

A Woman's Right to Know: Casey-style Informed Consent Laws

Updated: June 16, 2018

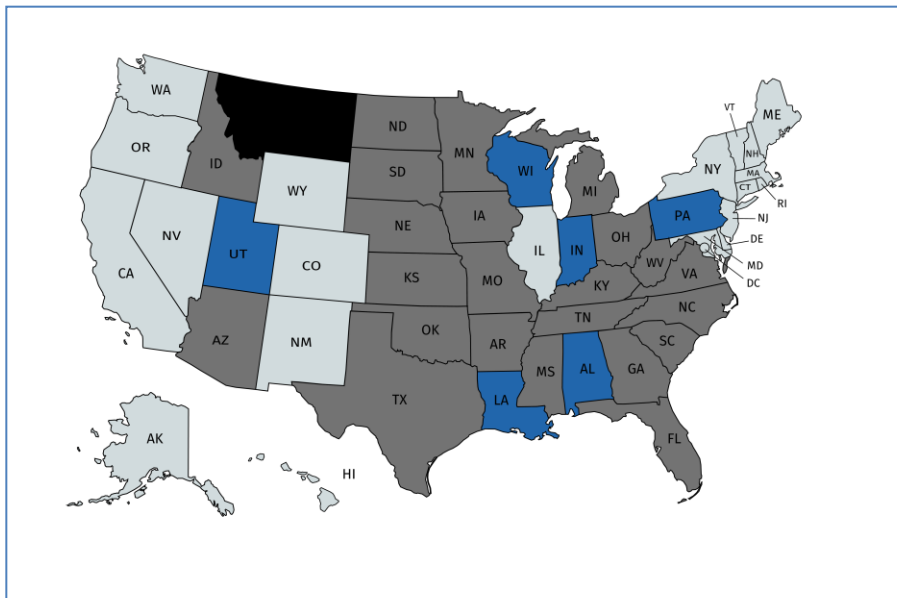
An informed consent law protects a woman's right to know the medical risks associated with abortion, its alternatives, and nonjudgmental, scientifically accurate medical facts about the development of her unborn child before making this permanent and life-affecting decision.




28 State Laws in Effect.

1 States with Enjoined Laws

6 with mental health exceptions (see below).

States with Woman's Right to Know: Informed Consent Laws



-  In effect
-  Mental health
-  Enjoined

AL*	KY	OK
AZ	LA*	PA*
AR	MI	SC
FL	MN	SD
GA	MS	TX
IA	MO	TN
ID	NE	UT*
IN*	NC	VA
KS	ND	WV
	OH	WI*

* These statutes contain loophole allowing the withholding of information when the physician believes that furnishing the information would result in an adverse effect on the physical or mental health of the patient.

State Legislation Department
202.626.8819

Women Have A Right to Know!

An informed consent bill protects a **woman's right to know** the medical risks associated with abortion, its alternatives, and nonjudgmental, scientifically accurate medical facts about the development of her unborn child before making this permanent and life-affecting decision.

Casey Style Women's Right to Know Statutes (State provides printed information for the Mother) June 16, 2018

Statutes in effect (28)

