

Window into the Womb: A Guide to State Laws on Ultrasound

February 28, 2022

There are currently a total of **28** State Laws regarding Ultrasound before Abortion.

Informed consent laws that include an ultrasound provision vary from state to state. Recently, some states have adopted National Right to Life Committee's (NRLC) model "The Right to Know & See" that require an ultrasound to be performed prior to the abortion and to simultaneously display the screen and provide a medical description of what the ultrasound is depicting.

Other states have adopted an earlier model ultrasound provision "Opportunity to View" that would give mothers an opportunity to view the ultrasound of their unborn children. Often this information is presented in a manner that places the burden on the mother to ask to see the ultrasound of her baby or on a lengthy form in small-type font with a long list of additional information they must provide prior to the abortion. Some of these laws either require the ultrasound to be performed prior to the abortion, or provide this chance to view IF an ultrasound is performed prior to the abortion. Below is a comprehensive list of the type of law in each state

Six state have passed The Right to Know and See model.

Six states have adopted The Right to Know and See model. This requires that an ultrasound be performed prior to an abortion. The screen must be displayed so the mother can view it and a description of the image of the unborn child must be given. They are Arkansas, Kentucky, Louisiana, North Carolina*, Texas, and Wisconsin.

Twenty-two states have passed the "Opportunity to View" model.

Seven states have adopted the "Opportunity to View" model. This requires that an ultrasound be performed and that the mother be offered the opportunity to view the ultrasound. They are Alabama, Arizona, Florida, Indiana, Iowa, Mississippi, and Montana*.

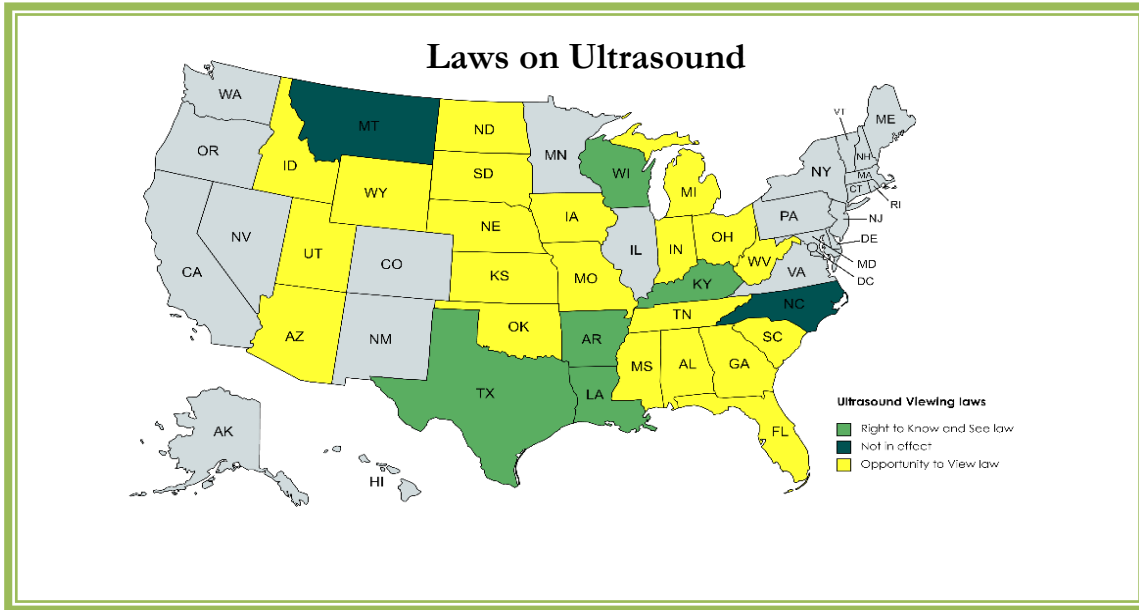
Eleven states require that the mother be provided with an opportunity to view an ultrasound IF ultrasound is used as part of the abortion process. They are Georgia, Idaho, Kansas, Michigan, Nebraska, Ohio, Oklahoma, South Carolina, Tennessee, Utah, and West Virginia.

Four states require that the mother be provided with the opportunity to view an ultrasound but do not necessarily mandate that an ultrasound be performed. They are Missouri, North Dakota, South Dakota, and Wyoming.

* Not in effect due to litigation.

