

Telemedicine Abortion Bans

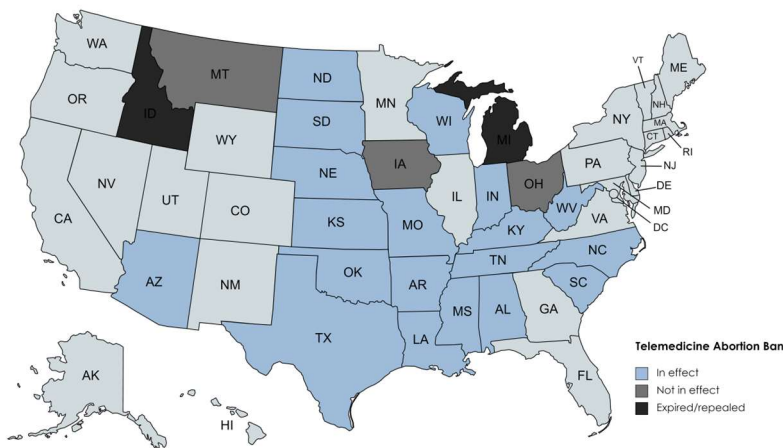
September 16, 2022

“Telemedicine” abortions are chemical abortions done via a video conferencing system where the abortionist is in one location and talks with a woman, who is in another location, over a computer video screen. The abortionist never sees the woman in person because they are never actually in the same room.

Twenty-four (24) states have enacted laws requiring abortionists to be physically present in the same room as the woman when administering a chemical abortion. Of those enacted laws, 19 laws are in effect; 3 are not in effect (Iowa*, Ohio*, and Montana*); 2 have been repealed/expired (*Idaho and Michigan*).

*Enjoined

States with Telemedicine Abortion Bans



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Telemedicine Abortion Bans
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| STATE | STATUS | WHAT THE LAW DOES |
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| Alabama Code of Ala. § 26-23E-7 (2013). | In effect | Only a physician may give, sell, dispense, administer, or otherwise prescribe an abortion-inducing drug. The physician giving, selling, dispensing, administering, or otherwise providing or prescribing the abortion-inducing drug must first examine the pregnant woman in person. Any person other than a physician who performs or attempts to perform an abortion, including the prescription, dispensing, or administration of abortion-inducing drug, shall be guilty of a Class C felony. |
| Arizona Ariz. Rev. Stat. Ann. §36-3604 (2011). | In effect | Telemedicine may not be used to provide abortions. |
| Arkansas To be codified as: A.C.A. § 20-16-603. | In effect | When mifepristone or another drug or chemical regimen is used to induce an abortion, the initial administration of the drug or chemical shall occur in the same room and in the physical presence of the physician who prescribed, dispensed, or otherwise provided the drug or chemical to the patient. |
| <i>Idaho</i> To be codified as: <i>Idaho Code Ann. §§ 18-617 to 18-621.</i> | <i>Repealed</i> | <i>No physician shall give, sell, dispense, administer, prescribe or otherwise provide an abortifacient for the purpose of effecting a chemical abortion unless the physician: has examined in person the woman to whom the abortifacient is administered to determine the medical appropriateness of such administration and has determined that the abortifacient is sufficiently safe for use in the gestational age at which it will be administered. The state entered into a stipulation agreement to repeal the existing law and the case has now been dismissed. Planned Parenthood of the Great Northwest and the Hawaiian Islands v. Wasden et al., Case No. 1:15-cv-00557-BLW (D. Idaho March 31, 2016)</i> |
| Indiana Burns Ind. Code Ann. § 16-34-2-1 (a)(1)(C) (2013). | In effect | A physician shall examine a pregnant woman in person before prescribing or dispensing an abortion inducing drug. As used in this subdivision, "in person" does not include the use of telehealth or telemedicine services. |
| Iowa 653 IAC 13.10 (147,148,272C) (2013). | Enjoined | When inducing an abortion by providing an abortion-inducing drug, a physician must be physically present with the woman at the time the abortion-inducing drug is provided. A court declared this law unconstitutional in: <i>Planned Parenthood of the Heartland, Inc. v. Iowa Bd. of Med.</i> , 865 N.W.2d 252, 267 (Iowa 2015). |

