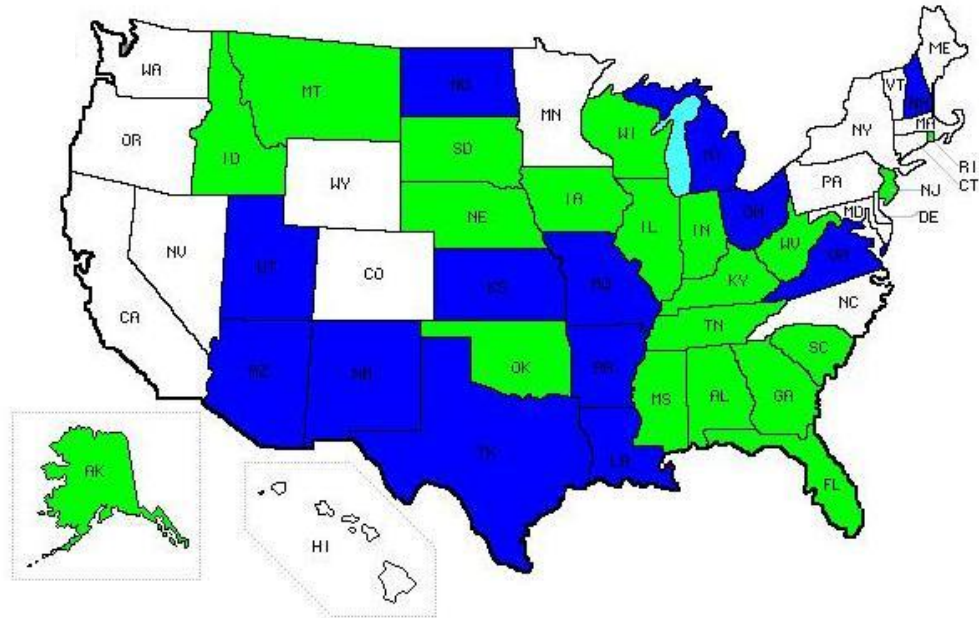


**Status of Partial-Birth Abortion Bans
July 20, 2017**



■ Currently in Effect
■ Enacted prior to Gonzales

**States with Laws Currently
in Effect**

Arizona	New Mexico*
Arkansas	North Dakota
Georgia*	Kansas
Louisiana	Ohio
Michigan	Texas**
Missouri	Utah
New Hampshire	Virginia

* Only applies to unborn children after viability rendering this law useless.

**Goes into effect September 1, 2017

**States with Laws Enacted Prior to
the Gonzales Decision**

Alabama	Nebraska
Alaska	New Jersey
Florida	Oklahoma
Idaho	Rhode Island
Illinois	South Carolina
Indiana	South Dakota
Iowa	Tennessee
Kentucky	West Virginia
Mississippi	Wisconsin
Montana	

LAWS IN EFFECT ARE BOLDED (13)

*** denotes a statute that was enacted prior to the Gonzales decision.**

STATE	STATUS
*Alabama Ala. Code §§ 26-23-1 to 26-23-6 (2012)	Signed by Gov. May 22, 1997. Declared unconstitutional in: <i>Summit Med. Assocs., P.C. v. Siegelman</i> , 130 F. Supp. 2d 1307; 2001 U.S. Dist. LEXIS 2241.
*Alaska Alaska Stat. § 18.16.050 (2012)	Governor’s veto overridden on May 2, 1997; enjoined, <i>Planned Parenthood v. State</i> , 3-AN-97-6019 (Super. Ct., Third Jud. Dist. at Anchorage, Alaska; March 13, 1998), appeal withdrawn, No. S-08610 (June 29, 2000).
Arizona A.R.S. § 13-3603.01 (2012)	Signed by Governor July 13, 2009.
Arkansas A.C.A. § 20-16-1203 (2012)	Signed by Governor February 20, 2009.
*Florida Fla. Stat. § 390.0111(5) (2012)	Governor’s veto overridden on March 11, 1998. Permanently enjoined in: <i>A Choice for Women v. Butterworth</i> , 54 F. Supp. 2d 1148; 1998 U.S. Dist. LEXIS 18433.
*Florida Fla. Stat. §§ 782.30, 782.32, 782.34, 782.36 (2012)	Signed by Governor Mary 25, 2000. Permanently enjoined in: <i>A Choice for Women v. Butterworth</i> , 2000 U.S. Dist. LEXIS 22636.
¹ Georgia * O.C.G.A. § 16-12-144 (2012)	Signed by Gov. March 25, 1997; consent agreement entered by AG. Enforceable as to “viable” baby except when necessary to preserve life or health of mother. <i>Midtown Hosp. v. Miller</i>, 36 F. Supp. 2d 1360 (N.D. Ga. 1998).
*Idaho Idaho Code § 18-613 (2012)	Signed by Gov. March 16, 1998 Permanently enjoined in: <i>Planned Parenthood of Idaho, Inc. v. Wasden</i> , 376 F.3d 908 (9th Cir. Idaho 2004).
*Illinois 720 ILCS 513/10 (2012)	Governor used amendatory veto (father’s right to sue), then accepted by Legislature and certified by Governor December 15, 1997. Declared unconstitutional in: <i>Hope Clinic v. Ryan</i> , 249 F.3d 603; 2001 U.S. App. LEXIS 7684.

