get an ultrasound at least 24 hours before an abortion and rules that only doctors perform the procedure in the first trimester.