STATE	LINK TO WEBSITE	COURT ACTION
Alabama* Code of Ala. §§ 26-23A-1 to 26-23A-13 (2013)		A court held this law constitutional. <i>Summit Med. Ctr. of Ala., Inc. v. Riley</i> , 274 F. Supp. 2d 1262 (M.D. Ala. July 25, 2003) According to a "consent agreement" which the State entered into on June 25, 2004, the "medical emergency" exception has been expanded to include "psychological" health. <i>Summit Medical Center of Alabama Inc. v. Riley</i> , Civil Action No. 2:02-cv-1064 WHA-SCS (M.D. Ala. June 25, 2004).
Arizona A.R.S. §§ 36-2151; 36-2153; and 36-2156 (2013) Perinatal Hospice Informed Consent: A.R.S. § 36-2158 (2013)	http://www.azdhs.gov/phs/owch/informed-consent/right-to-know/index.htm	The counseling requirement was upheld in <i>Planned Parenthood Ariz., Inc. v. Am. Ass'n of Pro-Life Obstetricians & Gynecologists</i> , 227 Ariz. 262 (Ariz. Ct. App. 2011). The 24-hour was upheld in <i>Tucson Women's Ctr. v. Ariz. Med. Bd.</i> , 2009 U.S. Dist. LEXIS 113948 (D. Ariz., Nov. 24, 2009). The payment provision was upheld in <i>Tucson Women's Ctr. v. Ariz. Med. Bd.</i> , 2010 U.S. Dist. LEXIS 8431 (D. Ariz. Jan. 15, 2010).
Arkansas A.C.A. §§ 20-16-1701 to 20-16-1711 (2017)	Woman's Right to Know Information http://www.healthyarkansas.com/pdf/abortiondecisionbook.PDF Directory of Helpful Services http://www.healthy.arkansas.gov/programsServices/familyHealth/Documents/AbortionAlternatives.pdf	Effective May 1, 2001.
Florida, Fla. Stat. § 390.0111 (2013) Website provision: 64F-23.001, F.A.C.	http://www.floridahealth.gov/programs-and-services/womens-health/pregnancy/alternatives-english.pdf	Upheld in <i>State v. Presidential Women's Ctr.</i> , 937 So. 2d 114 (Fla. 2006). The Court adopted an interpretation of the statute allowing abortionists to provide mothers seeking abortions with information specific to their circumstances.
Georgia, O.C.G.A. §§ 31-9A-1 to 8 (2013)	http://dph.georgia.gov/sites/dph.georgia.gov/files/related_files/document/PatientEducationBookEN.pdf	Signed into law May 10, 2005; effective immediately.

STATE	LINK TO WEBSITE	COURT ACTION
Idaho, Idaho Code §18-609 (2013)	http://www.healthandwelfare.idaho.gov/Families/Pregnancy,AbortionParentingAdoptionResources/tabid/395/Default.aspx	Declared constitutional by Attorney General opinion. Idaho Op. Att’y Gen. No. 93-1 (Feb. 10, 1993).
Indiana IC 16-34-2-1.1 et seq. (2011) ^a Perinatal Hospice information: Burns Ind. Code Ann. § 16-35-9.2-2 (2016)	http://www.in.gov/isdh/25199.htm	Federal and state courts held that the "in person" requirement, which in effect requires two office visits, is constitutional. <i>A Woman's Choice-E. Side Women's Clinic v. Newman</i> , 305 F.3d 684 (7th Cir. 2002), cert. denied, 537 U.S. 1192 (2003); <i>Clinic for Women v. Brizzi</i> , 837 N.E.2d 973 (Ind. 2005).
Iowa, Iowa Code § 146A.1 (2017)	https://idph.iowa.gov/pregnancy-options/information-for-providers	The 72 hour waiting period is enjoined pending litigation. <i>Planned Parenthood of the Heartland vs. Reynolds</i> No. EQCE081503 (Polk County District Ct, 2017)
Kansas, K.S.A. §§65-6701; 65-6708 to 65-6715 (2017) Perinatal hospice information: K.S.A. § 65-6709(a)(6)	http://www.kansaswomansrighttoknow.org/	Signed into law May 19, 1997. Amended in 2009 and 2011.
Kentucky, KRS §§311.720; 311.725 (2013)		Upheld in <i>Eubanks v. Schmidt</i> , 126 F.Supp. 2d 451 (W.D. Ky. 2000).
Louisiana,* La. R.S. 40.1061.17 (2017)	Women’s Right to Know Information Brochure http://new.dhh.louisiana.gov/assets/oph/Center-PHCH/Center-PH/familyplanning/WmnsRightToKnow.pdf Resource Directory http://new.dhh.louisiana.gov/index.cfm/subhome/29	Effective September 25, 1995. Amended in 2010.
Michigan, MCLS §§ 333.17014; 333.17015 (2014)	http://www.michigan.gov/mdch/0,1607,7-132-2940_4909-45202--,00.html	Upheld in <i>Mahaffey v. Attorney General</i> , Mahaffey v. AG, 222 Mich. App. 325 (Mich. Ct. App. 1997). Also upheld in <i>Northland Family Planning Clinic, Inc. v. Granholm</i> , 2002 U.S. Dist. LEXIS 27484 (E.D. Mich. Feb. 26, 2002).