State Legislation Department
202.626.8819





Specific Legal Details to State Laws

STATE LAW	DESCRIPTION	YEAR ENACTED AND CURRENT STATUS
ALABAMA ¹ Code of Ala. §§ 26-23A-4(4), (5); 26-23A-6 (b), (c)	- Ultrasound must be performed. - Offer to view. - Abortion facilities and clinics that refer for abortions are required to have ultrasound equipment.	2002 In effect
ARIZONA A.R.S. §§ 36-2151; 36-2156 A.R.S. § 36-449.03 (B)(5); (D)(4); (D)(5)	- Ultrasound and auscultation of fetal heart tone must be performed twenty-four hours before. - Offer to view & provide copy of picture. - An ultrasound must be used for all patients who elect to have an abortion after 12 weeks gestation. The mother must request to view the ultrasound if it is to be shown to her. Then it shall be reviewed with her.	2011 In effect 1999* In effect
ARKANSAS A.C.A. § 20-16-602	-Abortion provider must perform ultrasound on woman before an abortion. -Abortion provider must provide a simultaneous verbal explanation of what the ultrasound is depicting, including the presence and location of the unborn child/children.	2003 & 2021 ² In effect

¹ Attorney General has entered a consent agreement declaring Ala. Code § 26-23A-4 (LexisNexis 2007) is subject to medical emergency exception which includes psychological harm. *Summit Med. Ctr. of Ala., Inc. v. Riley*, No. 02-A-1064-N (M.D. Ala. June 25, 2004) (order granting permanent injunction).

² Previously the 2003 Arkansas law offered mothers a chance to view the ultrasound. During the 2021 session, Arkansas amended their law requiring that ultrasounds be performed and the screen be displayed.

STATE LAW	DESCRIPTION	YEAR ENACTED AND CURRENT STATUS
	<ul style="list-style-type: none"> -Abortion provider must display the ultrasound images so that the woman may see the display, and document that this is done. -Violation of compliance by abortion provider will cause a penalty to provider. 	
FLORIDA Fla. Stat. § 390.0111(3)(a)1.b.(I) through (3)(a)1.b.(IV)	<ul style="list-style-type: none"> - Ultrasound must be performed to verify the probable gestational age of the unborn child. - Offer to view; however, if the mother is a victim of rape, incest, domestic violence or human trafficking, then no offer to view shall be made. 	2011 In effect
GEORGIA O.C.G.A. § 31-9A-3(2)(C); 31-9A-3(4); Reporting: O.C.G.A. §31-9A-6(a)(3),(4)	<ul style="list-style-type: none"> - Applies only to facilities that use ultrasound and auscultation of fetal heart tone equipment. - Offer to view. - Is given information regarding resources that provide free ultrasounds. 	2007 In effect
IDAHO Idaho Code § 18-609(5)	<ul style="list-style-type: none"> - Applies only to facilities that use ultrasound equipment. - Offer to view & provide copy of picture. - In 2016, law was amended in order to include giving mothers information regarding resources that provide free ultrasounds. 	2007 In effect 2016 In effect
INDIANA Burns Ind. Code Ann. § 16-34-2-1.1(a)(1)(I); (3)(B); (4)(b)	<ul style="list-style-type: none"> - Ultrasound must be performed and offered. - Must be informed of how to obtain ultrasound imaging and fetal heart tone services. - Mother shall view and hear fetal heartbeat unless she declines in writing. - An ultrasound shall be performed at least 18 hours prior to the abortion. -Provide mother with a picture of her baby's ultrasound free of charge if an ultrasound if performed 	1995 & 2021 In effect. Judgment vacated after plaintiff dropped lawsuit: <i>Box v. Planned Parenthood of Ind. & Ky., Inc.</i> , 141 S. Ct. 184 (2020).
IOWA Iowa Code § 146A.1	<ul style="list-style-type: none"> - Ultrasound must be performed at least 72 hours prior to an abortion. - Offer to hear heartbeat and view image. - Offer to view confirmed in writing. 	2017 The waiting period portion of this law is enjoined pending litigation <i>Planned Parenthood of the Heartland vs. Reynolds</i> No. EQCE081503 (Polk County District Court, 2017)