¹ Only applies to unborn children after viability rendering this law useless.

STATE	STATUS
*Indiana Burns Ind. Code Ann. § 16-34-2-1 (2012)	Signed by Gov. May 12, 1997; effective immediately.
*Iowa Iowa Code § 707.8A (2012)	Signed by Gov. March 4, 1998. Enjoined; <i>Planned Parenthood of Greater Iowa v. Miller</i> , 195 F.3d 386 (8th Cir. 1999), cert. denied, 530 U.S. 1274 (2000).
Kansas K.S.A. § 65-6721 (2011)	Earlier law signed by Governor April 27, 1998. Declared unenforceable due to Attorney General opinion, 2000 Kan. AG LEXIS 9. In 2011, the Legislature enacted H.B. 2035 which amended the partial-birth abortion law to mirror the Federal Partial-Birth Abortion Ban Act.
*Kentucky KRS § 311.765 (2012)	Signed by Gov. April 14, 1998. Enjoined; <i>Eubanks v. Stengel</i> , 224 F.3d 576 (6th Cir. 2000).
*Louisiana La. R.S. 14:32.9 (2012)	Signed by Gov. July 10, 1997; enjoined. Declared unconstitutional by U.S. District Court, Causeway Medical Center v. Foster, 43 F.Supp 2d. 604. Appeal pending in 5th Circuit. REPEALED IN 2007.
Louisiana (La. Rev. Stat. Ann §§ 14:32.10, 40:1299.35.17 through 40:1299.35.19 (2008)	Signed by the Governor July 12, 2007; effective immediately.
*Michigan MCLS §§ 333.17016, 333.17516 (2012)	Signed by Governor June 14, 1996. Law permanently enjoined. <i>Evans v. Kelley</i> , 977 F.Supp. 1283 (E.D.Mich., July 31, 1997) 1999 law signed by Gov. July 7, 1999. Permanently enjoined in <i>WomanCare of Southfield, P.C. v Granholm</i> (2001, ED Mich) 143 F Supp 2d 849.
Michigan MCLS § 750.90h (2012)	Signed by Governor October 13, 2011. Effective January 1, 2012.
*Mississippi Miss. Code Ann. § 41-41-73 (2011)	Signed by Gov. March 17, 1997; effective July 1, 1997.

STATE	STATUS
Missouri § 565.300 R.S.Mo. (2012)	The Governor's veto was overridden on September 16, 1999. Law went into effect briefly, a TRO was issued on the same day. In lieu of the <i>Gonzales v. Carhart</i> decision a lower court has lifted the injunction and ruled the law constitutional. 429 F.3d 803; 2005 U.S. App. LEXIS 25582, Vacated by, Remanded by <i>Nixon v. Reprod. Health</i>, 550 U.S. 901, 127 S. Ct. 2120, 167 L. Ed. 2d 810, 2007 U.S. LEXIS 4341 (U.S., Apr. 23, 2007).
*Montana Mont. Code Anno., § 50-20-401 (2012)	Signed by Gov. April 21, 1997; enjoined. Declared unconstitutional by state trial court, Intermountain Planned Parenthood v. State, 1997 Mont. Dist. LEXIS 809 (Mont. Dist. Ct. 1997)
*Nebraska R.R.S. Neb. § 28-328 (2012)	Signed by Governor June 9, 1997. Enjoined. <i>Carhart v. Stenberg</i> , 530 U.S. 914 (June 28, 2000).
New Hampshire RSA 329:32 to RSA 329:42 (2017)	Governor's veto overridden June 27, 2012. Effective January 1, 2013.
*New Jersey N.J. Stat. § 2A:65A-6 (2012)	Both houses overrode Gov.'s veto in early Dec. 1997. Declared unconstitutional in <i>Planned Parenthood v. Farmer</i> , 220 F.3d 127; 2000 U.S. App. LEXIS 18050.
² New Mexico N.M. Stat. Ann. § 30-5A-1 through N.M. Stat. Ann. § 30-5A-5 (2012)	Signed by the Governor in March 2000.
North Dakota N.D. Cent. Code, § 14-02.6-02 (2012)	Signed by Gov. April 19, 1999. Effective August 1, 1999.