^a In 2011 Indiana amended their medical emergency definition to not include patient’s claim or diagnosis that patient will engage in self-destructive conduct.

Minnesota, Minn. Stat. §§ 145.4241 to 145.4249 (2013) Perinatal hospice information: Minn. Stat. §§ 145.4241(4)(a); 145.4242 (c) (2013)	http://www.health.state.mn.us/wrtk/	Governor signed bill on April 14, 2003; effective July 14, 2003.
Mississippi, Miss. Code Ann. §§ 41-41-31 to 41-41-45 (2013)		Upheld in <i>Barnes v. Moore</i> , 970 F.2d 12 (5th Cir. 1992) Appealed to U.S. Supreme Court; <i>cert denied</i> . 1995 revision enjoined. Also upheld in: <i>Pro-Choice Miss. v. Fordice</i> , 716 So. 2d 645 (Miss. 1998).
Missouri, Mo. Rev. Stat. §§ 188.015, .027, .039.	http://health.mo.gov/living/families/womenshealth/hb1307/forms.php	§ 188.039 was challenged and upheld. <i>Reprod. Health Servs. of Planned Parenthood of the St. Louis Region, Inc. v. Nixon</i> , 185 S.W.3d 685 (Mo. 2006).
Nebraska, R.R.S. Neb. §§ 28-326; 28-327 to 28-327.12 (2013)	http://dhhs.ne.gov/publichealth/MCAH/Pages/InformedConsentForAbortion.aspx	Effective September, 1993.
North Carolina, N.C. Gen. Stat. §90-21-80 et seq. (2011)	http://www.wrtk.ncdhhs.gov/	Partially enjoined in <i>Stuart v. Huff</i> , 706 F.3d 345, 2013 U.S. App. LEXIS 1883, 84 Fed. R. Serv. 3d (Callaghan) 1077 (4th Cir. N.C. 2013). The provision for displaying the ultrasound was enjoined while the rest of the North Carolina Women's Right to Know Law remained in effect.
North Dakota, N.D. Cent. Code, §§ 14-02.1-02; 14-02.1-02.1; 14-02.1-03; 14-02.1-03.2; 14-02.1-03.3; 14-02.1-11 (2013)	http://www.ndhealth.gov/familyhealth/Preg_Abortion_booklet_final.pdf	Upheld in <i>Fargo Women's Health Org. v. Schafer</i> , 18 F.3rd 526 (8th Cir. 1994). Effective April 7, 1994.
Ohio, R.C. §2317.56	Women's Right to Know Information Brochure http://www.odh.ohio.gov/~media/ODH/ASSETS/Files/dspc/complaints%20-%20nursing%20homes/fetaldevelopmentenglish2011.ashx Resource Directory http://www.odh.ohio.gov/~media/ODH/ASSETS/Files/dspc/complaints%20-%20nursing%20homes/PregnacyResDirectory2011_update.d.ashx	Upheld in <i>Preterm Cleveland v. Voinovich</i> , 89 Ohio App. 3d 684 (Ohio Ct. App., Franklin County 1993). Effective April 1994.