STATE LAW	DESCRIPTION	YEAR ENACTED AND CURRENT STATUS
<p>KANSAS K.S.A. § 65-4a09</p> <p>K.S.A §§65-6709 (h),(i),(j); 65-6710</p>	<p>- Requirement for all abortion facilities to have ultrasound equipment. - Ultrasound must be performed. -Mother must request to view.</p> <p>- Applies only to facilities that use ultrasound and auscultation of fetal heart tone equipment. - Offer to view & provide copy of picture. - Is given information regarding resources that provide free ultrasounds.</p>	<p>2011 Temporarily enjoined in <i>Hodes & Nauser, MDs, P.A. et al v. Moser et al</i>, No. 11-C-1298, (Dist. Ct. of Shawnee Cnty. Kan., Div. 7). Affirmed and remanded in: <i>Hodes & Nauser, MDS, P.A. v. Schmidt</i>, 440 P.3d 461 (Kan. 2019)</p> <p>2009 <i>Hodes & Nauser, MDS, P.A. v. Schmidt</i>, 440 P.3d 461 (Kan. 2019)</p>
<p>KENTUCKY To be codified as: KRS §§ 311.710 to 311.820 (2017)</p>	<p>- Ultrasound must be performed. - Shall display the screen and provide simultaneous explanation of what ultrasound is depicting & hear fetal heart tone.</p>	<p>2017 In effect. Reversed the injunction by the district court in <i>EMW Women's Surgical Ctr., P.S.C. v. Beshear</i>, 920 F.3d 421 (6th Cir. 2019). Rehearing, en banc, denied by <i>EMW Women's Surgical Ctr., P.S.C. v. Beshear</i>, (6th Cir., June 28, 2019)</p>
<p>LOUISIANA³ La. R.S. 40:1299.35.2 (D)</p> <p>La. R.S. 40:1299.35.6(B)(1)(h)</p> <p>La. R.S. 40:1299.35.2 (C)</p>	<p>- 24 hours prior to abortion, must perform ultrasound, display screen, and make heartbeat audible. - Offer to provide copy of picture. - Information on resources providing free ultrasounds.</p> <p>- Abortionist shall inform the mother of option to review and receive an explanation of an obstetric ultrasound image of the unborn child.</p> <p>-The abortionist shall inform the mother that she has the option of viewing an ultrasound of her unborn child of twenty weeks gestation or more.</p>	<p>2012</p> <p>2007</p> <p>1999</p>
<p>MICHIGAN MCLS § 333.17015(8)</p>	<p>- Applies only to facilities that use ultrasound. - Offer to view & provide copy of picture. - Is given information regarding resources that provide free ultrasounds.</p>	<p>2006</p>
<p>MISSISSIPPI Miss. Code Ann. § 41-41-34</p>	<p>- Ultrasound and auscultation of fetal heart tone must be performed. - Offer to view and hear heart tone & provide copy of picture.</p>	<p>2007</p>

³ The enactment of the 2010 law removed the 20 week gestation provision.

STATE LAW	DESCRIPTION	YEAR ENACTED AND CURRENT STATUS
MISSOURI R.S.Mo. § 188.027 (4)	<ul style="list-style-type: none"> - Ultrasound must be offered at least 24 hours prior to an abortion. - Offer to view and hear fetal heart tone. - Is given information regarding resources that provide free ultrasounds. 	2010
MONTANA Mont. Code Ann. §§ 50-20-113;	<ul style="list-style-type: none"> -Opportunity for the woman to view an active ultrasound or ultrasound image before undergoing an abortion is required -Opportunity for the woman to listen to fetal heart tone (if audible) before undergoing an abortion is required -Written acknowledgement by the woman is required, that she has been informed of this opportunity to view an active ultrasound, or the ultrasound image, or the fetal heart tone. -Written acknowledgement by the woman is required, that she must indicate whether she looked at the active ultrasound, ultrasound image, or listened to the fetal heart tone -A person who performs or attempts to perform an abortion in violation of this written requirement is subject to a civil penalty. 	Not in effect. A preliminary injunction was issued in <i>Planned Parenthood of Montana v. State</i> , No. DV-21-00999, (13th Jud. Dist., Yellowstone Cty., Mont. Oct. 7, 2021). The Attorney General has filed an appeal.
NEBRASKA R.R.S. Neb. § 28-327(2)(e); (3)	<ul style="list-style-type: none"> - Applies only if facilities use ultrasound. - Shall display the screen. - Is given information regarding resources that provide free ultrasounds. 	2009
NORTH CAROLINA N.C. Gen. Stat. § 90-21.85	<ul style="list-style-type: none"> - Ultrasound and auscultation of fetal heart tone must be performed at least 24 hours prior to abortion. - Shall display the screen and make fetal heart tone audible, mother can avert her eyes. - Is given information regarding resources that provide free ultrasounds. 	2011 Enjoined in: <i>Stuart v. Huff</i> , 834 F. Supp. 2d 424, 2011 U.S. Dist. LEXIS 123244 (M.D.N.C. 2011)
NORTH DAKOTA N.D. Cent. Code, § 14-02.1-04 (4) Reporting: N.D. Cent. Code, § 14-02.1-07.1(a)	<ul style="list-style-type: none"> - Ultrasound must be offered. - If performed, it must be twenty-four hours prior to abortion. - Offer to view & hear fetal heart tone. - The abortion facilities must keep records for reporting reasons. 	2009
OHIO ORC Ann. 2317.561	<ul style="list-style-type: none"> - Applies only if facilities use ultrasound. - Offer to view & provide copy of picture free of additional charge. 	2008