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| Kansas K.S.A. § 65-4a10 (2011). | In effect | Only a licensed physician shall perform or induce an abortion. RU-486 (mifepristone) or any drug used to induce an abortion must be administered by or in the same room and in the physical presence of the physician who prescribed, dispensed or otherwise provided the drug to the patient. This law was part of an omnibus law which certain sections were temporarily enjoined in <i>Hodes & Nausser, MDs, P.A. et al v. Moser et al</i> , No. 11-C-1298, (Dist. Ct. of Shawnee Cnty. Kan., Div. 7). |
| Kansas 2018 Bill Text KS H.B. 2028. | Not in effect | Nothing in the Kansas telemedicine act shall be construed to authorize the delivery of any abortion procedure via telemedicine. Temporarily restraining order issued in: <i>Trust Women Foundation, Inc. v. Schmidt</i> . |
| Kentucky KRS § 311.728. | In effect | A physician performing or inducing an abortion shall be present in person and in the same room with the patient. The use of telehealth as defined in Section 4 of this Act shall not be allowed in the performance of an abortion. |
| Louisiana La. R.S. 40:1299.35.2.1 (2013). | In effect | When a drug or chemical is used for the purpose of an abortion, the physician who prescribed the drug or chemical shall be in the same room and in the physical presence of the pregnant woman when the drug of chemical is initially administered, dispensed, or otherwise provided to the pregnant woman. |
| <i>Michigan</i> <i>MCL § 333.17017.</i> | <i>Expired</i> | <i>A physician may not prescribe a chemical abortion without first physically examining the patient. The physician shall be physically present at the location of the chemical abortion when the prescription drug is used to initiate chemical abortion. This law expired on December 31, 2018.</i> <i>In 2018, the legislature passed a web cam ban but the Governor vetoed it.</i> |
| Mississippi Miss. Code Ann. § 41-41-107 (3) (2016). | In effect | When any drug or chemical is used for the purpose of inducing an abortion, the drug or chemical must be administered in the same room and in the physical presence of the physician who gave, sold, dispensed or otherwise provided or prescribed the drug or chemical to the patient. |
| Missouri § 188.021 R.S.Mo. (2013). | In effect | When any drug or chemical is used for the purpose of inducing an abortion, the drug or chemical must be administered in the same room and in the physical presence of the physician who prescribed, dispensed, or otherwise provided the drug or chemical to the patient. |
| Montana 2021 Bill Text MT H.B. 171 | Enjoined | The qualified medical practitioner providing an abortion-inducing drug shall examine the woman in person. Temporary Restraining Order issued in <i>Planned Parenthood of Montana and Joey Banks, M.D et al., v. State of Montana, by and through Austin Knudsen, in his official capacity as Attorney General</i> . Cause No. : DV-21-00999. (2021) |
| Nebraska Neb. Rev. Stat. § 28-335(2). | In effect | No abortion shall be performed, induced, or attempted unless the physician is physically present in the same room. |

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| North Carolina N.C. Gen. Stat. § 90-21.82 (1) (a) (2013). | In effect | The physician prescribing, dispensing, or otherwise providing any drug or chemical for the purpose of inducing an abortion shall be physically present in the same room as the patient when the first drug or chemical is administered to the patient. |
| North Dakota N.D. Cent. Code, § 14-02.1-03.5 (2013). | In effect | When an abortion-inducing drug or chemical is used for an abortion it must be administered by or in the same room and in the physical presence of the physician who prescribed it. In January 2015, the North Dakota Supreme Court denied a rehearing allowing the law to go into effect. <i>MKB Management Corp. v. Burdick, 2014 N.D. 197 (2014)</i> . |
| Ohio Ohio Rev. Code Ann. § 2919.124. | Enjoined | No physician shall personally furnish or otherwise provide an abortion-inducing drug to a pregnant woman unless the physician is physically present at the location where the initial dose of the drug or regimen of drugs is consumed at the time the initial dose is consumed. Preliminary injunction issued in <i>Planned Parenthood Southwest Ohio Region v. Ohio Department of Health</i> . Citation not available. |
| Oklahoma 63 Okl. St. § 1-729.1 <i>63 Okl. St. § 1-729a(D)</i> . | In effect. Enjoined. | When an abortion-inducing drug or chemical is used for an abortion it must be administered by or in the same room and in the physical presence of the physician who prescribed it. This law remains in effect. <i>Regulates the sale and distribution of RU-486, by following FDA protocols. Permanently enjoined in Oklahoma Coal. for Repr. Just. v. Cline, No. CV-2011-1722 (Okla. Dist. Ct. May 11, 2012)</i> . |
| South Carolina S.C. Code Regs. 61-12, Part II. | In effect | A physician must remain on the premises until all patients are stable, and are ready for discharge. A physician must sign the discharge order and be readily accessible and available until the last patient has been discharged. |
| South Dakota S.D. Codified Laws § 34-23A-56 (2012). | In effect | No physician may have the pregnant mother sign consent for the abortion on the day of this initial consultation. No physician may take a signed consent from the pregnant mother unless the pregnant mother is in the physical presence of the physician and except on the day the abortion is scheduled. |
| South Dakota | Not in effect | Effective 90 days after signing |
| Tennessee Tenn. Code Ann. § 63-6-241(2011). | In effect | No physician shall perform or attempt to perform any abortion, including a chemically induced abortion or shall prescribe any drug or device intended to cause a chemical abortion, except in the physical presence of the pregnant woman. No drug or device intended to cause a chemical abortion shall be administered or dispensed to a pregnant woman except in the physical presence of her physician. |
| Texas Tex. Health & Safety Code § 171.063. | In effect | A person may not knowingly give, sell, dispense, administer, provide, or prescribe an abortion-inducing drug to a pregnant woman for the purpose of inducing an abortion unless the protocols authorized by the United States Federal Drug Administration are satisfied. |

| STATE | STATUS | WHAT THE LAW DOES |
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| West Virginia W. Va. Code §§30 - 3 - 13a(g)(2); 30 - 14 - 12d (g)(3). | In effect | A physician or health care provider may not prescribe any drug with the intent of causing an abortion |
| Wisconsin Wis. Stat. Ann. § 253.105 | In effect | No person may give an abortion-inducing drug to a woman unless the physician who prescribed, or otherwise provided, the abortion-inducing drug for the woman: (a) Performs a physical exam of the woman and (b) Is physically present in the room when the drug is given to the woman. Complaint filed by <i>Planned Parenthood of Wisconsin vs. J.B. Van Hollen, et al</i> , No. 12-cv-913-bbc (U.S. Dist. Ct., W.D. Jan. 7, 2013). Complaint was dismissed in its entirety in <i>Planned Parenthood of Wis., Inc. v. Schimel</i> , 2016 WI App 19 (Wis. Ct. App. 2016). |