STATE	LINK TO WEBSITE	COURT ACTION
<p>Oklahoma, 63 Okl. St. §§ 1-738.1A; 1-738.2 to 1-738.5 (2013).</p> <p>Perinatal hospice information:</p> <p>To be codified as:</p> <p>63 Okl. St. §1-746.2 (2014)</p>	<p>http://www.awomansrighttoknowok.org/resources.php</p>	<p>Signed by the Governor May 20, 2005; effective immediately. Upheld in <i>Nova Health Sys. v. Edmondson</i>, 373 F. Supp. 2d 1234 (N.D. Okla. 2005).</p>
<p>Pennsylvania,* 18 Pa.C.S. §§ 3203; 3204; 3205; 3208; 3217; 3218 (2014)</p> <p>Down's Syndrome information:</p> <p>35 P.S. §§ 6241 to 6244 (2016)</p>		<p>Upheld in <i>Planned Parenthood v. Casey</i>, 112 S.Ct. 2791. Effective April 20, 1994.</p>
<p>South Carolina, S.C. Code Ann. §§ 44-41-310 to 41-31-380 (2013)</p>	<p>http://www.scdhec.gov/Health/WRTK/</p>	<p>Signed into law January 3, 1995; effective immediately.</p>
<p>South Dakota, S.D. Codified Laws § 34-23A-10.1 (2013)</p>	<p>http://doh.sd.gov/abortion/assents/fetal.pdf</p>	<p>Upheld in <i>Planned Parenthood v. Miller</i>, 860 F. Supp. 1409 (D.S.D 1994).</p>
<p>Tennessee</p> <p>Tenn. Code Ann. § 39-15-202 (2016)</p>		<p>Effective July 1st, 2015. This law was previously enjoined under <i>Planned Parenthood of Middle Tenn. v. Sundquist</i>, 38 S.W.3d 1 (Tenn. 2000) but the passage of Amendment 1 to Article I of the Tennessee Constitution (Tenn. Const. Art. I, sec. 36) supersedes the 2000 Tennessee Supreme Court decision. Also see: Tennessee Attorney General Opinion: OAG 15-13, 2015 Tenn. AG LEXIS 13 (2/6/15).</p>
<p>Texas, Tex. Health & Safety Code §§ 171.011 to 171.018 (2013)</p>	<p>http://www.dshs.state.tx.us/wrtk/</p>	<p>Signed into law June 20, 2003 ; effective Sept. 2003.</p>
<p>Utah,* Utah Code Ann. §§ 76-7-301; 76-7-305; 76-7-305.5; 76-7-305.6; 76-7-305.7 (2013)</p>	<p>https://mihp.utah.gov/</p>	<p>Upheld in <i>Utah Women's Clinic v. Leavitt</i>, 844 F.Supp. 1482 (D. Utah 1994), rev'd in part, appeal dismissed in part, 75 F.3d 564 (10th Cir. 1995), cert denied, 518 U.S. 1019 (1996).</p>
<p>Virginia, Va. Code Ann. § 18.2-76 (2013)</p>	<p>http://www.vdh.virginia.gov/pregnancy/abortion-making-an-informed-decision/</p>	<p>Signed into law March 26, 2001.</p>
<p>West Virginia, W. Va. Code §§ 16-2I-1 to 16-2I-9 (2013).</p>	<p>http://www.wvdhhr.org/wrtk/wrtkbooklet.pdf</p>	<p>Became law in 2003 but was not fully in effect until Fall 2005.</p>

STATE	LINK TO WEBSITE	COURT ACTION
Wisconsin* Wis. Stat. § 253.10 (2014)	http://www.dhs.wisconsin.gov/publications/P4/P40074.pdf	Upheld in <i>Karlin v. Foust</i> , 188 F.3d 446 (7th Cir. 1999).

* These statutes allow the withholding of information when the physician believes that furnishing the information would result in an adverse effect on the physical or mental health of the patient. The other state laws do not contain this loophole and have language which has been held to be constitutional (see *Barnes v. Moore*, 970 F.2d 12 (5th Cir. 1992) *cert denied*).

Statutes not in effect because of court order. (1)

STATE	LINK TO WEBSITE	COURT ACTION
Montana, Mont. Code Ann. §§ 50-20-104, -106, -301 to -308 (2013).		Following the Montana Supreme Court's ruling in <i>Armstrong v. St.</i> , 1999 MT 261, 296 M 361, 989 P2d 364, 56 St. Rep. 1045 (1999), the First Judicial District Court, Lewis & Clark County, entered judgment declaring 50-20-302 through 50-20-307 unconstitutional under Art. II, sec. 10, Mont. Const. <i>Planned Parenthood of Missoula v. St.</i> (Dec. 29, 1999) (not appealed to the Montana Supreme Court).