STATE LAW	DESCRIPTION	YEAR ENACTED AND CURRENT STATUS
<p>OKLAHOMA 63 Okl. St. §§ 1-738.3d; 1-738.3e</p> <p>63 Okl. St. § 1-738.2.B.1,a (5)</p> <p>Ultrasound Reporting: 63 Okl. St. § 1-738m (c)(15), (16)</p>	<p>- Ultrasound must be performed at least 1 hour prior to performing an abortion. - Shall display the screen, but mother can avert her eyes.</p> <p>-Ultrasound must be offered. -Offer to view & hear fetal heart tone. - Is given information regarding resources that provide free ultrasounds.</p>	<p>2010 Permanently enjoined on Dec. 4, 2012. The state has filed a petition for certiorari with the United States Supreme Court. <i>Nova Health Sys. v. Pruitt</i>, 2012 OK 103 (Okla. 2012). Cert denied: <i>Pruitt v. Nova Health Sys.</i>, 134 S. Ct. 617 (U.S. 2013).</p> <p>2006</p>
<p>SOUTH CAROLINA S.C. Code Ann. §§ 44-41-330 (A)(1); 44-41-340(6)</p> <p>S.C. Code Regs. 61-12 (301)</p>	<p>- Applies only if facilities use ultrasound. - Offer to view. - Is given information regarding resources that provide free ultrasounds. - No abortion may be performed sooner than 60 minutes after an ultrasound. - The woman must certify in writing that she has been informed of her right to view the ultrasound.</p> <p>-Abortion clinic regulations require the abortionist to perform an ultrasound when gestational age is unknown or is estimated to be 14 weeks or older.</p>	<p>2008</p> <p>1996</p>
<p>SOUTH DAKOTA S.D. Codified Laws § 34-23A-52</p>	<p>- Ultrasound must be offered. - Offer to view. - Reports number of women who viewed.</p>	<p>2008</p>
<p>TENNESSEE T.C.A., Section 39-15-203(b) and 39-15-202(b)</p>	<p>- Applies only if facilities use ultrasound. - Offer to view. - If viewed, provider must inform mother of presence or absence of heartbeat.</p>	<p>2018</p>
<p>TEXAS* Tex. Health & Safety Code § 171.012; 171.0122</p>	<p>- Ultrasound must be performed. - Shall display the screen & hear fetal heart tone, mother can avert eyes. - Is given information regarding resources that provide free ultrasounds.</p>	<p>2011 Upheld in: <i>Tex. Med. Providers Performing Abortion Servs. v. Lakey</i>, 2012 U.S. Dist. LEXIS 14721 (W.D. Tex. Feb. 6, 2012)</p>
<p>UTAH Utah Code Ann. § 76-7-305 (v); 76-7-305(6); 76-7-305(10); 76-7-305.5 (8)</p>	<p>- Applies only if facilities use ultrasound, then ultrasound must be offered. - Shall display the screen if the mother chooses to view.</p>	<p>2010</p>
<p>WEST VIRGINIA W. Va. Code § 16-2I-2 (b)(4); (c)</p>	<p>- Applies only if facilities use ultrasound. -Offer to view at least 1 hour before the procedure.</p>	<p>2010</p>

STATE LAW	DESCRIPTION	YEAR ENACTED AND CURRENT STATUS
WISCONSIN To be codified as: Wis. Stat. § 253.10 (3g)	<ul style="list-style-type: none"> - Ultrasound and auscultation of fetal heart tone must be performed. - Shall display the screen and make fetal heart tone audible. -Exception for reported sexual assault or reported incest. 	2013 A portion of this law dealing with admitting privileges has been challenged and a temporary injunction was issued. The portion dealing with ultrasound was kept in effect.
Wyoming Wyo. Stat. § 35-6-119	<ul style="list-style-type: none"> -Ultrasound must be offered. -Offer to view the active ultrasound and hear the heartbeat of the unborn child. 	2017

* Texas allows for a 2 hour reflection period if the pregnant mother lives 100 miles or more from the abortion facility.

TOTAL: 28 STATE LAWS