² Only applies to unborn children after viability rendering this law useless.

STATE	STATUS
<p>Ohio ORC Ann. 2919.151 (2012)</p>	<p>Signed by Governor May 19, 2000. Effective August 18, 2000. <i>Women's Med. Prof'l Corp. v. Taft</i>, 162 F. Supp. 2d 929 (S.D. Ohio 2001) enjoined the law, but the higher court reversed the decision in <i>Women's Prof'l Med. Corp. v. Taft</i>, 353 F.3d 436 (6th Cir. 2003) upholding the ban.</p>
<p>*Oklahoma 21 Okl. St. § 684 (2012)</p>	<p>Signed by Gov. April 15, 1998. Effective immediately.</p>
<p>*Rhode Island (R.I. Gen Laws §§ 23-4.12-1, 23-4.12-2, 23-4.12-3, 23-4.12-5 (1998))</p>	<p>Signed by Gov. July 2, 1997; declared unconstitutional in <i>R.I. Med. Soc'y v. Whitehouse</i>, 239 F.3d 104 ; 2001 U.S. App. LEXIS 2062.</p>
<p>*South Carolina S.C. Code Ann. § 44-41-85 (2011)</p>	<p>Signed by Gov. March 26, 1997; effective immediately.</p>
<p>*South Dakota S.D. Codified Laws § 34-23A-27 (2012)</p>	<p>Signed by Gov. March 7, 1997; effective July 1, 1997.</p>
<p>*Tennessee Tenn. Code Ann. § 39-15-209 (2012)</p>	<p>Signed by Gov. June 13, 1997; effective July 1, 1997.</p>
<p>Texas Tex. Fam. Code § 33.001 (2017)</p>	<p>Signed by Gov. June 6, 2017; effective September 1, 2017</p>
<p>Utah Utah Code Ann. § 76-7-326 (2012)</p>	<p>Effective May 3, 2004. Injunction imposed by <i>Utah Women's Clinic v. Walker</i>, No. 2:04CV00408 PGC (D. Utah June 10, 2004), overruled by higher court.</p>

STATE	STATUS
<p>Virginia Va. Code Ann. § 18.2-71.1 (2012)</p>	<p>In Effect</p> <p><i>Richmond Medical Center for Women v. Gilmore</i>, – F.Supp.2d –, 1998 WL 352937 (E.D. Va., June 25, 1998). Declared unconstitutional by District Court on July 16, 1999. On Sept. 14, 1999, the 4th Circuit stayed the lower court’s injunction pending appeal, thereby allowing the law to remain in effect.</p> <p>Upon remand, a three-judge panel of the Fourth Circuit found the law unconstitutional because it imposes an undue burden on a woman's right to choose. This decision distinguished the Virginia law from the federal ban upheld in <i>Gonzales v. Carhart. Richmond Med. Ctr. v. Herring</i>, No. 03-1821, slip op. (4th Cir. May 20, 2008). However, in an <i>en banc</i> hearing of the full 11-member Fourth Circuit, the court reversed the panel's earlier decision, upholding the ban in a 6-5 opinion on the basis that the Virginia law did not constitute an undue burden on a woman's right to choose. <i>Richmond Med. Ctr. v. Herring</i>, Nos. 03-1821, 04-1255, 2009 WL 1783515 (4th Cir. June 24, 2009).</p>
<p>*West Virginia W. Va. Code §§ 33-42-3, 33-42-8 (2012)</p>	<p>Signed by Gov. April 8, 1998. Declared unconstitutional in <i>Daniel v. Underwood</i>, 102 F. Supp. 2d 680 ; 2000 U.S. Dist. LEXIS 9638.</p>
<p>*Wisconsin Wis. Stat. §§ 895.038, 940.16 (2012)</p>	<p>Enacted April 29, 1998. Declared unconstitutional in <i>Hope Clinic v. Ryan</i>, 249 F.3d 603; 2001 U.S. App. LEXIS 7684.</p>